

Planning Agenda # _____

City of Wichita
City Council Meeting
November 19, 2002

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: VAC2002-00032 - REQUEST TO VACATE DEDICATED DRAINAGE RIGHT-OF-WAY LOCATED SOUTHWEST OF THE LINCOLN - ROCK ROAD INTERSECTION.
(District V)

INITIATED BY: Metropolitan Area Planning Department *DM*

AGENDA ACTION: Planning

Staff Recommendation: Approve

MAPC Recommendation: Approve (unanimous)

Background: The applicant is requesting consideration for the vacation of a 30-foot deep (x) 134.45-foot wide section out the north end of the dedicated Gypsum Creek Drainage ROW. This Drainage ROW was created by Condemnation Case #C-2432 out of the southern portions of Lots 1 & 2, Block F, Broadmoor Addition. The remaining north 79.54-feet of Lot 1 is the applicant's property. The applicant proposes to build a garage on the vacated property. The owner of the south 70-feet of Lot 3, Block F, Broadmoor Addition, which abuts the west side of the drainage ROW, has requested that a 20-foot wide space be maintained between his property and the proposed vacated section. There is a sewer line running between the drainage ROW and the applicant's property on the east and Lots 2 & 3 on the west. Storm Water Management has agreed to vacate the north section of the drainage ROW, as requested by the applicant.

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 with the condition that certified copies of dedications by separate instruments will be recorded with the Register of Deeds for a 20-foot Landscape Easement, provide a Covenant tying the vacated portion of the Drainage ROW created by Condemnation Case #C-2432, a 2-foot addition to a Utility Easement, and retain the existing 16-foot utility easement between Lots 1 & 2-3, Block F, Broadmoor Addition.

Recommendations/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

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

**IN THE MATTER OF THE VACATION OF
DEDICATED DRAINAGE RIGHT-OF-WAY**

**GENERALLY LOCATED
SOUTHWEST OF LINCOLN – ROCK ROAD
INTERSECTION**

MORE FULLY DESCRIBED BELOW

Case No. VAC2002-00032

RECEIVED

NOV 26 2002

METROPOLITAN PLANNING
ROUTE ☐ _____
☐ _____

VACATION ORDER

NOW on this 19th day of November, 2002, comes on for hearing the petition for vacation filed by Abe Yazdani, praying for the vacation of the following described dedicated drainage right-of-way, to-wit:

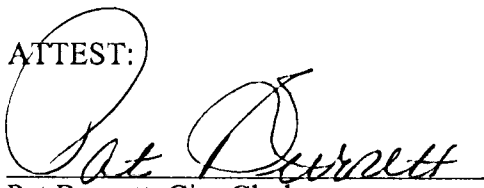
The north 30-foot deep (x) 134.45-foot wide section of the Gypsum Creek Drainage ROW taken by Condemnation Case #C-2432 (Lot 1, Block F, excluding the north 79.54-feet, Broadmoor Addition).

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:

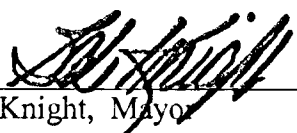
1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle on August 22, 2002, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described dedicated drainage right-of-way, 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 dedicated drainage right-of-way described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 19th day of November 2002, ordered that the above-described dedicated drainage right-of-way 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.

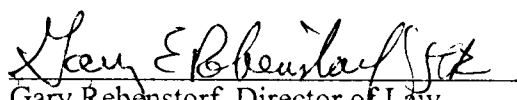
ATTEST:


Pat Burnett, City Clerk




Bob Knight, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

ROCK

ENOCH

LONGFELLOW

BAYLEY

DOREEN

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