Planning Agenda #_____

City of Wichita
City Council Meeting
June 16, 1998

Agenda Report #_____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2084 REQUEST TO VACATE A PORTION OF A FLOOD CONTROL EASEMENT LOCATED IN AN AREA NORTH OF CENTRAL AVENUE AND EAST OF RIDGE ROAD ALONG THE EAST SIDE OF SILVER SPRINGS BOULEVARD
(District #5)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of a portion of a flood control easement.

MAPC Recommendation: Approve vacation of a portion of a flood control easement. (unanimous)

Background: The applicant is proposing to vacate a portion of a Flood Control Easement in the Silver Springs Addition in order to accommodate the construction of the parking area for the new apartment complex proposed for the site. The applicant has submitted an easement agreement that stipulates, among other site improvements to be made, an access easement across the apartment property for accessibility to the flood control structures.

This project is the next phase of the development of DP-26, now known as Crown Chase. It is the same general property that involved the recent vacation of access controls along Ridge Road. This vacation, along with the previous vacation and other requests of the applicant with respect to this project, will require several adjustments to the CUP, which must also be completed before the project proceeds further.

The Subdivision Committee and MAPC recommended approval of the vacation subject to the following:

A. The applicant provide an access easement to the City as stipulated in the Easement Agreement with the City as negotiated by the Storm Water Management Division of the Public Works Department.

B. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.

No members of the public spoke 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; approve the easement agreement; accept the dedication of the access easement; and record the certified copy of the Vacation Order, the easement agreement, and the easements.

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CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

Approved / Accepted By City Council
This JUN 16 1998

STATE OF KANSAS } SS
SEDGWICK COUNTY }

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REGISTER OF DEEDS

Pat Hyatt
Deputy

MICROFILMED
OF RECORD

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

IN THE MATTER OF THE VACATION OF A PORTION OF A FLOOD CONTROL EASEMENT	)	
GENERALLY LOCATED NORTH OF CENTRAL AVENUE AND EAST OF RIDGE ROAD ALONG THE EAST SIDE OF SILVER SPRINGS BOULEVARD	)	Case No. V-2084
MORE FULLY DESCRIBED BELOW	)	

REGISTER OF DEEDS KANSAS

VACATION ORDER

NOW on this 16th day of June, 1998, comes on for hearing the petition for vacation filed by Floyd R. Hardesty, praying for the vacation of the following described portion of a flood control easement, to-wit:

> That part of the Flood Control Easement in the Silver Springs Addition to the City of Wichita, Sedgwick County, Kansas, more particularly described as beginning at the SE Corner of Lot 4, Silver Springs Addition, thence North 89°35'26" West (an assumed bearing) and along the southerly line of said Lot 4 a distance of 89.87 feet to the POINT OF BEGINNING; thence continuing on the last described course along the southerly line of Lot 4 a distance of 25.52 feet to a point on the westerly line of the 70-foot Flood Control Easement described as recorded in Miscellaneous Book 618 at page 124 in the Register of Deeds office in Sedgwick County, Kansas; thence North 11°10'11" West and along the westerly line of said Flood Control Easement a distance of 214.64 feet; thence North 04°25'56" West and along the westerly line of said Flood Control Easement a distance of 1,092.45 feet to a point on the northerly line of said Lot 4; thence North 63°00'04" East along the northerly line of said Lot 4 a distance of 35.74 feet; thence South 04°25'56" East along a line 33 feet easterly of and parallel to the westerly line of said Flood Control Easement a distance of 1172.41 feet; thence South 11°10'11" East and along a line 25 feet easterly or and parallel to the westerly line of said Flood Control Easement a distance of 150.10 feet to the point of beginning; containing a calculated area of 41,929.35 square feet or 0.963 acres, more or less.

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 one time on May 22, 1998, which was at least 20 days prior to this public hearing.

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8.00

RETURN ABOVE

8.00

2. No private rights will be injured or endangered by the vacation of the above-described vacation of a portion of a flood control 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 portion of the flood control easement described herein should be approved, subject to the following conditions:

A) The applicant provide an access easement to the City as stipulated in the Easement Agreement with the City as negotiated by the Storm Water Management Division of the Public Works Department.

B) Any relocation or reconstruction of 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 portion of a flood control 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, Kansas.

Bob Knight, Mayor

ATTEST:

Pat Burnett, City Clerk

THE CITY OF WICHITA SEDGWICK COUNTY, KANSAS

Approved as to Form:

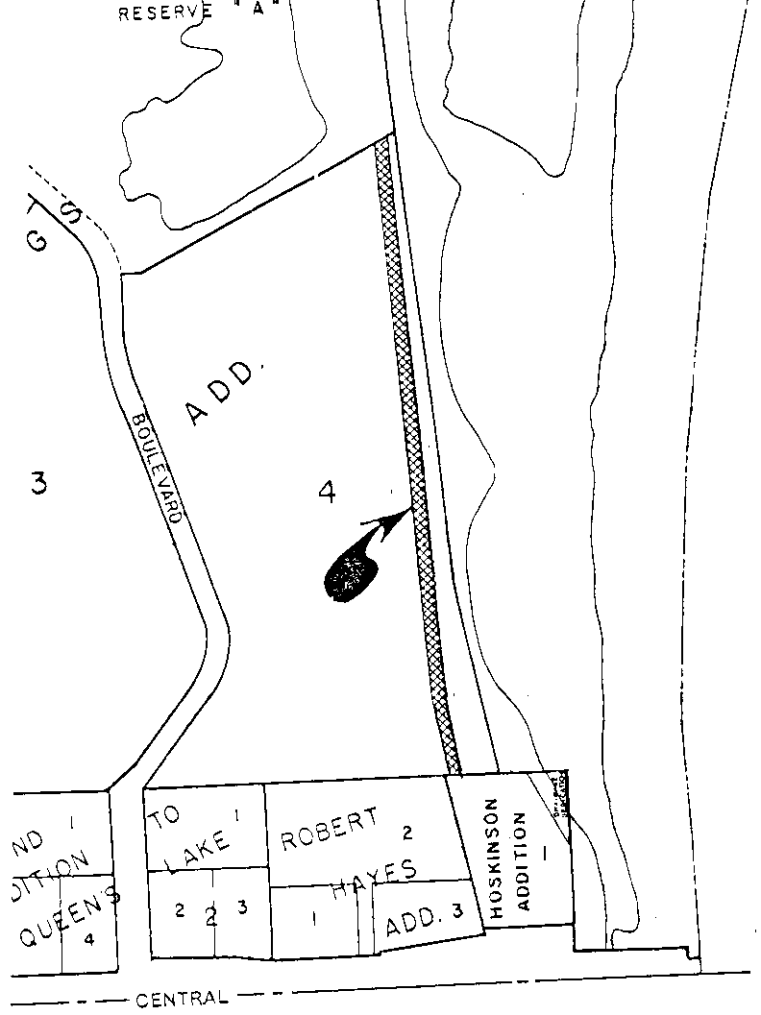
Gary Rebenstorf, Director of Law

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 original on file in my office.

Given under my hand and seal of the City of Wichita, this JUN 16 1998

City Clerk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