



Wichita-Sedgwick County Metropolitan Area Planning Department

March 28, 2006

David Calvin
2535 S. Lennine Rd.
Wichita, KS 67217

Re: **VAC2006-00002** - Request to vacate portions of platted drainage & utility easements, generally located southeast of Kelllogg Avenue & 151st Street West.

Dear Mr. Calvin:

At its regular meeting on Tuesday, March 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
Poe & Associate, 5940 E. Central, Ste. 200, Wichita, KS 67208
David A & Cheryl A Calvin, 13705 W. Onewood, Wichita, KS 67235
Global Engineering & Technology, Inc., 1720 S. 151st W, Goddard, KS 67052



Register of Deeds - Bill Meek
DOC #/FLM-PG: 28772329

Receipt #: 1618916
Pages Recorded: 2

Recording Fee: 01

Cashier Initials: OH

Authorized By:

Date Recorded: 4/14/2006 2:26:42 PM



BEFORE THE CITY COUNCIL OF THE

TY CLERK'S ORIGINAL CITY OF WICHITA, SEDGWICK COUNTY, KANSAS
RETURN TO CITY CLERK

Approved: Attest: by City Council

This

3-28-06

**IN THE MATTER OF THE VACATION OF
A PLATTED DRAINAGE AND UTILITY
EASEMENT**

**GENERALLY LOCATED
SOUTHEAST OF THE US HIGHWAY 54- 151ST
STREET WEST INTERSECTION**

Case No. VAC2006-00002

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 28th day of March, 2006 comes on for hearing the petition for vacation filed by Poe & Associates praying for the vacation of the following described platted drainage and utility easement, to-wit:

The platted 20-foot drainage and utility easement, running parallel to the south lot line of Lot 1, Block 1, Range Industrial Addition as recorded on, Wichita, Sedgwick County, Kansas, except for the east 20-feet.

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 26, 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 platted drainage and utility 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 the platted drainage and utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 28th day of March 2006 ordered that the above-described platted drainage and utility 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.



ATTEST:

Karen Sublett, City Clerk

Carlos Mayans, Mayor

Approved as to Form:

Gary Rebenstorf, Director of Law



State of Kansas }
Sedgwick County }
City of Wichita }
I,
Karen Sublett, City Clerk of the City
of Wichita, Kansas, hereby certify that the document to which
this is affixed is a true and correct copy of the original on file in
the office of the City Clerk.
Given under my hand and seal of the City of Wichita, Kansas
this 4-13-06

Karen Sublett, City Clerk

STAFF REPORT

CASE NUMBER: VAC2006-00002 Request to vacate a platted drainage and utility easement

APPLICANTS/OWNERS: David Calvin

AGENT: Poe & Associates

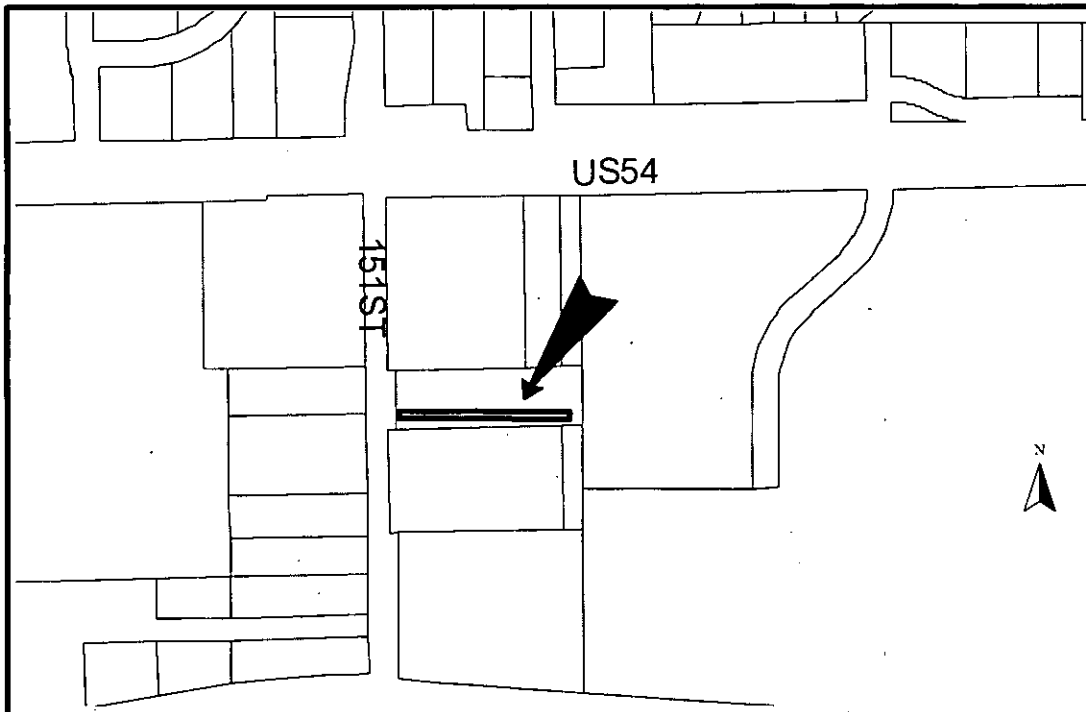
LEGAL DESCRIPTION: Generally described as the platted 20-foot drainage and utility easement, as recorded on Lot 1, Block 1, Range Industrial Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located southeast of the US Highway-54 – 151st Street West intersection (WWC #V)

REASON FOR REQUEST: Easement not needed

CURRENT ZONING: Site and abutting northern, southern and eastern properties are zoned "GI" General Industrial. Property west of the site (across 151st Street West) is zoned "SF-20" Single-family Residential.

VICINITY MAP:



The applicant is requesting consideration to vacate the platted 20-foot drainage and utility easement. There are no franchised utilities, water or sewer lines or manholes in the platted easement. Storm Water will need to confirm the drainage function of the easement; the applicant has stated in the Subdivision Committee meeting that they had turn in a drainage plan as required for a building permit. The Range Industrial Addition was recorded with the Register of Deeds February 18, 1999.

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 utility and 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 January 26, 2006, 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 utility and 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 a drainage study to determine the impact of the proposed vacation on abutting and adjacent properties; confirm that the applicant has turned in a drainage plan for review and approval to obtain a building permit. The drainage study will also determine if retention or replacement easement(s) are required. The utility and drainage easement will be retained until the Storm Water Engineer and Public Works determine if any or all of the utility and drainage easement can be vacated.
- (2) Provide Staff with any required replacement easements for utilities and/or drainage. Public Works/ Storm Water must approve dedications. Approved dedications, with original signatures, will be provided to Planning to be recorded with the Register of Deeds with the Vacation Order.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicant's expense.
- (4) All improvements shall be according to City Standards.
- (5) Dedicate 10-foot of right-of-way along the site's 151st Street West frontage.

- (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

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions;

- (1) If needed, provide the Storm Water Engineer with a drainage study to determine the impact of the proposed vacation on abutting and adjacent properties; confirm that the applicant has turned in a drainage plan for review and approval to obtain a building permit. The drainage study will also determine if retention or replacement easement(s) are required. The utility and drainage easement will be retained until the Storm Water Engineer and Public Works determine if any or all of the utility and drainage easement can be vacated.
- (2) Provide Staff with any required replacement easements for utilities and/or drainage. Public Works/ Storm Water must approve dedications. Approved dedications, with original signatures, will be provided to Planning to be recorded with the Register of Deeds with the Vacation Order.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicant's expense.
- (4) All improvements shall be according to City Standards.
- (5) 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

JAC 2006-02

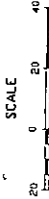
VACATION EXHIBIT

LOT 1, BLOCK 1, RANGE INDUSTRIAL ADDITION

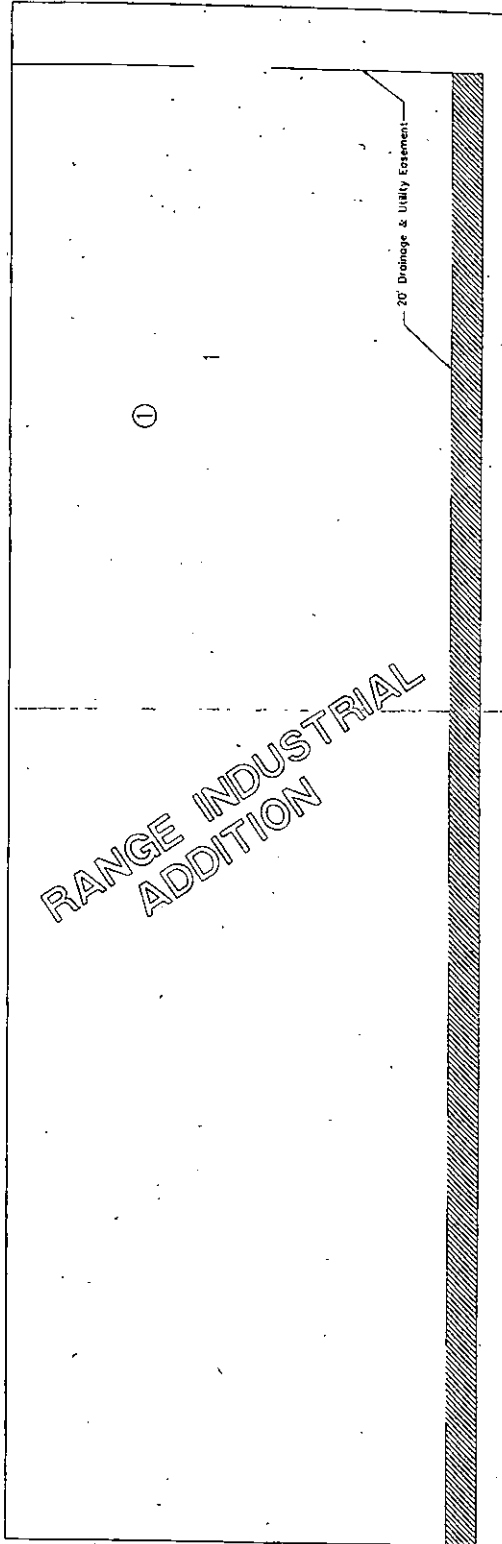
WICHITA, SEDGWICK COUNTY, KANSAS

LEGAL DESCRIPTION

The north 10 feet of the south 20 feet of Lot 1, Block 1,
Range Industrial Addition, Wichita, Sedgwick County, Kansas
EXCEPT the east 20 feet thereof.



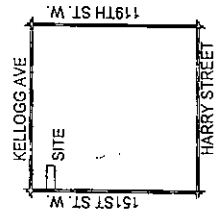
496.69'



151ST ST. WEST

162.2'

162.2'



LOCATION MAP
No Scale

Portion of Easement to be Vacated



1700 S. 151ST ST. WEST
VACATION EXHIBIT
CITY OF WICHITA, KANSAS

POE & ASSOCIATES OF KANSAS
CONSULTING ENGINEERS
1900 E. CENTRAL AVE. SUITE 200 WICHITA, KANSAS 67202
PHONE: 343-8888 FAX: 343-8889



FINAL

Drawn By: J. Austin
Checked By: S. Schmidt
For Job No.: 033/VACATION-002
Date: 01/05/06

N.W. 1/4 SEC. 35, TWP. 27 S, R.

U.S. HIGHWAY 54

CONDEMNATION CASE NO. A-38302

AT-187-1A

D-1057-UP
D-1058-UP

UNITED
INDUSTRIAL

ADDITION
CIRCLE

AT-187

RANGE INDUSTRIAL ADD.

AT-187-2C

MODS

ADD.

AT & SF RR

AT-186-4

AT-186-3

AT-186-2

AT-186-1

THIS SHEET PREPARED
BY K. WHITE
SEDGW