CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

December 20, 2005

Socora Village Company
727 N. Waco
Ste 400
Wichita, KS 67203

Re: **VAC2005-00039** - Request to vacate a platted drainage easement, generally located south of 29th Street North and west of Maize Road, northeast of the Parkdale Court – Parkdale Street intersection.

Dear Ladies and Gentlemen:

At its regular meeting on Tuesday, December 13, 2005, the Wichita City Council considered 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, Mailstop 1-71
Paul Gunzelman/Carla Jones, Public Works Engineering, Mail Stop 1-71
PEC c/o Rob Hartman, 303 S. Topeka, Wichita, KS 67202
Socora Village Company, P.O. Box 2907, Wichita, KS 67201

RECEIVED
DEC 2 7 2005
METROPOLITAN PLANNING
ROUTE

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

IN THE MATTER OF THE VACATION OF A PLATTED DRAINAGE EASEMENT	)	
GENERALLY LOCATED SOUTH OF 29TH STREET NORTH, WEST OF MAIZE ROAD, AND NORTHEAST OF THE PARKDALE COURT -PARKDALE STREET INTERSECTION	)	**Case No. VAC2005-00039**
MORE FULLY DESCRIBED BELOW	)	

VACATION ORDER

NOW on this 13th day of December, 2005 comes on for hearing the petition for the vacation filed by Socora Village Company, c/o Larry Chambers praying for the vacation of the following described platted drainage easement, to-wit:

The platted 20-foot drainage easement whose centerline is the common lot line between Lots 3 & 4, Block 2, the Evergreen 5th Addition, as recorded Wichita, Sedgwick County, Kansas.

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 October 27,2005, 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 platted drainage easement, and the public will suffer no loss or inconvenience thereby.

3. Dedicate by separate instrument a 20-foot drainage easement to replace the vacated drainage easement, to be recorded with the Register of Deeds.

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

5. 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.

6. The vacation of the platted drainage easement described herein should be approved.

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

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary Rebenstorf, Director of Law

METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 3-2
November 17, 2005

STAFF REPORT

CASE NUMBER: **VAC2005-00039** Request to vacate platted drainage/utility easement

APPLICANTS/OWNERS: Socora Village Company, c/o Larry Chambers

AGENT: PEC, c/o Rob Hartman

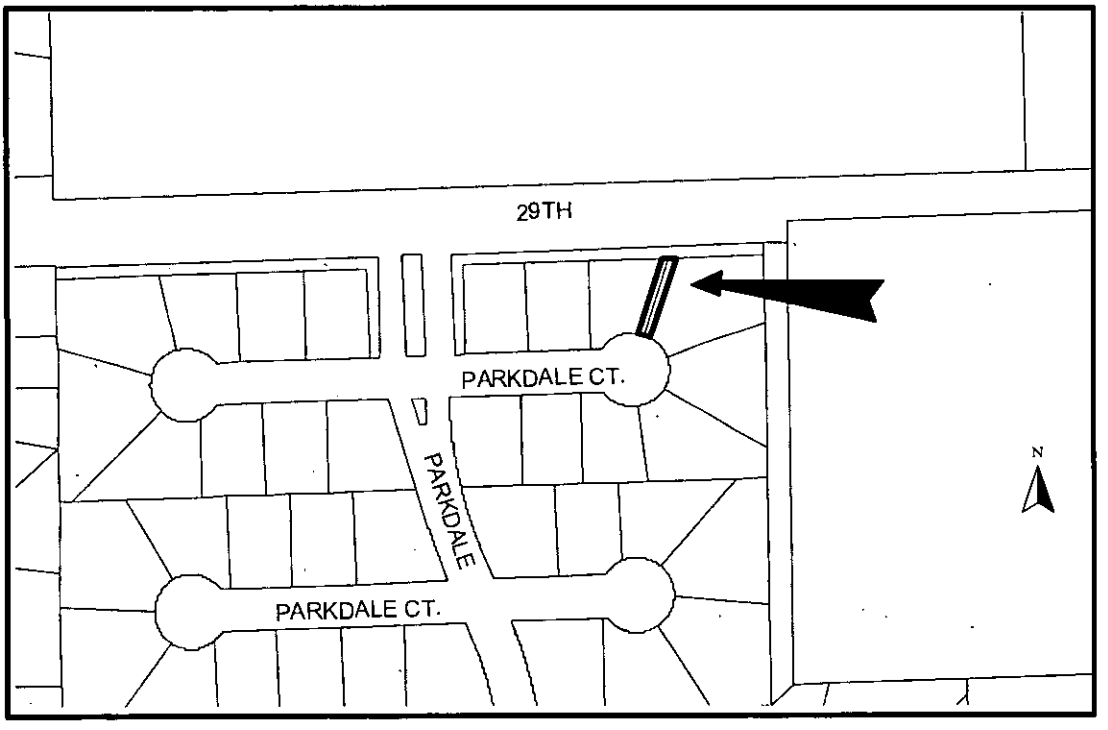
LEGAL DESCRIPTION: Generally described as the platted 20-foot drainage easement located between Lots 3 & 4, Block 2, the Evergreen 5th Addition, as recorded Wichita, Sedgwick County, Kansas
(District V)

LOCATION: Generally located south of 29th Street North, west of Maize Road, and northeast of the Parkdale Court – Parkdale Street intersection

REASON FOR REQUEST: Replace with another drainage easement

CURRENT ZONING: Site and all abutting and adjacent properties are zoned "SF-5" Single-family Residential

VICINITY MAP:



The applicant is requesting consideration to vacate the platted 20-foot drainage easement, as previously described. A change in the grade in the abutting Reserve D, as a result of the construction of a wrought iron fence in it, allows drainage to the east of the platted easement. The applicant proposes to replace the

platted easement by dedicating a 15-foot drainage easement to be located between Lots 2 & 3, Block 2, The Evergreen 5th Addition. The replacement easement is located just east of the easement proposed to be vacated. The applicant owns all of the lots involved in the vacation request. There are no utilities, water or sewer lines or manholes in the platted easement. The Evergreen 5th Addition was recorded with the Register of Deeds October 4, 2004.

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 platted drainage easement as described in the attached legal, with conditions.

A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC 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 of notice of this vacation proceeding one time October 27, 2005 which was at least 20 days prior to this public hearing.

2. That no private rights will be injured or endangered by the vacation of the above-described platted drainage easement 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.

Therefore, the vacation of the platted drainage easement described in the petition should be approved with conditions;

(1) If needed, provide the Storm Water Engineer with any plans needed to determine if the proposed vacated easement is needed and if the replacement is easement will work. The proposed replacement easement is 15-feet wide, if determined by the Storm Water Engineer, be prepared to add an additional 5-feet to the replacement easement; typically 20-foot wide easements are the standard. The drainage easement will be retained until the Storm Water Engineer has approved vacating of the platted easement and any replacement easements.

(2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicant's expense.

(3) All improvements shall be according to City Standards.

(4) 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

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

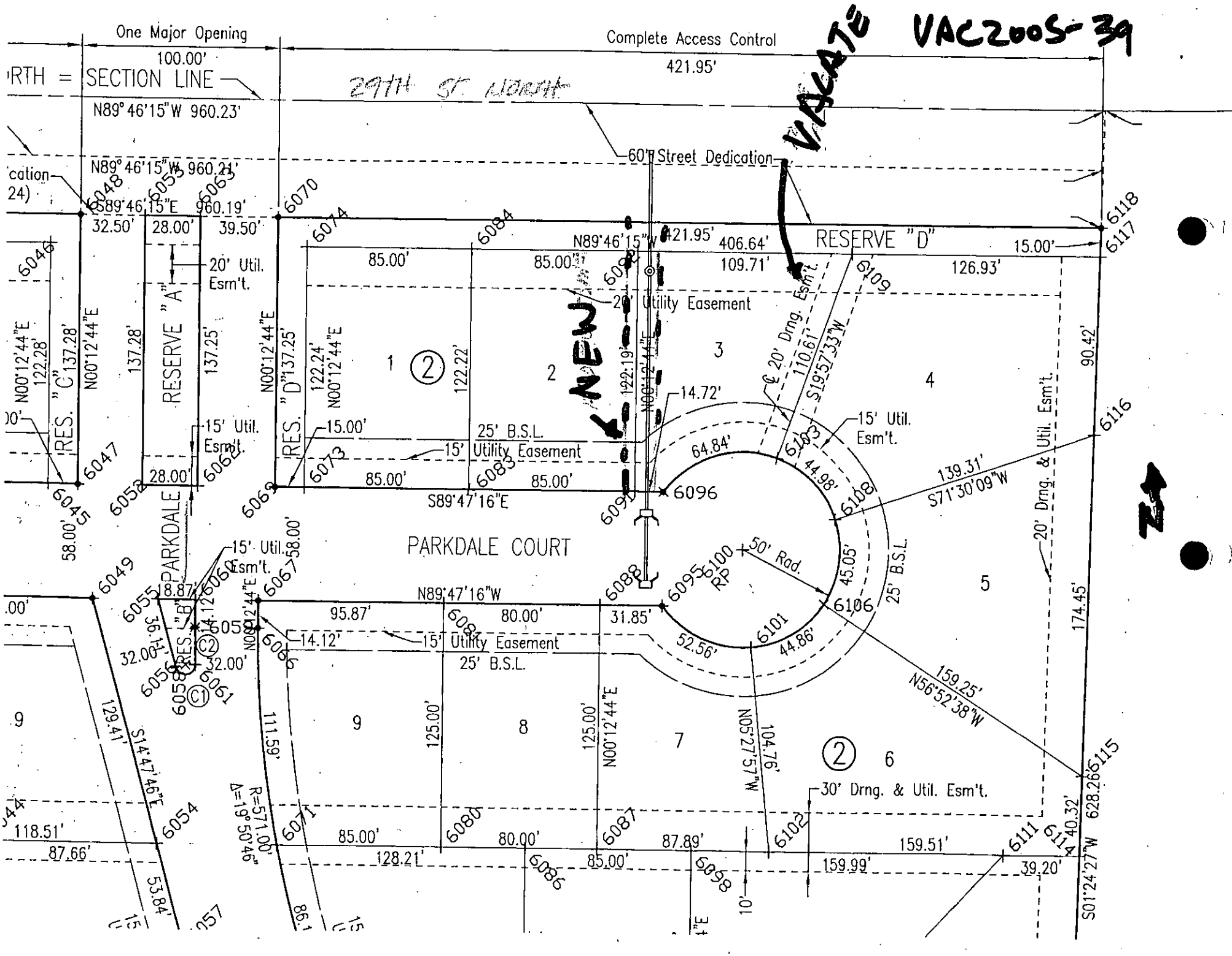
The Subdivision Committee recommends approval subject to the following conditions;

(1) If needed, provide the Storm Water Engineer with any plans needed to determine if the proposed vacated easement is needed and if the replacement is easement will work. The proposed replacement easement is 15-feet wide, if determined by the Storm Water Engineer, be prepared to add an additional 5-feet to the replacement easement; typically 20-foot wide easements are the standard. The drainage easement will be retained until the Storm Water Engineer has approved vacating of the platted easement and any replacement easements.

(2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicant's expense.

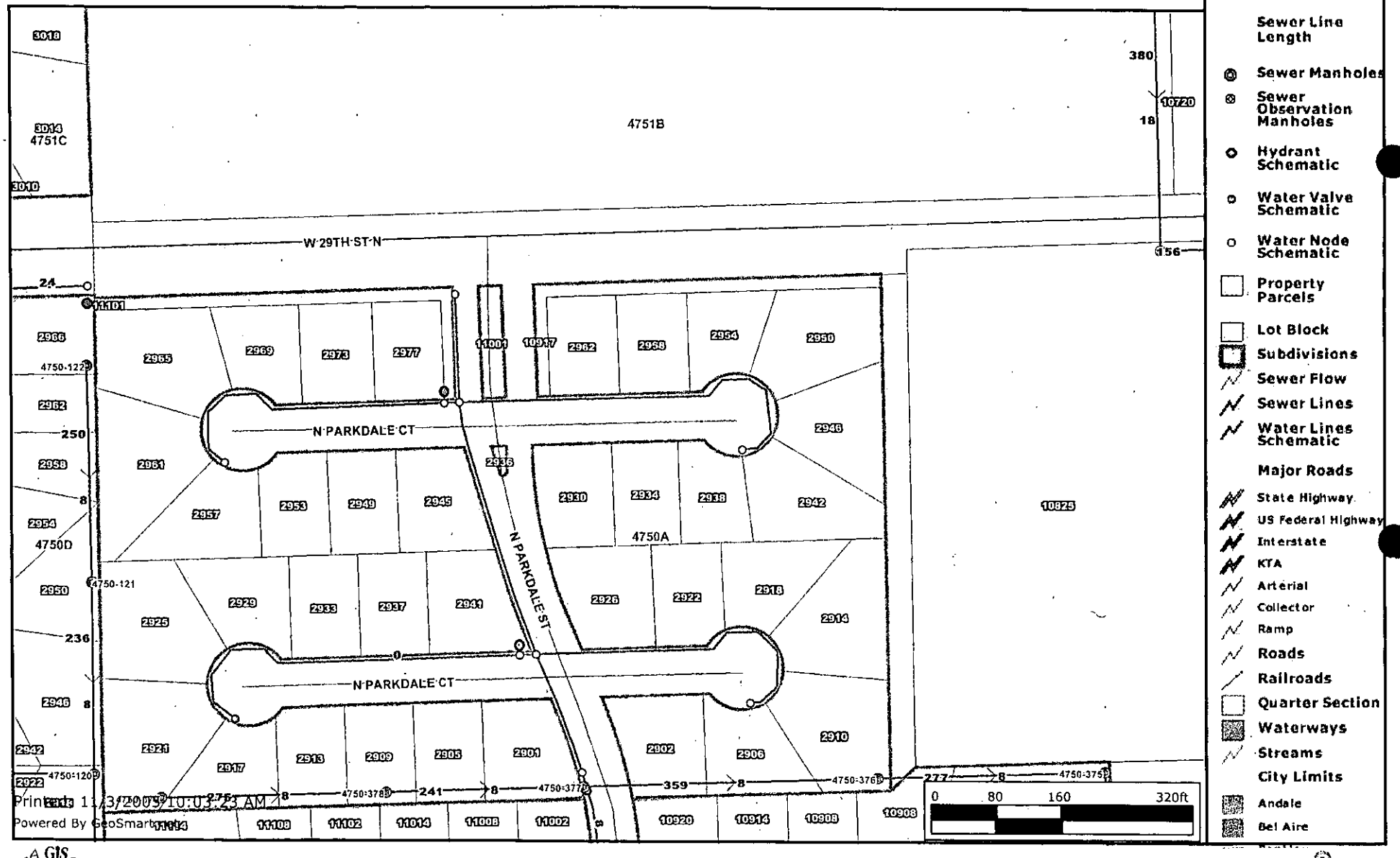
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One Major Opening
Complete Access Control
100.00'
421.95'
NORTH = SECTION LINE
N89°46'15"W 960.23'
29TH ST North
VACATE
VAC2005-39
60' Street Dedication
N89°46'15"W 960.23'
S89°46'15"E 960.19'
32.50'
28.00'
39.50'
20' Util. Esmt.
RESERVE "A"
RES. "C" 137.28'
RES. "D" 137.25'
N89°46'15"W 421.95'
406.64'
109.71'
RESERVE "D"
15.00'
126.93'
85.00'
85.00'
20' Utility Easement
NEW
20' Drng. Esmt.
110.61'
S19°57'33"W
90.42'
122.24'
122.22'
N00°12'44"E
14.72'
15' Util. Esmt.
15.00'
25' B.S.L.
15' Utility Easement
64.84'
44.98'
139.31'
S71°30'09"W
20' Drng. & Util. Esmt.
S89°47'16"E
PARKDALE COURT
PARKDALE
15' Util. Esmt.
58.00'
50' Rad.
45.05'
25' B.S.L.
N89°47'16"W
95.87'
80.00'
31.85'
14.12'
15' Utility Easement
25' B.S.L.
52.56'
44.86'
159.25'
N56°52'38"W
174.45'
111.59'
125.00'
125.00'
N00°12'44"E
N05°27'57"W
104.76'
R=571.00'
Δ=19°50'46"
30' Drng. & Util. Esmt.
118.51'
87.66'
85.00'
80.00'
87.89'
159.51'
128.21'
85.00'
159.99'
39.20'
S01°24'27"W 628.26'
S14°47'46"E
129.41'
53.84'
10'

Water & Sewer

VAC2005-39



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