

Planning Agenda # _____

**City of Wichita
City Council Meeting
January 8, 2002**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: **VAC2001-00053 - REQUEST TO VACATE A PORTION OF THE WICHITA-VALLEY CENTER FLOOD CONTROL EASEMENT AND A PORTION OF THE AMIDON AVENUE RIGHT-OF-WAY GENERALLY LOCATED SOUTHWEST OF THE 37TH STREET NORTH - AMIDON AVENUE INTERSECTION.**
(District VI)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

M/C

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Background: The applicants are proposing to vacate an approximately 115-foot x 213-foot portion of the Wichita-Valley Center Flood Control Easement that abuts the south and west sides of their property. The applicants are also proposing to vacate a 20-foot wide unimproved section of Amidon Avenue that abuts the applicants property on the west and all of Lot 9, Blk 2, Pleasant Valley 2nd Addition. The applicant proposes to incorporate the vacate lands into their property.

KG&E required retention of the Amidon Avenue ROW as a utility easement and Storm Water Management required dedication of a drainage easement by separate instrument of the western 30-foot of the vacated Wichita-Valley Center Flood Control 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. No written protests have been filed.

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

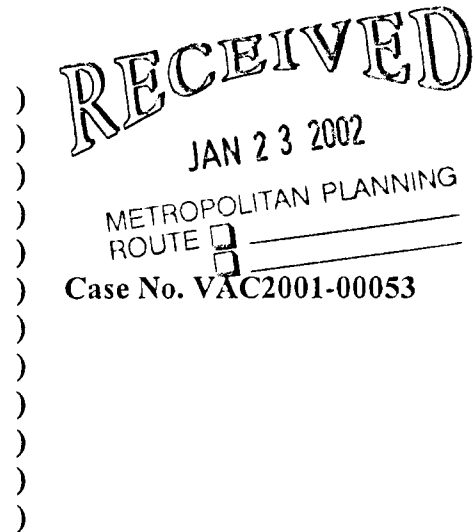
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**BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS**

**IN THE MATTER OF THE VACATION OF
A PORTION OF A DRAINAGE EASEMENT
AND A PORTION OF AMIDON STREET
RIGHT-OF-WAY**

**GENERALLY LOCATED
SOUTHWEST OF THE 37TH STREET N –
AMIDON AVENUE INTERSECTION**

MORE FULLY DESCRIBED BELOW



VACATION ORDER

NOW on this 8TH day of January, 2002, comes on for hearing the petition for vacation filed by Philip L. and Patsy A. Miller, praying for the vacation of the following described portion of the Wichita-Valley Center Flood Control easement and of the following described portion of the Amidon Avenue right-of-way, to-wit:

Portion of the Wichita-Valley Center Flood Control easement Vacation Description:

That part of the NW ¼ of Section 31, TWP 26, R-1-W of the 6th PM Sedgwick, County, Kansas described as commencing at the NE corner of said NW ¼; thence S0degrees16'40" (assumed) along the east side of said NW ¼, 940.06 feet; thence S89degrees 58'20"W, 20.00 feet to a point on the northerly right-of-way line of the Wichita-Valley Center Flood Control RW Case No. A-39339; thence S60degrees44'20"W along the westerly Flood Control RW Case No. A-39338, 444.38 feet for a point of beginning; thence N29degrees15'40"W along said Flood Control RW Case No. A-39338, 115.00 feet; thence S60degrees44'20"W along said Flood Control RW Case No. A-39338, 247.71 feet; thence S63degrees45'13"E, 38.53 feet; thence S29degrees21'15"E, 83.25 feet; thence N60degrees44'20"E, 225.89 feet to the point of beginning (Containing 26,333.68 sq-ft or 0.60 acres more or less).

Portion of the Amidon Avenue right-of-way Vacation Description:

That part of Amidon Avenue lying west of and adjacent to the east line of the NW ¼ of Sec. 31, Twp 26-S, R-1-E of the 6th P.M., Sedgwick County, Kansas, lying east of and adjacent to the east line of Smyser Acres, Sedgwick County, Kansas, lying north of the northwest line of the Wichita-Valley Center Flood Control (Condemnation Case No. A-39383), and lying south of the following described line: beginning at the NW corner of Lot 9, Block 2, Pleasant Valley 2nd Addition, Sedgwick County, Kansas; thence westerly perpendicular to the east line of said

Smyser Acres, 20.00 feet more or less, to a point on the east said line of Smyser Acres, and there ending.

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 Wichita Eagle on November 14, 2001, 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 Wichita-Valley Center Flood Control easement and the above-described portion of the Amidon Avenue right-of-way, and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, 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 Wichita-Valley Center Flood Control easement and the portion of the Amidon Avenue right-of-way described herein should be approved.
6. Retain the vacated portion of Amidon Avenue as a utility easement.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 8th day of January 2002, ordered that the above-described portion of the Wichita-Valley Center Flood Control easement and the above-described portion of Amidon Avenue right-of-way are 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.

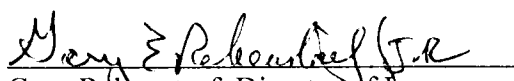
ATTEST:


Pat Burnett, City Clerk




Bob Knight, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

