

City of Wichita
City Council Meeting
October 7, 2003

Agenda Report No.

TO: Mayor and City Council

SUBJECT: VAC2003-00040 REQUEST TO VACATE EASEMENT DEDICATED BY SEPARATE INSTRUMENT LOCATED SOUTHWEST OF THE WEST STREET – 3RD STREET INTERSECTION.
(District IV)

INITIATED BY: Metropolitan Area Planning Department JLS

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Background: The applicant is requesting vacation of the east 5-foot of the 16-foot easement that was dedicated by separate instrument. The dedication is recorded in Book 456, Page 341, with the Register of Deeds. The Park Wilde Addition was recorded with the Register of Deeds 03-04-1887.

Analysis: An existing garage and an existing house encroach into the easement. To clear the title for the sale the property, these encroachments must be removed. There is sewer in the easement. Existing structures west of the easement prevent dedication to equal a 20-foot easement, which is the current minimum width for Public Works' easements. Dedication of 5-feet to the west side of the easement will allow the easement to remain 16-feet.

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. 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 and dedication, by separate instrument, of 5-feet to the west side of easement as recorded in Book 456, Page 341, 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.

Approved / Accepted By City Council

This OCT 07 2003

RECEIVED

OCT 17 2003

METROPOLITAN PLANNING
ROUTE _____

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

IN THE MATTER OF THE VACATION OF)
AN EASEMENT DEDICATED BY SEPARATE)
INSTRUMENT)

GENERALLY LOCATED SOUTHWEST)
OF THE WEST STREET - 3RD STREET)
INTERSECTION)

Case No. VAC2003-00040

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 7th day of October, 2003, comes on for hearing the petition for vacation filed by Marjorie J. Jernigan, praying for the vacation of a portion the following described easement dedicated by separate instrument, to-wit:

The east 5-feet of the 16-foot easement dedicated by separate instrument, recorded in Book 456, Page 341, on Lot 1, Block 15, Park Wilde 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 Derby Reporter on August 14, 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 portion of the easement dedicated by separate instrument, 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 portion of the easement dedicated by separate instrument described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 7th day of October 2003, ordered that the above-described portion of the easement dedicated by separate instrument 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.



ATTEST:

Carlos Mayans 10/14/03
Carlos Mayans, Mayor

Karen Schofield
Karen Schofield, City Clerk

Approved as to Form:

Gary Rebenstorf (7) ac
Gary Rebenstorf, Director of Law

TRACY

NEVADA

FLORENCE

WEST

3RD

2ND

