

Planning Agenda # _____

**City of Wichita
City Council Meeting
January 4, 2000**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: **V-2209 - REQUEST TO VACATE UTILITY EASEMENT
LOCATED BETWEEN EDWARDS AVENUE AND MCLEAN
BOULEVARD, SOUTH OF 9TH STREET NORTH.
(District VI)**

INITIATED BY: Metropolitan Area Planning Department 

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of utility easement.

MAPC Recommendation: Approve vacation of utility easement. (unanimous)

Background: The applicant requests to vacate a 20-foot utility easement for the development of duplex housing on this site.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, subject to the west 20 feet shall be retained as utility easement. No written protests have been filed.

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Recommendations/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the Mayor to sign.

**IN THE MATTER OF THE VACATION OF
UTILITY EASEMENT**

**GENERALLY LOCATED
BETWEEN EDWARDS AVENUE AND
MCLEAN BOULEVARD, SOUTH OF 9TH
STREET NORTH**

MORE FULLY DESCRIBED BELOW

Case No. V-2209

NOW on this 4th day of January 2000, comes on for hearing the petition for vacation filed by Riverside Health Systems, Inc., c/o Robert Dixon, praying for the vacation of the following described utility easement, to-wit:

The north 20 feet of Lot 1, Block 2, Riverside Health Systems 3rd Addition, Wichita, Sedgwick County, Kansas.

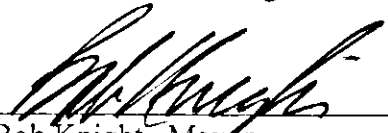
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Daily Reporter on November 23, 1999, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described utility easement, and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner(s), the prayer of the petition ought to be granted.
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

5. The vacation of the utility easement described herein should be approved, subject to the following condition:

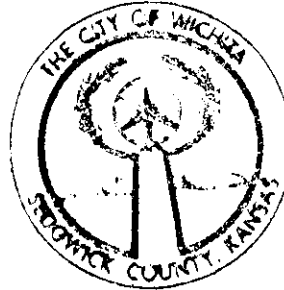
A) The west 20 feet shall be retained as utility easement.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 4th day of January 2000, ordered that the above-described utility easement is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.


Bob Knight, Mayor

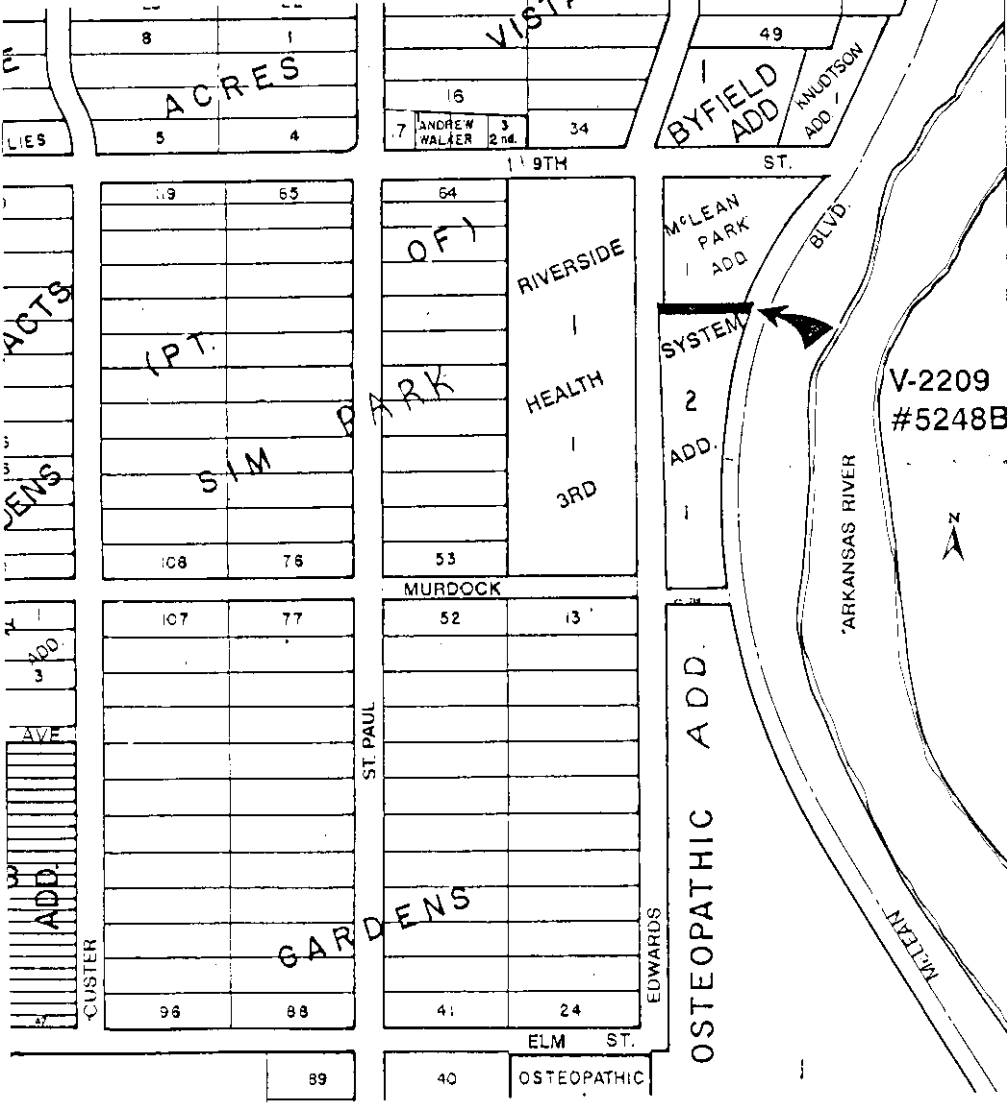
ATTEST:

Pat Burnett, City Clerk



Approved as to Form:


Gary Rebenstorf, Director of Law



ACRES

VISTA

BYFIELD ADD

KNUTSON ADD

11 9TH ST.

ST.

MCLEAN PARK ADD

BLVD.

V-2209
#5248B

N

ARKANSAS RIVER

MCLEAN

RIVERSIDE

HEALTH

3RD

MURDOCK

OSTEOPATHIC ADD.

EDWARDS

ELM ST.

OSTEOPATHIC

ST. PAUL

GARDENS

(PT.)

SIM

OF)

ACTS

DENS

ADD.

AVE

ADD.

CLUSTER

CUSTER

89

40

8

1

16

7

ANDREW WALKER

3

2nd

34

49

19

65

64

108

76

53

107

77

52

13

96

88

41

24