CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

March 6, 2006

Wilson Residential Co., LLC
8100 E. 22nd St N.
Ste. 1000
Wichita, KS 67226

Re: **VAC2005-00049** - Request to vacate a portion of a platted easement, generally located south of 21st street North, west of Webb Road, north of Wilson Estates Parkway, on the south side of Churchill Circle.

Dear Ladies and Gentlemen:

At its regular meeting on Tuesday, February 28, 2006, 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
MKEC Engineering Consultants Inc., c/o Greg Allison, 411 N. Webb Road, Wichita, KS 67206
Keith G & Gaylin J. Langhofer, 127748 Bradford Circle, Wichita, KS 67206
Wilson Residential Company, LLC, 8100 E. 22nd North, Suite 1000, Wichita, KS 67226
John D. & Christine P. White, 8811 Churchill Cr., Wichita, KS 67206

RECEIVED
MAR 0 6 2006
METROPOLITAN PLANNING
DIVISION

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

IN THE MATTER OF THE VACATION OF A PORTION OF A PLATTED EASEMENT	)	
GENERALLY LOCATED SOUTH OF 21ST STREET NORTH, WEST OF WEBB ROAD, NORTH OF WILSON ESTATES PARKWAY, ON THE SOUTH SIDE OF CHURCHILL CIRCLE	)	**Case No. VAC2005-00049**
MORE FULLY DESCRIBED BELOW	)	

VACATION ORDER

NOW on this 28th day of February, 2006 comes on for hearing the petition for vacation filed by Wilson Residential Company, LLC praying for the vacation of the following described portion of a platted easement, to-wit:

The west 5-feet of the 10-feet of the platted 20-foot utility easement located on the common lot lines of Lots 16 & 17 (Lot 17 is where that portion of the platted utility easement is located), Block 2, the Wilson Farms Second Addition, Wichita, Sedgwick County, Kansas, EXCEPT the north 15-feet and the south 25-feet thereof.

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 January 12, 2006, 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 platted 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 platted easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 28th day of February 2006 ordered that the above-described portion of a platted 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:

Patsy Encharter, Deputy
for Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf
Gary Rebenstorf, Director of Law

SUBDIVISION COMMITTEE
METROPOLITAN AREA PLANNING COMMISSION

AGENA ITEM NO. 1
January 26, 2006

STAFF REPORT

CASE NUMBER: **VAC2005-00049:** Request to vacate a portion of a platted utility easement

OWNER/APPLICANT: Wilson Residential Co., LLC

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

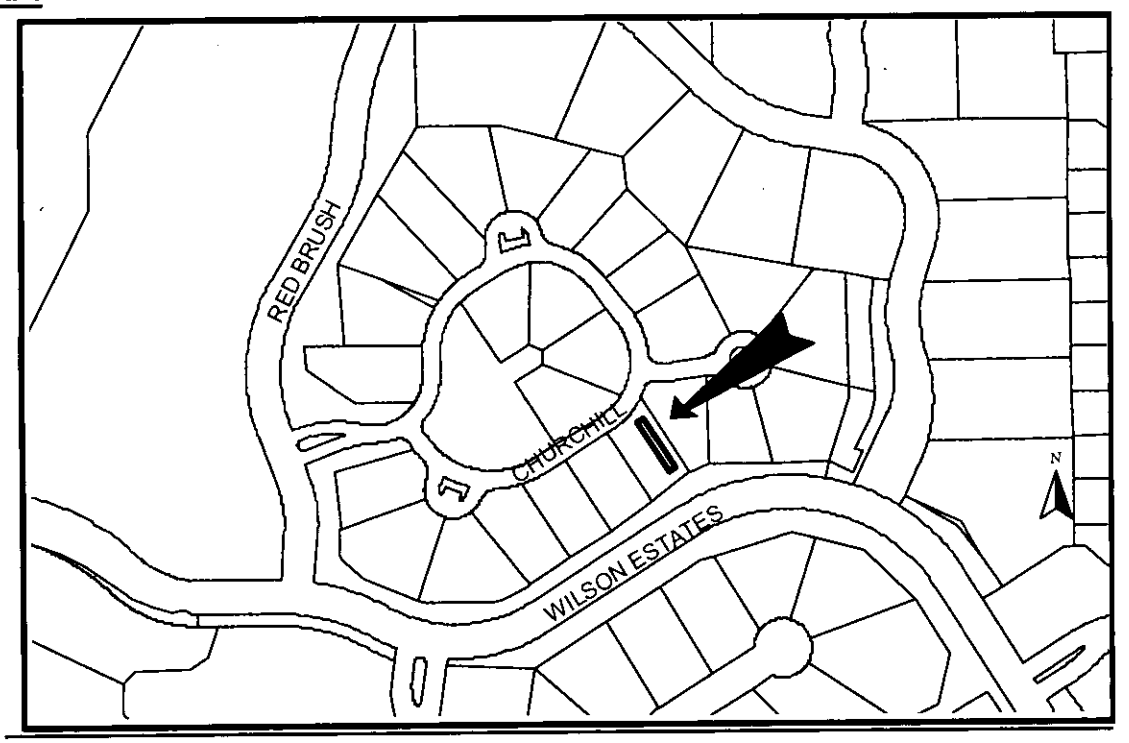
LEGAL DESCRIPTION: The west 5-feet of the 10-feet of the platted 20-foot utility easement located on the common lot lines of Lots 16 & 17 (Lot 17 is where that portion of the platted utility easement is located), Block 2, the Wilson Farms Second Addition, Wichita, Sedgwick County, Kansas, EXCEPT the north 15-feet and the south 25-feet thereof.

LOCATION: Generally located south of 21st Street north and west of Webb Road, north of Wilson Estates Parkway, on the south side of Churchill Circle (WCC District #II)

REASON FOR REQUEST: Additional space for constructing single-family residence

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

VICINITY MAP:



The applicant is requesting consideration for the vacation of the west 5-feet of the platted 20-foot utility easement located on Lot 17, Block 2, the Wilson Farms Second Addition. The applicant proposes to

build a single-family residence on the site. The applicant has provided responses from utilities, which indicates that they have no objections to the proposed vacation, with conditions. There are no manholes, water or sewer lines in the easement. The minimum width for an easement located in an interior side yard, per the Subdivision Regulations, is 10-feet. Per the UZC, the interior side yard setback for the "SF-5" zoning district is 6-feet. The 6-foot interior side yard setback remains in effect and an encroachment into it would require an Administrative Adjustment (20% reduction of the interior side yard setback) to remove the encroachment. The Wilson Farms Second Addition was recorded with the Register of Deeds May 25, 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/Water & Sewer, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate the portion of the platted utility easement as described in the legal description with the following conditions.

(1) Vacate only that portion of the platted utility easement as described in the legal description, as approved by City Water & Sewer/Public Works. Provide Planning Staff the approved legal description of the vacated portion of easement, via e-mail on a Word document.

(2) If needed provide a City Water & Sewer/Public Works with additional easement. Provide Planning Staff with the original easement that has been reviewed and approved by Public Works/Water & Sewer; this document will go with the Vacation Order to WCC for final action and subsequent recording with the register of Deeds.

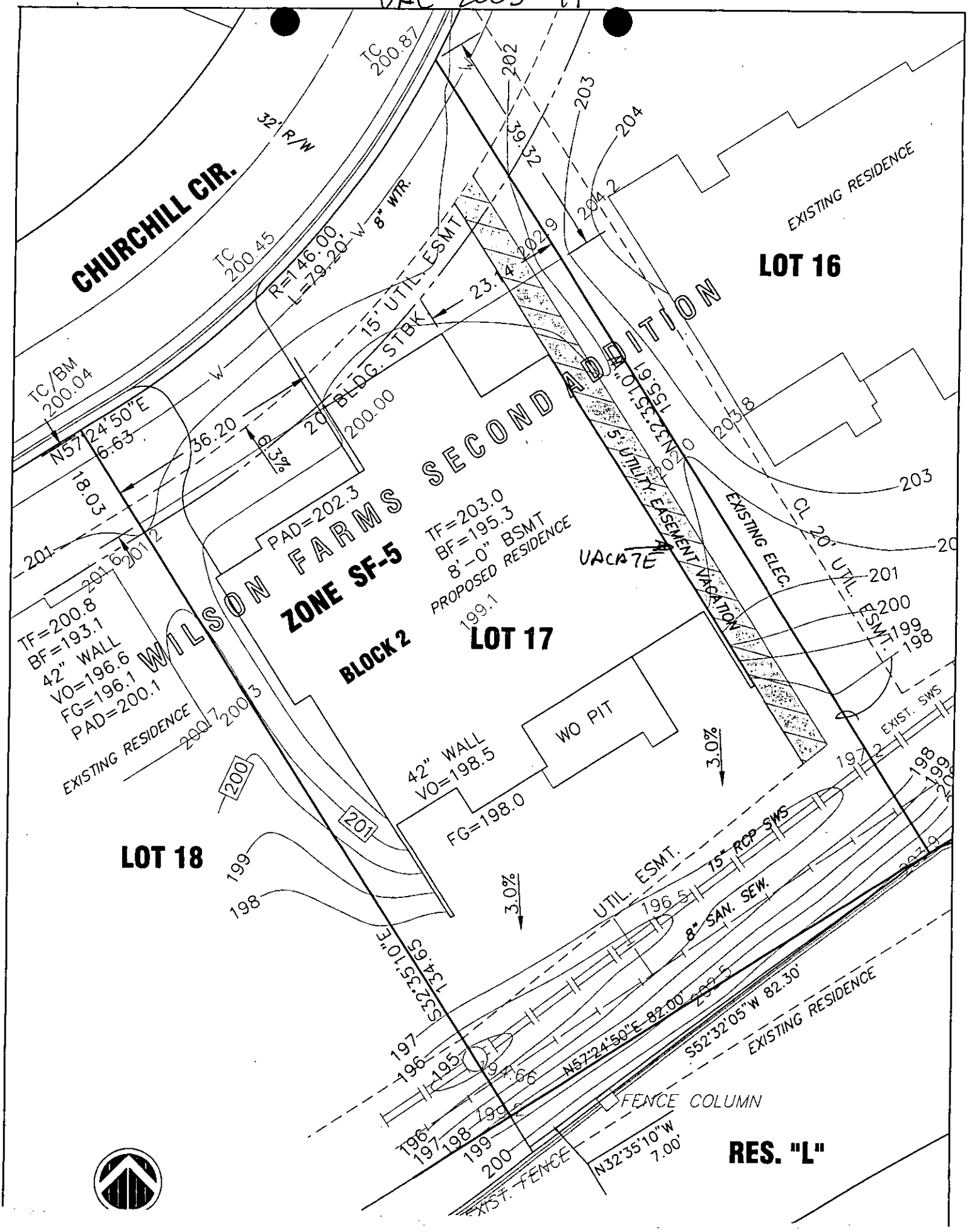
(3) Retain the easement until all utilities have been relocated and provided with easement and/or any other conditions to be met are completed per the standards of all utility companies.

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

(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.

VAC 2005-49


CHURCHILL CIR.
32' R/W
TC 200.87
TC 200.45
R=146.00'
L=79.20'
8" WTR.
15' UTIL. ESMT.
23.4' BLDG. STBK
TC/BM 200.04
N57°24'50"E 6.63'
36.20'
3%
18.03'
PAD=202.3
TF=200.8
BF=193.1
42" WALL
VO=196.6
FG=196.1
PAD=200.1
EXISTING RESIDENCE
WILSON FARMS SECOND ADDITION
ZONE SF-5
BLOCK 2
LOT 17
TF=203.0
BF=195.3
8'-0" BSMT
PROPOSED RESIDENCE
199.1
VACATE
N32°35'10"E 155.61'
5' UTILITY EASEMENT VACATION
EXISTING ELEC.
CL 20' UTIL. ESMT.
EXISTING RESIDENCE
LOT 16
42" WALL
VO=198.5
FG=198.0
WO PIT
3.0%
LOT 18
UTIL. ESMT.
15" RCP SWS
8" SAN. SEW.
S32°35'10"E 134.69'
N57°24'50"E 82.00'
S52°32'05"W 82.30'
EXISTING RESIDENCE
FENCE COLUMN
EXIST. FENCE
N32°35'10"W 7.00'
RES. "L"