



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

May 16, 2001

Jeffrey T. Weihe
6130 N. Legion
Wichita, KS 67204

Re: **VAC2001-00017**- Request to vacate part of drainage easement generally located Legion and Bella Road (6130 North Legion).

Dear Mr. Weihe:

At the Thursday, May 10, 2001, meeting of the Metropolitan Area Planning Commission the above-referenced vacation request was approved subject to the conditions recommended by the Subdivision Committee and stated in our letter of May 2, 2001. Since you have completed all the approval conditions, this case will be placed on the Consent Agenda for final approval by the Wichita City Council on Tuesday, June 5, 2001, at 9:00 A.M. in the City Council Chamber, First Floor, City Hall, 455 North Main Street, Wichita, Kansas.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bill Longnecker'.

Bill Longnecker
Senior Planner

BL:le

cc: Mike Lindebak, City Engineer, Public Works Department, Mail Stop 1-71
Carla Jones / Paul Gunzelman, Public Works Engineering, Mailstop 1-71
Griffiths & Associates, Inc., 1333 N. Broadway, Suite A, Wichita, KS 67214



Wichita-Sedgwick County Metropolitan Area Planning Department

May 2, 2001

Jeffrey T. Weihe
6130 N. Legion
Wichita, KS 67204

Re: **VAC2001-00017**- Request to vacate part of drainage easement generally located Legion and Bella Road (6130 North Legion)

Dear Mr. Weihe:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission on Thursday, April 26, 2001, the above-captioned vacation request was considered. The action of the Committee was to recommend that this vacation be approved subject to:

1. The applicant shall dedicate the south 6-ft of the North 11-ft of Lot 141, Van View Add., Sedgwick County, Kansas as part of a 20-ft drainage easement.
2. The applicant shall verify, via a survey, the location of the 4-ft drainage pipe in the 20-ft easement.
3. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.

This matter is set for public hearing by the Metropolitan Area Planning Commission on Thursday, May 10, 2001 at 1:00 p.m. in the Planning Conference Room, Tenth Floor, City Hall, 455 North Main, Wichita, Kansas. If you have any questions, please call at 268-4421.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bill Longnecker'.

Bill Longnecker
Senior Planner

BL:le

cc: Mike Lindebak, City Engineer, Public Works Department, Mail Stop 1-82
Carla Jones / Paul Gunzelman, Public Works Engineering, Mailstop 1-82
Griffiths & Associates, Inc., 1333 N. Broadway, Suite A, Wichita, KS 67214

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STAFF REPORT

CASE NUMBER: VAC2001-00017: Request to vacate a portion of a 20-ft drainage easement.

OWNER/APPLICANT: Jeffrey T Weibe

AGENT: Griffiths & Associates, Inc

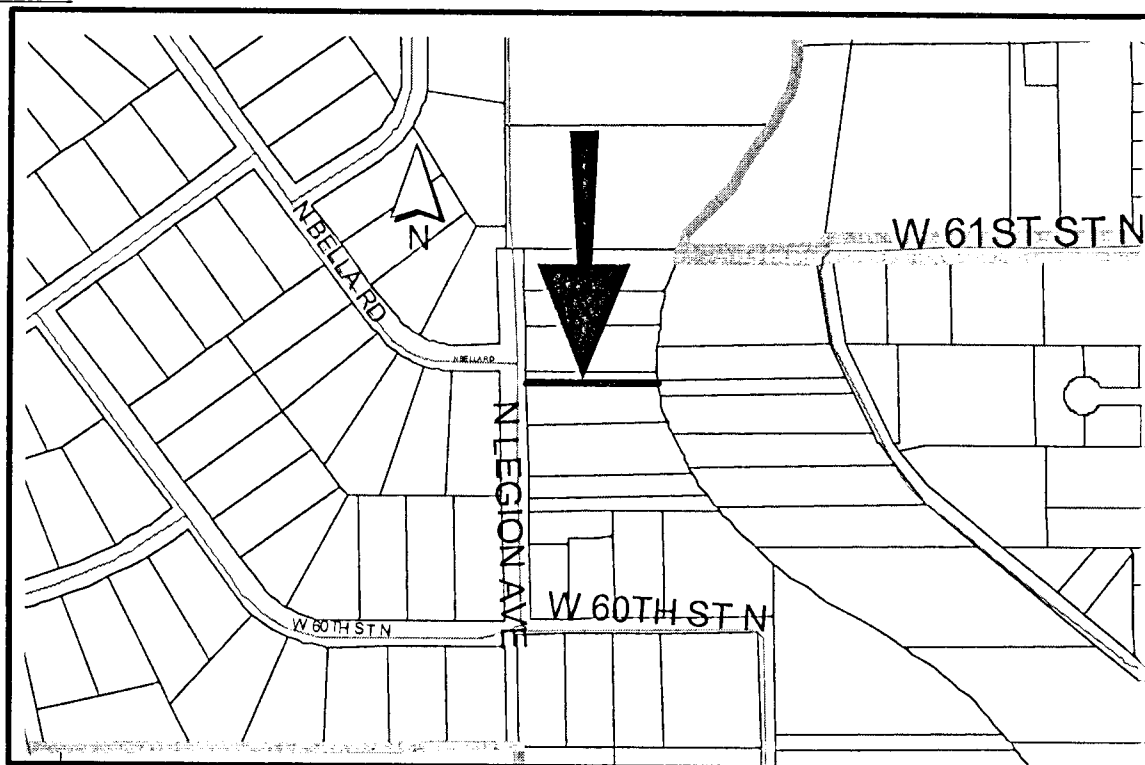
LEGAL DESCRIPTION: The south 6-ft of a drainage easement recorded on film 215, page 553 and said easement described as "The South 20-ft of the North 31-ft of Lot 141, "Van View", Sedgwick County, Kansas

LOCATION: Generally located southeast of the Bella Rd – Legion Av intersection.

REASON FOR REQUEST: House was built over drainage easement.

CURRENT ZONING: Subject property is zoned SF-6 Single Family Residential. Properties to the north, south, east and west are zoned SF-6 Single Family Residential.

VICINITY MAP:



The applicant is requesting consideration to vacate a portion of a 20-ft drainage easement. The easement was not dedicated or shown on the plat, but was recorded on a separate instrument. Approximately 3-ft – 3.9-ft of the north end of the applicant's house currently encroaches on the easement. The applicant is requesting that the south 6-ft (running the length of the easement) of the easement be vacated. The 6-ft the applicant is requesting would leave the house clear of the easement by 1-ft – 1.9 ft. There is a 4-ft drainpipe in the easement. The 6-ft the applicant is requesting would place the drainpipe approximately 2-ft from the south edge of the easement. The easement and the drain pipe end at the Little Arkansas River.

Based upon the information available prior to the public hearing, staff recommends the MAPC make the following findings and recommendation to the City Council:

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
 - 1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time April 20, 2001, which was at least 20 days prior to this public hearing.
 - 2. That 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.
- B. Therefore, the vacation of a portion of a 20-ft drainage easement described in the petition should be approved subject to the following conditions.
 - 1. The applicant shall dedicate the south 6-ft of the North 11-ft of Lot 141, Van View Add., Sedgwick County, Kansas as part of a 20-ft drainage easement
 - 2. The applicant shall verify, via a survey, the location of the 4-ft drainage pipe in the 20-ft easement.
 - 3. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

1. The applicant shall dedicate the south 6-ft of the North 11-ft of Lot 141, Van View Add., Sedgwick County, Kansas as part of a 20-ft drainage easement
2. The applicant shall verify, via a survey, the location of the 4-ft drainage pipe in the 20-ft easement.
3. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.