

Planning Agenda # _____

**City of Wichita
City Council Meeting
February 4, 1997**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2004 REQUEST TO VACATE A DRAINAGE
EASEMENT LOCATED IN AN AREA NORTH OF 55TH STREET SOUTH
AND WEST OF MOSLEY.
(District #4)

INITIATED BY: Metropolitan Area Planning Department 

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of drainage easement.

MAPC Recommendation: Approve vacation of drainage easement. (unanimous)

Background: The applicant wishes to remove an unneeded drainage easement from the site. The drainage easement was provided for in the original development but during development a different drainage routing was used. City Engineering and the utility representatives of the Subdivision Committee indicate that no facilities are located within the easement therefore the drainage easement may be vacated. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions. No members of the public addressed MAPC in opposition to this request.

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

Recommendations/Actions: Close the public hearing, approve the vacation; authorize the Mayor to sign the Vacation Order; and record the certified copy of the Vacation Order; recording costs to be billed to: 150029-2909

MICROFILMED
OF RECORD

Approved / / Noted By City Clerk
This FEB 4 1997 FILE 679 PAGE 0544
COPY

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

IN THE MATTER OF THE VACATION OF
DRAINAGE EASEMENT

GENERALLY LOCATED
NORTH OF 55TH STREET SOUTH AND
WEST OF MOSLEY

MORE FULLY DESCRIBED BELOW

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)
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) Case No. V-2004-10.00A-M
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)
)
)



STATE OF KANSAS }
SEDGWICK COUNTY } SS
FILED FOR RECORD AT
1589612 & 106
LARRY CONSOLVER
REGISTER OF DEEDS

Diana M. Haskins
Deputy

VACATION ORDER

NOW on this 4th day of February, 1997, comes on for hearing the petition for vacation filed by James R. Barrett, Sr., and Mark S. Gietzen, praying for the vacation of the following described drainage easement, to-wit:

All of the 20 foot wide drainage easement, lying 10 feet north and south of the common lot line between Lots 18 and 19, Block A, Riverside Third Addition to Wichita, Sedgwick County, Kansas, not including any of the 20 foot utility easement adjacent to the west line of said Lots 18 and 19.

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 1/22/97 & 1/29/97.
2. 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.
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 drainage easement described herein should be approved.

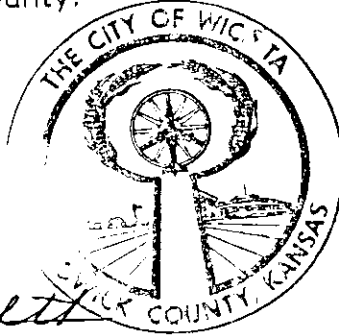
City Hall - City Clerk

800
150029

COPY

Vacation Order
V - 2004

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 4th day of February, 1997, ordered that the above-described drainage 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.



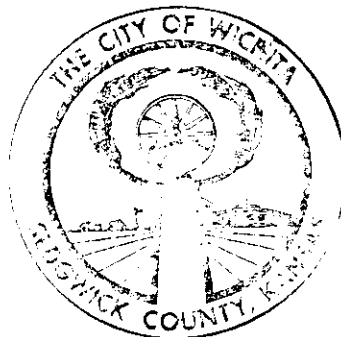
Bob Knight
Bob Knight, Mayor

ATTEST:

Pat Burnett
Pat Burnett, City Clerk

Approved as to Form:

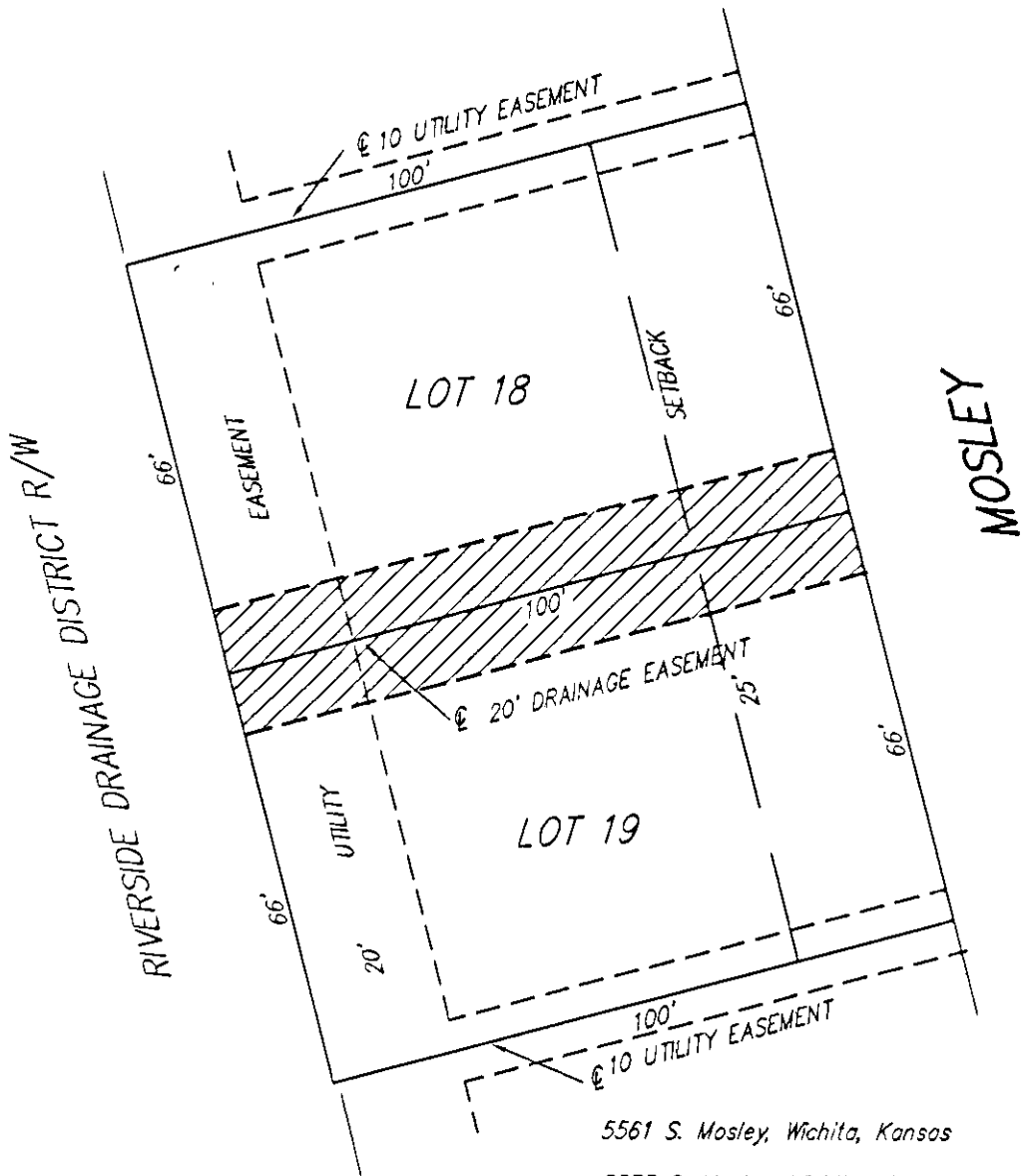
Gary Rebanstorf
Gary Rebanstorf, Director of Law



State of Kansas)
Sedgwick County)
City of Wichita)
I, Pat Burnett, City Clerk of the City of Wichita, Kansas, hereby certify that the document on which this is affixed is a true and correct copy of the original. We in the office of the City Clerk.

FEB 4 1997
Pat Burnett

VACATION REQUEST 20' DRAINAGE EASEMENT



5561 S. Mosley, Wichita, Kansas

5575 S. Mosley, Wichita, Kansas

DESCRIPTION:

All of the 20' Drainage Easement centered on the line common to Lots 18 and 19, Block A, Riverside Third Addition to Wichita, Sedgwick County, Kansas.

SRB