

Planning Agenda # _____

**City of Wichita
City Council Meeting
December 19, 2000**

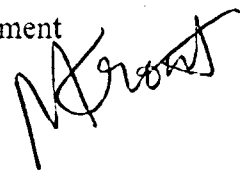
Agenda Report # _____

TO: Mayor and City Council

SUBJECT: **VAC2000-00054-REQUEST TO VACATE A PORTION OF THE
DRAINAGE EASEMENT LOCATED HAZELWOOD, NORTH
OF CLEAR MEADOW CIRCLE (2429 HAZELWOOD).
(District V)**

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning



Staff Recommendation: Approve vacation of a portion of the drainage easement.

MAPC Recommendation: Approve vacation of a portion of the drainage easement. (unanimous)

Background: The applicant is requesting to vacate a portion of the drainage easement that is interior to property that he owns. The applicant wishes to reduce the width of the drainage easement.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Recommendations/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

Dupl.

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

**IN THE MATTER OF THE VACATION OF
A PORTION OF THE DRAINAGE EASEMENT**

**GENERALLY LOCATED
HAZELWOOD, NORTH OF CLEAR MEADOW
CIRCLE (2429 HAZELWOOD)**

MORE FULLY DESCRIBED BELOW

Case No. VAC2000-00054

RECEIVED

DEC 27 2000

**METROPOLITAN PLANNING
ROUTE 2**

VACATION ORDER

NOW on this 19th day of December, 2000, comes on for hearing the petition for vacation filed by Orhan Kunter, praying for the vacation of the following described a portion of the drainage easement, to-wit:

Part of Lot 16, Block 1, Horseshoe Bay, an Addition to Wichita, Sedgwick County, Kansas, described as follows: Commencing at the front common corner of Lots 15 and 16; thence S44 (degrees) 09'E along the northeasterly line of said Lot 16, 6.5 feet for a point of beginning; thence continuing S44 (degrees) 09'E, 3.5 feet; thence S45 (degrees) 51'W, parallel to the northwesterly line of said Lot 16, 53 feet; thence N44 (degrees) 09'W, 3.5 feet; thence N45 (degrees) 51"E, 53 feet 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 Wichita Eagle on November 17, 2000, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described a portion of the 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.

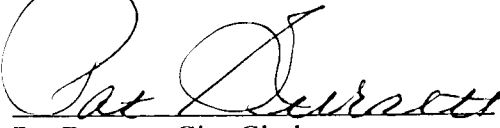
5. The vacation of a portion of the drainage easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 19th day of December 2000, ordered that the above-described a portion of the 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.



Bob Knight, Mayor

ATTEST:



Pat Burnett, City Clerk



Approved as to Form:



Gary Rebenstorf, Director of Law

EXHIBIT



Reserve "B"

Hazelwood

125'

73.80'

3.5'x53' Portion to be Vacated.

18" R.C.P.
0.8' NW of Line.

Lot 15

73.80'

10' Drainage Easement per Film 1676, Page 706.

1.6' Roofoverhang

18" R.C.P.
1.0' NW of Line.

10' Drainage Easement per Film 1676, Page 706.

Lot 16

Fence 75'

Easement

Gar.

Utility Building

Easement Setback

#2429

VAC 2000-00054

November 1, 20