

City of Wichita
City Commission Meeting
November 25, 1986

Agenda Report # _____

TO: Mayor and City Commissioners

SUBJECT: V-1413 - REQUEST TO VACATE A PORTION OF A DRAINAGE DEDICATION, LOCATED IN AREA EAST OF ROCK ROAD AND SOUTH OF CENTRAL.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve vacation of drainage dedication.

Background: Andeel and Andeel Property, 358 N. Rock Road, Wichita, KS 67206, is requesting this vacation in order to provide for off-street parking which has been constructed within the drainage dedication.

Analysis: The Planning Commission recommends the City Commission find: (1) that no private rights will be injured or endangered; and (2) the public will suffer no loss or inconvenience by granting by order the vacation, subject to:

1. Proper publication of notice of public hearing;
2. The absence of proper written protest filed with the City Clerk;
3. All proceedings being without cost to the City, County or any utility company;
4. Any relocation or reconstruction of utilities necessitated by this vacation shall be at the sole expense of the applicant;
5. The Vacation Order shall retain the vacated drainage dedication as a drainage easement; and
6. The applicant shall remove the portable structure which encroaches in the drainage easement that is being retained.

Legal Considerations: The City Clerk certifies as to proper notification and no filing of written protest.

Recommendations/Action: Close public hearing; approve vacation; authorize the Mayor to sign the Vacation Order; and record certified copy of order, recording costs to be billed to owner.

BEFORE THE BOARD OF CITY COMMISSIONERS
OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF PORTIONS OF)
DRAINAGE DEDICATION.)

GENERALLY LOCATED IN AN AREA EAST OF ROCK ROAD)
AND SOUTH OF CENTRAL. (V-1413))

MORE FULLY DESCRIBED BELOW)

Approved by Board of Commissioners
this NOV 25 1986

VACATION ORDER

NOW on this 25th day of November, 1986, comes on for hearing the petition for vacation filed by Andeel and Andeel Property and Frank L. Carney, praying for the vacation of the following described portions of a drainage dedication, to-wit:

ANDEEL PORTION

That part of the drainage dedication, lying east of and adjacent to Lot 1, Block A, Dean-Rupert Second Addition to Wichita, Sedgwick County, Kansas, described as beginning at the northeast corner thereof; thence southerly, along the east line of said Lot 1 (being a curve having a radius of 1090 feet, and a chord bearing S 13° 03' 05" W, 74.13 feet), an arc distance of 74.14 feet; thence S 15° 00' W, along the east line of said Lot 1, 102.14 feet; thence S 89° 49' 46" E, 6.88 feet; thence N 19° 08' 38" E, 180.82 feet; thence N 89° 49' 45" W, 23 feet to the place of beginning.

STATE OF KANSAS }
SEDGWICK COUNTY }
FILED FOR RECORD AT }
DEC 18 1986
8 52405
NO. PAT KETTLER
REGISTER OF DEEDS

CARNEY PORTION

That part of the drainage dedication lying east of and adjacent to Lot 1, Block A, Dean-Rupert Second Addition to Wichita, Sedgwick County, Kansas, described as commencing at the northeast corner thereof; thence southerly along the east line of said Lot 1 (being a curve having a radius of 1090 feet, and a chord bearing S 13° 03' 05" W, 74.13 feet), an arc distance of 74.14 feet; thence S 15° 00' W, along the east line of said Lot 1, 102.14 feet for a place of beginning; thence S 15° 00' W, along the east line of said Lot 1, 89.99 feet; thence N 19° 08' 38" E, 91.99 feet; thence N 89° 49' 45" W, 6.88 feet to the place of beginning. (V-1413)

MICROFILMED
OF RECORD *Ed. P. Casado*
Deputy

The City Commission, 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 Record of notice of this vacation proceeding for consecutive weeks on NOV 12 & 19, 1986.
2. No private rights will be injured or endangered by the vacation of the above-described portions of a drainage dedication, 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 vacated portions of the drainage dedication are hereby retained as a drainage easement.
6. The vacation of the portions of a drainage dedication described herein should be approved.

IT IS, THEREFORE, BY THE BOARD OF CITY COMMISSIONERS, on this 25th day of November, 1986, ordered that the above-described drainage dedications 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:

Tony Casado
Tony Casado, Mayor

Donald C. Cisick
Donald C. Cisick, City Clerk

Approved as to Form:

Wm. H. Powell

Wm. H. Powell, Director of Law

City Clerk

ROCK

CENTRAL

RESERVE A

DEAN-RUPERT

FIRST ADD.

Transamerican
Investment

A

and

Carney

CARNEY

DEAN-RUPERT
SECOND ADD.

VENTURE
PARK

DEDICATION

LANE

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