

Planning Agenda Item # _____

**City of Wichita
City Council Meeting
October 13, 1998**

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-2110 REQUEST TO VACATE A PORTION OF A DRAINAGE EASEMENT LOCATED ON A LOT SOUTH OF 34TH STREET NORTH, WEST OF WEBB ROAD. (DISTRICT #2)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

*M. Klatt
12/1/98*

MAPC Recommendation: Approve the vacation of a portion of a 100 feet drainage easement.

Staff Recommendation: Approve the vacation of a portion of a 100 feet drainage easement.
(Unanimous)

Background: The applicant is requesting to vacate a portion of the drainage easement for construction of a warehouse facility. The bond has been posted for storm water improvements.

Public Works has reviewed and approved this request. The vacation request has been reviewed and approved by the Planning Commission on August 13, 1998, subject to the applicant guaranteeing drainage improvements and dedicating an additional drainage easement.

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

Recommendations/Actions: Close the public hearing, approve the vacation; adopt the resolution; accept the dedication; authorize the Mayor to sign the Vacation Order; and record the certified copy of the Vacation Order.

BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

S Deputy

IN THE MATTER OF THE VACATION OF
A PORTION OF 100 FEET DRAINAGE
EASEMENT

GENERALLY LOCATED
34TH STREET NORTH, WEST OF WEBB ROAD

MORE FULLY DESCRIBED BELOW

Case No. V-2110

STATE OF KANSAS) ss
SEDCWICK COUNTY)

DEC 3 11 46 AM '98

BILL MEER
REGISTER OF DEEDS



VACATION ORDER

NOW on this 13th day of October, 1998, comes on for hearing the petition for vacation filed by Casad Industrial Park, c/o Johnny Stevens, Partner, praying for the vacation of the following described a portion of a 100 feet drainage easement, to-wit:

Commencing at the Northeast corner of said Lot 1; thence S 00° 10' 25" E, 165.39 feet along the East line of said Lot 1; thence S 22° 14' 08" W, 121.64 feet along the West line of 100.00 feet of the Drainage Easement platted in said addition to the point of beginning; thence S 00° 53' 34" E, 50.35 feet; thence S 89° 06' 26" W, 21.51 feet parallel with the North line of said Lot 1; thence N 22° 14' 08" E, 54.76 feet along the West line of said 100.00 feet Drainage Easement to the point of beginning.

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 Daily Reporter of notice of this one time 9-23-98, which was at least 20 days prior to this public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described a portion of a 100 feet 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.

MICROFILMED
OF RECORD

8.00

City Clerk.

owner
150003
850
C/C

Vacation Order
V - 2110

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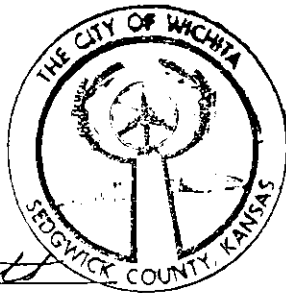
5. The vacation of the a portion of a 100 feet drainage easement described herein should be approved, subject to the following condition:

- A) Any relocation or reconstruction of any utilities made necessary by this vacation shall be the responsibility of the applicant.
- B) The applicant needs to guarantee drainage improvements and dedicate additional drainage.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13th day of October, 1998, ordered that the above-described a portion of a 100 feet 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:


Pat Burnett, City Clerk

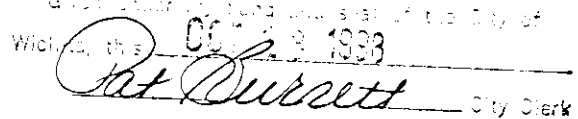



Bob Knight, Mayor

State of Kansas)
Sedgwick County) ss
City Clerk)
(Pat Burnett, City Clerk of the City of Wichita,
Kansas, being duly sworn, depose that to which
this is a true and correct copy of the orig-
inal of the City Clerk.

Approved as to Form:


Gary Rebenstorf, Director of Law

Given under my hand and seal of the City of
Wichita, this 00-13-1998
 City Clerk



34TH STREET NORTH

N89°06'26"E MEAS. = 700.13
PLATTED = 700.00

35' BUILDING SETBACK

LOT 1
BLOCK 3

600' x 180' BUILDING
108,000 Sq. Ft.
FF ELEV. = 238.5'

EASEMENT
VACATION

100' DRAINAGE ESMT.
EASEMENT
DEDICATION

LOT 2
BLOCK 3

TOBEN

N00°59'00"W MEAS. = 500.95
PLATTED = 501.01

PENTED = 502.84
MEAS. = 503.28 S00°10'25"E

20' UTILITY EASEMENT

N89°16'00"E
MEAS. & PLATTED = 116.80

SCALE: 1" = 40'

N

16"V
84.60
84.77