

Planning Agenda # _____

**City of Wichita
City Council Meeting
September 21, 1999**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: **V-2192 - REQUEST TO VACATE A PORTION OF A 20 FOOT WIDE DRAINAGE AND PEDESTRIAN ACCESS EASEMENT LOCATED SOUTH OF CENTRAL AND WEST OF CEDAR DOWNS CIRCLE. (District V)**

INITIATED BY: Metropolitan Area Planning Department 

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of the portion of the 20-foot drainage and pedestrian access easement.

MAPC Recommendation: Approve vacation of the portion of the 20-foot drainage and pedestrian access easement. (unanimous)

Background: The applicant is requesting to vacate the northerly 2.5 feet of the 20 foot wide drainage and access easement. A home is being constructed 2.5 feet into the easement.

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, subject to the applicant dedicating 2.5 feet of drainage easement on the south side of the existing easement. The applicant has submitted the required dedication. 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, accept the dedication of the drainage easement and authorize the Mayor to sign.

Duplicate

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

**IN THE MATTER OF THE VACATION OF)
A PORTION OF THE 20 FOOT DRAINAGE)
AND PEDESTRIAN ACCESS EASEMENT)**

**GENERALLY LOCATED)
SOUTH OF CENTRAL AND WEST OF CEDAR)
DOWNS CIRCLE)**

Case No. V-2192

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 21st day of September, 1999, comes on for hearing the petition for vacation filed by RCK Construction, Inc., c/o Randall E. Ketzner, President, praying for the vacation of the following described a portion of the 20 foot drainage and pedestrian access easement, to-wit:

That part of the drainage and pedestrian access easement as granted in Lot 19, The Havens, an Addition to Wichita, Sedgwick County, Kansas, described as follows: Commencing at the intersection of the northeast line of said Lot 19 with the northwest line of said easement; thence S43°30'06"W along the northwest line of said easement, 24.75 feet for a point of beginning; thence continuing S43°30'06"W along the northwest line of said easement, 57.00 feet; thence S46°11'27"E, 2.46 feet; thence N43°48'33"E, 57.00 feet; thence N 46°11'27"W, 2.77 feet to the point of beginning.

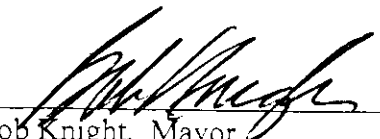
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Daily Reporter on August 3, 1999, which was at least 20 days prior to the public hearing.

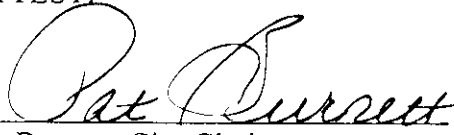
2. No private rights will be injured or endangered by the vacation of the above-described portion of the 20-foot drainage and pedestrian access easement, and the public will suffer no loss or inconvenience thereby.

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 a portion of the 20 foot drainage and pedestrian access easement described herein should be approved, subject to the following condition:
 - A) The applicant shall dedicate an additional 2.5 feet of drainage easement on the south side of the existing easement.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 21st day of September, 1999, ordered that the above-described a portion of the 20 foot drainage and pedestrian access 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.

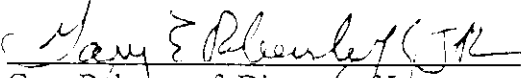

Bob Knight, Mayor

ATTEST:


Pat Burnett, City Clerk



Approved as to Form:


Gary Rebenstorf, Director of Law



LEGAL:
LOT 19, THE HAVENS, AN ADDITION TO
WICHITA, SEDGWICK COUNTY, KANSAS.

