

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION  
TO BOARD OF COUNTY COMMISSIONERS

**PROPOSED AGENDA ITEMS:** Request to vacate a 20-foot drainage easement located South of Harry and east of 143rd Street East.

**PRESENTED BY:** Marvin S. Krout, Director of Planning

*Marvin S. Krout  
Director of Planning*

**PROPOSED AGENDA DATE:** August 21, 1996

**COMMISSION DISTRICT # 5**

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MAPC Recommendation: Approve, subject to conditions. (11-1)

Staff Recommendation: Approve, subject to conditions.

Background: The applicant desires to remove an unneeded drainage easement from the site. The drainage easement was provided for in the original development and during development a different drainage easement routing was established and dedicated. Both County Engineering and the utility representatives of the Subdivision Committee indicate that no facilities are located in the easement and the newer 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. The reason given for the one dissenting vote was that the Commissioner was opposed to any development or redevelopment in a flood plain. No members of the public addressed the MAPC in opposition to this request.

This request is within 3-miles of the City of Wichita and consequently was scheduled for review by the Wichita City Council. The Wichita City council heard and approved this vacation.

Recommended Action: 1. Open public hearing to receive public comments; close public hearing, approve the vacation order and authorize the chair to sign.

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Applicants: Daniel J. and Kathleen B. Taylor, 9323 E. 37th St. North, Wichita, KS 67226

Protestors: None

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF )  
A 20 FOOT DRAINAGE EASEMENT )  
 )  
GENERALLY LOCATED SOUTH OF HARRY ) MAPD CASE NO. V-1975  
AND EAST OF 143RD STREET EAST )  
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VACATION ORDER

NOW on this 21st day of August 1996, at 9:00 o'clock A.M. comes on for hearing a petition praying for the vacation of the following-described real property, to wit:

See legal description marked Exhibit "A" attached hereto and incorporated herein by reference.

WHEREUPON, it is shown that proper notice has been given by publication once each week for three consecutive weeks in the official county paper, the first such publication having occurred on July 31, 1996, and it is further shown that proper proof of such publication has been filed herein. The Board finds that such notice is in lawful form and that it conforms to K.S.A. 58-2613.

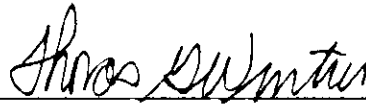
THEREAFTER, the Board, having heard all interested parties and being otherwise duly advised in the premises, finds and determines that no private rights will be injured or endangered by such vacation; that the public will suffer no loss or inconvenience thereby; that no written objections hereto have been filed with the Sedgwick County Clerk; and

that, in justice to the petitioner, the petition's prayer should be granted.

The Board further finds that on the 27th day of June, 1996, the Metropolitan Area Planning Commission recommended that the vacation petition herein be approved; and on the 6th day of August, 1996, the City Council of the City of Wichita recommended that the said petition be approved.

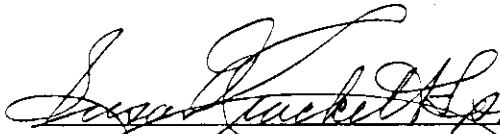
THEREFORE, IT IS ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS THAT the above-described real property be and the same is hereby vacated.

BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS



Thomas G. Winters, Chairman


ATTEST:



Susan E. Crockett-Spoon  
County Clerk



APPROVED AS TO FORM:



Richard A. Euson  
Assistant County Counselor

**EXHIBIT "A"**

The platted easement for drainage purposes 20 feet in width over a portion of Lot 1, Block 1, "ARBOR LAKES BAPTIST CHURCH ADDITION" to Sedgwick County, Kansas, the centerline of which is described as follows: BEGINNING at a point on the Northwesternly line of Lot 1, Block 1, "ARBOR LAKES BAPTIST CHURCH ADDITION" with a platted bearing of South  $55^{\circ}31'15''$  West, a distance of 63.77 feet from the Northern most corner of said Lot; thence South  $34^{\circ}28'45''$  East to the point of termination, said point being on the Southeasterly line of said Lot with a platted bearing of South  $35^{\circ}28'31''$  West, a distance of 24.40 feet from the Eastern most corner of said Lot. The side lines of said 20 foot easement to be extended or shortened and to terminate at the Northwesternly and Southeasterly lot lines of said Lot 1, Block 1, "ARBOR LAKES BAPTIST CHURCH ADDITION" to Sedgwick County, Kansas, EXCEPT that part of a 20 foot wide drainage easement recorded on Film 496, at Page 147.

