

Planning Agenda Item # _____

City of Wichita
City Council Meeting
July 28, 1992

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1772 REQUEST TO VACATE A DRAINAGE EASEMENT
LOCATED EAST OF ROCK ROAD AND NORTH OF 21ST STREET NORTH
(District #2)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of drainage easement.

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

Background: An existing building encroaches a portion of the drainage easement and the vacation is requested to clear the property's title. The applicant has submitted a substitute drainage easement which in effect shifts the present easement in the area of the encroaching building so as to clear the building of any easement. City Engineering has agreed that the minor shifting of the easement would be acceptable. No other utilities are involved with this easement. 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: Accept the substitute drainage easement; close the public hearing, approve the vacation; authorize the Mayor to sign the Vacation Order; and record the easement and certified copy of the Vacation Order; recording costs to be billed to:

150029-2909

Approved / Accepted By City Council

This JUL 28 1992

Page 1 of 2

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

V-1772

IN THE MATTER OF THE VACATION OF)
A DRAINAGE EASEMENT)
)
GENERALLY LOCATED EAST OF ROCK ROAD AND)
NORTH OF 21ST STREET NORTH (V-1772))
)
)
MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 28th day of July, 1992, comes on for hearing the petition for vacation filed by Gary Wiley for Windemere Development, Inc., praying for the vacation of the following described drainage easement, to-wit:

Commencing at the southwest corner of Lot 1, Block 1, Windemere Second Addition, an Addition to Wichita, Sedgwick County, Kansas; thence bearing N89°05'57"E along the south line of said Lot 1, a distance of 71.11 feet to the point of beginning of a 20-foot easement being 10 feet right and 10 feet left of a line bearing N0°42'32"W a distance of 148.64 feet; thence bearing N44°05'57"E a distance of 72.00 feet to the point of ending.

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 Reporter of notice of this vacation proceeding for consecutive weeks on 7-17-92 & 7-24-92.
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.
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.

800 ch

City Clerk

260 150027 1992

Vacation Order
V-1772
Page 2 of 2

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 28th day of July, 1992, 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.

Bob Knight for
Bob Knight, Mayor

ATTEST:

Pat Burnett
Pat Burnett, Deputy City Clerk

MICROFILMED
OF RECORD

Approved as to Form:

Gary Rebenstorf, Director of Law



STATE OF KANSAS } SS
SEDCWICK }
FILED }
8-00 A
AUG 27 92 1231652
PAT KETTLER
REGISTER OF DEEDS

Pat Burnett
JULY 28 1992
Pat Burnett



Ed Bass
Deputy

Scale: 1"=20'

Sta. 1+52.0, Line No. 2
Const. Std. Type 1A Curb Inlet
L=6'-4", W=4'-4"
Install 61.2 L.F. 15" RCP (NE)
See Sh. No. 25

FF=210.0

FF=210.0

Sta. 2+13.2, Line No. 2
Const. Std. Type 1A Curb Inlet
L=6'-4", W=4'-4"
See Sh. No. 25

Sta. 0+00.0, Line No. 2
Connect to existing Inlet
Verify location
Install 152.0 L.F. 15" RCP (NE)

Prop. 8" Water

FF=209.5

OXFORD

733-2498