

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION  
TO BOARD OF COUNTY COMMISSIONERS

**PROPOSED AGENDA ITEMS:** VAC200-00018 Request to vacate a 5-foot utility easement and a portion of a 35-foot drainage easement generally located south of 63<sup>rd</sup> Street South and west of 127<sup>th</sup> Street East.

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

*M. Krout  
Dir*

**PROPOSED AGENDA DATE:** July 12, 2000

**COMMISSION DISTRICT** #5

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MAPC Recommendation: Approve. (unanimous)

Staff Recommendation: Approve.

Background/Discussion: The applicant is requesting to vacate a 5-foot utility easement and a portion of a 35-foot drainage easement. A portion of the residence located on this lot encroaches these easements, which adversely effects the marketability of the title to this property. The encroachment also prevents further improvement of this property.

This request is beyond 3-miles of the city of Wichita and consequently was not scheduled for review by the City Council.

County Engineering and private utility representatives indicated that these easements did not need to be retained.

No members of the public addressed the MAPC in opposition to these requests.

Recommended Action: 1. Approve the vacation order to vacate a 5-foot utility easement and a portion of a 35-foot drainage easement, and authorize the Chairman to sign.

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Applicants: Thomas L. Scott, 6604 Eagle Drive, Derby, KS 67201

Protestors: None

BEFORE THE COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF )  
A 5-FOOT UTILITY EASEMENT AND A )  
PORTION OF A 35-FOOT )  
DRAINAGE EASEMENT )  
GENERALLY LOCATED )  
SOUTH OF 63<sup>RD</sup> STREET SOUTH AND WEST OF )  
127<sup>TH</sup> STREET EAST )

STATE OF KANSAS } ss  
SEDGWICK COUNTY }

JUL 13 2 12 PM '00

BILL MEEK  
REGISTER OF DEEDS

MAPD CASE NO. VAC2000-00018



*Deane J. Anderson*  
Deputy

VACATION ORDER

NOW on this 12<sup>th</sup> day of July, 2000, at 9:00 o'clock A.M., comes the petition filed by Thomas L. Scott, praying for the vacation of the following-described portion of a 5-foot utility easement and a portion of a 35-foot drainage easement, to-wit:

Drainage Easement: That part of Lot 2, Block 11, Fairway Meadows Addition, Sedgwick County, Kansas; described as commencing at the southeast corner thereof; thence N 0 deg 00'00" E along the east line of said Lot 2, 35 feet, said point beginning on the north line of a 35 foot drainage easement on said lot 2; thence N 89 deg 24'42" W along said north line, 72.0 feet for a point of beginning; thence continuing N 89 deg 24'42" W, 26.5 feet; thence S 72 deg 45'16" E, 25.5 feet; thence N 17 deg 14'44 E, 7.6 feet to the point of beginning.

Utility Easement: The 5-foot utility easement running in an east/west direction running through Lot 2, Block 11, Fairway Meadows Addition, the south border of which is approx. 35 feet north of the south line of Lot 2.

WHEREUPON, it is shown that proper notice has been given by publication once at least 20 days prior to the date of hearing in the official county newspaper, such publication having occurred on May 24, 2000; 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, and amendments thereto.

RECEIVED

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METROPOLITAN PLANNING  
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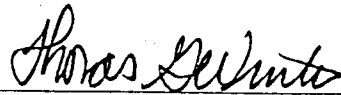
County Clerk

THEREAFTER, the Board, being 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 the Metropolitan Area Planning Commission held a public hearing on the 8<sup>th</sup> day of June 2000, and recommended that the vacation petition herein be approved.

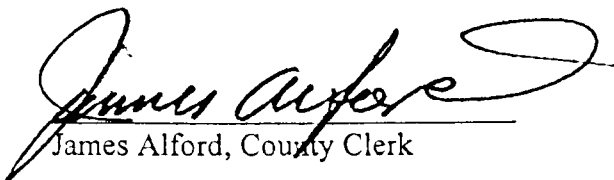
THEREFORE, IT IS ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, that a 5-foot utility easement and a portion of a 35-foot drainage easement described herein is hereby vacated.

**BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS**



Thomas G. Winters, Chairman

ATTEST:



James Alford, County Clerk

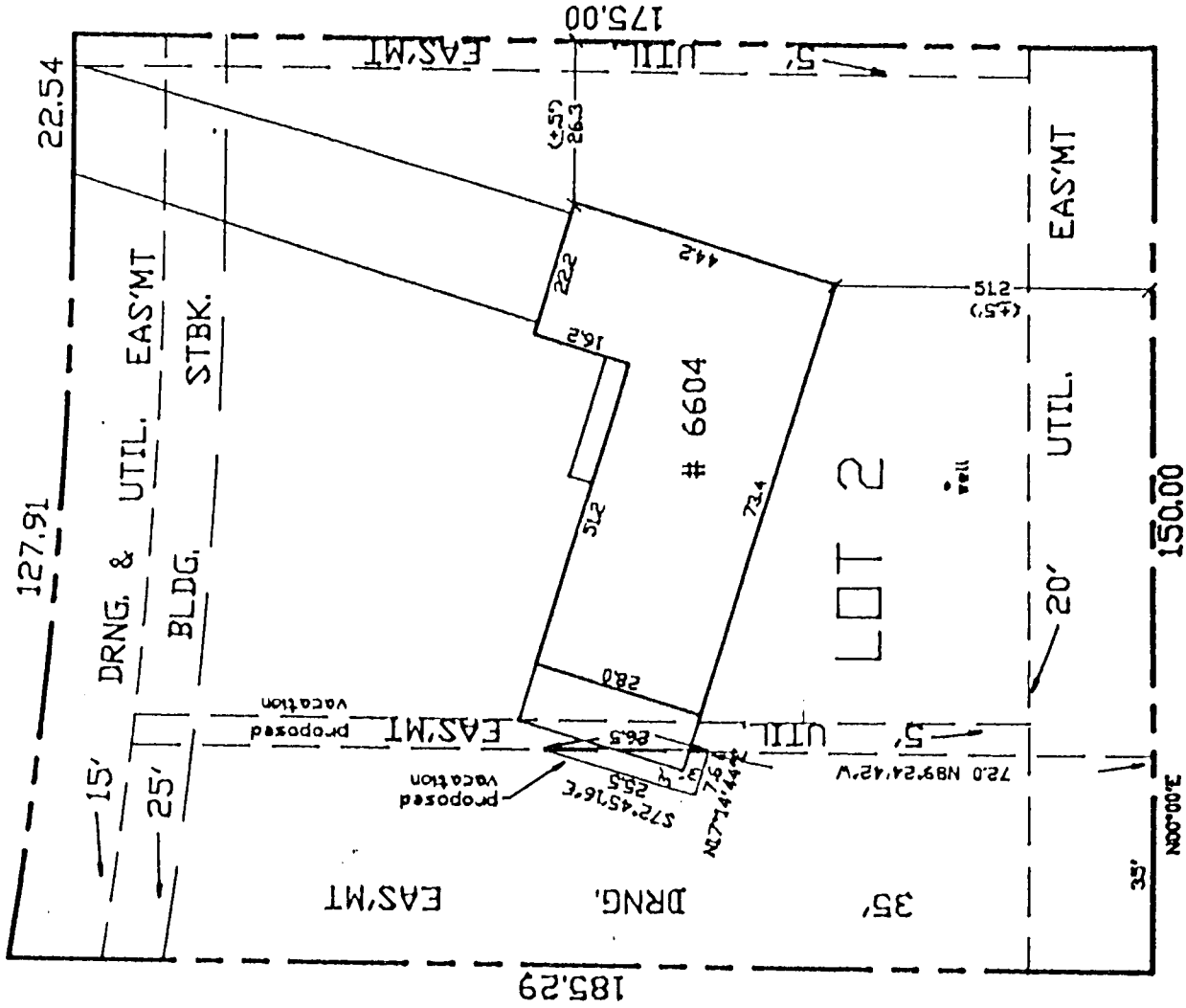


APPROVED AS TO FORM:



Richard A. Euson  
County Counselor

EAGLE DR.



V.D.# 16020-3

VAC2000-18