

**City of Wichita
City Council Meeting
November 19, 1996**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1989 REQUEST TO VACATE A DETENTION AREA AND DRAINAGE EASEMENT LOCATED IN AN AREA SOUTH OF 31ST STREET SOUTH AND EAST OF HYDRAULIC
(District #3)

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of a detention area and drainage easement.

MAPC Recommendation: Approve vacation of a detention area and drainage easement.
(unanimous)

Background: The applicant wishes to vacate the platted detention area and drainage easement so that they may gain use of this portion of their property for locating structures associated with their planned development of this site. Upon vacation of the existing easement, a new drainage easement, in accordance with the revised approved drainage plan, will be granted to the city in a location more suited to the applicant's development plan. Both City Engineering and the utility representatives of the Subdivision Committee indicate that no facilities are located in the easement and the revised drainage easement on the site is adequate to serve the area. Therefore, the drainage easement may be vacated so as to allow the applicant to develop in this area.

The vacation request has been reviewed and approved by the Planning Commission, subject to conditions. No members of the public addressed the 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: Accept the dedication of drainage easement; close the public hearing, approve the vacation; authorize the Mayor to sign the Vacation Order; and record the certified copy of the Vacation Order and the dedication of drainage easement; recording costs to be billed to: 150029-2909

COPY

Approved / Accepted By City Council

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

This NOV 19 1996

IN THE MATTER OF THE VACATION OF DETENTION AREA AND DRAINAGE EASEMENT GENERALLY LOCATED SOUTH OF 31ST STREET SOUTH AND EAST OF HYDRAULIC MORE FULLY DESCRIBED BELOW

Case No. V-1989

STATE OF KANSAS SEDGWICK COUNTY FILED FOR RECORD AT 9:00 AM 1580649 225 LARRY CONSOLV REGISTER OF DEEDS

Deanna M. ... Deputy

VACATION ORDER

NOW on this 19th day of November, 1996, comes on for hearing the petition for vacation filed by Ritchie Sand, Inc., praying for the vacation of the following described detention area and drainage easement, to-wit:

A portion of Lot 2, Block 1, I-135 Power Center Addition, described as commencing at the northwest corner of Section 10, Township 28 South, Range 1 East, thence bearing N89°46'40"E, along the north line of said section 10, a distance of 760.00 feet; thence bearing S0°00'00"E a distance of 20.00 feet to point of beginning; thence bearing S0°00'00"E a distance of 430.00 feet; thence bearing N89°46'40"E a distance of 363.84 feet; thence bearing N24°19'27"E a distance of 472.72 feet; thence bearing S89°46'40"W a distance of 558.56 feet to the point of beginning.

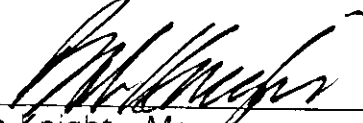
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

- 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 11/8/96 & 11/15/96.
2. No private rights will be injured or endangered by the vacation of the above-described detention area and 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.

COPY

5. The vacation of the detention area and drainage easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 19th day of November, 1996, ordered that the above-described detention area and 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.

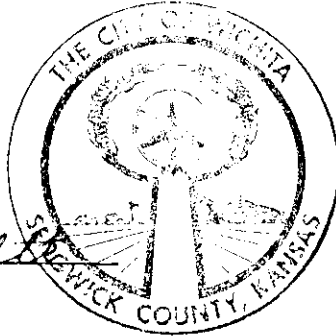


Bob Knight, Mayor

ATTEST:



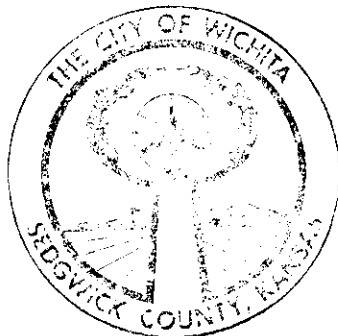
Pat Burnett, City Clerk

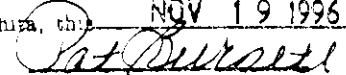


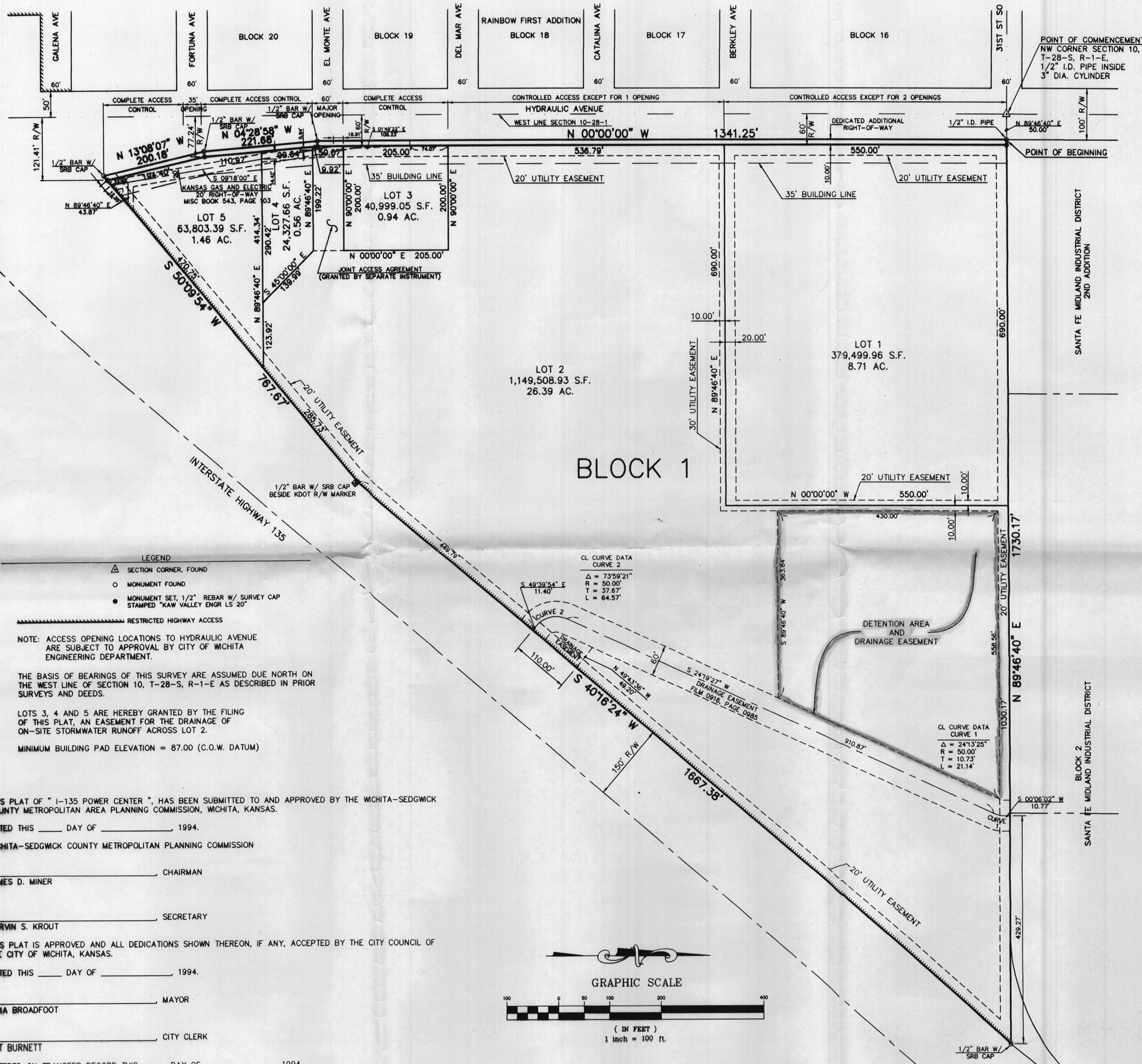
Approved as to Form:



Gary Rebenstorf, Director of Law



state of Kansas)
Sedgwick County) ss
City of Wichita)
I, **Pat Burnett** City Clerk of the City
of Wichita, Kansas, hereby certify that the document
to which this is affixed is a true and correct copy of
the original, on file in the office of the City Clerk.
Given under my hand and seal of the City of
Wichita, this NOV 19 1996
 City Clerk



- LEGEND**
- △ SECTION CORNER, FOUND
 - MONUMENT FOUND
 - MONUMENT SET, 1/2" REBAR W/ SURVEY CAP STAMPED "KAW VALLEY ENGR LS 20"
- ===== RESTRICTED HIGHWAY ACCESS

NOTE: ACCESS OPENING LOCATIONS TO HYDRAULIC AVENUE ARE SUBJECT TO APPROVAL BY CITY OF WICHITA ENGINEERING DEPARTMENT.

THE BASIS OF BEARINGS OF THIS SURVEY ARE ASSUMED DUE NORTH ON THE WEST LINE OF SECTION 10, T-28-S, R-1-E AS DESCRIBED IN PRIOR SURVEYS AND DEEDS.

LOTS 3, 4 AND 5 ARE HEREBY GRANTED BY THE FILING OF THIS PLAT, AN EASEMENT FOR THE DRAINAGE OF ON-SITE STORMWATER RUNOFF ACROSS LOT 2.

MINIMUM BUILDING PAD ELEVATION = 87.00 (C.O.W. DATUM)

CL CURVE DATA

CURVE 2	
Δ = 73°59'21"	R = 50.00'
T = 37.67'	L = 64.57'

CL CURVE DATA

CURVE 1	
Δ = 24°13'25"	R = 50.00'
T = 10.73'	L = 21.14'

THIS PLAT OF " I-135 POWER CENTER ", HAS BEEN SUBMITTED TO AND APPROVED BY THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, WICHITA, KANSAS.

DATED THIS _____ DAY OF _____, 1994.
 WICHITA-SEDGWICK COUNTY METROPOLITAN PLANNING COMMISSION

_____, CHAIRMAN
 JAMES D. MINER

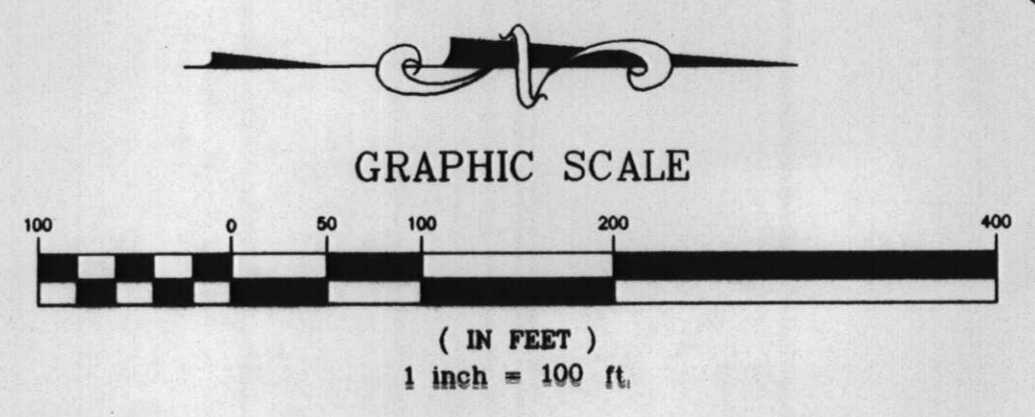
_____, SECRETARY
 MARVIN S. KROUT

THIS PLAT IS APPROVED AND ALL DEDICATIONS SHOWN THEREON, IF ANY, ACCEPTED BY THE CITY COUNCIL OF THE CITY OF WICHITA, KANSAS.

DATED THIS _____ DAY OF _____, 1994.

_____, MAYOR
 ELMA BROADFOOT

_____, CITY CLERK
 PAT BURNETT



ENTERED ON TRANSFER RECORD THIS _____ DAY OF _____, 1994