

VACATION HEARING

RECOMMENDATION FROM MAPC TO BOARD OF CITY COMMISSIONERS

V-1288 VACATION OF A DRAINAGE EASEMENT GENERALLY LOCATED NORTH OF WASHINGTON IN AN AREA WEST OF 43RD STREET SOUTH.

NOTE: The City Clerk will certify as to proper publication of notice of hearing and filing of written protest.

A petition for the above identified vacation request has been filed in the office of the City Clerk. The Planning Commission recommends that the Board of City Commissioners find that no private rights will be injured or endangered and the public will suffer no loss or inconvenience by granting by order the vacation request subject to:

- A. Proper publication of notice of public hearing.
- B. The absence of proper written protest filed with the City Clerk.
- C. All proceedings being without cost to the City, County, or any utility company.
- D. Any relocation or reconstruction of utilities necessitated by this vacation shall be at the sole expense of the applicant.
- E. The applicant shall enter into an agreement with the City which holds the City harmless for any damages done to the building which encroaches the easement during the maintenance, repair or replacement of storm sewer pipe in the subject drainage easement. This legal document shall be drafted and then submitted to the Planning Department for review and approval. The agreement shall then be forwarded to the Legal Department for final review and approval as to form.
- F. If televising of the storm sewer line indicates damage to the pipe as a result of the encroaching building's construction, the applicant shall guarantee the repair of the storm sewer pipe. This may entail relocation of the storm sewer away from the house foundation.

Bayouth moved, Goebel seconded and it carried unanimously. Moore was not yet present. (9/6/84)

ACTION: Close the public hearing, approve the vacation request, authorize the Mayor to sign the vacation order and instruct the City Clerk to file a certified copy of the order and the indemnification agreement with the Sedgwick County Register of Deeds.

VACATION CASE DATA

Legal Description: Part of Lot 54, Washington Square Addition, Wichita, Kansas, described as commencing at the front corner common to Lots 54 and 55 in said Addition; thence S 52°44'25" W, along the northerly line of said Lot 54, 36.97 feet; thence S 37°15'35" E, 10 feet to a point on the southerly line of a 20 foot easement for a place of beginning; thence S 52°44'25" W, along said easement line, 13.56 feet; thence N 20°02'27" W, along said easement line, 13.56 feet; thence N 20°02'27" E, 11.41 feet; thence S 69°57'33" E, 7.33 feet to the place of beginning. MAPC No. V-1288)

Applicant: Richard A. Walters
4483 Washington Court
Wichita, Kansas 67211

Protestors: None before the Subdivision Committee of MAPC.

Comments: The hold harmless agreement required in Condition "E" above has been submitted and approved. It should be filed with the Register of Deeds. A television survey specified in Condition "F" above has revealed no damage to the storm sewer pipe existing within the drainage easement.

BEFORE THE BOARD OF CITY COMMISSIONERS
OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF
DRAINAGE EASEMENT (MAPC NO. V-1288)

GENERALLY LOCATED NORTH OF
WASHINGTON AVENUE IN AN AREA
WEST OF 43RD STREET SOUTH

MORE FULLY DESCRIBED BELOW

STATE OF KANSAS } 33
SEDGWICK COUNTY }
FILED FOR RECORD AT
8:00 AM

JAN 21 1985

NO. 7 28978
PAT KETTLER
REGISTER OF DEEDS

MICROFILMED
OF RECORD

Ed Reed
Deputy

VACATION ORDER

NOW on this 8th day of January, 1985, comes on for hearing the petition for vacation filed by Richard A. Walters, praying for the vacation of the following described drainage easement, to-wit:

Part of Lot 54, Washington Square Addition, Wichita, Kansas, described as commencing at the front corner common to Lots 54 and 55 in said Addition; thence S 52°44'25" W, along the northerly line of said Lot 54, 36.97 feet; thence S 37°15'35" E, 10 feet to a point on the southerly line of a 20 foot easement for a place of beginning; thence S 52°44'25" W, along said easement line, 13.56 feet; thence N 20°02'27" W, along said easement line, 13.56 feet; thence N 20°02'27" E, 11.41 feet; thence S 69°57'33" E, 7.33 feet to the place of beginning. MAPC No. V-1288)

The City Commission, 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 Daily Record of notice of this vacation proceedings for consecutive weeks on 12/26/84 - 1/2/85.

2. No private rights will be injured or endangered by the vacation of the above-described 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 drainage easement described herein should be approved.

IT IS, THEREFORE, BY THE BOARD OF CITY COMMISSIONERS, on this 8th day of January, 1985, ordered that the above-described 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.

Robert G. Knight
Robert G. Knight, Mayor

ATTEST:
Donald C. Giesick
Donald C. Giesick, City Clerk

Approved as to form:
John Dekker
John Dekker, Director of Law

City Clerk

5.00

EASEMENT VACATION DESCRIPTION

Part of Lot 54, Washington Square Addition, Wichita, Kansas, described as commencing at the front corner common to Lots 54 and 55 in said Addition; thence S 52°44'25" W, along the northerly line of said Lot 54, 36.97 feet; thence S 37°15'35" E, 10 feet to a point on the southerly line of a 20 foot easement for a place of beginning; thence S 52°44'25" W, along said easement line, 13.56 feet; thence N 20°02'27" E, 11.41 feet; thence S 69°57'33" E, 7.33 feet to the place of beginning.

