

City of Wichita
City Council Meeting
May 4, 2004

Agenda Report No. _____

TO: Mayor and City Council

SUBJECT: VAC2004-00011 Request to vacate a portion of a platted building setback and drainage and utility easement, generally located midway between 21st Street North and 29th Street North, east of Woodlawn Boulevard, more specifically southeast of the 25th Street North – Mainsgate Street intersection, 2609 and 2611 Cameron. (District I)

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

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Background: The applicant is requesting consideration for the vacation of the west 3-feet of the north 26.5-foot of the platted 20-foot drainage/utility easement – setback that runs parallel to the east property line of Lot 8, Block 1, The Village at Waterford Addition. The Village at Waterford Addition was recorded with the Register of Deeds August 13, 1993.

Analysis: The applicant proposes the vacation of the easement/setback to remove the house's overhang of the roof out of the platted easement/setback. There is no sewer in the platted easement, but there is water in it. Public Works and Storm Water have approved the vacation request. 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

MAY 13 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 AND)
UTILITY EASEMENT AND BUILDING)
SETBACK LINE)**

**GENERALLY LOCATED)
MIDWAY BETWEEN 21ST STREET NORTH AND)
29TH STREET NORTH, EAST OF WOODLAWN)
ON CAMERON STREET)**

Case No. VAC2004-00011

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 4th day of May, 2004 comes on for hearing the petition for vacation filed by James and Nancy Harris, praying for the vacation of the following described vacation of a portion of a platted drainage and utility easement and building setback line, to-wit:

That part of Lot 8, Block 1, The Village at Waterford, an addition to Wichita, Sedgwick County, Kansas, described as follows: The west 3-feet of the north 26.5-foot of the platted 20-foot drainage/utility easement – building setback line.

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 March 18, 2004, which was at least 20 days prior to the

public hearing.

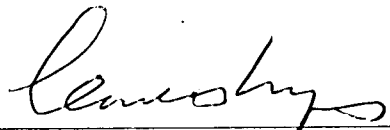
2. No private rights will be injured or endangered by the vacation of the above-described vacation of a portion of a platted utility and drainage easement and building setback line, and the public will suffer no loss or inconvenience thereby.

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.

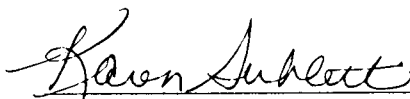
5. The vacation of a portion of a platted utility and drainage easement and building setback line, described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 4th day of May 2004 ordered that the above-described vacation of a portion of a platted drainage and utility easement and building setback line 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.

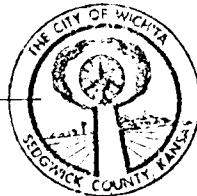


Carlos Mayans, Mayor

ATTEST:



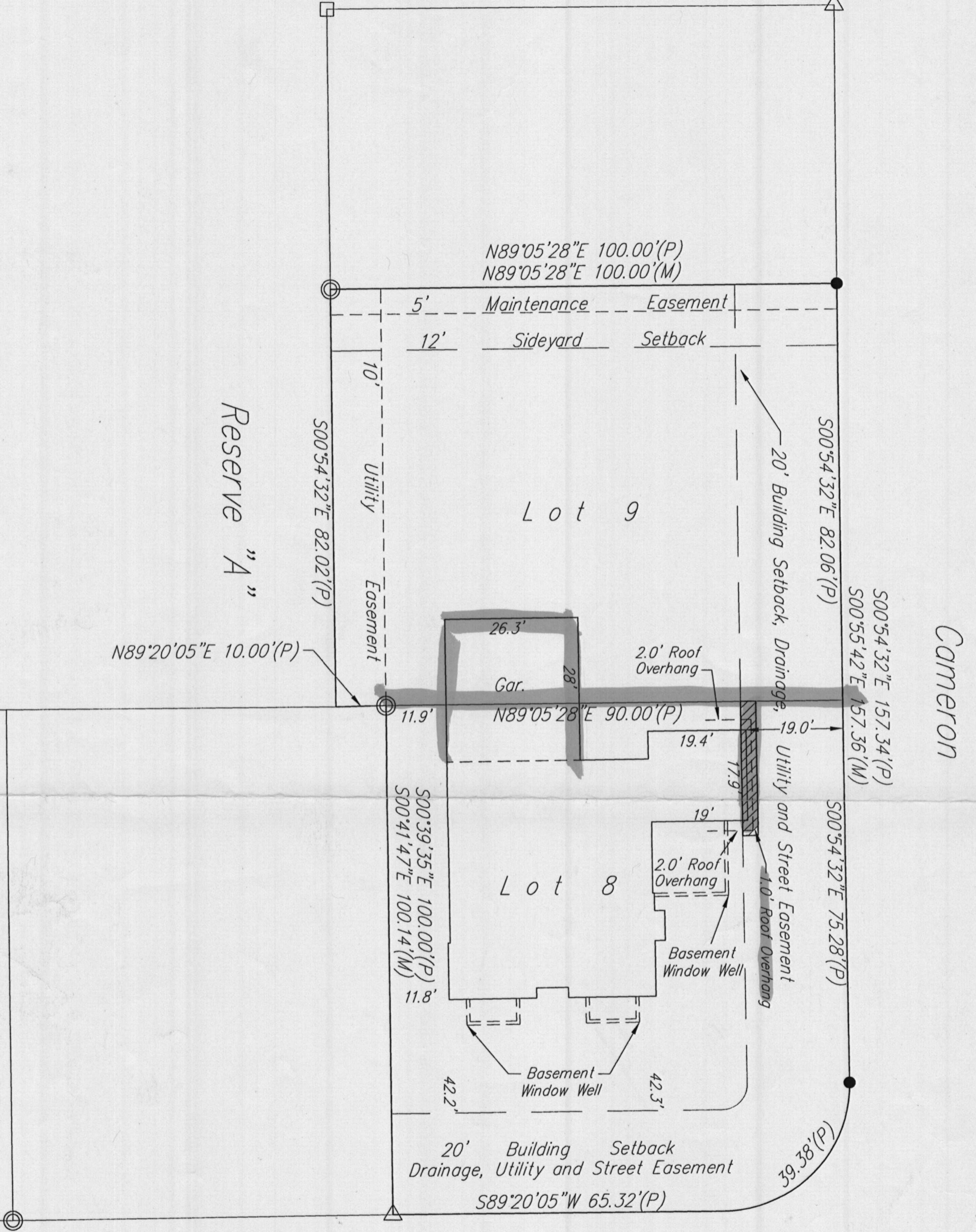
Karen Sehofield, City Clerk
Sublett



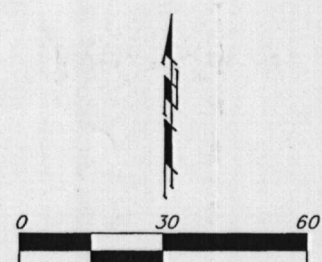
Approved as to Form:



Gary Rebenstorf, Director of Law



25th Street North



AREA TO BE VACATED



SCALE: 1" = 30'

EXHIBIT