

City of Wichita
City Council Meeting
August 17, 2004

Agenda Report No. _____

TO: Mayor and City Council

SUBJECT: VAC2003-00051 Request to vacate a portion of a platted easement and a portion of a reserve's uses located east of Webb Road, north of Mount Vernon Street and southeast of the Stoneybrook-Goebel Streets intersection. (District II)

INITIATED BY: Metropolitan Area Planning Department *JShy*

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimously)

Background: The applicant is requesting consideration for the vacation of a portion of the uses of platted Reserve F, which runs parallel to the south side of Lot 24 Block 4, Brentwood Village Addition. The applicant is also requesting consideration for the vacation of less than 10-foot of the northern portion of the platted 20-foot utility easement on Lot 24 Block 4, Brentwood Village Addition. The Brentwood Village Addition was recorded with the Register of Deeds May 2, 1997.

Analysis: The irregular shape of the lot presents a hardship in building a single-family residence on it. The uses that Reserve F has been set aside for include open space, landscaping, and recreational purposes. There is a 50-foot pipeline easement within the 77.98-foot wide reserve. The Reserve is owned and maintained by the Home Owners Association, to which the lot belongs. There are no sewer, water or franchised utilities in the platted easement. The applicant has provided a letter from the President of the Home Owners Association supporting the vacation request. The applicant has recorded an easement dedicated by separate instrument with the Register of Deeds that replaces the vacated portion of the platted easement, per a condition of the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation. No written protests have been filed.

Financial Considerations: None

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

Recommendation/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

RECEIVED

AUG 18 2004

METROPOLITAN PLANNING
ROUTE _____

**BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS**

**IN THE MATTER OF THE VACATION OF)
A PORTION OF A PLATTED EASEMENT)
AND A PORTION OF A RESERVE'S)
USES)**

**GENERALLY LOCATED EAST OF WEBB ROAD,)
NORTH OF MOUNT VERNON ROAD AND)
SOUTHEAST OF THE STONEYBROOK AND)
GOEBEL STREETS INTERSECTION)**

Case No. VAC2003-00051

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 17th day of August, 2004 comes on for hearing the petition for vacation filed by Clint Miller Homes, praying for the vacation of the following described portion of a platted easement and the described portion of a reserve's uses, to-wit:

The north 8.00 to 9.45-foot portion of the platted 20-foot utility easement that runs parallel to the south property line of Lot 24, Block 4, Brentwood Village Addition, as dedicated, Wichita, Sedgwick County, Kansas.

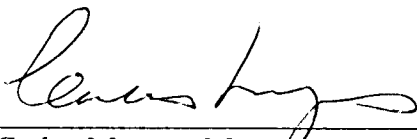
The north 8.00 to 9.45-feet of platted Reserve F that runs parallel to the south property line of Lot 24, Block 4, Brentwood Village Addition, as dedicated, Wichita, Sedgwick County, Kansas.

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 Derby Reporter on October 9, 2003, 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 the uses of a portion of a platted easement and the described portion of a reserve's uses, 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 a portion of a platted easement and the described portion of a reserve's uses described herein should be approved.

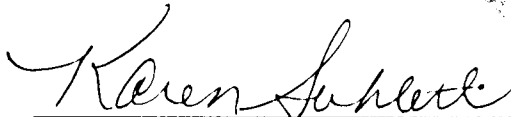
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 17th day of August 2004 ordered that the above-described portion of a platted easement and the above-described portion of a reserve's uses are hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.





Carlos Mayans, Mayor

ATTEST:

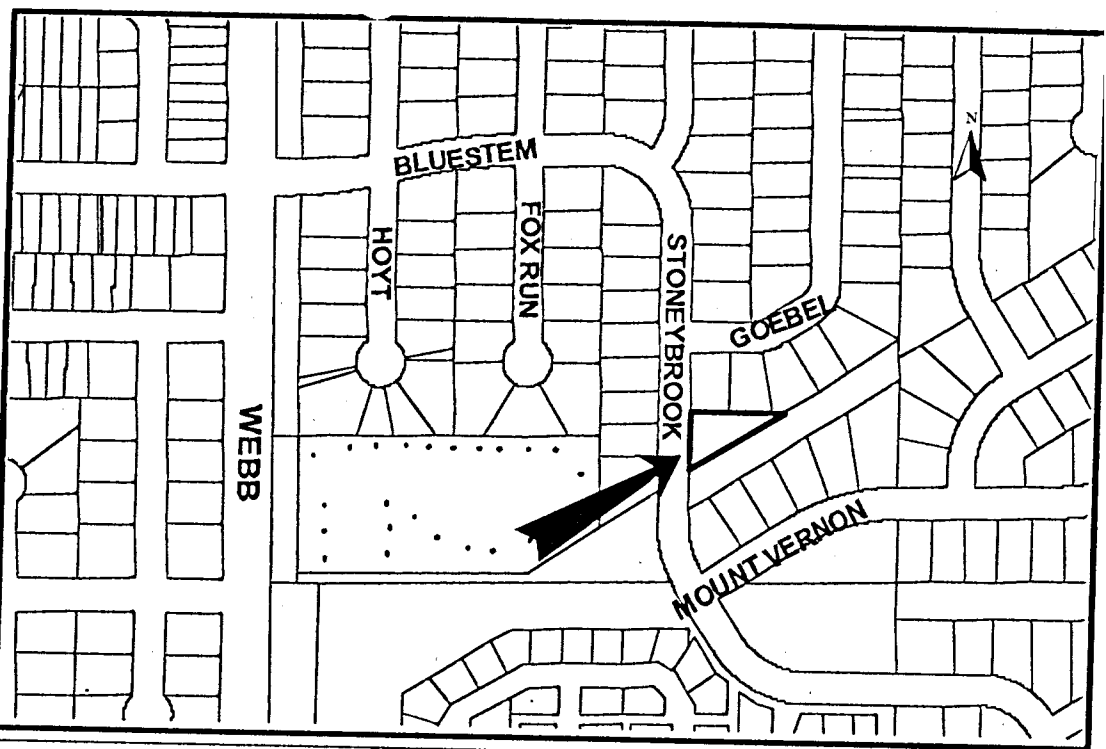


Karen Sublett, City Clerk

Approved as to Form:



Gary Rebenstorf, Director of Law



WEBB

BLUESTEM

HOYT

FOX RUN

STONEYBROOK

GOEBEL

MOUNT VERNON

