

Planning Agenda # \_\_\_\_\_

**City of Wichita  
City Council Meeting  
January 8, 2002**

**Agenda Report # \_\_\_\_\_**

**TO:** Mayor and City Council

**SUBJECT:** VAC2001-00053 - REQUEST TO VACATE A PORTION OF THE WICHITA-VALLEY CENTER FLOOD CONTROL EASEMENT AND A PORTION OF THE AMIDON AVENUE RIGHT-OF-WAY GENERALLY LOCATED SOUTHWEST OF THE 37<sup>TH</sup> STREET NORTH - AMIDON AVENUE INTERSECTION.  
(District VI)

**INITIATED BY:** Metropolitan Area Planning Department

**AGENDA ACTION:** Planning

*M/C*

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Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Background: The applicants are proposing to vacate an approximately 115-foot x 213-foot portion of the Wichita-Valley Center Flood Control Easement that abuts the south and west sides of their property. The applicants are also proposing to vacate a 20-foot wide unimproved section of Amidon Avenue that abuts the applicants property on the west and all of Lot 9, Blk 2, Pleasant Valley 2<sup>nd</sup> Addition. The applicant proposes to incorporate the vacate lands into their property.

KG&E required retention of the Amidon Avenue ROW as a utility easement and Storm Water Management required dedication of a drainage easement by separate instrument of the western 30-foot of the vacated Wichita-Valley Center Flood Control 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. A certified copy of the drainage easement 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.

### **MORE FULLY DESCRIBED BELOW**

RECEIVED  
JAN 23 2002  
METROPOLITAN PLANNING  
ROUTE 2  
Case No. VAC2001-00053

That part of Amidon Avenue lying west of and adjacent to the east line of the NW ¼ of Sec. 31, Twp 26-S, R-1-E of the 6<sup>th</sup> P.M., Sedgwick County, Kansas, lying east of and adjacent to the east line of Smyser Acres, Sedgwick County, Kansas, lying north of the northwest line of the Wichita-Valley Center Flood Control (Condemnation Case No. A-39383), and lying south of the following described line: beginning at the NW corner of Lot 9, Block 2, Pleasant Valley 2<sup>nd</sup> Addition, Sedgwick County, Kansas; thence westerly perpendicular to the east line of said

Smyser Acres, 20.00 feet more or less, to a point on the east said line of Smyser Acres, and there ending.

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 14, 2001, 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 the Wichita-Valley Center Flood Control easement and the above-described portion of the Amidon Avenue right-of-way, and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, 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 portion of the Wichita-Valley Center Flood Control easement and the portion of the Amidon Avenue right-of-way described herein should be approved.
6. Retain the vacated portion of Amidon Avenue as a utility easement.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 8<sup>th</sup> day of January 2002, ordered that the above-described portion of the Wichita-Valley Center Flood Control easement and the above-described portion of Amidon Avenue right-of-way are 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.

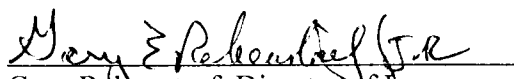
ATTEST:

  
Pat Burnett, City Clerk



  
Bob Knight, Mayor

Approved as to Form:

  
Gary Rebenstorf, Director of Law

