

Planning Agenda # _____

City of Wichita
City Council Meeting
April 6, 1999

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: V-2159 - REQUEST TO VACATE A PORTION OF A DRAINAGE EASEMENT LOCATED IN AN AREA SOUTH OF 13TH STREET AND NORTH OF WARREN CIRCLE.
(District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MK/OUT
24/8

Staff Recommendation: Approve vacation of a portion of a drainage easement.

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

Background: The applicant is requesting to vacate a portion of a drainage easement (15 feet by 95 feet), in order to allow for the construction of a single-family home on-site. City Engineering did not object to the request at the MAPC's Subdivision Committee meeting.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Recommendations/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the Mayor to sign.

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CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

STATE OF KANSAS) ss
Page 1 of 2 SEDGWICK COUNTY)

MAY 10 10 13 AM '99

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

BILL MEER
REGISTER OF DEEDS

IN THE MATTER OF THE VACATION OF
A PORTION OF A DRAINAGE EASEMENT

GENERALLY LOCATED
SOUTH OF 13TH STREET NORTH ON
WARREN CIRCLE

MORE FULLY DESCRIBED BELOW

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)
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) Case No. V-2159
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Dean J. Anderson
Deputy



VACATION ORDER

NOW on this 6th day of April, 1999, comes on for hearing the petition for vacation filed by Larry Bebro, praying for the vacation of the following described a portion of a drainage easement, to-wit:

That portion of Lot 46, Block B, Spinnaker Coves-Hoskinson Addition, Wichita, Sedgwick County, Kansas described as commencing at the NW corner of said Lot 46; thence easterly along the north line of said Lot 46, 48.55 feet to an intersection with the drainage easement as platted on said Lot 46; thence southeasterly along said drainage easement, 20 feet for a point of beginning; thence southwesterly at a right angle to said drainage easement, 15 feet; thence southeasterly parallel to said drainage easement, 95 feet; thence northeasterly at a right angle to said drainage easement, 15 feet; thence northwesterly along said drainage easement, 95 feet to 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 on February 15, 1999, which was at least 20 days prior to the public hearing.

2. No private rights will be injured or endangered by the vacation of the above-described a portion of a 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.

MICROFILMED
OF RECORD

8.00
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City Clerk

Vacation Order
V - 2159

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

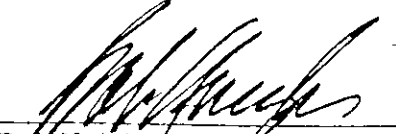
- A) Any relocation or reconstruction of any utilities made necessary by this vacation shall be the responsibility of the applicant.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 6th day of April, 1999, ordered that the above-described a portion of a 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:

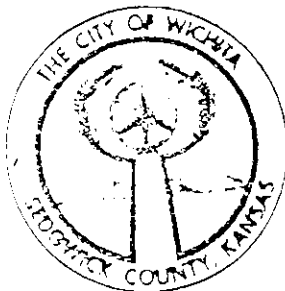

Pat Burnett, City Clerk



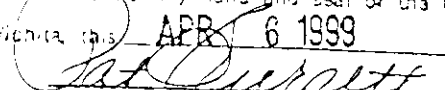

Bob Knight, Mayor

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 APR 6 1999
 City Clerk

Reserve "E"

