

Planning Agenda Item # _____

City of Wichita
City Council Meeting
May 9, 1989

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1595 - REQUEST TO VACATE A PLATTED DRAINAGE EASEMENT
LOCATED IN AN AREA NORTH OF 32ND STREET NORTH AND WEST OF ROCK ROAD
(District #2)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of platted drainage easement.

MAPC Recommendation: Approve vacation of platted drainage easement. (unanimous)

Background: In order to provide additional buildable area at this site, the applicant has initiated drainage improvements along a revised alignment. City Engineering has approved these changes for the site's drainage plan and a substitute easement has been provided for the new alignment (this case is a companion to V-1594). The vacation request has been reviewed and approved by the Planning Commission, subject to conditions.

Legal Considerations: The City Clerk needs to certify as to proper notification and no filing of written protest.

Recommendations/Action: Close public hearing, approve vacation and adopt dedication; authorize the Mayor to sign the Vacation Order; and record certified copy of Order and the dedication, recording costs to be billed to:

150029-2909

Approved / Accepted By City Council

This 9 1989 STATE OF KANSAS } SS
 SEDGWICK COUNTY }
 FILED FOR RECORD AT
 9:00 AM

BEFORE THE CITY COUNCIL OF THE
 CITY OF WICHITA, SEDGWICK COUNTY, KANSAS May 11 89 1008299

IN THE MATTER OF THE VACATION OF)
 A DRAINAGE EASEMENT.)
)
 GENERALLY LOCATED NORTH OF 32ND STREET)
 NORTH AND WEST OF ROCK ROAD (V-1595).)
)
)
MORE FULLY DESCRIBED BELOW)

PAT KETTLER
 REGISTER OF DEEDS

Ed Raso Deputy

MICROFILMED
OF RECORD

VACATION ORDER

NOW on this 9th day of May, 1989, comes on for hearing the petition for vacation filed by Woodlawn Development Company, praying for the vacation of the following described drainage easement, to-wit:

A tract of land lying in Lot 1, Block 1, KILLARNEY PLAZA THIRD, an addition to Wichita, Sedgwick County, Kansas, more particularly described as follows:

Beginning at the Northeast corner of said Lot 1, Block 1; thence S 00° 55' 48" E, 90.00 feet along the East line of said Lot 1, Block 1; thence S 89° 03' 14" W, 429.63 feet; thence S 53° 40' 42" W, 249.36 feet; thence N 36° 19' 18" W, 30.00; thence S 53° 40' 42" W, 293.88 feet; thence S 00° 58' 47" E, 123.87 feet; thence N 39° 23' 16" W, 55.59 feet; thence S 69° 36' 44" W, 16.40 feet; thence N 00° 58' 47" W, 111.60 feet; thence N 53° 40' 42" E, 641.96 feet to a point on the North line of said Lot 1, Block 1; thence S 75° 12' 39" E, 64.24 feet along said North line; thence N 89° 03' 14" E, 354.72 feet to the point of beginning.

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 Daily Record of notice of this vacation proceeding for consecutive weeks on 4/24, 4/25, 4/26, 4/27, 4/28, 4/29, 4/30, 5/1, 5/2, 5/3, 1989.
2. No private rights will be injured or endangered by the vacation of the above-described drainage 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.

8.00

City Clerk

Vacation Order
V-1595
Page 2

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 drainage easement described herein should be approved.

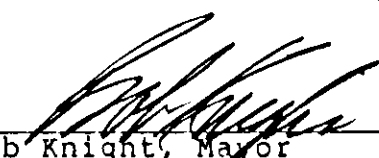
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 9th day of May, 1989, ordered that the above-described drainage easement is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

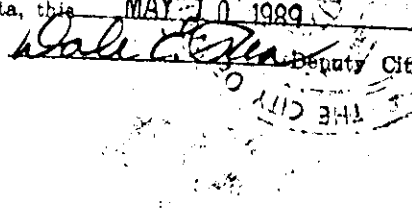
ATTEST:


John Moir, City Clerk

Approved as to Form:


Thomas Powell, Director of Law


Bob Knight, Mayor

State of Kansas)
Sedgwick County) ss
City of Wichita)
I, Dale E. Rea, Deputy City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is affixed is a true and correct copy of the original on file in the office of the City Clerk.
Given under my hand and seal of the City of Wichita, this MAY 10 1989

Dale E. Rea, Deputy City Clerk

