

Planning Agenda # _____

**City of Wichita
City Council Meeting
November 9, 1999**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: V-2198 - REQUEST TO VACATE DRAINAGE EASEMENT
LOCATED SOUTH OF 25TH STREET NORTH AND WEST OF
WASHINGTON.
(District VI)

INITIATED BY: Metropolitan Area Planning Department *W Krout*

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation drainage easement.

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

Background: The applicant is requesting to vacate the described drainage easement along his north property line for expansion of his salvage business. This easement is in excess of the 20 feet from the top bank of the drainage ditch needed for maintenance, which has been determined unnecessary by the City Engineer's Office and the Director of Public Works.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Recommendations/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the Mayor to sign.

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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) Case No. V-2198
SOUTH OF 25TH STREET NORTH AND WEST)
OF WASHINGTON AVENUE)
)
)
)
MORE FULLY DESCRIBED BELOW)**

VACATION ORDER

NOW on this 9th day of November, 1999, comes on for hearing the petition for vacation filed by Kamen, Inc., c/o Sheldon Kamen, praying for the vacation of the following described drainage easement, to-wit:

For Partial Vacation –

All land defined as Tract No. 7, Condemnation Case No. 22052, otherwise described as:

Beginning at a point 30.0 feet West and 1,561.25 feet North of the Southeast corner of the Southwest ¼, Section 4, Township 27 South, Range 1 East of the Sixth Principal Meridian, said point also being the intersection of the West line of Washington Avenue and the South line of the C. R. I. & P. Railroad right-of-way; thence along said West line, bearing South 0° 44' 16" East, a distance of 680.59 feet, more or less, to the intersection with the North line of the Missouri Pacific Railroad right-of-way; thence along said North line, bearing South 30° 33' 05" West, a distance of 186.73 feet; thence North 59° 26' 55" West, a distance of 110.0 feet; thence North 3° 47' 36" West, a distance of 308.69 feet; thence North 60° 29' 17" West, a distance of 60.0 feet, more or less, to the South line of said C. R. I. & P. Railroad right-of-way; thence along said South line, bearing North 29° 30' 43" East, a distance of 514.63 feet to the point of beginning. The above contains 126,575 square feet, more or less.

Lying within the following described Tract:

Beginning at a point 549.35 feet West and 30.0 feet North of the Southeast corner of the Southwest ¼, Section 4, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas; thence Northeasterly along the West right-of-way line of the Missouri Pacific Railroad, a distance of 664.19 feet to the point of beginning; thence Northeasterly along the West right-of-way line of the Missouri Pacific Railroad, a distance of 260.0 feet; thence North 59° 26' 55" West, a distance of 110.0 feet; thence North 3° 47' 36" West, a distance of 308.69 feet; thence North 60° 29' 17" West, a distance of 60.0 feet, to a point on the East right-of-way of the Chicago Rock Island Railroad; thence Southerly along the East right-of-way line of the Chicago Rock Island Railroad, a distance of 705.0 feet more or less; thence East a distance of 313.5 feet, more or less, to the point of beginning.

Except that land which is located North and East of a line located 20 feet from the South and West high bank of the concrete lined drainage ditch.

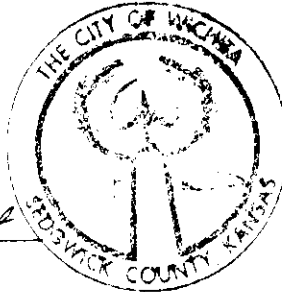
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

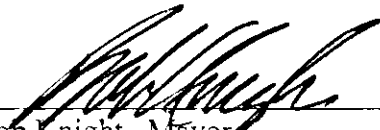
1. That due and legal notice has been given by publication as required by law, by publication in the Daily Reporter on October 5, 1999, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described drainage easement, 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.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 9th day of November, 1999, 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.

ATTEST:


Pat Burnett, City Clerk




Bob Knight, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

