

**City of Wichita
City Council Meeting
October 19, 2004**

Agenda Report No. _____

TO: Mayor and City Council

SUBJECT: VAC2004-00043 Request to vacate a platted utility easement, generally located midway between 21st Street North and 29th Street North and west of Woodlawn Boulevard.
(District I)

INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimously)

Background: The applicant proposes vacation of the platted 20-foot utility easement located between Lots 22 & 23, Block 1, Ironhorse at Oxford Addition. The Ironhorse at Oxford Addition was recorded with the Register Deeds January 4, 2003.

Analysis: The applicant will develop the property as a duplex. There are no drainage, water, sewer or franchised utilities in the easement now and there is no need for the easement's use in the future for these uses or utilities.

The MAPC and its Subdivision Committee voted unanimously to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing and its Subdivision Committee meeting. 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

OCT 23 2004

METROPOLITAN PLANNING
ROUTE ☐



Sedgwick County
Register of Deeds - Bill Meek
DOC.#/FLM-PG: 28618110

Receipt #: 1567521
Pages Recorded: 2

Recording Fee: DDH

Cashier Initials: JP

Authorized By:

Date Recorded: 10/21/2004 4:04:41 PM



Approved / Accepted By City Council

This OCT 19 2004

**BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS**
CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

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

**GENERALLY LOCATED
MIDWAY BETWEEN 21ST STREET NORTH
AND 29TH STREET NORTH, WEST OF
WOODLAND BOULEVARD**

MORE FULLY DESCRIBED BELOW

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) Case No. VAC2004-00043
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VACATION ORDER

NOW on this 19th day of October, 2004 comes on for hearing the petition for vacation filed by Leewood Homes c/o Loren Perry, praying for the vacation of the following described platted utility easement, to-wit:

The platted 20-foot utility easement centered on the lot line common to Lots 22 & 23, Block 1, Ironhorse at Oxford Addition, as recorded 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:

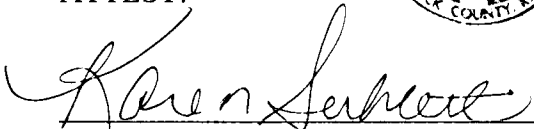
1. That due and legal notice has been given by publication as required by law, by publication in The Wichita Eagle on September 2, 2004, which was at least 20 days prior to the public hearing.

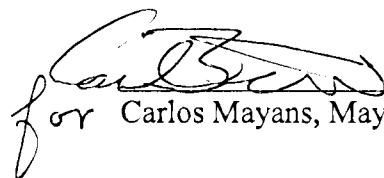
2. No private rights will be injured or endangered by the vacation of the above-described platted utility easement, and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner(s), the prayer of the petition ought to be granted.
4. No written objection to said vacation 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 19th day of October 2004 ordered that the above-described platted 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.



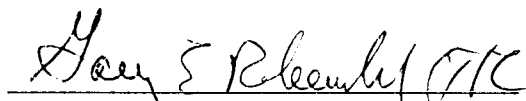
ATTEST:


Karen Sublett, City Clerk


for Carlos Mayans, Mayor

Carl Brewer
VICE MAYOR

Approved as to Form:

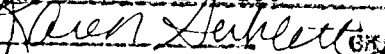

Gary Rebenstorf, Director of Law

State of Kansas)
Sedgwick County) ss
City of Wichita)

I, **Karen Sublett** City Clerk of the City of Wichita, Kansas, hereby certify that the document in which this is affixed is a true and correct copy of the original on file in the office of the City Clerk.



OCT 19 2004


City Clerk

