

Agenda Item No. _____

City of Wichita
City Council Meeting
June 8, 2004

Agenda Report No. _____

TO: Mayor and City Council

SUBJECT: VAC2004-00015 Request to vacate a portion of a platted drainage easement located northeast of the 29th Street North – Ridge Road intersection, more specifically north of the 29th Street North – North Ridge Port street intersection, 3221 North Shore Court.
(District V)

INITIATED BY: Metropolitan Area Planning Department *JIS*

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Background: The applicant is requesting consideration for the vacation of a portion of the platted 20-foot drainage easement that runs parallel to the west side of Lot 46, Block 4, Ridge Port Addition. The Southern Ridge Addition was recorded with the Register of Deeds June 8, 2004.

Analysis: The applicant's house has been built into a portion of the platted easement, as described in the legal description. There are no sewer, water lines or other utilities in the easement in the platted easement. There is a storm water drainage line in the easement. 10-foot of the platted 20-foot drainage easement is in applicant's lot. No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation. No written protests have been filed.

Financial Considerations: None

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.

RECEIVED

JUN 21 2004

METROPOLITAN PLANNING
ROUTE _____

**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)
EASEMENT)**

**GENERALLY LOCATED)
NORTHEAST OF THE 29TH STREET NORTH -)
RIDGE ROAD INTERSECTION, MORE)
SPECIFICIALLY NORTH OF THE 29TH STREET)
NORTH – NORTH RIDGE PORT STREET)
INTERSECTION)**

Case No. VAC2004-00015

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 8th day of June, 2004 comes on for hearing the petition for vacation filed by Bruce & Laura Matthews, praying for the vacation of the following described portion of a platted drainage easement, to-wit:

A portion of a 10 foot Drainage Easement as platted in Lot 46, Block 4, Ridge Port Addition, Wichita, Sedgwick County, Kansas, described as commencing at the SW corner of said Lot 46; thence easterly along the south line of said Lot 46, 10.07 feet to a point on the east lien of said 10 foot Drainage Easement; thence N28°24'18"W, along the east line of said 10 foot Drainage Easement, 24.98 feet for a point of beginning; thence S77°57'50"W, 5.40 feet; thence N12°02'10"W, 18.36 feet to a point on said 10 foot Drainage Easement thence S28°24'18"E, along the east line of said 10 foot Drainage Easement 10.14 feet to the Point of Beginning.

That portion of the platted 20-foot drainage easement lying in Lot 46, Block 4, as dedicated in the Ridge Port Addition, Wichita, Sedgwick County, Kansas

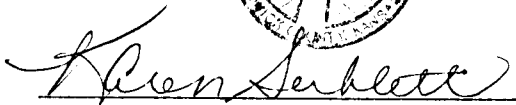
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

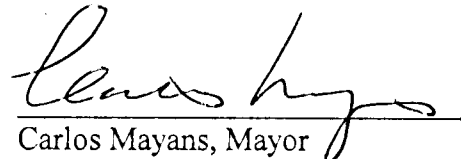
1. That due and legal notice has been given by publication as required by law, by publication in The Derby Reporter on April 15, 2004, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described portion of the platted drainage 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 portion of the platted drainage easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 8th day of June 2004 ordered that the above-described a portion of a platted 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.

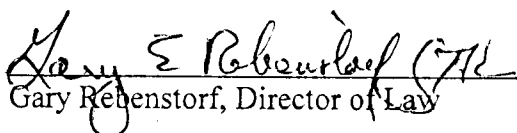
ATTEST:




Karen Sublett, City Clerk


Carlos Mayans, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law



NORTH SHORE

RIDGE PORT

NORTH SHORE CT.

SHADOW LAKES



