

Planning Agenda # _____

**City of Wichita
City Council Meeting
June 16, 1998**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2067 REQUEST TO VACATE DRAINAGE EASEMENT
LOCATED IN AN AREA NORTH EAST OF 21ST STREET NORTH AND
TALLGRASS.
(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: The applicant is requesting to vacate the southernmost 3 feet of a drainage easement. The vacation request is only for the eastern most 35 feet of the drainage easement. This would allow Sterling House to construct a sun room and activity room for the residents of Sterling House.

The vacation request has been reviewed and approved by the Planning Commission, subject to the applicant dedicating 3 feet of additional drainage easement on the northernmost portion of the drainage easement. This will retain a 20 foot drainage easement along this property. This dedication was approved by the City Council on May 12th.

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.

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

IN THE MATTER OF THE VACATION OF
DRAINAGE EASEMENT

GENERALLY LOCATED
NORTHEAST CORNER OF 21ST STREET
NORTH AND TALLGRASS

MORE FULLY DESCRIBED BELOW

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)
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) Case No. V-2067
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MICROFILMED
OF RECORD

VACATION ORDER

NOW on this 16th day of June, 1998, comes on for hearing the petition for vacation filed by Meditrust of Kansas, Inc., praying for the vacation of the following described drainage easement, to-wit:

A tract of land lying in Summerfield Second Addition, an Addition to Wichita, Sedgwick County, Kansas, being more particularly described as follows: Commencing at the Northeast corner of Lot 1, Block 1 of said Addition, said point being 314.00 feet North of the centerline of 21st Street North, as platted in said Addition, and 332.42 feet East of the centerline of the centerline of Tallgrass, as platted in said Addition; thence South 00°53'34" East along the East line of said Lot 1, 46.91 feet; thence South 89°06'26" West, 10.00 feet to the point of beginning; thence South 00°53'34" East, 3.00 feet; thence South 89°06'26" West, 35.00 feet thence North 00°53'34" West, 3.00 feet; thence North 89°06'26" East, 35.00 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 Reporter of notice of this one time 5-22-98, which was at least 20 days prior to this public hearing.
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.

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RETURN ABOVE

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Vacation Order
V - 2067

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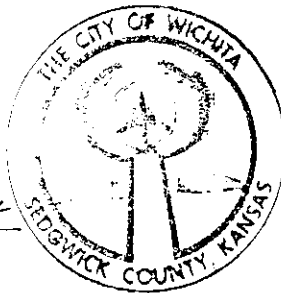
5. The vacation of a drainage easement described herein should be approved, subject to the following condition:

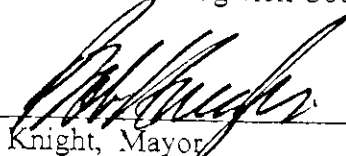
- A) The applicant shall dedicate 3' feet of additional drainage easement on the northernmost portion of the drainage easement parallel to the portion of the easement, which was vacated. This will retain a 20' drainage easement across the subject property.
- B) Any relocation or reconstruction of any other utilities made necessary by this vacation shall be the responsibility of the applicant.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 16th day of June, 1998, 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:


Pat Burnett, City Clerk

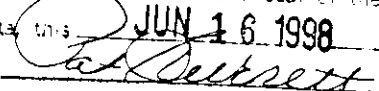



Bob Knight, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law



State of Kansas)
Sedgwick County) ss
City of Wichita)
I, Pat Burnett, 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 orig-
inal on file in my office.
Given under my hand and seal of the City of
Wichita, this JUN 16 1998
 City Clerk

ST. NO.