CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

December 13, 2007

Grant Tidemann
119th & Kellogg Assoc., Inc.,
150 N. Market
Wichita, KS 67202

Re: **VAC2007-00032** - Request to vacate a portion of a platted easement, generally located near the north Kellogg Street and west of 119th Street West.

Dear Mr. Tidemann:

At its regular meeting on Tuesday, December 11, 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, P.A., Attn: Phil Meyer, 315 Ellis, Wichita, KS 67211
George E. & Mary K. Lyon, 12219 Walker, Wichita, KS 67235
Howard R. & Margaret Ann Moore, 1500 Wheatridge, Wichita, KS 67235

Register of Deeds - Bill Mask
DOC.#/FLM-PG: 28938926
Receipt #: 1674831
Pages Recorded: 2
Cashier Initials: DH
Authorized By:
Recording Fee: 00H
Date Recorded: 12/13/2007 3:59:55 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 12-11-07

IN THE MATTER OF THE VACATION OF PLATTED EASEMENT	)	
GENERALLY LOCATED NORTH OF KELLOGG AND WEST OF 119TH STREET WEST	)	**Case No. VAC 02007-00032**
MORE FULLY DESCRIBED BELOW	)	

VAC2007-00032

VACATION ORDER

NOW on this 11th day of December 2007 comes on for hearing the petition for vacation filed by 119th & Kellogg Associates, LLC, c/o Grant Tidemann praying for the vacation of the following described platted utility easement, to-wit:

The 16.00 foot utility easement on the lot line common to Lots 5 and 6, Block 2, Wheatridge Addition, Sedgwick County, Kansas, EXCEPT the north 8.00 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 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 a 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 platted easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 11th day of December 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.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary Rebenstorf, Director of Law

SUBDIVISION COMMITTEE
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 2
November 8, 2007

STAFF REPORT

CASE NUMBER: **VAC2007-00032:** Request to vacate a platted easement

OWNER/APPLICANT: 119th & Kellogg Assoc., LLC c/o Grant Tideamann

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

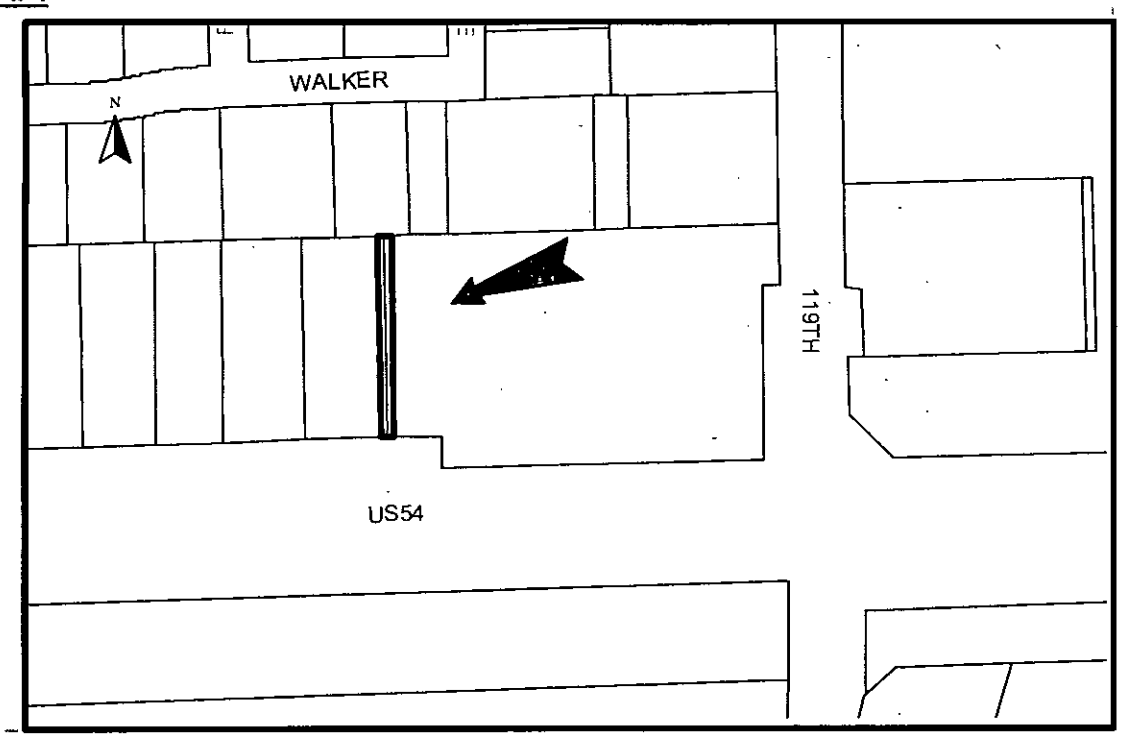
LEGAL DESCRIPTION: Generally described as the platted 16-foot utility easement, running parallel to the common lot line of Lots 5 & 6, Block 2, the Wheatridge Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located north of Kellogg Street and west of 119th Street West (WCC #V)

REASON FOR REQUEST: Future building over lot lines

CURRENT ZONING: Subject property and abutting western property are zoned "GC" General Commercial, abutting northern properties are zoned "SF-5" Single-family Residential, adjacent (across 119th) eastern property is zoned "LI" Limited Industrial and adjacent (across Kellogg) southern property is zoned "SF-20" Single-family Residential.

VICINITY MAP:



The applicant is requesting consideration for the vacation of the described platted utility easement, as shown on the applicant's exhibit. The applicant proposes building over portions of the platted easement. Per the GIS map there are no manholes, sewer or water lines in the easement. Comments from storm water and franchised utilities have not been received and are needed to determine if they have utilities located within the easement. The Wheatridge Addition was recorded with the Register of Deeds April 8, 1968.

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/Water & Sewer, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate the portion of the platted utility easement as described in the legal description with the following conditions.

(1) Vacate only that portion of the platted utility easement as described in the legal description, as approved by City Water/Storm Water/Sewer/Public Works and franchised utilities. Provide Planning Staff the approved legal description of the vacated portion of easement, via e-mail on a Word document.

(2) If needed retain the platted easement until all utilities have been relocated. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. If needed provide all utilities with any needed plans for review for location of utilities. If needed provide a guarantee for the relocation of the public utilities and if needed the franchised utilities. If needed provide new easements for the relocated utilities to be recorded with the Register of Deeds.

(3) All improvements shall be according to City Standards.

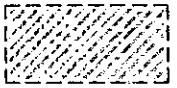
(4) Per MAPC Policy Statement #7,all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final 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.

VAC2007-32

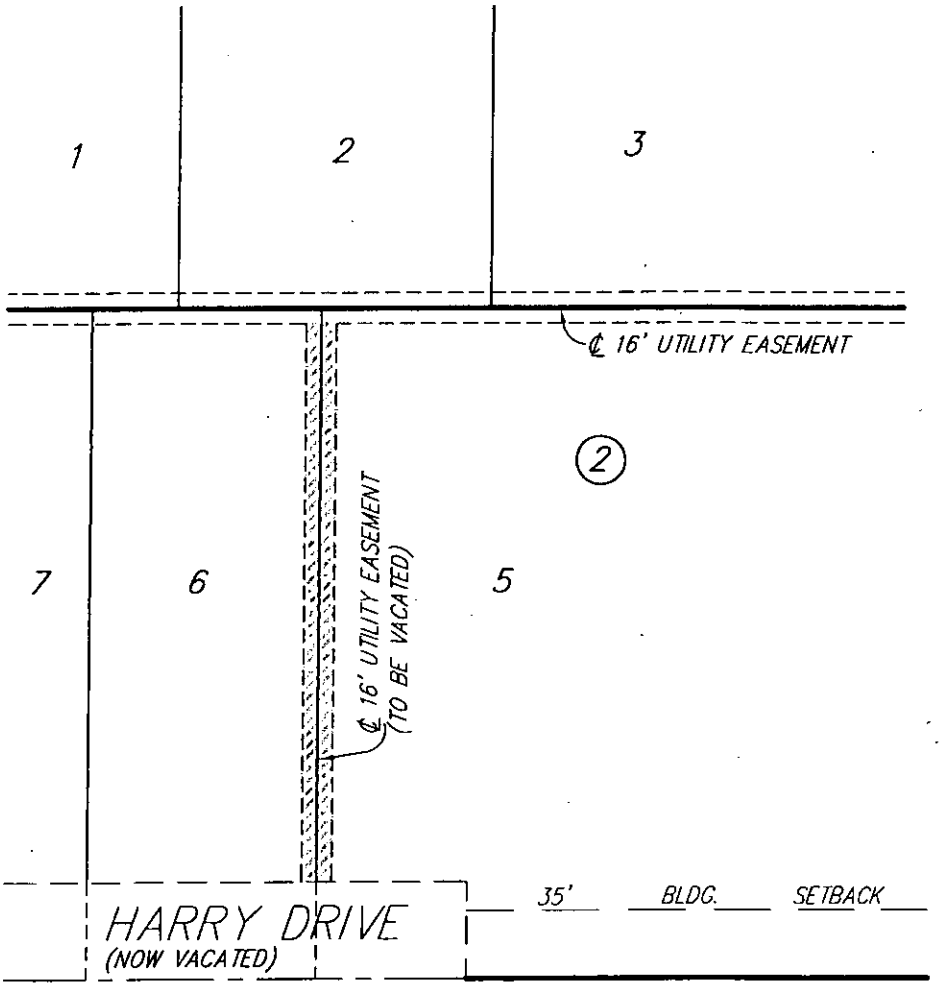
EXHIBIT

PART OF WHEATRIDGE ADDITION
SEDGWICK COUNTY, KANSAS





INDICATES AREA OF
LEGAL DESCRIPTION



Baughman Company, P.A.
315 Ellis St. Wichita, KS 67211 P 316-262-7271 F 316-262-0149
Baughman ENGINEERING | SURVEYING | PLANNING | LANDSCAPE ARCHITECTURE

VAC2007-32