

City of Wichita
City Council Meeting
September 9, 2003

Agenda Report No.

TO: Mayor and City Council

SUBJECT: VAC2003-00038 REQUEST TO VACATE A PLATTED EASEMENT
LOCATED ON THE NORTHEAST CORNER OF THE MERIDIAN
AVENUE – 2ND STREET INTERSECTION.
(District IV)

INITIATED BY: Metropolitan Area Planning Department JVS

AGENDA: Planning

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Background: The applicant is requesting consideration for the vacation of the platted 5-foot utility easement as recorded on Lots 1, Stephan Addition. The Stephan Addition was recorded with the Register of Deeds 11-1-1973, at that time 20-feet of ROW was dedicated to Meridian Avenue and 2.5-feet of ROW was dedicated to the alley where the property abutted it.

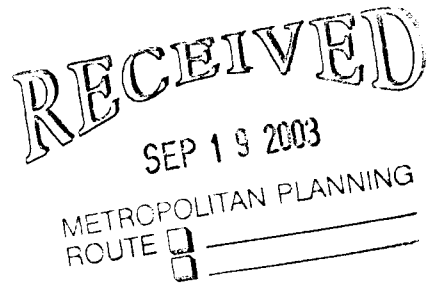
Analysis: The applicant propose to build a garage. There are no water or sewer in the easement proposed for vacation. There will be no need for the easement to be used for any future water or sewer lines.

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. Dedication of a 5-foot sidewalk easement along 2nd Street and dedication of a 10-foot sidewalk easement along Meridian Avenue 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.



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

**IN THE MATTER OF THE VACATION OF
A PLATTED EASEMENT**

**GENERALLY LOCATED
ON THE NORTHEAST CORNER OF THE
MERIDIAN AVENUE – 2ND STREET
INTERSECTION**

MORE FULLY DESCRIBED BELOW

Case No. VAC2003-00038

VACATION ORDER

NOW on this 9th day of September, 2003, comes on for hearing the petition for vacation filed by Ronn Houtz, praying for the vacation of the following described platted easement, to-wit:

The platted 5-foot utility easement located on the northwest property line as recorded on Lot 1, Stephan Addition, Wichita, Sedgwick County, Kansas.

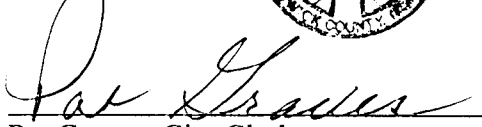
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Derby Reporter on July 31, 2003, which was at least 20 days prior to the public hearing.

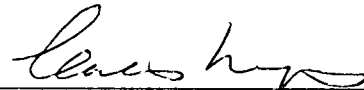
2. No private rights will be injured or endangered by the vacation of the above-described platted easement, and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner(s), the prayer of the petition ought to be granted.
4. No written objection to said vacation has been 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 platted easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 9th day of September 2003, ordered that the above-described platted 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.

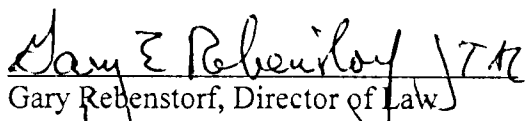
ATTEST:


Pat Graves, City Clerk




Carlos Mayans, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law



RICHMOND

MERIDIAN

MARTHA

2ND

DGWICK

