

Planning Agenda Item # _____

City of Wichita
City Council Meeting
February 12, 1991

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1695 - REQUEST TO VACATE A PLATTED FLOODWAY
AND UTILITY EASEMENT; LOCATED NORTH OF 50TH STREET SOUTH AND
WEST OF SENECA
(District #4)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of platted floodway and utility easement.

MAPC Recommendation: Approve vacation of platted floodway and utility easement. (unanimous)

Background: The applicant requests the vacation to allow for the expansion and reconstruction of a portion of Dutch's Greenhouse. A drainage easement and substitute sanitary sewer easement have been submitted for dedication. Access control except for one opening has also been submitted for dedication along Seneca. The City Engineer and the utility companies have indicated their approval of the vacation. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions.

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

Recommendations/Action: Close public hearing, accept the dedication for a drainage easement, a sanitary sewer easement and for access control; approve vacation; authorize the Mayor to sign the Vacation Order; and record certified copy of Order and the dedications, recording costs to be billed to:

150029-2909

Feb 11 1991

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

IN THE MATTER OF THE VACATION OF)
A PLATTED FLOODWAY AND UTILITY)
EASEMENT.)
)
GENERALLY LOCATED NORTH OF 50TH STREET)
SOUTH AND WEST OF SENECA. (V-1695))
)
)
)
MORE FULLY DESCRIBED BELOW)

MICROFILMED
OF RECORD

VACATION ORDER

NOW on this 12th day of February, 1991, comes on for hearing the petition for vacation filed by Gerald DeRee, praying for the vacation of the following described platted floodway and utility easement, to-wit:

FLOODWAY

Beginning at the southeast corner of Lot 1, Block 1, Seneca Hills 2nd Addition to Wichita, Sedgwick County, Kansas; thence north along the east line of said Lot 1, 150 feet; thence west, parallel to the south line of said Lot 1, 28 feet; thence south, parallel to and 28 feet west of the east line of said Lot 1, 80 feet; thence west, parallel to the south line of said Lot 1, 172 feet; thence south, parallel to the east line of said Lot 1, 70 feet to the south line of said Lot 1; thence east, along the south line of said Lot 1, 200 feet to the point of beginning.

UTILITY EASEMENT

The 10 foot utility easement common to the north 133.72 feet of Lots 1 and 2 as platted in A. Verne Roberts Addition, Wichita, Sedgwick County, Kansas; together with the north 8 feet of Lots 1 and 2 in said addition, except the west 5 feet thereof.

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 of notice of this vacation proceeding for consecutive weeks on 1/29/91 + 2/5/91.

goc.k
City Clerk

Vacation Order
V-1695
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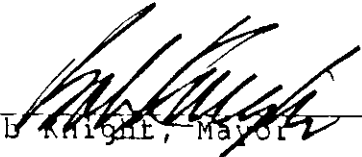
2. No private rights will be injured or endangered by the vacation of the above-described platted floodway and utility easement, and the public will suffer no loss or inconvenience thereby.

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 platted floodway and utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 12th day of February, 1991, ordered that the above-described platted floodway and utility 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:

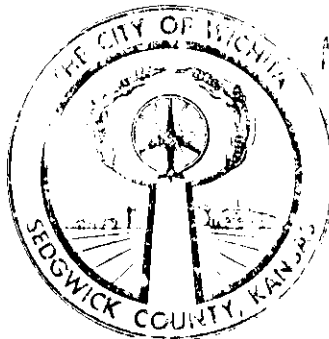

Pat Burnett, Deputy City Clerk

Approved as to Form:


Thomas Powell, Director of Law



State of Kansas)
Sedgwick County) ss
City of Wichita)
I, Pat Burnett, Deputy City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is attached is a true and correct copy of the original on file in my office as the City Clerk. Given under my hand and seal of the City of Wichita, this FEB 12 1991
 Deputy City Clerk



APR 10 1991 1126902
REGISTER OF DEEDS

