



Wichita-Sedgwick County Metropolitan Area Planning Department

February 29, 2008

Dunne Medical Office, LLC
Attn: Allan Dunne
8100 E. 22nd Street North
Building 1100
Wichita, KS 67226-2311

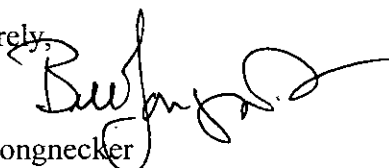
Re: **VAC2007-00046** - Request to vacate easements dedicated by separate instrument, generally located south of Harry Street, & southwest of Osie Street and Rock Road.

Dear Mr. Dunne:

At its regular meeting on Tuesday, February 26, 2008, 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
Rock Road Properties, LLC, Attn: Becky Reheise, 1709 S. Rock Rd., Wichita, KS 67207
Mark J. Wetta & Daniel J. Wetta Co-Trustees of Leo R. Wetta Trust, 6021 Avalon, Wichita, KS 67208
Clell J. Solomon & Melody G. Lau-Solomon, 7810 E. Funston, Wichita, KS 67207



Sedgwick County
Register of Deeds - Bill Meek
DOC #/FLM-PG: 28955913

Receipt #: 1681005
Pages Recorded: 2
Cashier Initials: AL

Authorized By:  Recording Fee: 00¢

Date Recorded: 3/3/2008 2:57:28 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 2-26-08 # 30

**IN THE MATTER OF THE VACATION OF
UTILITY EASEMENTS DEDICATED BY
SEPARATE INSTRUMENTS**

**GENERALLY LOCATED
SOUTH OF HARRY STREET, & SOUTHWEST
OF OSIE STREET AND ROCK ROAD**

Case No. VAC2007-00046

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 26th day of February comes on for hearing the petition for vacation filed by Dunne Medical Office c/o Allan Dunne praying for the vacation of the following described utility easements dedicated by separate instruments to-wit:

The north eight (8) feet of Lot 4, Block 4, Levitt Industrial Park, Wichita, Sedgwick County, Kansas, EXCEPT the west 15 feet thereof.
(Film 340, Page 1364).

The north 10 feet of Lot 4, Block 4, Levitt Industrial Park, Wichita, Sedgwick County, Kansas, EXCEPT the west 15 feet thereof.
(Film 244, Page 411).

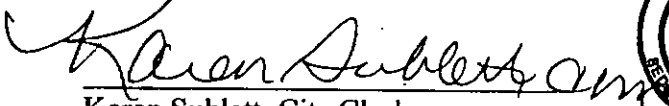
The south 10 feet of Lot 3, Block 4, Levitt Industrial Park, Wichita, Sedgwick County, Kansas, EXCEPT the west 15 feet thereof.
(Film 244, Page 412).

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 January 3, 2008, 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 utility easements dedicated by separate instruments, 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 utility easements dedicated by separate instruments described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 26th day of February ordered that the above described utility easements dedicated by separate instruments 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.

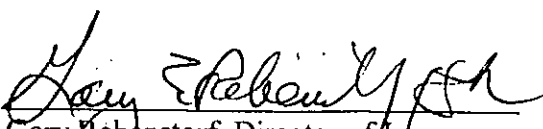
ATTEST:


Karen Sublett, City Clerk




Carl Brewer, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

STAFF REPORT

CASE NUMBER: VAC2007-00046: Request to vacate utility easements dedicated by separate instrument.

OWNER/AGENT: Dunne Medical Office c/o Allan Dunne
Baughman Company PA c/o Phil Meyer

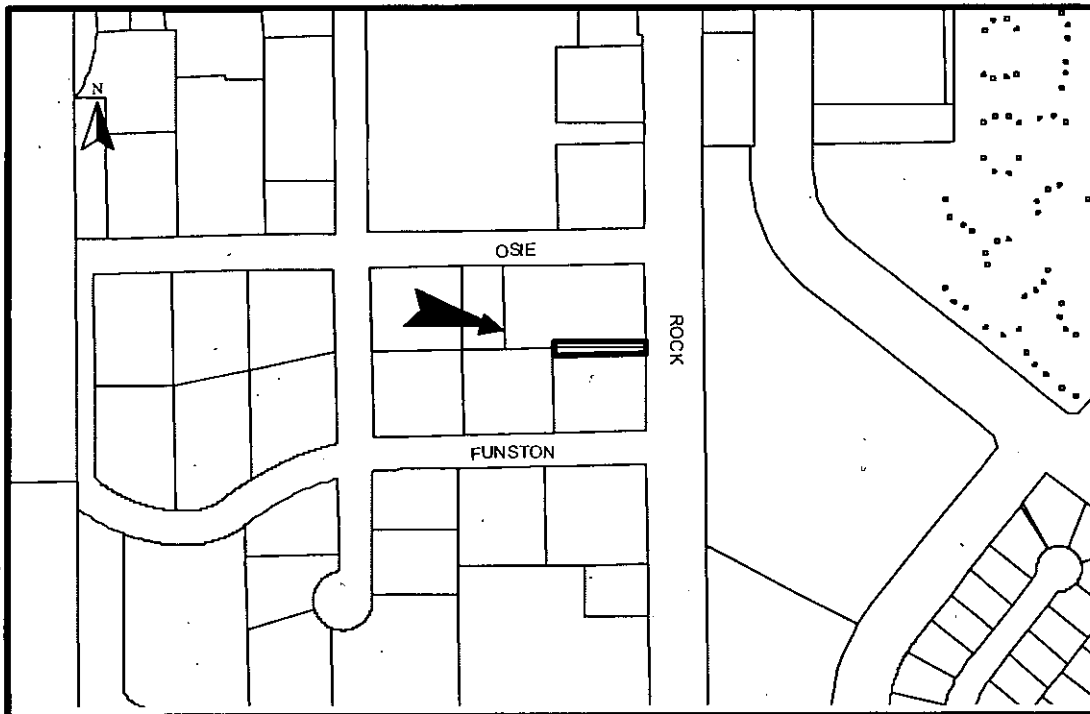
LEGAL DESCRIPTION: See the attached exhibit and legal: Generally described as the 10-foot, 8-foot & 2-foot utility easements dedicated by separate instruments, Film 244, Pages 411 & 412 and Film 340, Page 364, located along common lot line of Lots 3 & 4, Block 4, the Levitt Industrial Park addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located south of Harry Street, & southwest of Osie Street and Rock Road

REASON FOR REQUEST: To provide a structure to connect buildings

CURRENT ZONING: Subject properties and abutting western properties are zoned "LI" Limited Industrial. Adjacent northern, southern and eastern properties are zoned "LC" Limited Commercial, "GC" General Commercial & "SF-5" Single-family Residential.

VICINITY MAP:



The applicant is requesting consideration for the vacation of the described utility easements dedicated by separate instrument. There is a manhole in the western end of the easements, but no other utilities. The Levitt Industrial Park addition was recorded with the Register of Deeds March 28, 1966.

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 easements dedicated by separate instruments 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, in the Wichita Eagle and the Derby Reporter, of notice of this vacation proceeding one time January 3, 2008 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 easements 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 easements dedicated by separate instrument described in the petition should be approved with conditions;

- (1) Retain the west portion of the easements to cover the sewer/manhole.
- (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:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Retain the west portion of the easements to cover sewer/manhole.
- (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

Easement Exhibit

VAC2007-46

Osie Street

315'±(D)

204.48'±(P)

110.52'(D)

Lot 2

Lot 3

Building #1709

10' UTILITY EASEMENT (PER FILM 244, PAGE 412)

204.78'±(P)

8' UTILITY EASEMENT
(PER FILM 631, PAGE 210)

10' UTILITY EASEMENT
(PER FILM 244, PAGE 412)

8' UTILITY EASEMENT
(PER FILM 340, PAGE 1364)

Building #1711

Lot 4

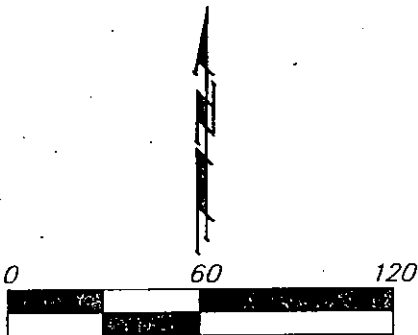
205.09'±(P)

Funston Street

Rock Road

380'(P)

15' JAYHAWK PIPELINE EASEMENT PER BOOK 579, PAGE 63



Legal Description:

The East 110.52 feet of Lot 2, all of Lots 3 and 4, Block 4, Levitt Industrial Park Wichita, Sedgwick County, Kansas.

LEVITT INDUSTRIAL PARK

WICHITA, SEDGWICK COUNTY, KANSAS.

UAC2007-46

State of Kansas) S.S. We, Baughman Company, Surveyors in
Sedgwick County and State do hereby certify that we have
surveyed and plotted "LEVITT INDUSTRIAL PARK" which is
Sedgwick County, Kansas, and that the accompanying plat is
a true and correct exhibit of the property surveyed described
as follows: Beginning at a point 65 feet west of the N.E.
corner of the E 1/4 of the N 1/4 of Sec. 31, Twp. 27 S, R. 2 E;
thence south parallel with the east line of said N 1/4, 1321
feet; thence west parallel with the north line of said N 1/4,
543.21 feet to a point 711 feet east of the west line of the E 1/4
of said N 1/4; said point being the point of curvature of a
curve to the left, having a central angle of 37° 40' and a
radius of 551.2 feet; thence along said curve 362.36 feet
to the point of reverse curve of a curve to the right,
having a central angle of 37° 40' and a radius of 516.46
feet; thence along said curve 142.3 feet to the point of a
compound curve to the right, having a central angle of
38° 34' and a radius of 515.05 feet; thence along said
curve 261.20 feet to the west line of the E 1/4 of said N 1/4;
thence north 1326.14 feet to the N.W. corner of the E 1/4 of
said N 1/4; thence east 1288.1 feet more or less to beginning.

Baughman Company

James J. Baughman Surveyor

Know all men by these presents
that we, Levitt Jewelry Co. Inc. a corporation by Wm.
Levitt, President and Edythe S. Flynn, Secretary, and Hal
W. Dickerson and Louise R. Dickerson, his wife, and Lindy
C. Hawkins and Betty J. Hawkins, his wife, have caused
the land described in the surveyors certificate to be plotted
into lots, blocks, streets, avenue, lane and road to be known
as "LEVITT INDUSTRIAL PARK" Wichita, Sedgwick County,
Kansas. Easements are hereby granted as indicated for
the construction and maintenance of all public utilities.
The streets, avenue, lane and road are hereby dedicated
to and for the use of the public. All abutters rights
of access to or from Harry Street, over and across the
north line of Lot 1, Block 1, and Lots 1 and 2, Block 2
and from Rock Road, over and across the east line of lots
3 and 4, Block 4, and Lot 1, Block 1, is hereby granted to
the City of Wichita, provided however that the south 431 feet
of Lot 1, Block 1, shall have access to Rock Road at one location
as may be established by the City of Wichita.

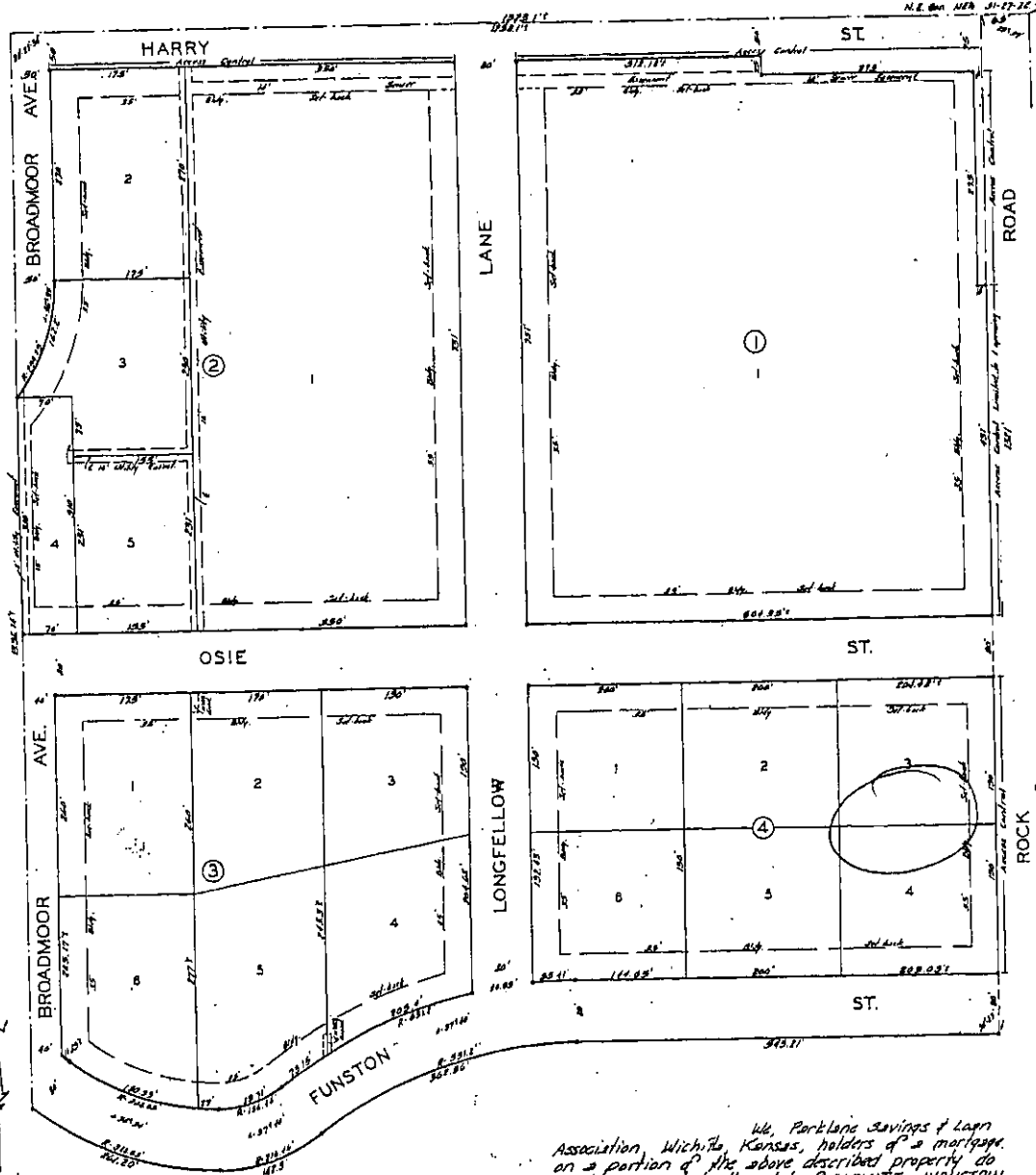
Levitt Jewelry Co. Inc.

Wm. Levitt President
Edythe S. Flynn Secretary

Hal W. Dickerson
Louise R. Dickerson
Lindy C. Hawkins
Betty J. Hawkins

State of Kansas) S.S. Be it remembered that on this 16th day
of February, 1966, before me a notary public in and for
said county and state came Wm. Levitt, President and Edythe
S. Flynn, Secretary of Levitt Jewelry Co. Inc., and Hal W.
Dickerson and Louise R. Dickerson, his wife, and Lindy C.
Hawkins and Betty J. Hawkins, his wife, to me known to
be the same persons who executed the foregoing instrument
of writing and duly acknowledged the execution of the same.
In testimony whereof I have hereunto set my hand and affixed
my notarial seal the day and year above written.

Marion E. Simmons Notary Public.



We, Parklane Savings & Loan
Association, Wichita, Kansas, holders of a mortgage
on a portion of the above described property do
hereby consent to the plat of "LEVITT INDUSTRIAL
PARK" Wichita, Sedgwick County, Kansas.

Parklane Savings & Loan Association

James H. Mahoney Vice-President
Edna J. Mahoney Asst. Secretary

We, Levitt Jewelry Co. Inc.
holders of a mortgage on a portion of the above
described property do hereby consent to the plat
of "LEVITT INDUSTRIAL PARK" Wichita, Sedgwick
County, Kansas.