CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

August 8, 2007

Jon Michael Woodruff
910 South Hillside
Wichita, KS 67211

Re: **VAC2007-00016** - Request to vacate a drainage easement dedicated by separate instrument, generally located east of K-96, south of 21st Street North and west of Founders Circle.

Dear Mr. Woodruff:

At its regular meeting on Tuesday, August 7, 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
Harlan Foraker, Certified Engineering Design, 810 W. Douglas, Suite C, Wichita, KS 67203

Register of Deeds - Bill Meek
DOC.#/FLM-PG: 28907348
Receipt #: 1664008
Pages Recorded: 2
Cashier Initials: PJ
Authorized By:
Recording Fee: 00
Date Recorded: 8/10/2007 3:29:36 PM

CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

Approved / Accepted By City Council
8-7-07

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

IN THE MATTER OF THE VACATION OF A PORTION OF A DRAINAGE EASEMENT DEDICATED BY SEPARATE INSTRUMENT	)	
GENERALLY LOCATED EAST OF K-96, SOUTH OF 21ST STREET NORTH AND WEST OF FOUNDERS CIRCLE	)	**Case No. VAC2007-00016**
MORE FULLY DESCRIBED BELOW	)	

VACATION ORDER

NOW on this 7th day of August 2007 comes on for hearing the petition for vacation filed by Jon Woodruff praying for the vacation of the following described a portion of the drainage easement dedicated by separate instrument, Film 2772/Page 0006, to-wit:

That portion of the 10-foot wide drainage easement dedicated by separate instrument (Film 2772/Page 0006) that is the north 10-feet of the south 35-feet of Parcel A (created from Lot 3 Block 1, the Collective Addition, by a commercial Lot Split, SUB2005-69, recorded 08-22-2005) Block 1, the Collective Addition, 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 and The Derby Reporter on June 21, 2007, which was at least 20 days prior to the public hearing.

#38

00002897348

2. No private rights will be injured or endangered by the vacation of the above-described portion of the drainage 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 the described portion of the drainage easement dedicated by separate instrument described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 7th day of August 2007 ordered that the above-described portion of the drainage easement dedicated by separate instrument 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.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

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 AUG 07 2007

City Clerk

METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 3-1
July 5, 2007

STAFF REPORT

CASE NUMBER: **VAC2007-00016:** Request to vacate a portion of a drainage easement dedicated by separate instrument.

OWNER/AGENT: Jon Michael Woodruff
Certified Engineering Design, c/o Harlan Foracker

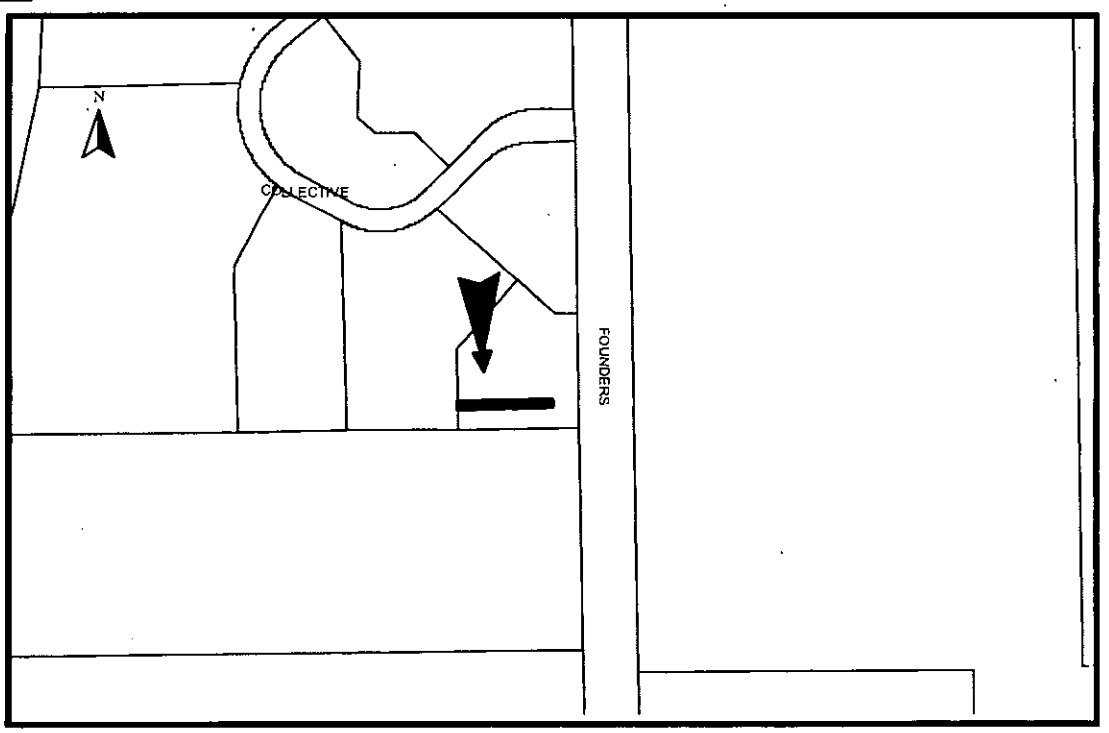
LEGAL DESCRIPTION: See the attached legal: Generally described as that portion of the 10-foot wide drainage easement dedicated by separate instrument (FILM 2772/PAGE 0006, recorded 2003), that is located 25-feet north of the south lot line of Lot 3 and runs parallel to said lot's south lot line and a platted 5-foot wall easement and a platted 20-foot utility easement all in Block 1, the Collective Addition, owned by the applicant, all in Wichita, Sedgwick County, Kansas.

LOCATION: Generally located east of K-96, south of 21st Street North, and west of Founders Circle. (WCC #II)

REASON FOR REQUEST: Additional room to build

CURRENT ZONING: Subject property and abutting northern and western properties are zoned "LC" Limited Commercial. The abutting southern property is zoned "GO" General Office. The adjacent properties, across Founders Street, are zoned "SF-5" Single-family Residential. The site is part of CUP DP-256.

VICINITY MAP:



The applicant is requesting consideration for the vacation of the described portion of the 10-foot wide drainage easement dedicated by separate instrument. The drainage easement runs the length of the south lot line of Lot 3, Block 1, and into Reserve "C," all in the Collective. Reserve "C" has been platted for pedestrian improvements, drainage, landscaping, and utilities confined to easements. The Reserve is owned and maintained by the owner's association. The Collective was recorded with the Register of Deeds January 9, 2002. A commercial Lot Split (SUB2005-69, recorded 08-22-2005) of Lot 3, Block 1, the Collective created the subject site, Parcel A. and the abutting (north and west sides) Parcel B. The Lot Split does not show the drainage easement dedicated by separate instrument, which was recorded in 2003. There are no utilities, manholes, storm water equipment, sewer or water lines in the drainage easement dedicated by separate instrument.

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 portion of the described drainage easement dedicated by separate instrument with the following 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 and the Derby Reporter of notice of this vacation proceeding one time May 31, 2007 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 drainage easement dedicated by separate instrument 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.

B. Therefore, the vacation of a portion of the easement dedicated by separate instrument described in the petition should be approved subject to the following conditions:

(1) Provide Storm Water with a drainage plan for review and approval.

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

(3) All improvements shall be according to City Standards and at the applicants' 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:

(1) Provide Storm Water with a drainage plan for review and approval.

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

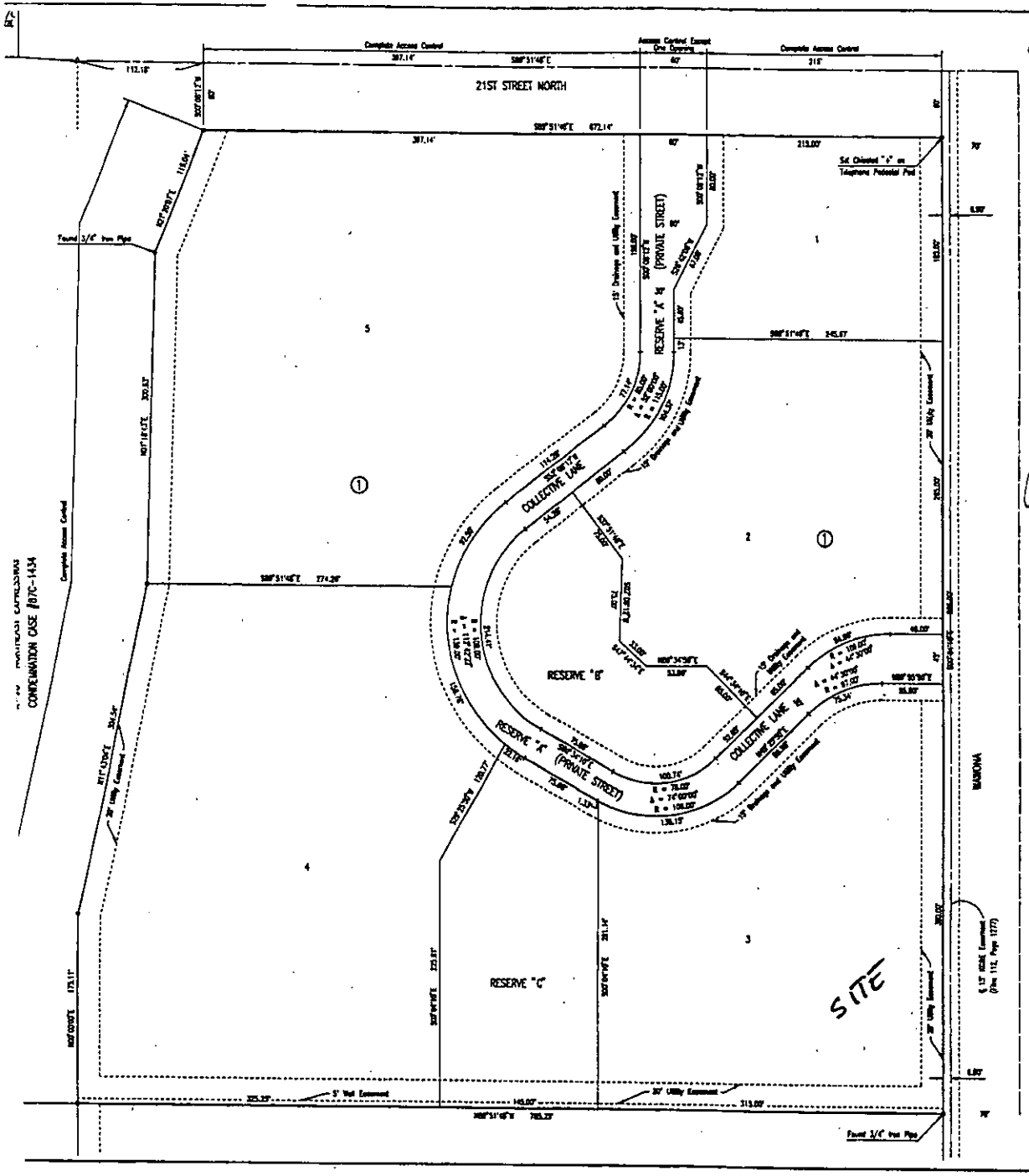
(3) All improvements shall be according to City Standards and at the applicants' expense.

(4) Per MAPC Policy Statement #7,all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests 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.

VAC2007-16

THE COLLECTIVE

AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS



SCALE : 1" = 80'

● = 3/4" IRON PIPE W/PLS CAP UNLESS OTHERWISE NOTED

B.M. - CHIPPED SPIKE IN NORTH SIDE OF POWER POLE ON SOUTHWEST CORNER OF 21ST STREET NORTH AND WINDOM, 779' EAST AND 40' SOUTH OF NORTH 1/4 CORNER, SECTION 16, T27S, R2E.

ELEV. = 1384.72 N.A.V.D.
ELEV. = 157.32 (CITY DATUM)

STATE OF KANSAS }
COUNTY OF SEDGWICK } SS

BE, PROFESSIONAL ENGINEERING CONSULTANTS, P.A., ENGINEERS AND SURVEYORS AS APPOINTED STATE AND COUNTY, DO HEREBY CERTIFY THAT ON DATE ____ DAY OF ____, 2004, WE HAVE SURVEYED AND PLATTED THE COLLECTIVE, AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS, AND LOTS, BLOCK AND RESERVES, THE SAME BEING DESCRIBED AS FOLLOWS:

LOTS 1, 2 AND 3, BLOCK 1, LANDMARK ADDITION TO SEDGWICK COUNTY, KANSAS, EXCEPT THOSE PORTIONS OF SAID LOTS CONDEMNED FOR HIGHWAY IN DISTRICT COURT CONDEMNATION CASE #87C-1434.

ALL PORTIONS OF LANDMARK RECORDED TO SEDGWICK COUNTY, KANSAS, WITHIN THE ABOVE DESCRIBED TRACT OF LAND ARE HEREBY VACATED AND REPLATTED BY VIRTUE OF K.S.A. 12-410(b) AMENDED.

JAMES R. BECKETT, R.L.S. NO. 632
PROFESSIONAL ENGINEERING CONSULTANTS, P.A.

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED PROPERTY OWNERS OF THE LAND AS ABOVE SET FORTH IN THE SURVEYOR'S CERTIFICATE, HAVE CAUSED THE LAND TO BE SURVEYED AND PLATTED AND LOTS, BLOCK AND RESERVES, THE SAME TO BE KNOWN AS THE COLLECTIVE, AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS.

EASEMENTS FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC UTILITIES AND DRAINAGE ARE HEREBY GRANTED.

THE 5 FOOT WALL EASEMENT ALONG THE SOUTH LINE OF BLOCK 1 IS HEREBY PLATTED FOR THE CONSTRUCTION AND MAINTENANCE OF A PRIVATE WALL, UNLESS AND DRAINAGE MAY CROSS THE WALL EASEMENT.

ALL RESTRICTIONS RIGHT OF ACCESS TO AND FROM 21ST STREET NORTH AND 0-40 SECONDARY EXPRESSWAY OVER AND ACROSS THE NORTH AND WEST LINE OF BLOCK 1 IS HEREBY GRANTED TO THE CITY OF WICHITA, PROVIDED HOWEVER THAT BLOCK 1 SHALL HAVE ACCESS TO 21ST STREET NORTH AT ONE LOCATION AS SHOWN.

RESERVE "A" IS HEREBY PLATTED FOR PRIVATE STREET, DRAINAGE, LANDSCAPING AND UTILITIES. THE PRIVATE STREET KNOWN RESERVE "A" IS TO PROVIDE ACCESS AND ENTRIES TO 21ST STREET NORTH AND WINDOM TO LOTS 1 THROUGH 5, BLOCK 1, THE COLLECTIVE. RESERVES "B" AND "C" ARE HEREBY PLATTED FOR PERIMETER IMPROVEMENTS, DRAINAGE, LANDSCAPING AND UTILITIES CONFINED TO EASEMENTS. RESERVES "A", "B" AND "C" SHALL BE OWNED AND MAINTAINED BY AN OWNERS ASSOCIATION TO BE FORMED WITHIN THE COLLECTIVE.

FOR ADDITIONAL INFORMATION AND BUILDING SETBACK LINES SEE DLP 2004-00015 D.F.-250 ON FILE AT THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING DEPARTMENT, WICHITA, KANSAS.

A DRAINAGE PLAN HAS BEEN APPROVED FOR THIS PLAT. ALL DRAINAGE EASEMENTS AND RIGHTS-OF-WAY SHALL REMAIN AS ESTABLISHED GRADES AND UNOBSTRUCTED TO ALLOW FOR THE CONVEYANCE OF STORM WATER, UNLESS MODIFIED WITH THE APPROVAL OF THE CITY ENGINEER.

MINIMUM PAD ELEVATIONS (LOWEST OPENING) SHALL BE AS FOLLOWS:

	CITY DATUM	NGVD
BLOCK 1		
LOT 1	155.1	1371.5
LOTS 2 & 4	152.8	1369.4
LOT 3	147.1	1374.5

OWNERS:

RALPH A. LANDMARK REVOCABLE TRUST

RALPH A. LANDMARK, CO-TRUSTEE

MARY K. LANDMARK, CO-TRUSTEE

JLCO, L.L.C.

BY: _____
JAY JOHNSON, PRESIDENT

STATE OF KANSAS }
COUNTY OF SEDGWICK } SS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 31st DAY OF October, 2004, BY RALPH A. LANDMARK AND MARY K. LANDMARK, CO-TRUSTEES OF THE RALPH A. LANDMARK REVOCABLE TRUST.

_____ NOTARY PUBLIC

MY APPOINTMENT EXPIRES 4/19/05

STATE OF KANSAS }
COUNTY OF SEDGWICK } SS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 31st DAY OF October, 2004, BY JAY JOHNSON, PRESIDENT OF JLCO, L.L.C.

_____ NOTARY PUBLIC

MY APPOINTMENT EXPIRES 4/19/05

THIS PLAT OF THE COLLECTIVE HAS BEEN SUBMITTED TO AND APPROVED BY THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, WICHITA, KANSAS.

DATED THIS 6TH DAY OF SEPTEMBER, 2004.

WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION

JOHN SCHLEGEL, ACTING CHAIRMAN

DENNIS S. ENNS, SECRETARY

SURVEYED IN ACCORDANCE WITH K.S.A. 58-2005 ON THIS 22nd DAY OF October, 2004.

TROY L. ADKILLA, LS 1248
NOTARY COUNTY SURVEYOR
SEDGWICK COUNTY, KANSAS

THIS PLAT IS APPROVED AND ALL DEDICATIONS SHOWN HEREON, IF ANY, ARE ACCEPTED BY THE CITY COUNCIL OF THE CITY OF WICHITA, KANSAS, THIS 7th DAY OF December, 2004.

BY THE DIRECTION OF THE CITY COUNCIL

_____ CITY MANAGER

_____ CITY CLERK
ARE SIGNED

FILED FOR RECORD THIS 3rd DAY OF January, 2005

_____ COUNTY CLERK

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF REGISTER OF DEEDS OFFICE AT 3:30 P.M. ON THE Wednesday DAY OF January, 2005 A.D.

_____ REGISTER OF DEEDS

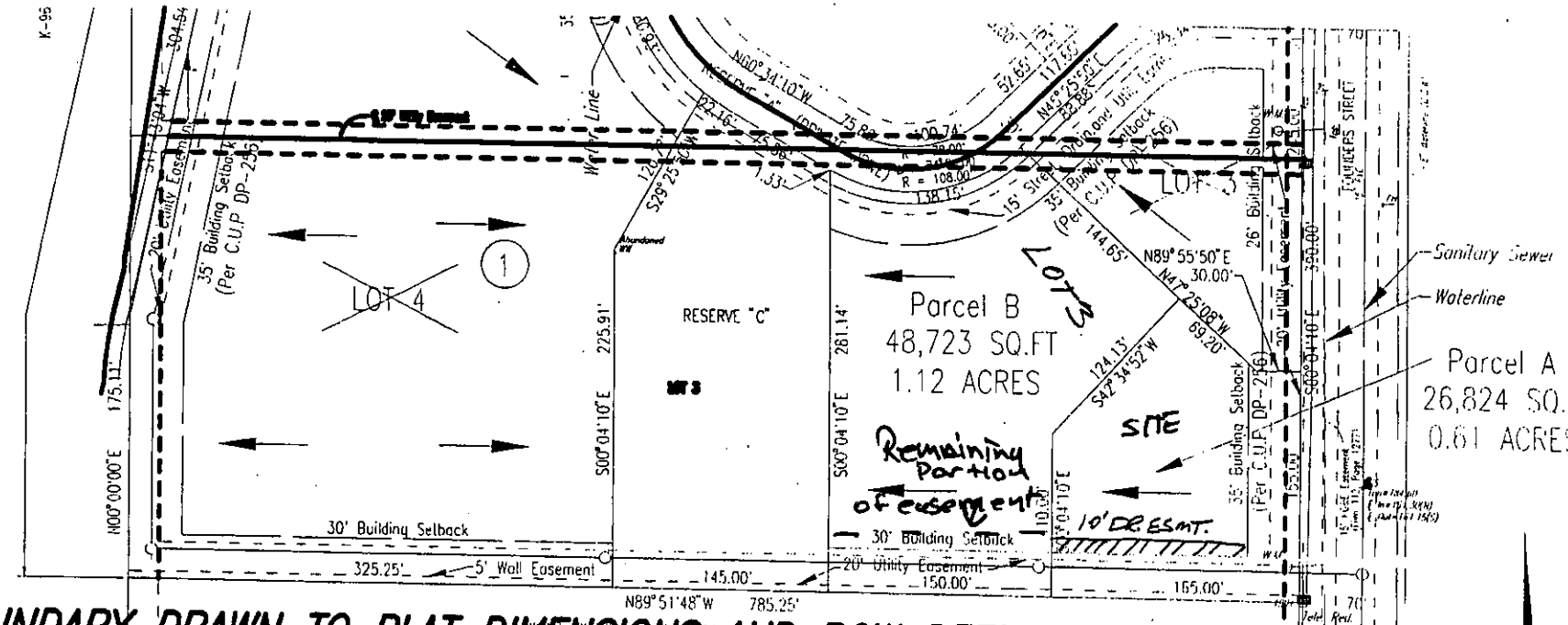
_____ DEPUTY

2045520

PC 132

VAC2007-16

Saved 12-01-2006 1:15:56 PM by SAW
Plot Scale 1:117.6578 02-16-2007 1:37:43
S:\Drawing Files\Land Projects CKW\Simpson



BOUNDARY DRAWN TO PLAT DIMENSIONS AND ROW DEEDS ROTATED TO FIT PLAT

PEC PROJ. NO. 36-05365-54.79

SCALE:

0 150 300

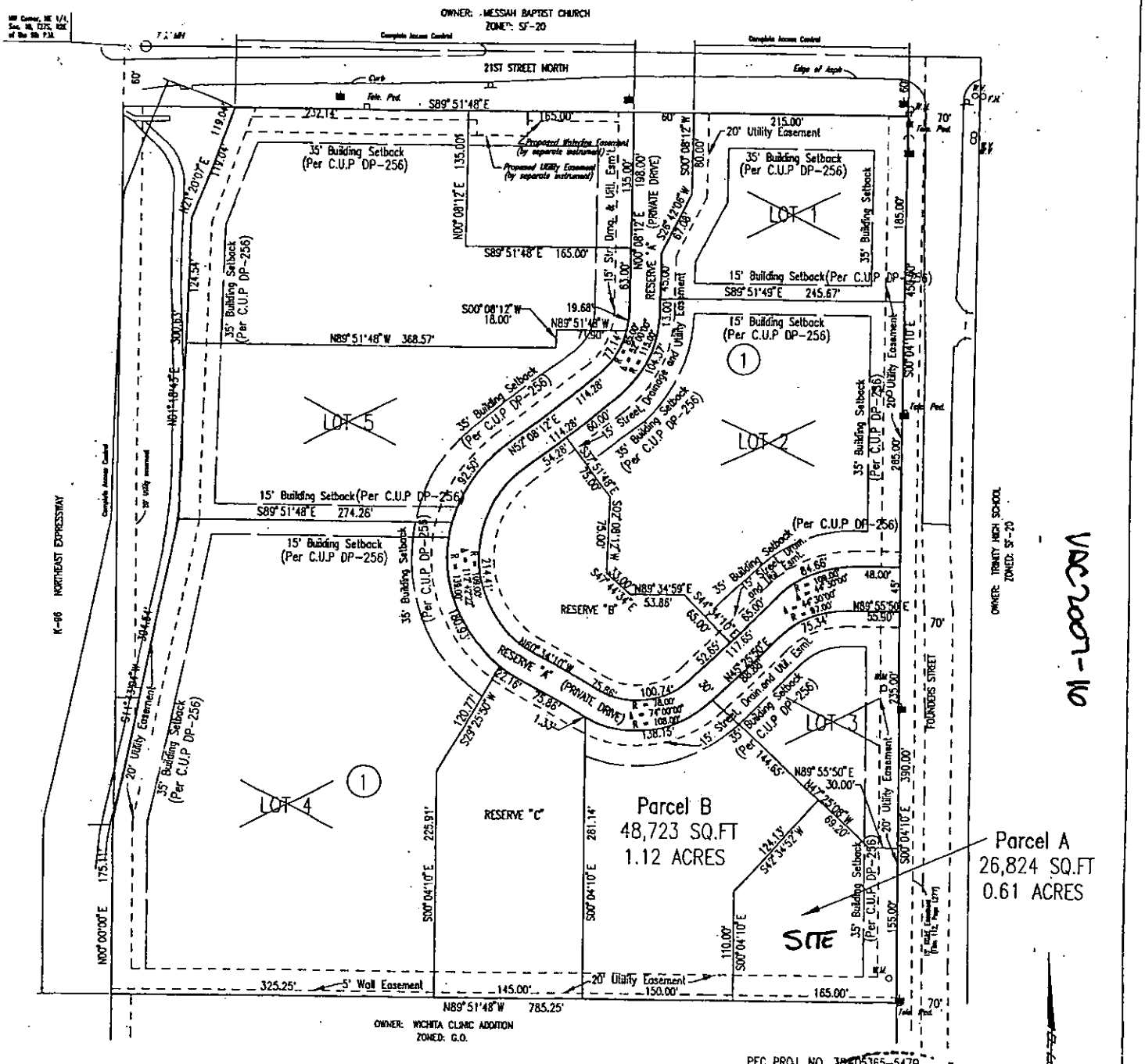
: Drainage Arrows

LEGAL DESCRIPTION
For Parcel A

Part of Lot 3, Block 1, The Collective, an Addition to Wichita, Sedgwick County

LOT SPLIT

LOT 3, BLOCK 1, THE COLLECTIVE, AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS.



PEC PROJ. NO. 38-05365-5479

DSNR: RMH OPER: IDX SCALE: 1=150.00
Q:\2005\05365\05365-LotSplit 06-28-2005 08:55:36 am

VAC2005-16

LEGAL DESCRIPTION

For Parcel A

Part of Lot 3, Block 1, The Collective, an Addition to Wichita, Sedgwick County, Kansas described as: Beginning at the Southeast corner of said Lot 3; thence bearing N89°51'48"W along the South line of said Lot 3, a distance of 165.00 feet; thence N00°04'10"W, a distance of 110.00 feet; thence bearing N42°34'52"E, a distance of 124.13 feet; thence bearing S47°25'08"E, a distance of 69.20 feet; thence bearing N89°55'50"E, a distance of 30.00 feet; thence bearing S00°04'10"E along the East Line of said Lot 3, a distance of 155.00 feet to the point of beginning.

Encompassing 26,824 square feet or 0.61 acres more or less.

WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION SEAL KANSAS

...ng, Wichita-Sedgwick
...mt, do hereby certify
...Rules and Regulations
...been approved.
...day of
...n L. Schlegel