

VACATION HEARING

RECOMMENDATION FROM MAPC TO BOARD OF CITY COMMISSIONERS

V-1310 VACATION OF A PORTION OF A DRAINAGE EASEMENT AND A FLOODWAY GENERALLY LOCATED NORTH OF 29TH STREET NORTH IN AN AREA EAST OF WOODLAWN.

NOTE: The City Clerk will certify as to proper publication of notice of hearing and filing of written protest.

A petition for the above identified vacation request has been filed in the office of the City Clerk. The Planning Commission recommends that the Board of City Commissioners find that no private rights will be injured or endangered and the public will suffer no loss or inconvenience by granting by order the vacation request subject to:

- A. Proper publication of notice of public hearing.
- B. The absence of proper written protest filed with the City Clerk.
- C. All proceedings being without cost to the City, County, or any utility company.
- D. Any relocation or reconstruction of utilities necessitated by this vacation shall be at the sole expense of the applicant.
- E. Approval of this vacation request is subject to the applicant rededicating a new floodway on this property by separate instrument. The legal description of the new floodway shall be approved by the City Engineer.
- F. The applicant shall be responsible for preparation of the instrument necessary for the rededication of the floodway mentioned in item E above. This instrument shall provide for the standard floodway language. A draft of the instrument shall be prepared and submitted for City staff review and approval.
- G. City Engineer advises that now is the time to construct the planned drainage control structure for this property.

Bayouth moved, Chisholm seconded and it carried unanimously. Crockett and Banzer were absent. Hansen was not yet present. (2/7/85)

ACTION: Close the public hearing, approve the vacation request, authorize the Mayor to sign the vacation order and instruct the City Clerk to file a certified copy of the order with the Sedgwick County Register of Deeds.

VACATION CASE DATA

Legal Description: Portion of Drainage Easement:

Commencing at a point on the north line of Lot 1, Block 1, Allens Farm, an addition to Wichita, Sedgwick County, Kansas, 175.00 feet easterly bearing N 88° 55' 01" E, from the northwest corner of said Lot 1, Block 1; thence southerly bearing S 1° 14' 30" E, 25.00 feet to the point of beginning; thence N 88° 55' 01" E, 165.42 feet to the beginning of a curve to the left; thence 51.93 feet along said curve having a radius of 272.73 feet, a central angle of 10° 54' 33" and a long chord bearing N 83° 27' 45" E, 51.93 feet; thence S 58° 55' 01" W, 35.80 feet; thence S 31° 04' 59" E, 10.00 feet; thence S 58° 55' 01" W, 126.74 feet; thence S 88° 55' 01" W, 81.04 feet; thence N 1° 14' 30" W, 85.00 feet to the point of beginning.

AND ALSO:

The portion of Lot 1, Block 1, Allens Farm platted as Floodway. (MAPC No. V-1310)

Applicant: Leewood Homes, Inc.
6130 Legion
Wichita, Kansas 67204

Protestors: None before the Subdivision Committee or MAPC.

Comments: Regarding items E and F above, the City Engineer's Office has received the instrument necessary for the rededication of a new floodway. This instrument will be forwarded to the Board of City Commissioners for acceptance at a later date.

BEFORE THE BOARD OF CITY COMMISSIONERS
OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF
A PORTION OF A DRAINAGE EASEMENT
AND A FLOODWAY

GENERALLY LOCATED NORTH OF 29TH
STREET NORTH IN AN AREA EAST OF
WOODLAWN

MORE FULLY DESCRIBED BELOW

JUL 25 1985
NO. 7 58223
PAT KETTLER
REGISTER OF DEEDS

Approved by Board of Commissioners
this JUL 09 1985

MICROFILMED
OF RECORD

Ed Resa
Deputy

VACATION ORDER

NOW on this 9th day of July, 1985, comes on for hearing the petition for vacation filed by Leewood Homes, Inc., praying for the vacation of the following described portion of a drainage easement and floodway, to-wit:

Portion of Drainage Easement:

Commencing at a point on the north line of Lot 1, Block 1, Allens Farm, an addition to Wichita, Sedgwick County, Kansas, 175.00 feet easterly bearing N 88° 55' 01" E, from the northwest corner of said Lot 1, Block 1; thence southerly bearing S 1° 14' 30" E, 25.00 feet to the point of beginning; thence N 88° 55' 01" E, 165.42 feet to the beginning of a curve to the left; thence 51.93 feet along said curve having a radius of 272.73 feet, a central angle of 10° 54' 33" and a long chord bearing N 83° 27' 45" E, 51.93 feet; thence S 58° 55' 01" W, 35.80 feet; thence S 31° 04' 59" E, 10.00 feet; thence S 58° 55' 01" W, 126.74 feet; thence S 88° 55' 01" W, 81.04 feet; thence N 1° 14' 30" W, 85.00 feet to the point of beginning.

AND ALSO:

The portion of Lot 1, Block 1, Allens Farm platted as Floodway.
(MAPC No. V-1310)

The City Commission, 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 Daily Record of notice of this vacation proceeding for consecutive weeks on JUNE 26-JULY 3, 1985.
2. No private rights will be injured or endangered by the vacation of the above-described portion of a drainage easement and floodway, and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner 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 portion of a drainage easement and floodway described herein should be approved.

IT IS, THEREFORE, BY THE BOARD OF CITY COMMISSIONERS, on this 9th day of July, 1985, ordered that the above-described portion of a drainage easement and floodway 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:

Donald C. Cisick
Donald C. Cisick, City Clerk

R. C. Brown
R. C. Brown, Mayor

Approved as to form:

John Dekker
John Dekker, Director of Law

city clerk

