

City of Wichita
City Council Meeting
September 29, 1987

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V-1475 - REQUEST TO VACATE A PORTION OF A PLATTED UTILITY
EASEMENT AND FLOODWAY.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of utility easement and floodway.

MAPC Recommendation: Approve vacation of utility easement and floodway.
(unanimous)

Location: In an unincorporated area of the County, south of Central and east of
Rainbow Lake Road.

Applicant: C. Albin Erickson, 308 Rainbow Lake Road, Wichita, KS 67235

Site Size: An irregularly-shaped area.

Current Zoning: "R-1" (Suburban Residential)

Background: This vacation case has been requested in order to clear an encroachment
(swimming pool) that has been constructed within the easement/floodway. The County
Engineer and the Utility Advisory Committee has verified that this vacation does not
negatively impact on drainage of the area or installation or maintenance of utilities.
The vacation request has been reviewed and approved by the Planning Commission,
subject to conditions.

Legal Considerations: This request for vacation is located on property outside the
City of Wichita, but within three miles thereof. As such, no petition, publication of
notification or public hearing is required before the Wichita City Council.

Recommendations/Action: Approve vacation; adopt resolution;
record resolution, recording cost to be
billed to:

755-68-360-50000-295-000-000

RESOLUTION

A RESOLUTION APPROVING THE VACATION OF A PORTION OF A PLATTED UTILITY EASEMENT AND FLOODWAY DESCRIBED AS:

Part of Lot 8, Block 2, "Rainbow Lakes West", Sedgwick County, Kansas, more particularly described as follows:

From the front corner common to Lots 8 and 9 in said Block 2, with a platted bearing of North 48° 35' East on the line between such lots, for a distance of 151.3 feet; thence North 41° 25' West, parallel with the front line of said Lot 8, for a distance of 20.6 feet, more or less, to the intersection with the westerly line of the utility easement and floodway platted on said Lot 8, and the true point of beginning; thence continuing North 41° 25' West, parallel with and 3 feet distant from the inside wall line of a concrete swimming pool, a distance of 47.6 feet; thence South 48° 35' West, for a distance of 11.2 feet, more or less, to the intersection with the westerly line of said platted utility easement and floodway; thence South 27° 52' 30" East on said westerly line, a distance of 2.6 feet; thence South 56° 06' 30" East on said westerly line, a distance of 46.6 feet, more or less, to the point of beginning.

WHEREAS, there has been filed in the office of the Wichita-Sedgwick County Metropolitan Area Planning Department, proceedings for the vacation of a portion of a platted utility easement and floodway described as:

Part of Lot 8, Block 2, "Rainbow Lakes West", Sedgwick County, Kansas, more particularly described as follows:

From the front corner common to Lots 8 and 9 in said Block 2, with a platted bearing of North 48° 35' East on the line between such lots, for a distance of 151.3 feet; thence North 41° 25' West, parallel with the front line of said Lot 8, for a distance of 20.6 feet, more or less, to the intersection with the westerly line of the utility easement and floodway platted on said Lot 8, and the true point of beginning; thence continuing North 41° 25' West, parallel with and 3 feet distant from the inside wall line of a concrete swimming pool, a distance of 47.6 feet; thence South 48° 35' West, for a distance of 11.2 feet, more or less, to the intersection with the westerly line of said platted utility easement and floodway; thence South 27° 52' 30" East on said westerly line, a distance of 2.6 feet; thence South 56° 06' 30" East on said westerly line, a distance of 46.6 feet, more or less, to the point of beginning.

WHEREAS, said Department has given notice of such proceedings to all adjoining property owners of a public hearing to be held before the Wichita-Sedgwick County Metropolitan Area Planning Commission; and

WHEREAS, such a public hearing was held by the Wichita-Sedgwick County Metropolitan Area Planning Commission on July 23, 1987;

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

SECTION 1. That the utility easement and floodway, described as follows, to wit:

CASE NO. V-1475

Part of Lot 8, Block 2, "Rainbow Lakes West", Sedgwick County, Kansas, more particularly described as follows:

From the front corner common to Lots 8 and 9 in said Block 2, with a platted bearing of North 48° 35' East on the line between such lots, for a distance of 151.3 feet; thence North 41° 25' West, parallel with the front line of said Lot 8, for a distance of 20.6 feet, more or less, to the intersection with the westerly line of the utility easement and floodway platted on said Lot 8, and the true point of beginning; thence continuing North 41° 25' West, parallel with and 3 feet distant from the inside wall line of a concrete swimming pool, a distance of 47.6 feet; thence South 48° 35' West, for a distance of 11.2 feet, more or less, to the intersection with the westerly line of said platted utility easement and floodway; thence South 27° 52' 30" East on said westerly line, a distance of 2.6 feet; thence South 56° 06' 30" East on said westerly line, a distance of 46.6 feet, more or less, to the point of beginning.

Be and the same is approved for vacation.

SECTION 2. That it is hereby recommended to the Board of County Commissioners of Sedgwick County, Kansas, that the said above-described utility easement and floodway be vacated in the event that a proper petition is filed under the provisions of Kansas Statutes Annotated, 58-2613, 58-2614 and 58-2615.

SECTION 3. That this resolution 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 29th day of September, 1987.

Robert C. Knight, Mayor

ATTEST:

Dale E. Rea, Deputy City Clerk (Seal)

