

City of Wichita
City Council Meeting
June 3, 2003

Agenda Report No.

TO: Mayor and City Council

SUBJECT: VAC2003-00014 REQUEST TO VACATE PLATTED EASEMENT
LOCATED NORTHWEST OF THE WEST STREET – PAWNEE – K42
INTERSECTION.

INITIATED BY: Metropolitan Area Planning Department *DM*

AGENDA: Planning

Background: The applicant proposes the vacation of the platted 20-foot utility easement that is located between Lots 9 & 8, Pawnee & West Industrial Park 2nd Addition. The Pawnee & West Industrial Park 2nd Addition was recorded with the Register of Deeds 04-25-1995.

Analysis: The applicant wishes to release the land from the conditions of the easement. There are no sewer, water or other utilities in the easement.

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.

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

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

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

**GENERALLY LOCATED
NORTHWEST OF THE WEST STREET -
PAWNEE – K-42 INTERSECTION**

MORE FULLY DESCRIBED BELOW

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) **Case No. VAC2003-00014**
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VACATION ORDER

NOW on this 3rd day of June, 2003, comes on for hearing the petition for vacation filed by Bar VA Properties, LLC, c/o Keith Anderson, praying for the vacation of the following described platted utility easement, to-wit:

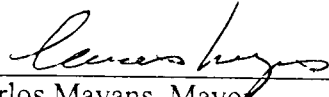
The platted 20-foot utility easement located between Lots 9 & 8, ending at its point of intersecting with the platted 20-foot utility easement running parallel with Lot 9 & 8's west property lines and ending at its point of intersecting with the platted 30-foot sewer easement running parallel with Lot 9 & 8's east property lines, all in the Pawnee & West Industrial Park 2nd Addition, Wichita, Sedgwick County.

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:

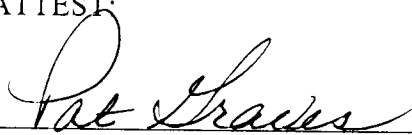
1. That due and legal notice has been given by publication as required by law, by publication in the Derby Reporter on April 17, 2003, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described platted utility easement, 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 platted utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 3rd day of June 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.


Carlos Mayans, Mayor

ATTEST:


Pat Graves, City Clerk

Approved as to Form:




Gary Rebenstorf, Director of Law

