



Wichita-Sedgwick County Metropolitan Area Planning Department

September 16, 2005

Brown Family Real Estate, LLC
Janet M. Keefer
14th Floor
1200 Main
Kansas City, MO 64105-2122

Re: **VAC2005-00023** - Request to vacate a utility easement dedicated by separate instrument, generally located north of State Highway K-96 and west of Greenwich Road, more specifically located northwest of the 26th Street North - Regency Park Street intersection.

Dear Ms. Keefer:

At its regular meeting on Tuesday, September 13, 2005, the Wichita City Council considered the request. The action of the City Council was to APPROVE subject to the recommendation by the MAPC.

If you have any questions about this matter, please call 268-4494.

Sincerely,

Bill Longnecker
Senior Planner

BL:le

cc: Jim Armour, City Engineer, Public Works Department, Mail Stop 1-71
Paul Gunzelman/Carla Jones, Public Works Engineering, Mail Stop 1-71
Sedgwick County Electric Coop, Attention: Allen Henning & Wayne Voss, P.O. Box 220, Cheney, KS, 67205-0220
MKEC Engineering Consultants, Inc., 411 N. Webb Road, Wichita, KS 67206
Brown Family Real Estate, LLC, c/o Bank of America MO8-060-13-01 Janet Keefer
1200 Main Street, 14th Floor, Kansas City MO 64105

SEP 16 2005
METROPOLITAN PLANNING
ROUTE 1

[illegible]

1. That due and legal notice has been given by publication as required by law, by publication in The Wichita Eagle, on June 2, 2005, 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 utility easement dedicated by separate instrument, and the public will suffer no loss or inconvenience thereby.

3. A Restrictive Covenant binding and tying Lot 6, Block 1, Regency Park 3rd Addition to a portion of Lot 8, Block 1, Regency Park Addition, as described in the Covenant, shall be recorded with the Register of Deeds.

4. The existing sewer line and manhole located in the vacated easement dedicated by separate instrument will become a private line, as stated by the Bill of Sale between the City of Wichita and the said owners of the property where the line is located.

5. In justice to the petitioner(s), the prayer of the petition ought to be granted.

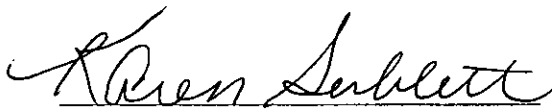
6. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

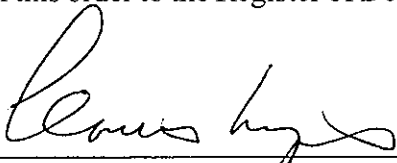
7. The vacation of the utility easement dedicated by separate instrument described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13th day of September 2005 ordered that the above-described utility 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.

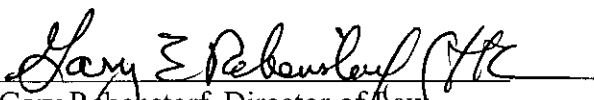


ATTEST:


Karen Sublett, City Clerk


Carlos Mayans, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

STAFF REPORT

CASE NUMBER: VAC2005-00023: Request to vacate a utility easement dedicated by separate instrument

OWNER/APPLICANT: Brown Family Real Estate LLC c/o Janet M. Keefer

AGENT: MKEC Engineering Consultants, Inc., c/o Greg Allison

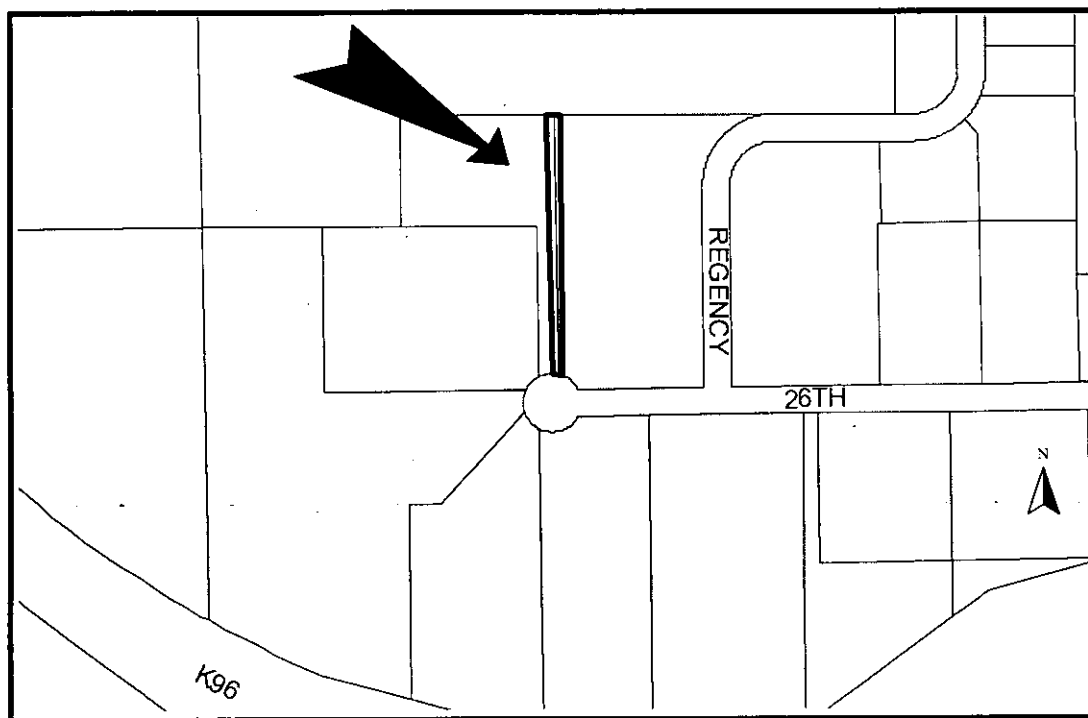
LEGAL DESCRIPTION: All of the 20-foot utility easement, as dedicated by separate instrument, Film 2143, Page 1411, on Lot 8, Block 1, the Regency Park Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located west of Greenwich Road and north of State Highway K-96, northwest of the 26th Street North – Regency Park Street intersection.

REASON FOR REQUEST: *convert to private line*
Propose to abandon existing sanitary sewer line

CURRENT ZONING: Subject property and all abutting and adjacent properties are zoned "LI" Limited Industrial.

VICINITY MAP:



The applicant is requesting consideration for the vacation of a 20-foot utility easement dedicated by separate instrument as described. There is a sewer line and manhole in the easement the applicant wants to vacate. The Regency Park 3rd Addition abuts the west side of the site and is

going to the WCC June 14, 2005 for final action, SUB 2005-41. This plat could help address issues with Public Works/Water & Sewer prior to the vacation request being completed. There are no water lines in the easement. The Regency Park Addition was recorded with the Register of Deeds February 29, 2000.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate the portion of the utility easement dedicated by separate instrument as described in the legal description with the following conditions.

- (1) Vacate only that portion of the easement dedicated by separate instrument as described in the legal description.
- ~~(2) Public Works/Water & Sewer must approve the sanitary sewer abandonment project.~~
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
- (4) If needed, provide the public and franchised utilities with all required replacement easements. Retain the easement dedicated by separate instrument until all utilities in the easement have been relocated/abandoned and approved by the public and franchised utilities
- (5) All improvements shall be according to City Standards.
- (6) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.



VAC2005-23

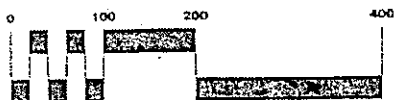
00° E 343.78'

8" S.S. LINE TO BE ABANDONED IN PLACE. OWNER TO ASSUME FULL RESPONSIBILITY FOR MAINTENANCE OF REMAINING SEWER SERVICE LINES

REGENCY PARK
THIRD ADDITION

FedEx Ground Corporation
2707 N. Regency Park St.
Wichita, KS 67226

REGENCY PARK ADDITION



SCALE: 1" = 200'



MKEC
ENGINEERING
CONSULTANTS
411 N. WILSON ROAD
WICHITA, KS 67201
316-264-9400

2707 REGENCY PARK ST.
LOT 8, REGENCY PARK ADDITION

PROJECT NAME

VACATION EXHIBIT

SHEET TITLE

BDL
DESIGN BY

DMU
DRAWN BY

CJA
CHECKED BY

MAY 2005
DATE

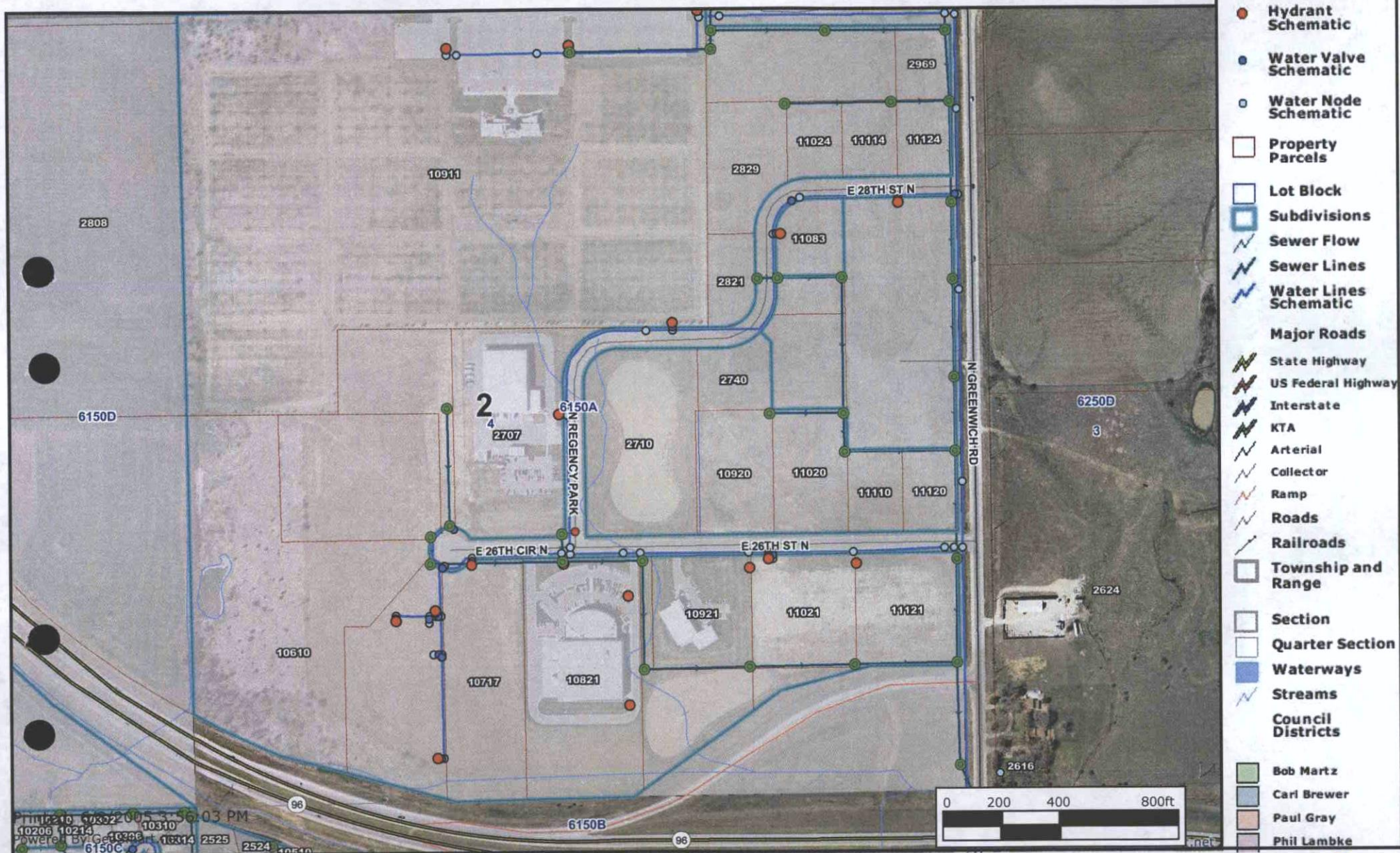
05139
JOB NO.

1 / 1
SHEET/01



vac2005-23

water & sewer



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