BEFORE THE COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF A PORTION OF AN EASEMENT FOR ROAD INTERSECTION SITE DISTANCE DEDICATED BY SEPARATE INSTRUMENT GENERALLY LOCATED ON THE SOUTHEAST CORNER OF 13TH STREET NORTH AND 127TH STREET EAST	)	MAPD CASE NO. VAC2007-00031

VACATION ORDER

NOW on this 26th day of March, at 9:00 o'clock A.M., comes the petition filed by Crestview Country Club Association c/o Kerry Clark, President, praying for the vacation of the following-described portion of an easement for road intersection site distance (triangle) dedicated by separate instrument, to-wit:

> A 10-foot wide portion running parallel with the northeast to the southwest boundary line of the easement for road intersection site distance (triangle) dedicated by separate instrument, DOC#/FLM-PG: 28758160, recorded February 22, 2006.

WHEREUPON, it is shown that proper notice has been given by publication once at least 20 days prior to the date of hearing in the official county newspaper, such publication having occurred on

October 25, 2007; and it is further shown that proper proof of such publication has been filed herein. The Board finds that such notice is in lawful form and that it conforms to K.S.A. 58-2613, and amendments thereto.

THEREAFTER, the Board, being duly advised in the premises, finds and determines that no private rights will be injured or endangered by such vacation; that the public will suffer no loss or inconvenience thereby; that no written objections hereto have been filed with the Sedgwick County Clerk; that an easement for right-of-way dedicated by separate instrument will be filed with the register of Deeds for recording; and that, in justice to the petitioner, the petition's prayer should be granted.

The Board further finds that the Metropolitan Area Planning Commission held a public hearing on the 10th day of January 2008, and recommended that the vacation petition herein be approved; and on the 25th day of March, the Governing Body of the City of Wichita recommended that the said petition be approved.

THEREFORE, IT IS ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, that the portion of an easement for road intersection site distance (triangle) dedicated by separate instrument hereinabove described be and the same is hereby vacated.

DATED this _____ day of _____.

**BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS**

Thomas G. Winters, Chairman
Third District

ATTEST:

Don Brace, County Clerk

APPROVED AS TO FORM:

Robert W. Parnacott
Assistant County Counselor

Register of Deeds - Bill Meek
DOC.#/FLM-PG: 28966732
Receipt #: 1684718
Pages Recorded: 3
Cashier Initials: DT
Recording Fee: 001
Authorized By:
Date Recorded: 4/10/2008 3:27:17 PM

CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

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

Approved / Accepted By City Council
This 3-25-08 #19

IN THE MATTER OF THE VACATION OF A PORTION OF AN EASEMENT FOR ROAD INTERSECTION SITE DISTANCE DEDICATED BY SEPARATE INSTRUMENT	)	
GENERALLY LOCATED ON THE SOUTHEAST CORNER OF 13TH STREET NORTH AND 127TH STREET EAST (3-MILE RING)	)	**Case No. VAC2007-00031**
MORE FULLY DESCRIBED BELOW	)	

VAC2007-31

VACATION ORDER

NOW on this 25th day of March 2008 comes on for hearing the petition for vacation filed by Crestview Country Club Associates c/o Kerry Clark, President, praying for the vacation of the following described portion of an easement for road intersection site distance (triangle) dedicated by separate instrument, to-wit:

Vacate the 10-foot wide portion running parallel with the northeast to the southwest boundary line of the easement for road intersection site distance (triangle) dedicated by separate instrument, DOC#/FLM-PG: 28758160, recorded February 22, 2006.

LEGAL DESCRIPTION FOR CRESTVIEW COUNTRY CLUB ASSOCIATION
TEN FOOT EASEMENT VACATION - VAC 2007-31

1.00
6.
3PGS

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 October 25, 2007, 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 the easement for road intersection site distance (triangle) dedicated by separate instrument, and the public will suffer no loss or inconvenience thereby.

3. An easement for right-of-way, dedicated by separate instrument, will be recorded with the Register of Deeds.

4. In justice to the petitioner(s), the prayer of the petition ought to be granted.

5. 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.

6. The vacation of the portion of the easement for road intersection site distance (triangle) dedicated by separate instrument described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 25th day of March 2008 ordered that the above described portion of the easement for road intersection site distance (triangle) 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

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 MAR 25 2008

City Clerk

Approved as to Form:

Gary Rebenstorf, Director of Law

METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 2-1
January 10, 2008

STAFF REPORT

CASE NUMBER: **VAC2007-00031** Request to vacate a portion of an easement for road intersection site distance (site triangle), dedicated by separate instrument.

APPLICANTS: Crestview Country Club Association c/o Kerry Clark, President

AGENT: Martin & Churchill, Chartered, c/o Brad T Murphree

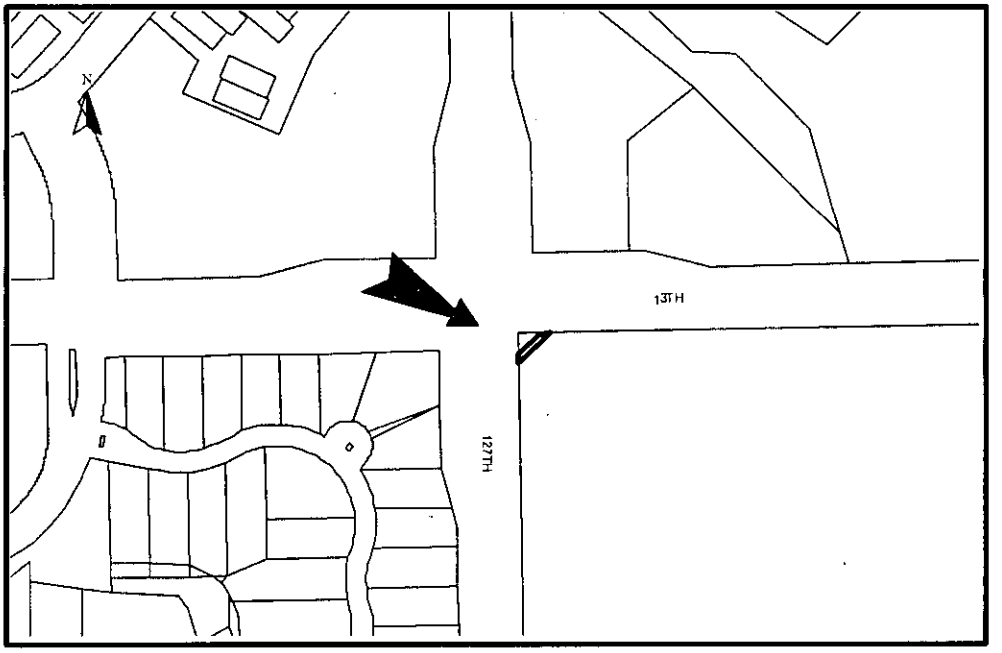
LEGAL DESCRIPTION: Generally described as the southern 10-foot wide portion of the easement for road intersection site distance, dedicated by separate instrument (Film/Page 28758160, recorded 2-22-2006), Wichita, Sedgwick County, Kansas

LOCATION: Generally located on the southeast corner of 13th Street North & 127th Street East (WCC II & BoCC 1)

REASON FOR REQUEST: Country club sign

CURRENT ZONING: The site and adjacent northern property are zoned "LC" Limited Commercial. Abutting southern and eastern property are zoned "SF-20" Single-family Residential. Adjacent western property is zoned "SF-5" Single-family Residential.

VICINITY MAP:



The applicant is requesting vacation of the southern 10-foot wide portion of the site triangle. There are no franchised or public utilities in the easement. This is the only corner of this intersection where 75-foot of half street right-of-way has not been dedicated for future turn lanes. This case is with in the City of Wichita's 3-

mile jurisdiction ring and as such will have to be recommended by both the Wichita City County and the Sedgwick County Board of County Commissioners.

NOTE: This case was originally scheduled to be considered by the MAPC at their November 15, 2007 meeting, but was deferred at the applicant's request until the December 6, 2007 MAPC meeting. The MAPC, at their December 6, 2007 meeting sent the case back to the Subdivision Committee for reconsideration, at the December 27, 2007 meeting.

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/Storm Water, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate the described portion of the of the easement for road intersection site distance easement, dedicated by separate instrument, 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, in the Wichita Eagle and the Derby Reporter, of notice of this vacation proceeding one time October 25, 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 easement for road intersection site distance, 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.

Therefore, the vacation of the portion of the easement for road intersection site distance easement, dedicated by separate instrument described in the petition should be approved with conditions;

(1) Vacate the south 10-foot wide portion of the easement for road intersection site distance, dedicated by separate instrument as approved by the franchised utilities and City & County Public Works/Water & Sewer/Storm Water. Provide Planning staff with a legal description of the approved vacated (portion) of the easement on a word document via e-mail.

(2) The remainder of the easement for road intersection site distance shall be dedicated as a street right-of-way agreement, per the recommendation of the Traffic Engineer/County Engineer.

(3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicants. If utilities are to be relocated retain the easement, until they a relocated and a replacement easement is recorded with the Register of Deeds to cover the relocated utilities. Provide Planning Staff with the original dedication of easement for relocated public utilities to be recorded with the Register of Deeds.

(4) All improvements shall be according to City Standards, at the applicant's expense.

(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.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

(1) Vacate the south 10-foot wide portion of the easement for road intersection site distance, dedicated by separate instrument as approved by the franchised utilities and City & County Public Works/Water & Sewer/Storm Water. Provide Planning staff with a legal description of the approved vacated (portion) of the easement on a word document via e-mail.

(2) The remainder of the easement for road intersection site distance shall be dedicated as a street right-of-way agreement, per the recommendation of the Traffic Engineer/County Engineer.

(3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicants. If utilities are to be relocated retain the easement, until they a relocated and a replacement easement is recorded with the Register of Deeds to cover the relocated utilities. Provide Planning Staff with the original dedication of easement for relocated public utilities to be recorded with the Register of Deeds.

(4) All improvements shall be according to City Standards, at the applicant's expense.

(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.

VAC2007-31

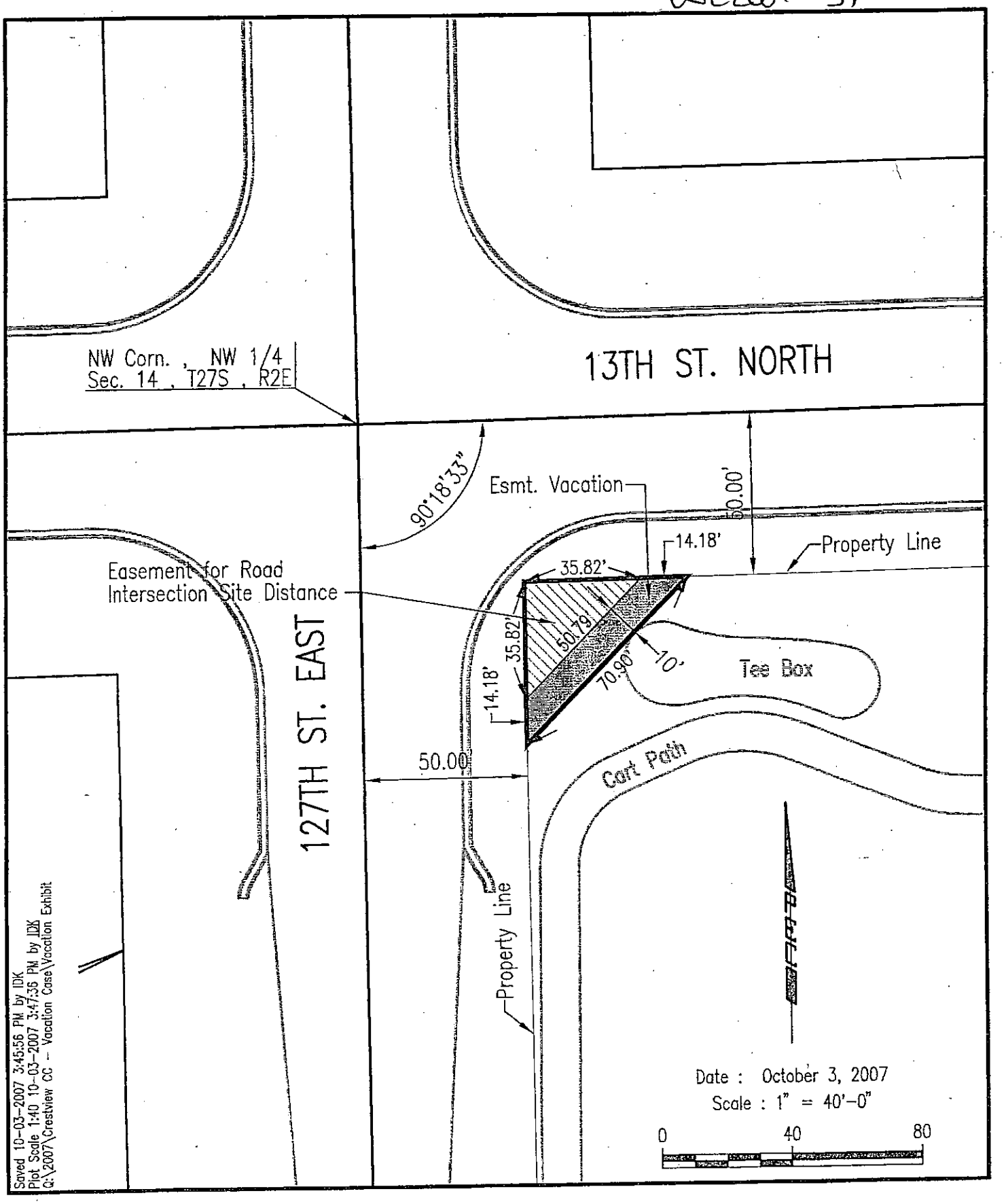


EXHIBIT - EASEMENT VACATION