



Wichita-Sedgwick County Metropolitan Area Planning Department

July 2, 2008

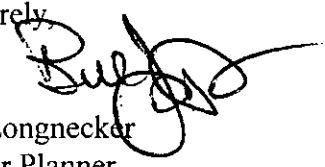
Diane Burroughs
323 Parkdale Ct.,
Wichita, KS 67212

Re: **VAC2008-00015** – City request to vacate a portion of a platted easement generally located west of Maize Road, midway between Central Avenue & Maple Street, west of N Parkdale Street, on the southwest portion of N Parkdale Court.

At its regular meeting on Tuesday, July 1, 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
Juliane Kallman Public Works Engineering, Mailstop 1-71
Jack D. & Sylvia J. Lovin, 329 Parkdale, Wichita, KS 67212
Alan J. Vanderkolk, 312 Rutgers, Wichita, KS 67212



Sedgwick County
Register of Deeds - Bill Meek
DOC #/FLM-PG: 28989170

Receipt #: 1692402
Pages Recorded: 2
Cashier Initials: LAS

Recording Fee: 00
Authorized By:

Date Recorded: 7/7/2008 3:44:05 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 7-1-08 # 26

IN THE MATTER OF THE VACATION OF
A PLATTED UTILITY EASEMENT

GENERALLY LOCATED
WEST OF MAIZE ROAD, MIDWAY BETWEEN
CENTRAL AVENUE AND MAPLE STREET, WEST
OF NORTH PARKDALE STREET, ON THE
SOUTHWEST PORTION OF NORTH PARKDALE
COURT

Case No. VAC2008-00015

MORE FULLY DESCRIBED BELOW

VAC 2008-15

VACATION ORDER

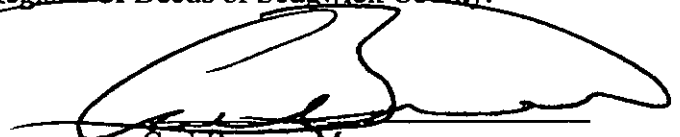
NOW on this 1st day of July, 2008 comes on for hearing the petition for vacation filed by Diane C. Mercer-Burroughs praying for the vacation of the following described a platted utility easement to-wit:

The platted 10-foot utility easement, running parallel to the common lot line of Lots 23 & 24, Block 7, the Westlink Seventeen Addition, Wichita, Sedgwick County, Kansas

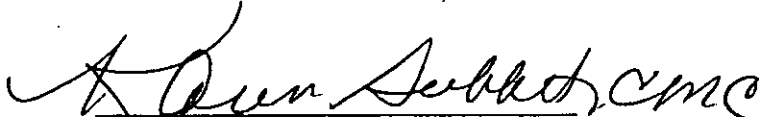
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

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 May 15, 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 a 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 described a platted utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 1st day of July 2008 ordered that the above-described a 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.

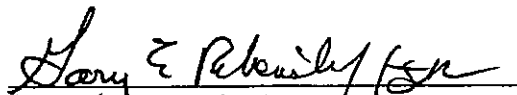

Carl Brewer, Mayor

ATTEST:


Karen Sublett, City Clerk



Approved as to Form:


Gary Rebenstorf, Director of Law

STAFF REPORT

CASE NUMBER: VAC2008-00015: Request to vacate a platted utility easement

OWNER/APPLICANT: Diane C Mercer-Burroughs

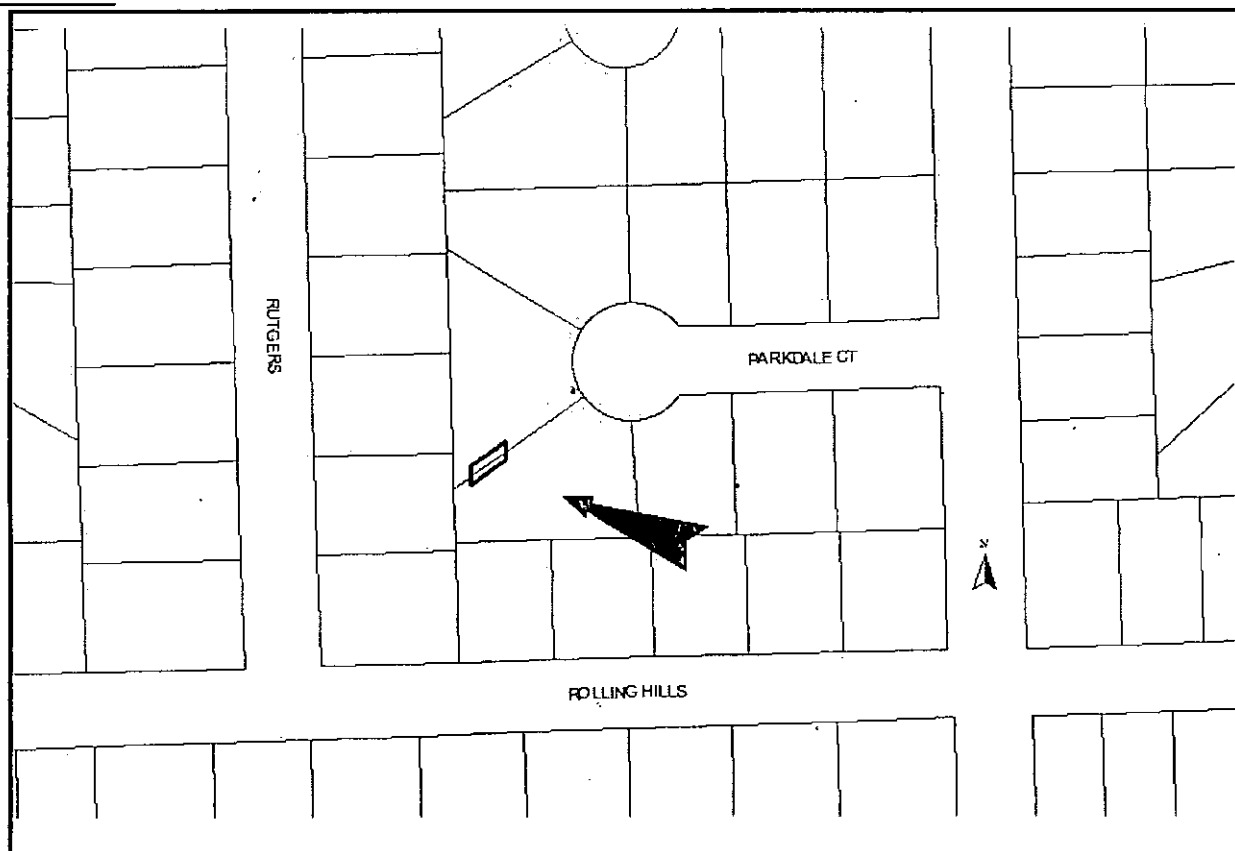
LEGAL DESCRIPTION: The platted 10-foot utility easement, running parallel to the common lot line of Lots 23 & 24, Block 7, the Westlink Seventeen Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located west of Maize Road, midway between Central Avenue and Maple Street, west of North Parkdale Street, on the southwest portion of North Parkdale Court (WCC #V)

REASON FOR REQUEST: Additional space for a detached garage

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

VICINITY MAP:



The applicant is requesting consideration for the vacation of the platted 10-foot utility easement, that was located, half on Lot 23 and half on Lot 24, all in Block 7, all in the Westlink Seventeen Addition. The applicant (subject site = Lot 23) has provided a Quit Claim that has reconfigured the two lots, moving the common lot line between the two lots; the Quit Claim acts as an instrument for a boundary shift. The reconfigured lots appear to meet the 5,000-square foot minimum required for the SF-5 zoning district. The width of the lots along the street right-of-way has not changed, but remains as they were platted. The results of the Quit Claim is that Lot 23 has now extended into Lot 24 and the platted 10-foot utility easement, is entirely in the subject site, Lot 23. A vacation of the platted easement does not absolve encroachments into setbacks. The GIS map shows no manholes, water or sewer lines in the subject platted easement. Comments from Storm Water and franchised utilities have not been received and are needed to determine if they have utilities located within the platted utility easement. The Westlink Seventeen Addition was recorded with the Register of Deeds January 17, 1979.

Based upon information available prior to the public hearing 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 platted utility easement as described in the legal description 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, in the Wichita Eagle and the Derby Reporter, of notice of this vacation proceeding one time May 15, 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 platted utility easement 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 platted utility easement described in the petition should be approved with conditions;

- (1) Vacate the platted utility easement as described in an approved legal description, as approved by City Water & Sewer, Public Works, Storm Water and franchised utilities. Retain the platted utility easement until all comments from all utilities have been received.
- (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 or reconstruction of utilities. Provide any guarantees needed for the relocation or reconstruction of utilities. Provide any easements needed for the relocation or reconstruction of utilities. All must be completed prior to proceeding to the Wichita City Council for final action.
- (3) All improvements shall be according to City Standards and at the applicant's expense.

- (4) Per MAPC Policy Statement #7, all conditions shall 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.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the platted utility easement as described in an approved legal description, as approved by City Water & Sewer, Public Works, Storm Water and franchised utilities. Retain the platted utility easement until all comments from all utilities have been received.
- (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 or reconstruction of utilities. Provide any guarantees needed for the relocation or reconstruction of utilities. Provide any easements needed for the relocation or reconstruction of utilities. All must be completed prior to proceeding to the Wichita City Council for final action.
- (3) All improvements shall be according to City Standards and at the applicant's expense.
- (4) Per MAPC Policy Statement #7, all conditions shall 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.



VACZ008-15

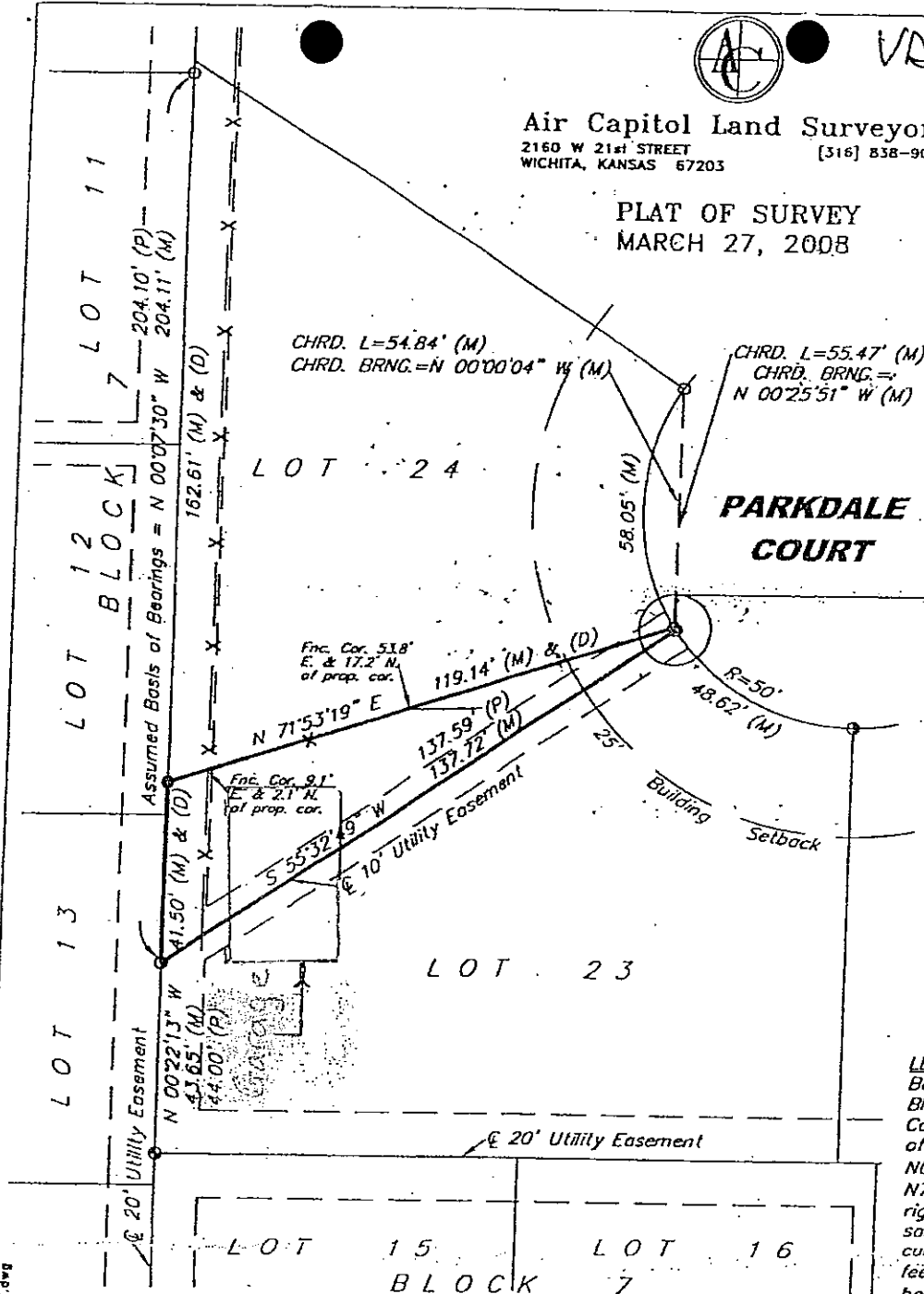
Air Capitol Land Surveyors
2160 W 21st STREET
WICHITA, KANSAS 67203
(316) 838-9071

PLAT OF SURVEY
MARCH 27, 2008

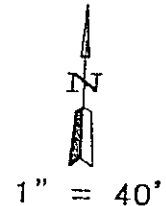
LEGEND

(D) = DESCRIBED DISTANCE
(M) = MEASURED DISTANCE
(P) = PLATTED DISTANCE

● = 5/8" REBAR W/ "ACLS" CAP (SET)
○ = 5/8" REBAR (FOUND)
⊙ = 5/8" REBAR W/ "ACLS" CAP (FOUND)
⦿ = 1" IRON PIPE (FOUND)



L=0.75' (M)
R=50' (M) & (P)
CHRD. BRNG.=
S 33°41'29" E (M)
CHRD. L=0.75' (M)
Δ=0°51'34"



1" = 40'

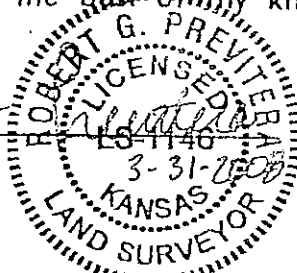
LEGAL DESCRIPTION:

Beginning at the southwest corner of Lot 24, Block 7, Westlink Seventeen, Wichita Sedgwick County, Kansas; thence north on the west line of said Lot 24 on an assumed bearing, of N00°07'30"W a distance of 41.50 feet; thence N71°53'19"E, 119.14 feet to a point on the right-of-way of Parkdale Court as platted in said Addition, said point being a point of curve, said curve having a radius of 50.00 feet, a central angle of 0°51'34" and a chord bearing and distance of S33°41'29"E, 0.75 feet; thence along said curve and right-of-way of said Parkdale Court a distance of 0.75 feet; thence S55°32'49"W, 137.72 feet to the point of beginning, said tract of land containing 2,402 square feet.

State of Kansas)
County of Sedgwick) SS

I, Robert G. Previtera, being a duly licensed land surveyor in said County and State, do hereby certify that I caused the land shown in the accompanying exhibit to be surveyed and that said survey and the accompanying exhibit are true and correct to the best of my knowledge and information available.

Robert G. Previtera
Robert G. Previtera



NOTE: EASEMENTS RECORDED BY SEPARATE INSTRUMENT, IF ANY, ARE NOT DEPICTED ON THIS SURVEY.