

City of Wichita
City Commission Meeting
June 10, 1986

Agenda Report # _____

TO: Mayor and City Commissioners

SUBJECT: V-1383 - REQUEST TO VACATE THE PLAT OF WINDEMERE,
GENERALLY LOCATED EAST OF ROCK ROAD, IN AN AREA
SOUTH OF OXFORD.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve vacation of plat.

Background: Slawson Investment Corporation, 10300 West Central, Wichita, KS 67212, is requesting this vacation because of changing market conditions. Acceptance of the storm water sewer easement is necessary in order to reinstate an easement which was vacated by the Windemere plat.

Analysis: The Planning Commission recommends the City Commission find: (1) that no private rights will be injured or endangered; and (2) the public will suffer no loss or inconvenience by granting by order the vacation, subject to:

1. Proper publication of notice of public hearing;
2. The absence of proper written protest filed with the City Clerk;
3. All proceedings being without cost to the City, County or any utility company;
4. Any relocation or reconstruction of utilities necessitated by this vacation shall be at the sole expense of the applicant;
5. The applicant shall pay off the balance of the existing petition and project accounts established with the platting of Windemere Addition;
6. The Vacation Order shall not vacate the 20-foot wide utility easement which exists on this property by virtue of an instrument filed for record on Film 669, Page 221;
7. The Vacation Order shall not vacate the portion of a 50-foot wide K.G. & E. easement which exists on this property by virtue of an instrument filed for record on Film 584, Page 449;
8. The Vacation Order shall retain, as drainage easements, the floodways platted as Reserves I and E;

9. The Vacation Order shall retain, as a drainage easement, the floodway platted as part of Lot 12 and Lots 14 thru 23, Block 1;
10. The applicant shall regrant the portion of the storm water sewer easement (filed for record on Film 669, Page 225) that was vacated by the Windemere plat; and
11. Since the City has entered into 3-party agreements for design of water, sanitary sewer and storm sewer improvements, it is necessary that recinding contracts be submitted to the City. These contracts need to be signed by the developer and consulting engineer.

Legal Considerations: The City Clerk certifies as to proper notification and no filing of written protest.

Recommendations/Action:

Close public hearing; accept storm water sewer easement; approve vacation; authorize the Mayor to sign the Vacation Order; and record certified copy of Order, recording costs to be billed to owner.

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

IN THE MATTER OF THE VACATION OF WINDEMERE, AN
ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS.

GENERALLY LOCATED EAST OF ROCK ROAD, IN AN
AREA SOUTH OF OXFORD. (V-1383)

MORE FULLY DESCRIBED BELOW

Film 0810
Page 087

Approved by Board of Commissioners

this JUN 10 1986

VACATION ORDER

NOW on this 10th day of June, 1986, comes on for hearing the petition for vacation filed by Slawson Investment Corporation, praying for the vacation of the following described subdivision, to-wit:

All lots, blocks, reserves, easements, building setbacks, floodways and minimum building pad elevations platted as Windemere, an addition to Wichita, Sedgwick County, Kansas.

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 proceeding for consecutive weeks on MAY 28 & JUNE 4, 1986.

2. No private rights will be injured or endangered by the vacation of the above-described subdivision, 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 20-foot wide utility easement, depicted on the Windemere plat as having been previously granted by an instrument filed for record on Film 669, Page 221, is hereby retained as a utility easement.

6. The portion of a 50-foot wide K.G. & E. easement, depicted on the Windemere plat as having been previously granted by an instrument filed for record on Film 584, Page 449, is hereby retained for use by K.G. & E.

7. The floodway, platted as part of Lot 12 and Lots 14 through 23, Block 1, Windemere Addition, is hereby retained as a drainage easement.

8. The floodway platted on Reserves I and E, Windemere Addition, are hereby retained as a drainage easement.

9. The vacation of the subdivision described herein should be approved.

IT IS, THEREFORE, BY THE BOARD OF CITY COMMISSIONERS, on this 10th day of June, 1986, ordered that the above-described subdivision 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:

Dale E. Rea, Jr.
Donald E. Gisick, City Clerk

Approved as to Form

John Dekker
John Dekker, Director of Law

STATE OF KANSAS
SEDGWICK COUNTY

FILED FOR RECORD AT
8:00 A.M.

JUN 30 1986

NO. 8 15076
PAT KETTLER
REGISTER OF DEEDS

MICROFILMED
OF RECORD

Tony Casado
Tony Casado, Mayor

Ed Rea
Deputy

City Clerk

To vacate all lots and reserves in Windmere Addition.

ETCH.

ROCK ROAD

