

Planning Agenda # _____

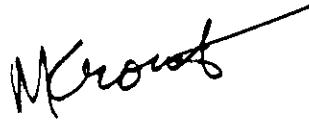
**City of Wichita
City Council Meeting
September 15, 1998**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2101 REQUEST TO VACATE STORM SEWER
EASEMENT AND BUILDING SETBACK LOCATED IN AN AREA
NORTHWEST CORNER OF K-96 AND ROCK ROAD
(District #2)

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of storm sewer easement and building setback.

MAPC Recommendation: Approve vacation of storm sewer easement and building setback.
(unanimous)

Background: The applicants are requesting the vacation of the north five feet of the storm sewer easement, access controls and the building setback to allow for the construction of a new Parcel on the Comotara Power Center CUP (DP-195). An amendment to the CUP was approved by the MAPC on July 30th.

Traffic Engineering and Storm Water Management has indicated that this vacation request is acceptable. No member of the public addressed the MAPC in opposition to this request.

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.

MICROFILMED
OF RECORDBEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSASIN THE MATTER OF THE VACATION OF
STORM SEWER EASEMENT AND
BUILDING SETBACKGENERALLY LOCATED
NORTHWEST CORNER OF K-96 AND
ROCK ROADMORE FULLY DESCRIBED BELOW

Case No. V-2101

STATE OF KANSAS) SS
SEDGWICK COUNTY)

Oct 8 8 03 AM '98

BILL MEEK
REGISTER OF DEEDS

VACATION ORDER

NOW on this 15th day of September, 1998, comes on for hearing the petition for vacation filed by Wal-Mart Stores, Inc., c/o Sean Collyge, praying for the vacation of the following described access controls, storm sewer easement and building setback, to-wit:

Commencing at the SE Corner of the NE 1/4 of Section 31, Township 26 South, Range 2 East of the Sixth P.M.; thence N 88°54'38"E along the east line of said NE 1/4 to a point 60 feet east of the NE corner of Lot 4, Block 1, Comotara Power Center Second Addition to Wichita, Sedgwick County, Kansas; thence west 60 feet to said NE corner for a Point of Beginning; thence N 88°54'38"E parallel to the east line of said NE 1/4, 224.42 feet;

The north five feet of the 40 foot storm sewer easement that crosses the site from southeast to the northwest be vacated for that portion of the easement lying within the east 250 feet of Lot 1, Comotara Power Center 2nd Addition; and

Reduce the building setback from 50 feet to 35 feet for Lot 1, Comotara Power Center 2nd Addition along Rock Road.

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 8-21-98, 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 storm sewer easement and building setback, 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 - 2101

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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 access controls, storm sewer easement and building setback described herein should be approved, subject to the following condition:

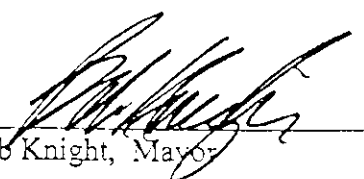
- A) Any relocation or reconstruction of any utilities made necessary by this vacation shall be the responsibility of the applicant.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 15th day of September, 1998, ordered that the above-described storm sewer easement and building setback 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.

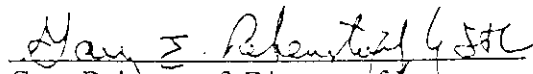
ATTEST:


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 attached is a true and correct copy of the original
located in my office.
Given under my hand and seal of the City of
Wichita, this SEP 15 1998
 City Clerk

