

Planning Agenda # _____

**City of Wichita
City Council Meeting
April 15, 2003**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: VAC2002-00003 - REQUEST TO VACATE A PORTION OF A DRAINAGE EASEMENT DEDICATED BY SEPARATE INSTRUMENT LOCATED NORTHWEST OF THE 29TH STREET - RIDGE ROAD INTERSECTION.
(District V)

INITIATED BY: Metropolitan Area Planning Department *DM*

AGENDA ACTION: Planning

Staff Recommendation: Approve.

MAPC Recommendation: Approve.(unanimous)

Background: The applicant is requesting that a 1.5-foot wide (x) 26-foot long portion of a 15-foot wide drainage-utility easement dedicated by separate instrument (Film 1941, page 1931, recorded 07-14-1999) be vacated. 7.5-feet of the 15-foot easement runs parallel to the north property line of Lot 44, Block 3, Forest Lakes Addition, 3253 Forest Lakes. The encroachment into the easement was found after the attached garage was built. Approximately 3-inches of the garage foundation and 18-inches of roof overhang encroach into the easement. The Forest Lakes Addition was recorded 04-20-1993.

There is a storm water line in the easement. Storm Water Management recommends vacating only that portion of the 7.5-foot utility easement on Lot 44, Block 3, Forest Lakes Addition where there is an encroachment into it. There are no water, sewer or other utilities in the easement. There are no future plans for water, sewer or other utilities to go into this 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.

RECEIVED

APR 24 2003

METROPOLITAN PLANNING
ROUTE 102
Bert A.

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

**IN THE MATTER OF THE VACATION OF)
A PORTION OF A DRAINAGE EASEMENT)
DEDICATED BY SEPARATE INSTRUMENT)**

**GENERALLY LOCATED)
NORTHWEST OF THE 29TH STREET - RIDGE)
ROAD INTERSECTION)**

Case No. VAC2003-00003

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 15th day of April, 2003, comes on for hearing the petition for vacation filed by Alfred & Janet Staab, praying for the vacation of the following described portion of a drainage easement dedicated by separate instrument (Film 1941, page 1931, recorded 07-14-1999), to-wit:

Commencing at the northeast corner of Lot 44, Block 3, Forest Lakes, an addition to Wichita, Sedgwick County, Kansas, thence bearing S87degrees26'34"W a distance of 24.94-feet; thence bearing S02degrees33'26"E a distance of 6.00-feet to the point of beginning; thence S02degrees33'26" a distance of 1.50-feet; thence bearing N02degrees33'26"W a distance of 1.50-feet; thence bearing N87degrees26'34"E a distance of 26.00-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 February 27, 2003, 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 portion of a drainage easement dedicated by separate instrument, 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.

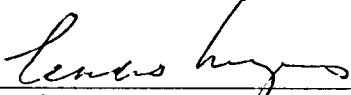
5. The vacation of a portion of a drainage easement dedicated by separate instrument described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 15th day of April 2003, ordered that the above-described a portion of a drainage easement dedicated by separate instrument 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 Graves, City Clerk




Carlos Mayans, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

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