Planning Agenda Item #

RECOMMENDATION FROM MAPC TO BOARD OF CITY COMMISSIONERS

V-1182 - VACATION OF A PORTION OF THE DRAINAGE DEDICATION WITHIN BROOKHOLLOW FIRST ADDITION LOCATED ON THE EAST SIDE OF ROCK ROAD, 1/4 MILE SOUTH OF CENTRAL.

The Planning Commission recommends approval subject to:

A. The applicant shall guarantee the construction of the required box culverts and associated work.

B. The vacation ordinance shall reserve a sufficiently wide drainage easement for the required box culvert construction.

C. Any relocation or reconstruction of utilities necessitated by this vacation being at the sole expense of the applicant.

D. All proceedings being without cost to the City, County, or any utility company.

Gardner moved, Parsons seconded and it carried unanimously. Chisholm was absent. One vacancy. (5-5-83)

Note: The vacation ordinance retains two drainage easements, one for the box culverts and one for surface drainage. A letter of credit has been submitted guaranteeing construction of the box culverts and associated work. Also, an agreement between the City and the property owners allowing construction over the box culverts has been submitted. It has been approved as to form by the Department of Law and has been signed by the property owners.

ACTION: Receive and file the letter of credit; instruct the Mayor to sign the Agreement allowing construction over a drainage easement; instruct the City Clerk to file the agreement with the Register of Deeds, the recording cost of which shall be billed to the applicant; approve the vacation request as recommended by the Metropolitan Area Planning Commission and place the ordinance on first reading.

VACATION CASE DATA

Legal Description: The west 358.15 feet of the drainage dedication as platted in Brookhollow First Addition, Wichita, Kansas, lying between the south line of Lot 1, Block A, Dean-Reupert Second Addition, Wichita, Sedgwick County, Kansas, and the north line of Lot 1, Block A, Rockborough Addition, Wichita, Sedgwick County, Kansas.

General Location: East side of Rock Road, 1/4 mile south of Central.

Applicant; Frank Carney, et. al.
400 N. Woodlawn, Suite 205, 67208

Protestors (If any): None

(98292) (Published in The Daily Record JAN. 13, 1984)

ORDINANCE NO. 38-632

AN ORDINANCE VACATING A PORTION OF THE DRAINAGE DEDICATION WITHIN BROOKHOLLOW FIRST ADDITION, WICHITA, SEDGWICK COUNTY, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That the portion of drainage dedication described as follows, to-wit:

The west 358.15 feet of the drainage dedication as platted in Brookhollow First Addition, Wichita, Sedgwick County, Kansas, lying between the south line of Lot 1, Block A, Dean-Rupert Second Addition, Wichita, Sedgwick County, Kansas, and the north line of Lot 1, Block A, Rockborough Addition, Wichita, Sedgwick County, Kansas. (MAPC NO. V-1182);

be and the same is hereby vacated in accordance with K.S.A. 13-443, subject, however, to the concurrence in such vacation by the Board of County Commissioners as by law provided.

SECTION 2. That there are hereby reserved in accordance with K.S.A. 12-512(a), the following described drainage easements:

1. That part of the NW 1/4 of Section 20, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, described as commencing at the N.W. Corner thereof; thence S 00° W, along the west line of said NW 1/4, 1079.5 feet; thence S 90° E, 50 feet to the S.W. Corner of Lot 1, Block A, Dean-Rupert Second Addition to Wichita, Sedgwick County, Kansas, for a place of beginning; thence S 90° E, 358.15 feet; thence S 00° W, 48.5 feet; thence N 90° W, 358.15 feet; thence N 00° E, 48.5 feet to the place of beginning.

2. That part of the NW 1/4 of Section 20, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, described as commencing at the N.W. Corner thereof; thence S 00° W, along the west line of said NW 1/4, 1152.5 feet; thence S 90° E, 50 feet to a point 73 feet south of the S.W. Corner of Lot 1, Block A, Dean-Rupert Second Addition to Wichita, Sedgwick County, Kansas, for a place of beginning; thence S 90° E, 358.15 feet; thence S 00° W, 54 feet; thence N 90° W, 358.15 feet; thence N 00° E, 54 feet to the place of beginning.

SECTION 3. That it is hereby recommended to the Board of County Commissioners of Sedgwick County, Kansas, that said above described drainage dedication be vacated by said Board in case a proper petition is filed under the provisions of K.S.A. 12-504, 12-505 and K.S.A 12-506.

SECTION 4. That this Ordinance shall be in force and take effect from and after its passage and publication once in the official city paper.

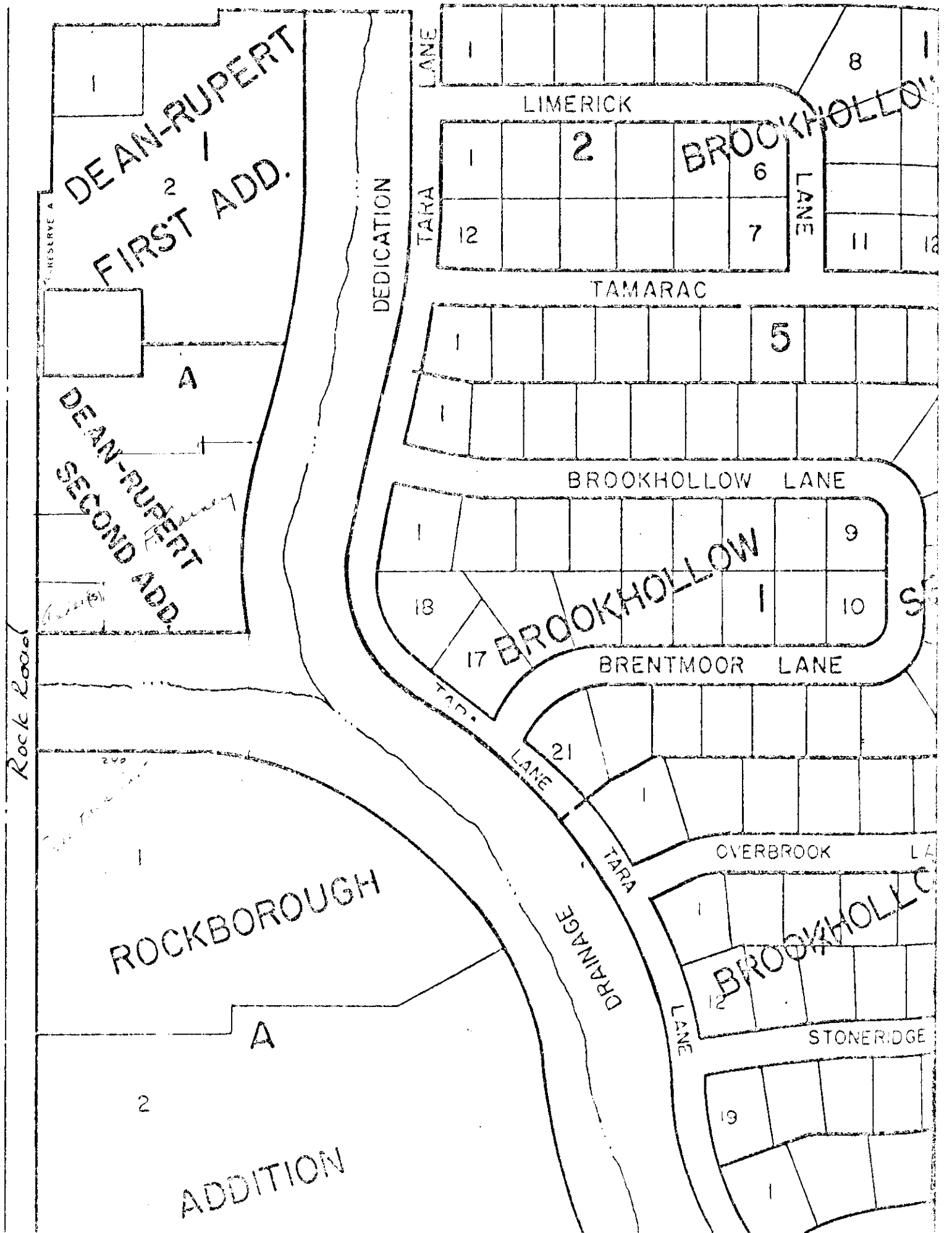
PASSED AND APPROVED at Wichita, Kansas this 10TH day of January, 1984.

ATTEST:

Margalee Wright, Mayor

Donald C. Gisick, City Clerk

(SEAL)


DEAN-RUPERT
FIRST ADD.
DEAN-RUPERT
SECOND ADD.
RESERVE A
DEDICATION
LANE
LIMERICK
BROOKHOLLOW
TARA
LANE
TAMARAC
BROOKHOLLOW LANE
BROOKHOLLOW
BRENTMOOR LANE
TARA
LANE
OVERBROOK
TARA
LANE
STONERIDGE
Rock Road
ROCKBOROUGH
ADDITION
DRAINAGE