



Wichita-Sedgwick County Metropolitan Area Planning Department

June 22, 2006

Jim Goentzel Construction, Inc.,
Attn: Jeff Bennett, President
902 E. Indiannapolis
Wichita, KS 67211

Re: **VAC2006-00023** - vacate portions of a platted drainage easement and a utility easement dedicated by separate instrument, generally located midway between Rock Road and Woodlawn Boulevard, south of 45th Street North, on the northeast side of Shadow Glen and Barton Creek

Dear Mr. Bennett:

At its regular meeting on Tuesday, June 20, 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
Baughman Company, P.A., Attn: Phil Meyer, 315 Ellis, Wichita, KS 67211
Herb E & Viola Z Herb Revocable Trust, 4338 N. Barton Creek Circle, Wichita, KS 67226
Nuckolls Golf, Inc., 8001 E. Mulberry, Wichita, KS 67226

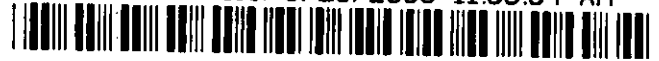


Sedgwick County
Register of Deeds - Bill Meek
DOC.#/FLM-PG: 28793306

Receipt #: 1626118
Pages Recorded: 2
Cashier Initials: DH

Authorized By: Recording Fee: Of.

Date Recorded: 6/26/2006 11:00:54 AM



Approved / Accepted By City Council

File JUN 20 2006

TY CLERK'S ORIGINAL
RETURN TO CITY CLERK

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

**IN THE MATTER OF THE VACATION OF
PORTIONS OF A PLATTED DRAINAGE
EASEMENT AND A UTILITY EASEMENT
DEDICATED BY SEPARATE INSTRUMENT**

**GENERALLY LOCATED
MIDWAY BETWEEN ROCK ROAD AND
WOODLAWN BOULEVARD, SOUTH OF 45TH
STREET NORTH, ON THE NORTHEAST SIDE
OF SHADOW GLEN AND BARTON CREEK
STREETS**

Case No. VAC2006-00023

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 20th day of June, 2006 comes on for hearing the petition for vacation filed by Jim Goentzel Construction c/o Jeff Bennett praying for the vacation of the following described portions of a platted drainage easement and a utility easement dedicated by separate, to-wit:

The west 10.00 feet of that part of a 20 foot drainage easement as granted in Willowbend North Estates 2nd Addition, Wichita, Sedgwick County, Kansas, lying in Lot 20, Block B, in said Willowbend North Estates 2nd Addition, TOGETHER with the west 10.00 feet of that part of a 20 foot utility easement as granted in Doc.#/FLM-PG; 28562960 lying in said Lot 20, EXCEPT the south 10.00 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 April 27, 2006, which was at least 20 days prior to the public hearing.

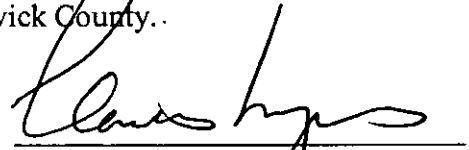
2. No private rights will be injured or endangered by the vacation of the above-described portions of a platted drainage easement and a utility easement dedicated by separate instrument, and the public will suffer no loss or inconvenience thereby.

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 portions of the platted drainage easement and a utility easement dedicated by separate instrument described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 20th day of June 2006 ordered that the above-described portions of the platted drainage easement and the utility easement dedicated by separate instrument 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.


Carlos Mayans, Mayor

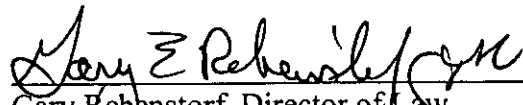
ATTEST:


Karen Sublett, City Clerk



Approved as to Form:

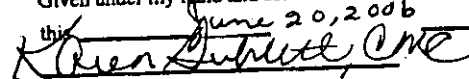



Gary E. Rebenstorf, Director of Law

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 June 20, 2006
 City Clerk

STAFF REPORT

CASE NUMBER: VAC2006-00023 Request to vacate a portion of a platted drainage easement

APPLICANTS/OWNER: Jim Goentzel Construction c/o Jeff Bennett

AGENT: Baughman Co, PA c/o Phil Myer

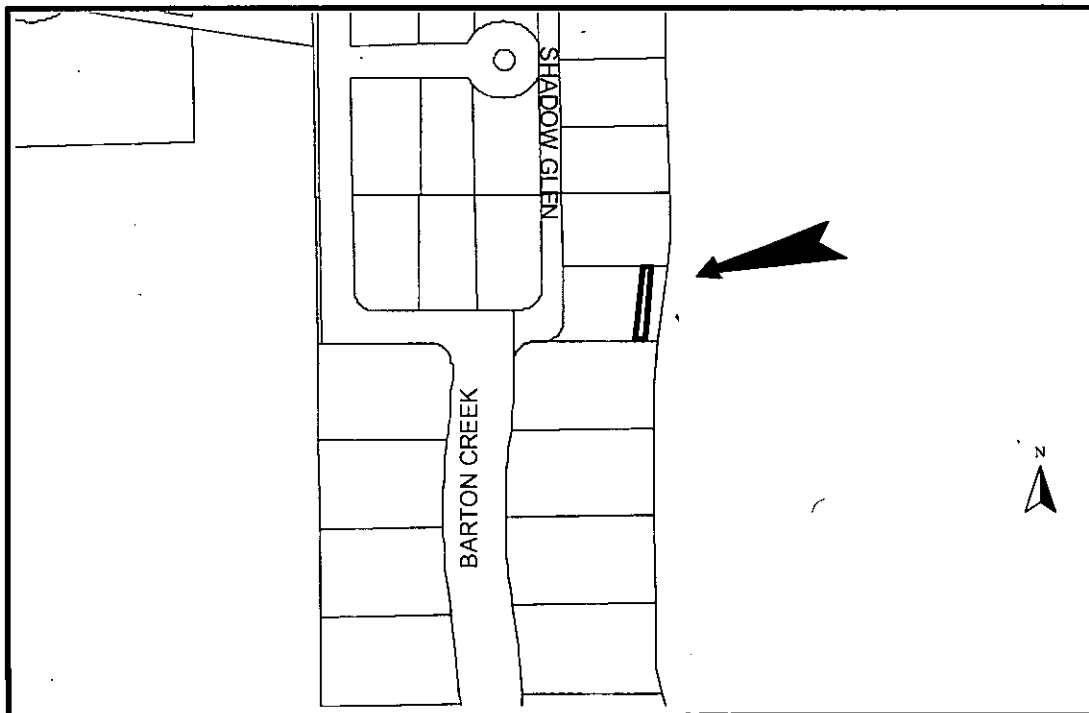
LEGAL DESCRIPTION: The west 10-foot wide portion of the platted 20-foot drainage easement, that abuts the east side of Lot 20, Block B, the Willowbend North Estates 2nd Addition, as recorded with Wichita, Sedgwick County, Kansas

LOCATION: Generally located south of 45th Street North, midway between of Rock Road and Woodlawn Boulevard, northeast of Shadow Glenn and Barton Creek

REASON FOR REQUEST: Additional room for single-family residential development

CURRENT ZONING: Site and surrounding properties are zoned "SF-5" Single-family residential

VICINITY MAP:



The applicant is requesting consideration to vacate the west 10-foot wide portion of the platted 20-foot drainage easement, as described. There are no franchised utilities, manholes, sewer or water lines in the platted easement. The easement abuts golf course on its east side. The Willowbend North Estates 2nd Addition was recorded with the Register of Deeds January 8, 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 a western foot portion of the platted 20-foot drainage easement, as described, 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 April 27, 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 portion of the 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 portion of the platted 30-foot front yard setback, described in the petition should be approved with conditions;

- (1) The utility and drainage easement will be retained until the Storm Water Engineer, Public Works and franchised utilities have determined if any or all of the utility and drainage easement can be vacated. Provide Storm Water with required drainage plans and, if needed, any legal description if different than what was originally requested.
- (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. Provide any needed replacement easements.
- (3) All improvements shall be according to City Standards and at the applicant's expense.
- (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:

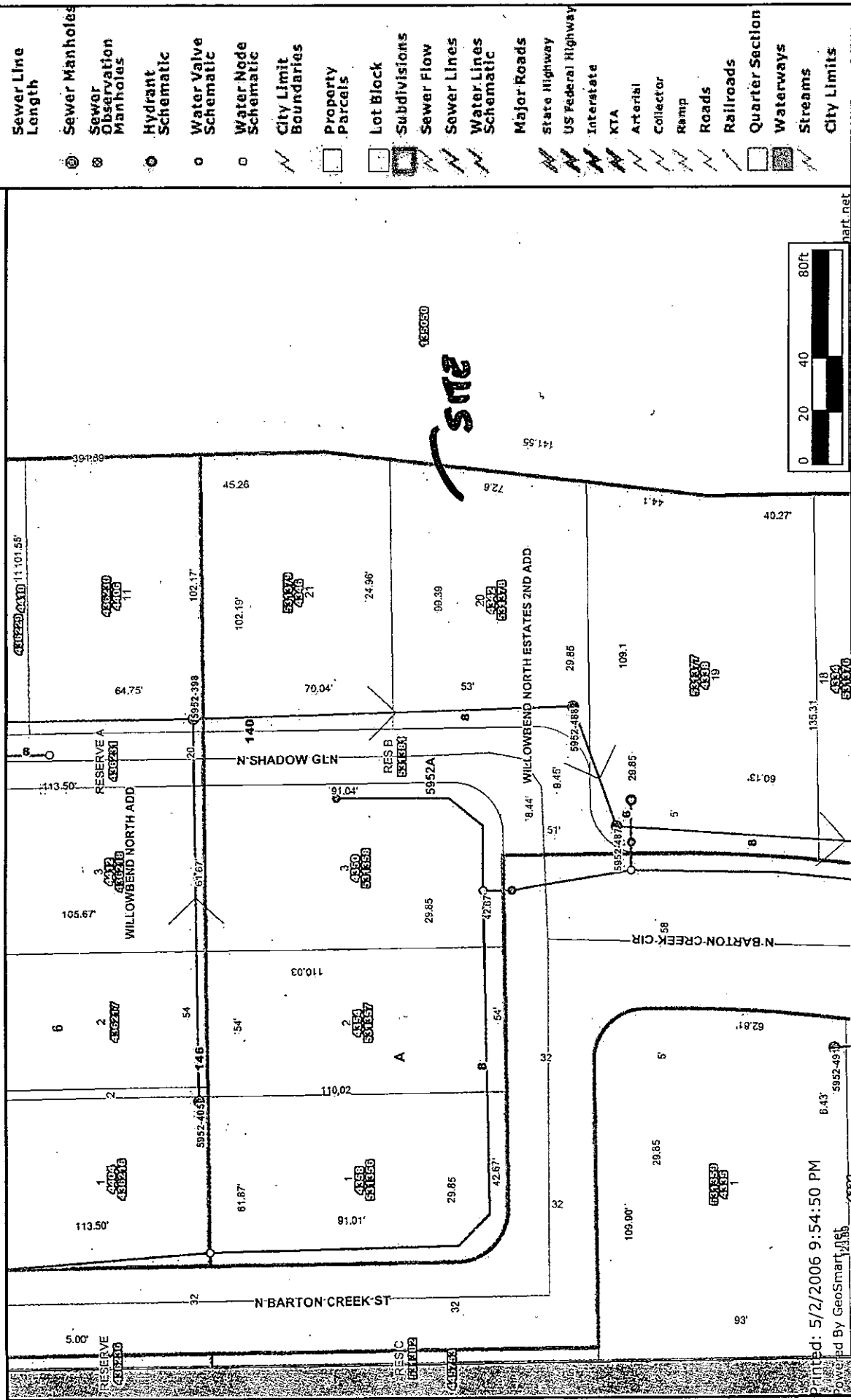
The Subdivision Committee recommends approval subject to the following conditions:

- (1) The utility and drainage easement will be retained until the Storm Water Engineer, Public Works and franchised utilities have determined if any or all of the utility and drainage easement can be vacated. Provide Storm Water with required drainage plans.
- (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. Provide any needed replacement easements.
- (3) All improvements shall be according to City Standards and at the applicant's expense.
- (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



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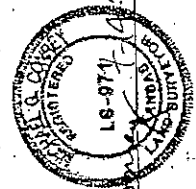
water & sewer



the Missouri Pacific Railroad Company, thence along said North right-of-way line to the point of beginning; thence N12°49'54"W, 111.38 feet; thence N09°00'28"E, 80.02 feet; thence N05°38'51"W, 600.82 feet; thence N06°33'39"E, 289.02 feet; thence N01°20'29"W, 391.89 feet; thence N25°00'59"E, 277.55 feet; thence N43°51'43"E, 84.77 feet; thence N73°56'12"E, 94.51 feet; thence S70°00'19"E, 162.17 feet; thence N81°14'39"E, 165.88 feet; thence S42°58'04"E, 76.63 feet; thence S12°39'47"E, 88.83 feet; thence S01°00'19"W, 571.62 feet; thence S03°25'44"W, 441.99 feet; thence S10°21'55"W, 349.29 feet to a point on said North right-of-way line; thence S61°30'25"W, 574.42 feet along said North right-of-way line to the point of beginning, and EXCEPT that part platted as Willowbend North Addition, an Addition to Wichita, Sedgewick County, Kansas, and EXCEPT that part platted as Willowbend North Estates, an Addition to Wichita, Sedgewick County, Kansas, TOGETHER with a tract of land lying in the Northeast Quarter of Section 30, Township 26 South, Range 2 East of the Sixth Principal Meridian, Sedgewick County, Kansas, more particularly described as follows: Commencing at the Northwest corner of said Northeast Quarter; thence N88°55'29"E, 318.80 feet along the North line of said Northeast Quarter; thence S00°47'41"E, 1150.63 feet parallel to the West line of said Northeast Quarter to the point of beginning; thence S00°47'41"E, 267.50 feet parallel to the West line of said Northeast Quarter; thence S14°17'11"E, 66.59 feet; thence S00°47'41"E, 219.12 feet parallel to the West line of said Northeast Quarter; thence N05°38'51"W, 406.67 feet; thence N06°33'39"E, 147.47 feet to the point of beginning.

Existing public easements and dedications being vacated by virtue of K.S.A. 12-512(b).

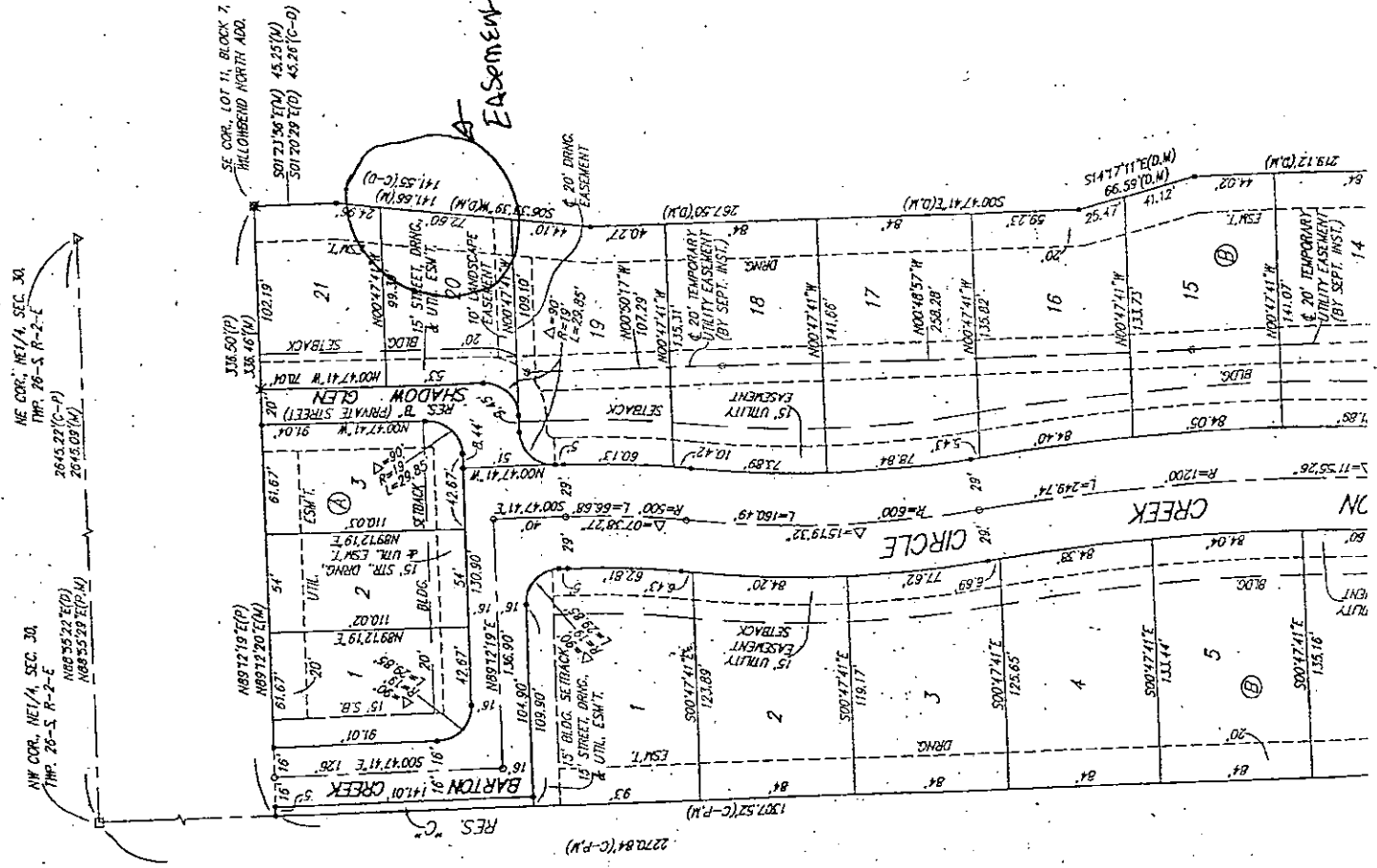
Baughman Company, P.A.



Michael A. Conrey
Michael C. Conrey
Surveyor

Know all men by these presents that we, the undersigned, have caused the land in the surveyors certificate to be platted into Lots, Blocks, Streets, and Reserves to be known as "WILLOWBEND NORTH ESTATES 2ND ADDITION", Wichita, Sedgewick County, Kansas. The utility easements are hereby granted as indicated for the construction and maintenance of all public utilities. The drainage easements are hereby granted as indicated for drainage purposes. The easements are hereby granted as indicated for drainage purposes. The street, drainage, and utility easements are hereby granted as indicated for street related purposes, for drainage purposes, and for the construction and maintenance of all public utilities. The drainage, utility and pedestrian access easement is hereby granted as indicated for drainage purposes, for the construction and maintenance of all public utilities, and purposes, for the construction and maintenance of all public utilities, and for pedestrian access to or from Reserve "A" and no fences or other for pedestrian access to or from Reserve "A" and no fences or other on this.

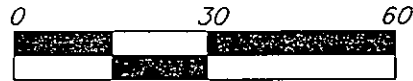
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EXHIBIT

PART OF WILLOWBEND NORTH ESTATES 2ND ADDITION
WICHITA, SEDGWICK COUNTY, KANSAS



INDICATES AREA OF
LEGAL DESCRIPTION

