



Wichita-Sedgwick County Metropolitan Area Planning Department

March 8, 2007

Rolling Hills Baptist Church
c/o Kevin Broce & David Erwin
1545 S. 135th Street West
Wichita, KS 67235-1111

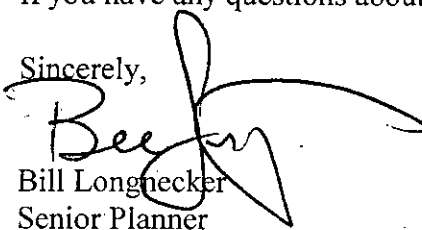
Re: **VAC2006-00044** - Request to vacate a plated utility easement, generally located west of 135th Street West, north of Kellogg/US-54, on the northeast corner of Auburn Hills Street and Harry Drive.

Dear Sirs,

At its regular meeting on Tuesday, March 6, 2007, 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, Attn: Phil Meyer, 315 Ellis, Wichita, KS 67211
J. Russell Communities, Attn: Jay Russell, P.O. Box 75337, Wichita, KS 67235
Jimmy & Karen L. Edgington, 806 N. Bebe, Wichita, KS 67212
Craig Pate Construction LLC, 7732 W. Central Park, Wichita, KS 67205
Sharp Construction of Augusta Inc., 430 Walnut, Augusta KS 67010
West Wichita Development Inc., P.O. Box 75337, Wichita, KS 67527
Randy Ketzner Construction Inc., 12528 W. Central, Wichita, KS 67235

**IN THE MATTER OF THE VACATION OF
A PORTION OF A PLATTED EASEMENT**

Case No. VAC2006-00044

MORE FULLY DESCRIBED BELOW

NOW on this 6th day of March, 2007 comes on for hearing the petition for vacation filed by Rolling Hills Baptist Church c/o Kevin Broce & David Erwin, praying for the vacation of the following described portion of a platted utility easement, to-wit:

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 December 14, 2006, which was at least 20 days prior to the public hearing.

RECEIVED

MAR 14 2007

METROPOLITAN PLANNING
ROUTE ☐ _____

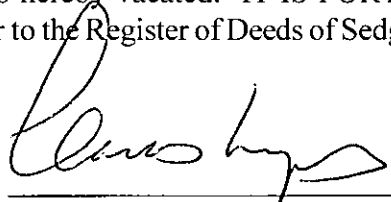
2. No private rights will be injured or endangered by the vacation of the above-described portion of the platted utility easement, and the public will suffer no loss or inconvenience thereby.

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.

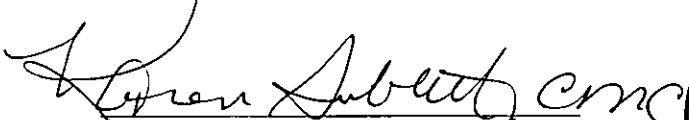
5. The vacation of a portion of the platted utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 6th day of March 2007 ordered that the above-described portion of the platted 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.



Carlos Mayans, Mayor

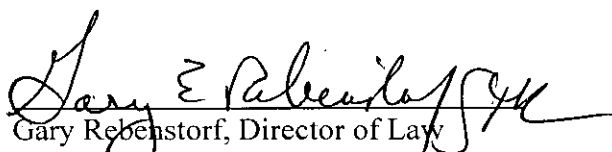
ATTEST:



Karen Sublett, City Clerk



Approved as to Form:



Gary Rebenstorf, Director of Law

STAFF REPORT

CASE NUMBER: VAC2006-00044 Request to vacate a portion of a platted easement

OWNER/APPLICANT: Rolling Hills Baptist c/o Kevin Broce & David Erwin (owner)
J Russell Communities c/o Jay Russell (applicant)

AGENT: Baughman Company, PA, c/o Phil Meyer

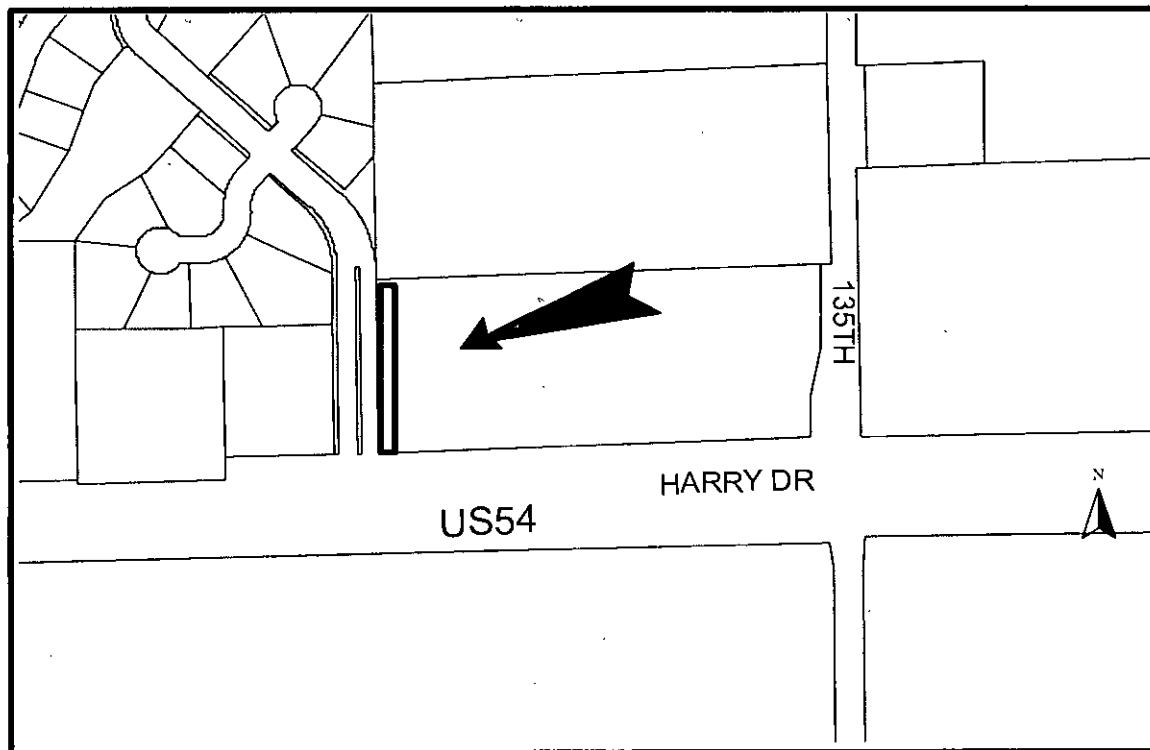
LEGAL DESCRIPTION: The platted 20-foot utility easement that runs parallel to the west lot line of Lot 1, Block A, Fellowship Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located west of 135th Street West, north of Kellogg/US-54, on the northeast corner of Auburn Hills Street & Harry Drive (WCC #V)

REASON FOR REQUEST: Off-site project title sign for subdivision.

CURRENT ZONING: Site, all abutting and adjacent properties are zoned "GC" General Commercial.

VICINITY MAP:



The applicant proposes to vacate the described platted easement. The applicant proposes to place an off-site project title sign for the adjacent subdivision. An off-site project title sign for the adjacent subdivision is permitted per 24.04.190, 6, a-i, (1)-(4) of the City of Wichita Sign Code. There are no manholes, sewer or water lines in the easement. Water and sewer are located west of the site, across Auburn Hills Street, in the Auburn Hills 15th Addition (recorded February 13, 2004). Properties north of the site are not platted and are not developed, with the exception of one large tract with a single-family residence. Comments from Storm Water & franchised utilities have not been received and are needed to determine if they have utilities in the easement. All utilities need to comment on any future need of the easement. The site is Lot 1, Block A, Fellowship Addition, which was recorded with the Register of Deeds September 22, 1994.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works, Storm Water, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate the described platted easement with conditions.

- (1) If needed, provide Planning with a copy of any required additional public easements (with original signatures) dedicated by separate instrument, as needed and approved by Public Works, Water & Sewer, Storm Water and franchised utilities. These easements will go with the Vacation Order to City Council for final action and recording with the Register of Deeds.
- (2) If needed, any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. If needed, retain the easements until all utilities have been relocated.
- (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

EXHIBIT

B Baughman Company, P.A.
Baughman ENGINEERING | SURVEYING | PLANNING | LANDSCAPE ARCHITECTURE
115 Ellis St., Wichita, KS 67211 P 316.262.7211 F 316.262.0149

HIGHWAY 54

HARRY DR

35' BUILDING SETBACK

20' UTILITY EASEMENT

TO BE VACATED

FELLOWSHIP

10' UTILITY EASEMENT

1 ACRES

④

ADDITION



135TH

ST



WEST ST

50'

50'

75'

75'

50'

50'

B

51

49

RES I

RES J

AUBURN HILLS

B

50

64

RES

VAC 200 S-45

A 5
103

PT of AUBURN HILLS 12th ADD.



CONDEMNATION CASE NO. A-38302

D-H 15th Add = Feb 13, 2004

Reserve "J" = 0