

January 9, 2009

Curtis Bowen
1921 N. Siefkin
Wichita, KS 67208

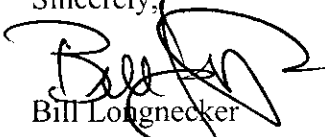
Re: **VAC2007-00048** - Request to vacate a portion of a platted easement, generally located west of Woodlawn Avenue, on the south side of 29th Street North.

Dear Mr. Bowen:

At its regular meeting on Tuesday, January 6, 2009, 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, Mailstop 1-71
Julianne Kallman, Public Works Engineering, Mailstop 1-71
Curtis Bowen, OCI Mailstop 1-72
Central Congregation of Jehovah's Witnesses, 806 N. Volusia, Wichita, KS 67214
Unified School District 259, 201 N. Water, Wichita, KS 67202
East Wichita Mennonite Brethren Fellowship Southern District Conference of Mennonite Brethren Church, 7348 W. 21st Street, Wichita, KS 67205
Timothy L. & Tiffany A. Cargill, 5937 Pepperwood Cr., Wichita, KS 67220
Shawn R. Bryan & Nalini Johnson, 5933 Pepperwood Ct., Wichita, KS 67220
David & Pamela L. Gunter, 5929 Pepperwood Ct., Wichita, Ks
Board of Park Commissioners, 455 N. Main, 11th floor City Hall, Mailstop 1-111



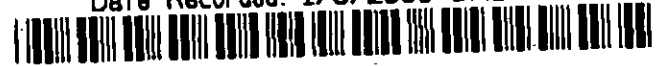
Sedgwick County
Register of Deeds - Bill Meek

DOC.#/FLM-PG: 29030550

Receipt #: L707417
Pages Recorded: 2
Cashier Initials: KL

Authorized By: Recording Fee: 00H

Date Recorded: 1/9/2009 3:42:19 PM



**CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK**

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

Approved / Accepted By City Council

15451-6-09 05-10

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

**GENERALLY LOCATED
WEST OF WOODLAWN AVENUE, ON THE
SOUTH SIDE OF 29TH STREET NORTH**

Case No. VAC2007-00048

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 23rd day of December 2008 comes on for hearing the petition for vacation filed by Central Congregation of Jehovah's Witnesses c/o Curtis Bowen praying for the vacation of the following described portion of a platted drainage and utility easement to-wit:

The east 40-feet of the north 416.64-feet of the platted 60-foot drainage & utility easement, running parallel to the west lot line of Tract A, Block 1, the Northeast Elementary School Addition, Wichita, Sedgwick County, Kansas. (Reference: Lot Split SUB2008-57)

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 17, 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 portion of the platted drainage and utility easement, and the public will suffer no loss or inconvenience thereby.

3. Lot Split SUB2008-00057 dedicated 10-foot of right-of-way along Tracts A's and B's and 29th Street north frontage, as required by VAC2007-00048.

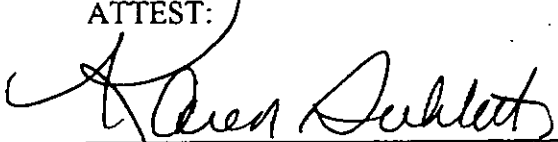
4. In justice to the petitioner(s), the prayer of the petition ought to be granted.

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 platted drainage and utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 6th day of January 2009 ordered that the above described portion of the platted drainage and 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.

ATTEST:

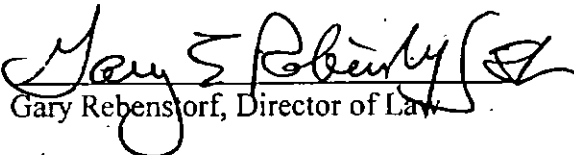


Karen Sublett, City Clerk

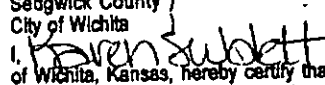



Carl Brewer, Mayor

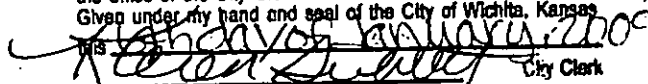
Approved as to Form:


Gary Rebensdorf, Director of Law

State of Kansas
Sedgwick County
City of Wichita

I,  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

 2009
City Clerk



**SUBDIVISION COMMITTEE
METROPOLITAN AREA PLANNING COMMISSION**

**AGENDA ITEM NO. 1
January 31, 2008**

STAFF REPORT

CASE NUMBER: VAC2007-00048: Request to vacate a portion of a platted easement

OWNER/APPLICANT: Central Congregation of Jehovah's Witnesses c/o Curtis Bowen

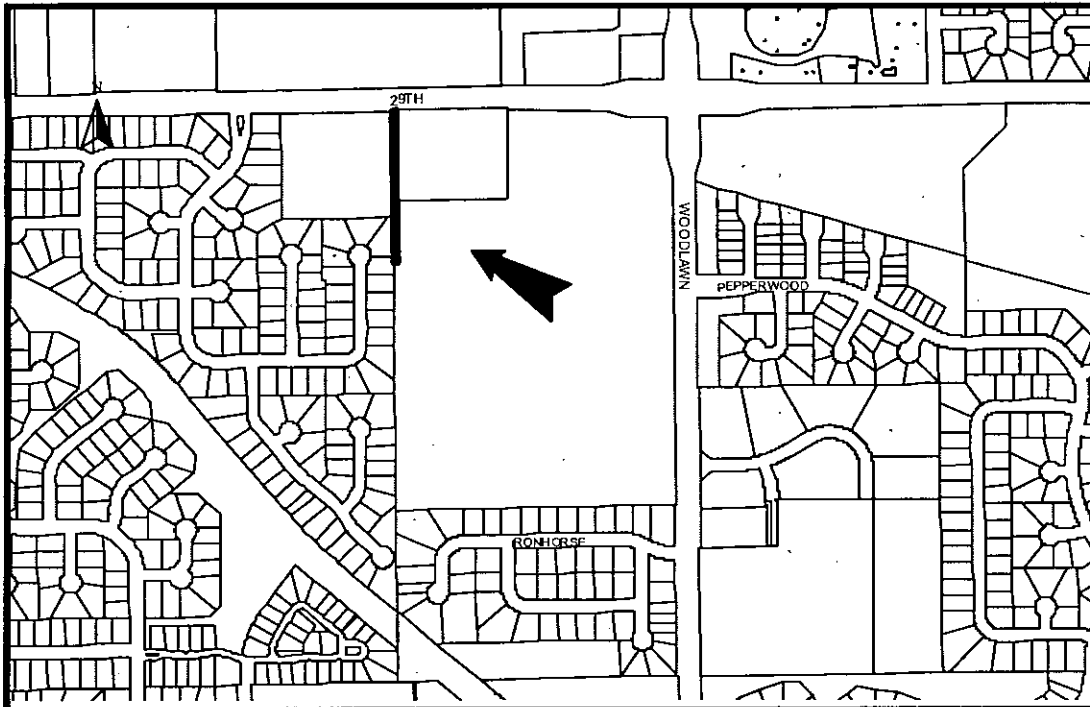
LEGAL DESCRIPTION: Generally described as the north 416.64-feet of the platted 60-foot drainage & utility easement, running parallel to the west lot line of Lot 1, Block 1, the Northeast Elementary School Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located west of Woodlawn Avenue, on the south side of 29th Street North (WCC #1)

REASON FOR REQUEST: Additional space for development as a future church site

CURRENT ZONING: Subject property and all adjacent and abutting properties are zoned "SF-5" Single-family Residential

VICINITY MAP:



The applicant is requesting consideration for the vacation of the described platted easement. The site is undeveloped and was owned by USD 259, subsequently the installation of water and sewer lines reflect what was planned to be a school site. The subject site has access to sewer along its 29th Street frontage. At this time the subject site has no direct access to water, which would have to be extended from property that the applicant does not own or bored under 29th Street North. There is 40-foot of half street right-of-way along the site's 29th frontage, which is substandard. 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 Northeast Elementary School Addition was recorded with the Register of Deeds July 9, 2002.

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

- (1) Vacate only that portion of the platted easement as described in an approved legal description, as approved by City Water & Sewer, Public Works, Storm Water and franchised utilities. Retain the easement until all comments from all utilities have been received. Provide Planning Staff the approved legal description of the vacated portion of easement, via e-mail on a Word document.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide City Public Works, Water & Sewer, Storm Water and franchised utilities with any needed plans for review for relocation of utilities. Provide any guarantees needed for the relocation of utilities. Provide any easements needed for the relocation of utilities. All must be completed prior to proceeding to Wichita City Council for final action.
- (3) Dedicate 20-feet of right-of-way along 29th Street North. Provide to Planning for recording with the Vacation Order at the Register of Deeds.
- (4) The applicant will have to complete a lot split, which will reflect their ownership of that portion of Lot 1, Block 1, Northeast Elementary School Addition, which they intend to build on, as separate from the USD 259 owned portion of the same lot.
- (5) All improvements shall be according to City Standards and at the applicant's expense.
- (6) 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 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.

