

City of Wichita
City Council Meeting
June 15, 2004

Agenda Report No. _____

TO: Mayor and City Council

SUBJECT: VAC2004-00008 Request to Vacate a portion of a platted drainage easement located southwest of the Maize Road – Pawnee Avenue intersection, more specifically the southwest corner of Maize Court. (District IV)

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

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Background: The applicant is requesting consideration for the vacation of the north 25-feet of the east 142-foot of the platted 40-foot drainage easement that lies entirely in the south side of Lot 9, Block C, Southern Ridge Addition. The Southern Ridge Addition was recorded with the Register of Deeds January 15, 2003.

Analysis: The applicant proposes the vacation of the easement to allow more room for development on Lot 9. There are no sewer or water lines in the platted easement. The applicant has approval by City Public Works/Strom Water for the proposed vacation; easement for utilities and right-of-way have been dedicated and recorded with the Register of Deeds. 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.

**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)
SOUTHWEST OF THE MAIZE ROAD - PAWNEE)
AVENUE INTERSECTION, MORE SPECIFICALLY)
THE SOUTHWEST CORNER OF MAIZE COURT)
)
)
)
MORE FULLY DESCRIBED BELOW)**

Case No. VAC2004-00008

VACATION ORDER

NOW on this 15th day of June, 2004 comes on for hearing the petition for vacation filed by Maize Road LLC, c/o Jay Russell, praying for the vacation of the following described portion of a platted drainage easement, to-wit:

The north 25-feet of the east 142-feet of the platted 40-foot drainage easement lying in and running parallel to the south property line of Lot 9, Block C, as dedicated in Southern Ridge 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 March 4, 2004, which was at least 20 days prior to the public hearing.

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ROUTE

2. No private rights will be injured or endangered by the vacation of the above-described a 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.

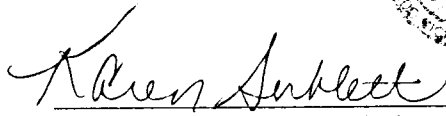
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

5. The vacation of the portion of the platted drainage easement described herein should be approved.

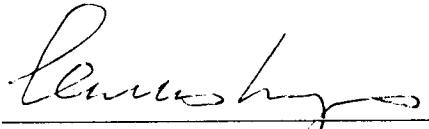
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 15th day of June 2004 ordered that the above-described a portion of the platted drainage easement is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

ATTEST:





Karen Sublett, City Clerk

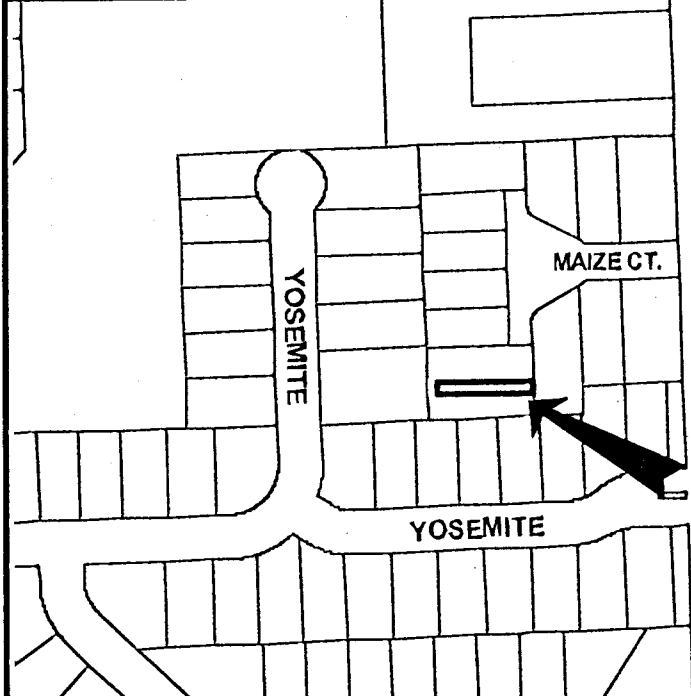


Carlos Mayans, Mayor

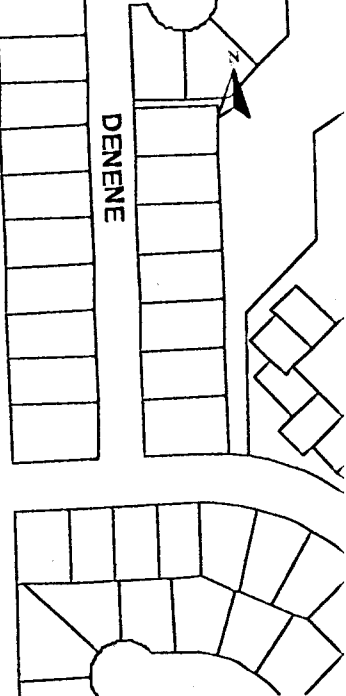
Approved as to Form:



Gary Rebenstorf, Director of Law

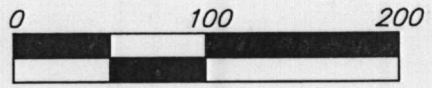


MAIZE





INDICATES NEW TRACT DESIGNATION



INDICATES DRAINAGE EASEMENT AREA TO BE VACATED



INDICATES UTILITY EASEMENT TO BE GRANTED

body shift -> check plan 7

