

City of Wichita  
City Council Meeting  
June 3, 2003

Agenda Report No.

**TO:** Mayor and City Council

**SUBJECT:** VAC2003-00010 REQUEST TO VACATE A PORTION OF A PLATTED DRAINAGE - UTILITY EASEMENT LOCATED SOUTHWEST OF THE KELLOGG STREET - WOODLAWN BOULEVARD INTERSECTION. (District II)

**INITIATED BY:** Metropolitan Area Planning Department *DM*

**AGENDA:** Planning

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**Background:** The applicant is requesting that a 10-foot wide (x) 60-foot long portion of a 105-foot (east end) to 80-foot (west end) wide platted drainage-utility easement be vacated. The applicant proposes to build 40-foot (x) 25-foot freestanding building in the encroached area, which is on Lot 14, Block E, AJ Christman 3<sup>rd</sup> Addition. The AJ Christman 3<sup>rd</sup> Addition was recorded 08-27-1953.

**Analysis:** The 35-foot portion of the platted easement runs parallel to the north property line of Lot 14, Block E, AJ Christman Addition, 6340 Eastwood Avenue. The applicant is proposing to build a as part of expansion of the existing church. There is drainage pipe in the easement, but no sewer at this location. There is no water or other utilities located in the easement. Storm Water Management recommends vacation of the easement only where there is an encroachment into it as given in the the metes and bounds legal description.

There was one spoker in opposition to this request at the MAPC's advertised public hearing. The MAPC noted that the speaker's opposition was to the proposed aesthetics of the building and not the encroachment. The MAPC informed the speaker that Storm Water Management had instructed Staff and the MAPC that the proposed encroachment would not adversely effect the drainage of the area. 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.

**Recommendation/Actions:** Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

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

**IN THE MATTER OF THE VACATION OF )  
A PORTION OF A PLATTED DRAINAGE - )  
UTILITY EASEMENT )**

**GENERALLY LOCATED )  
SOUTHWEST OF THE KELLOGG STREET - )  
WOODLAWN BOULEVARD INTERSECTION )**

**Case No. VAC2003-00010**

**MORE FULLY DESCRIBED BELOW )**

**VACATION ORDER**

NOW on this 3<sup>rd</sup> day of June, 2003, comes on for hearing the petition for vacation filed by Wichita Bible Church c/o Dwayne Lancaster, praying for the vacation of the following described a portion of a platted drainage – utility easement, to-wit:

The south 10-feet of the north 35-feet of the east 60-feet of the platted 35-foot utility – drainage easement on Lot 14, Block E, AJ Christman 3<sup>rd</sup> Addition, an addition to Wichita, Sedgwick County, Kansas.

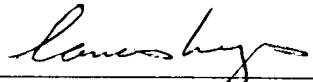
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Derby Reporter on April 17, 2003, 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 portion of the platted drainage – utility 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 a portion of the platted drainage – utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 3<sup>rd</sup> day of June 2003, ordered that the above-described a portion of the platted drainage – utility 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.

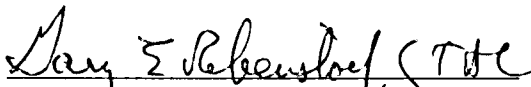
  
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Carlos Mayans, Mayor

ATTEST:

  
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Pat Graves, City Clerk

Approved as to Form:



  
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Gary Rebenstorf, Director of Law

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