

City of Wichita
City Council Meeting
May 5, 1992

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1723 - REQUEST TO VACATE A PORTION OF A
DRAINAGE DEDICATION LOCATED NORTH OF PAWNEE AND EAST OF ROCK
ROAD.
(District #3)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of drainage dedication.

MAPC Recommendation: Approve vacation of drainage dedication.
(unanimous)

Background: In order to allow for additional parking and possible expansion of a convenience store the applicant has requested the use of a portion of a drainage dedication. City Engineering has agreed to the vacation providing the applicant constructs a retaining wall around the area being vacated, and until that time, the area be retained temporarily for drainage. If the wall is not constructed within a specified time, the area will revert back as a drainage dedication by way of a contingent dedication. The applicant was also required to submit a dedication of complete access control for the frontage of the vacated area adjacent to Rock Road. The area is being retained as a temporary drainage dedication by a condition of the vacation order. Construction of the retaining wall has been guaranteed by a letter-of-credit. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions.

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

Recommendations/Action: Accept the contingent dedication and maintenance covenant, and the dedication of abutter's access rights; close the public hearing, approve vacation; authorize the Mayor to sign the Vacation Order; record certified copy of Vacation Order, contingent dedication and dedication of access; receive and file the letter-of-credit; recording costs to be billed to:

MAY 5 1992

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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
DEDICATION.

GENERALLY LOCATED NORTH OF PAWNEE AND
EAST OF ROCK ROAD. (V-1723)

MORE FULLY DESCRIBED BELOW

U-1723

VACATION ORDER

NOW on this 5th day of May, 1992, comes on for hearing the petition for vacation filed by Gary Wiley agent for Tim and Gaylene Wagner, praying for the vacation of the following described drainage dedication, to-wit:

A portion of the drainage dedication lying in the southwest quarter of section 32, Township 27 South, Range 2 east of the sixth principal meridian, Sedgwick County, Kansas, more particularly described as follows:

Commencing at the point of intersection of the northerly line of Pawnee Avenue and the east line of Rock Road as platted in Cherry Creek Hills, an addition to Wichita, Sedgwick County, Kansas; thence N00°00'00"E along the east line of Rock Road a distance of 120 feet to the southwest corner of Lot 1, Block 1, Cherry Creek Hills, said southwest corner being the point of beginning; thence N90°00'00"E along the south line of Lot 1 a distance of 24.62 feet; thence along the southeasterly line of Lot 1 through a curve to the left having a central angle of 51°04'45" and radius of 83.71 feet an arc distance of 74.63 feet; thence N38°55'15"E along the southeasterly line of Lot 1 a distance of 112.10 feet; thence S00°00'00"E a distance of 63.00 feet; thence S45°00'00"W a distance of 126.76 feet; thence S90°00'00"W a distance of 70.54 feet to the east line of Rock Road; thence N00°00'00"W along the east line of Rock Road a distance of 34.30 feet to the point of beginning; encompassing 7355 sq. ft. or 0.17 acres more or less.

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:

8.00ck

City Clerk

150009 20098

Vacation Order
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1. That due and legal notice has been given by publication as required by law, by publication in the Daily Reporter of notice of this vacation proceeding for consecutive weeks on 4/21/92 + 4/28/92.

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

6. The above indicated area shall temporarily remain a drainage dedication until such time as a required retaining wall is constructed along the southerly and easterly lines of the area being vacated. This wall shall be constructed by July 11, 1993 and shall be subject to approval by the City Engineer.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 5th day of May, 1992, ordered that the above-described drainage dedication 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:

Pat Burnett
Pat Burnett, Deputy City Clerk

Approved as to Form:

Gary E. Rebenstorf
Gary Rebenstorf, Director of Law

Bob Knight, Mayor

MICROFILMED
OF RECORD

STATE OF KANSAS } SS
SEDGWICK COUNTY }
FILED FOR RECORD AT
10:00 A.M.

JUN 24 92 1218134

PAT KETTLER
REGISTER OF DEEDS

State of Kansas
Sedgwick County
City of Wichita

Pat Burnett
City Clerk

Ed Reed
Deputy

May 5, 1992
Pat Burnett
Deputy City Clerk

ROCK

Access Control except 4 Openings

DRAINAGE

DEDICATION

V-1723

