Planning Agenda #_____

City of Wichita
City Council Meeting
June 14, 1994

Agenda Report #_____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1866 REQUEST TO VACATE A PORTION OF A DRAINAGE EASEMENT LOCATED EAST OF TYLER ROAD AND NORTH OF 13TH STREET NORTH
(District #5)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of drainage easement.

MAPC Recommendation: Approve vacation of drainage easement. (10-2)

Background: With a storm sewer line located in this easement, City Engineering would typically not support such a vacation. However, since the actual line is located in the portion of easement on the adjacent lot, is not buried to a significant depth, involves an area of a home's overhang and not a major portion of the house, and the vacation is only for a portion of the easement, City Engineering felt no significant harm should result by the vacation. No other utilities are involved in 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/Actions: Close the public hearing, approve the vacation; authorize the Mayor to sign the Vacation Order; and record the certified copy of the Vacation Order; recording costs to be billed to:

150029-2909

FILE COPY

FILM | 453 PAGED | 36
Approved / Accepted By City Council
This JUN 14 1994

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

IN THE MATTER OF THE VACATION OF A PORTION OF A DRAINAGE EASEMENT	)	
GENERALLY LOCATED EAST OF TYLER AND NORTH OF 13TH STREET NORTH	)	Case No. V-1866
MORE FULLY DESCRIBED BELOW	)	

VACATION ORDER

NOW on this 14TH day of June, 1994, comes on for hearing the petition for vacation filed by Dale Fair for Oxford Homes, L.C., praying for the vacation of the following described drainage easement, to-wit:

That portion of a drainage easement described as:
The West 2 feet of the East 10 feet of the South 38 feet 5 inches of the North 69 feet 5 inches of Lot 8, Block 3, Socora Village, an addition in Wichita, Sedgwick County, Kansas

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 5/27/94 & 6/3/94

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.

8.00 ck

City Clerk

150029 2909

8-

MICROFILMED OF RECORD

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 14th day of June, 1994, 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.

Elma Broadfoot, Mayor

ATTEST:

Pat Burnett, Deputy City Clerk

Approved as to Form:

Gary Rebenstorf, Director of Law

THE CITY OF WICHITA SEDGWICK COUNTY, KANSAS

State of Kansas)
Sedgwick County) ss
City of Wichita)

I, Cheryl Hollaway, 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 July 7, 1994

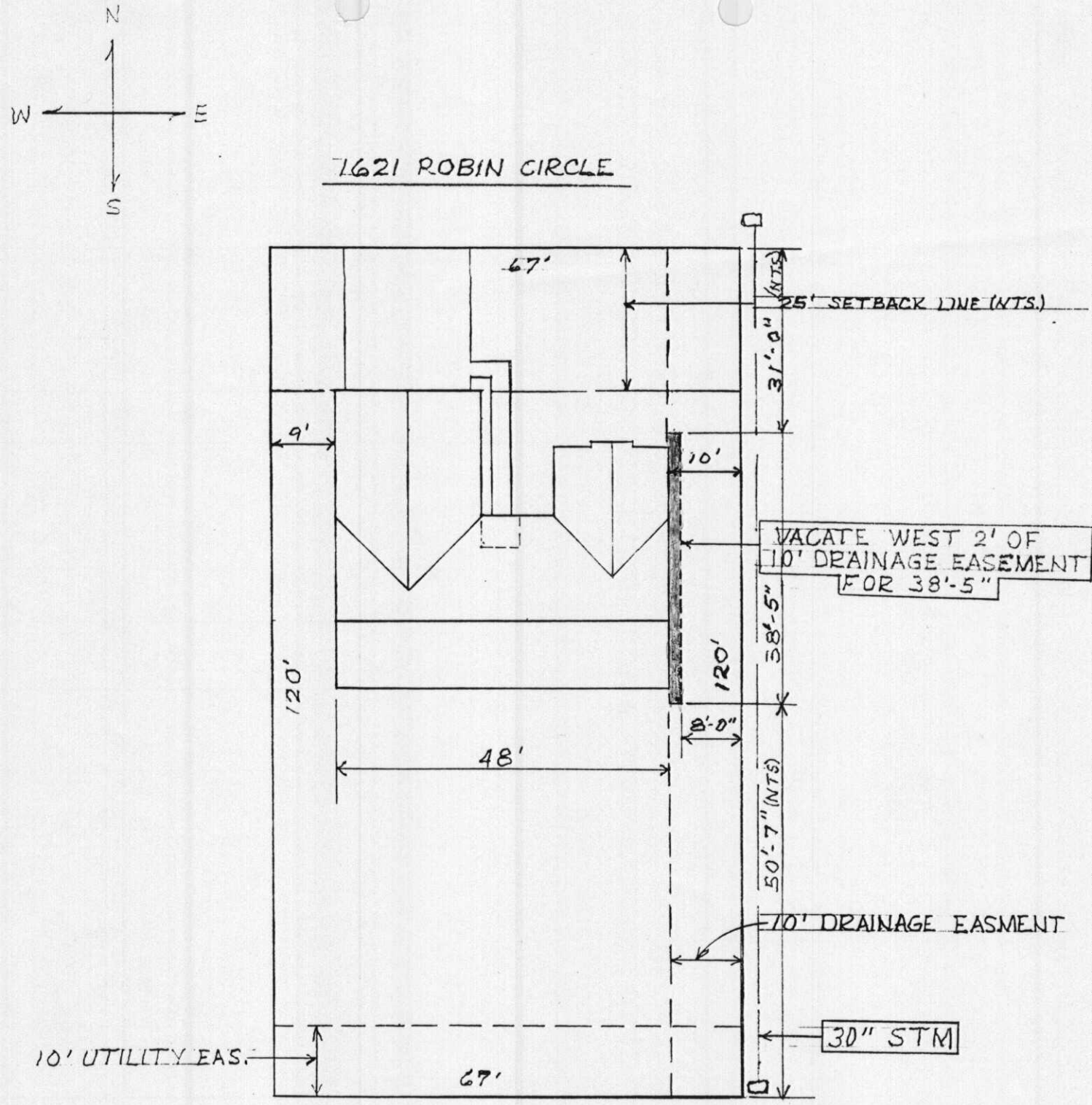
Cheryl Hollaway, Deputy City Clerk

THE CITY OF WICHITA SEDGWICK COUNTY, KANSAS

REGISTER OF DEEDS SEDGWICK COUNTY KANSAS

STATE OF KANSAS } ss
SEDGWICK COUNTY }
FILED FOR RECORD AT 8:00 A M
JUL 21 1994
NO. 1398239
PAT KETTLER
REGISTER OF DEEDS

Ed Rasor
Deputy



LOT 8 BLK 3 SOCORA VILLAGE