

City of Wichita
City Council Meeting
March 2, 2004

Agenda Report No.

TO: Mayor and City Council

SUBJECT: VAC2004-00002 REQUEST TO VACATE A PLATTED EASEMENT
GENERALLY LOCATED EAST OF 127th STREET EAST, NORTH OF
21st STREET NORTH, NORTHEAST OF THE ROSEMONT CIRCLE -
WILLIAMSGATE STREET INTERSECTION
(District II)

INITIATED BY: Metropolitan Area Planning Department JLS
btl

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Background: The applicant is requesting consideration for the vacation of a platted 10-foot utility easement, which runs parallel to the property line between Lots 21 & 22, Block 6, Hawthorne Addition. The Hawthorne Addition was recorded with the Register of Deeds December 12, 2002.

Analysis: Boundry shift combines Lots 21 & 22 into one lot. There are no sewer or water lines in the platted easement. There are no plans for water, sewer or franchised utility equipment in the easement in the future. The applicant has recorded a replacement easement (film 2836, page 1032) that runs parallel to Lot 21's north property line, for franchised utilities. 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

APR 09 2004

METROPOLITAN PLANNING
ROUTE 8

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

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

**GENERALLY LOCATED
EAST OF 127TH STREET EAST,
NORTH OF 21ST STREET NORTH,
NORTHEAST OF THE ROSEMONT CIRCLE -
WILLIAMSGATE STREET INTERSECTION**

MORE FULLY DESCRIBED BELOW

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) **Case No. VAC2004-00002**
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VACATION ORDER

NOW on this 2nd day of March 2004, comes on for hearing the petition for vacation filed by the Ronald D. Ryan Living Trust, c/o Ronald D. Ryan, praying for the vacation of the following described platted easement, to-wit:

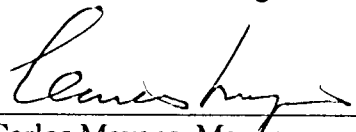
The 10-foot platted easement which runs between the property line of Lots 21 & 22, Block 6, Hawthorne Addition, stopping at its point of intersection with the platted 10-foot utility easement as recorded on Lots 21 & 22, Block 6, Hawthorne Addition.

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:

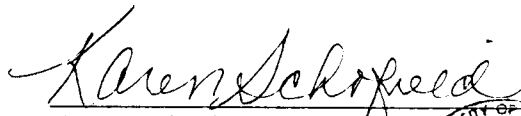
1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle on January 29, 2004, which was at least 20 days prior to the public hearing.

2. No private rights will be injured or endangered by the vacation of the above-described platted 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 2nd day of March 2004, 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.

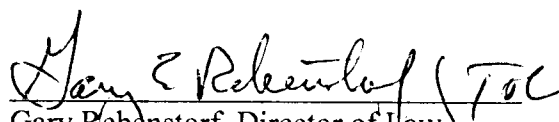

Carlos Mayans, Mayor

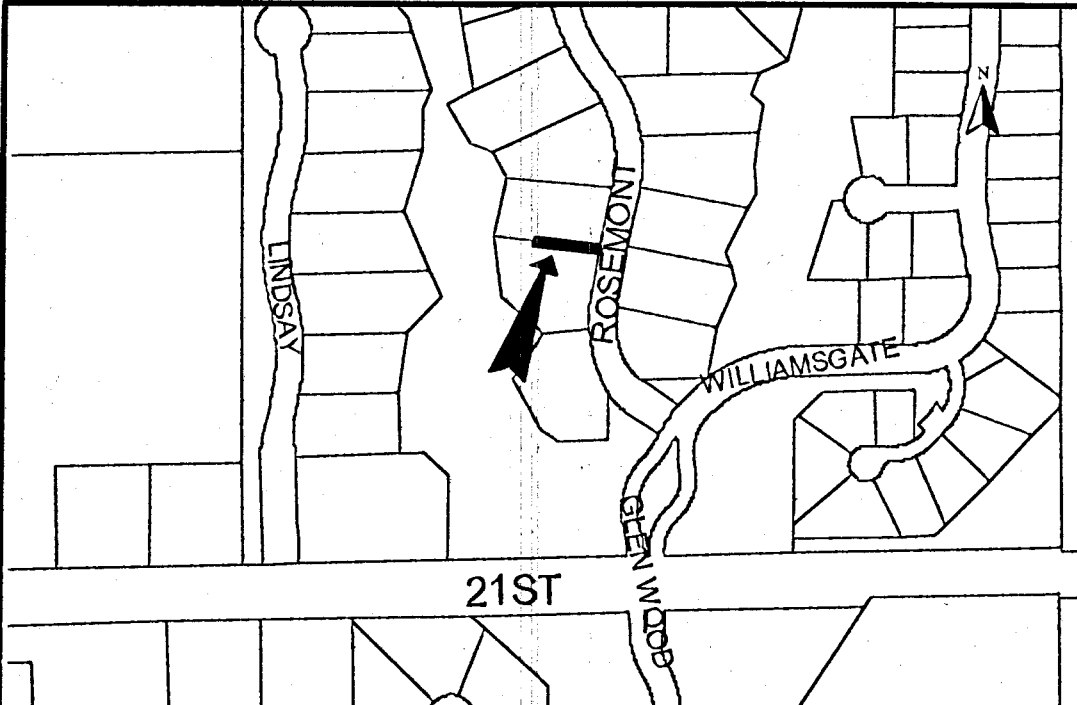
ATTEST:


Karen Schofield, City Clerk



Approved as to Form:


Gary Rebenstorf, Director of Law



LOT 20
BLK. 6

RECORDED 10' EASEMENT
FILM 2836 PAGE 1032.

20'x20' U.E.

166.5'

10' UTIL. EASMT.

LOT 21
BLK. 6

25' BLDG. STBK.

RESERVE "J"

ROSEMONT CIR.

PRIVATE STREET

CL. 10' U.E.

LOT 22
BLK. 6

CL. 20' U.E.
& D.E.

RECORDED EASEMENT
AN EASEMENT FOR UTILITIES
LOCATED IN A PORTION OF LOT 21,
BLOCK 6, HAWTHORNE ADDITION, AN
ADDITION TO WICHITA, SEDGWICK
COUNTY, KANSAS; SAID EASEMENT
BEING DESCRIBED AS THE EAST
166.5 FEET OF THE NORTH 10 FEET
OF SAID LOT 21