



Wichita-Sedgwick County Metropolitan Area Planning Department

July 25, 2008

Steven L. Jacobs
31 Cypress
Wichita, KS 67206

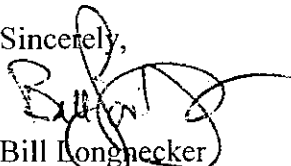
Re: VAC2008-00016 – Request to vacate a portion of a platted easement, generally located west of K-96, midway between 21st and 13th Streets North and northeast of the Crestwood and Chapel Hill Streets intersection.

Dear Mr. Jacobs:

At its regular meeting on Tuesday, July 22, 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
Julianne Kallman, Public Works Engineering, Mailstop 1-71
Rob Hartman, c/o Professional Engineering Consultants, P.A. , 303 S. Topeka, Wichita, KS 67202
Village at Chapel Hill, LLC, Mark F. Woodman, 78 Via Verde, Wichita, KS 67230
Messner Contracting Group, LLC, 550 N. 159th N. # 206, Wichita, KS 67230
Steven L. Jacobs, 31 Cyress, Wichita, KS 6726
Nies Properties, LP, 10333 E. 21st N, Ste. 333, Wichita, KS 67206

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 29, 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 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 the portion of the platted utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 22nd day of July 2008 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

STAFF REPORT

CASE NUMBER: VAC2008-00016: Request to vacate a portion of a platted easement

OWNER/APPLICANT: Steve L Jacobs

AGENT: PEC, PA, c/o Rob Hartman

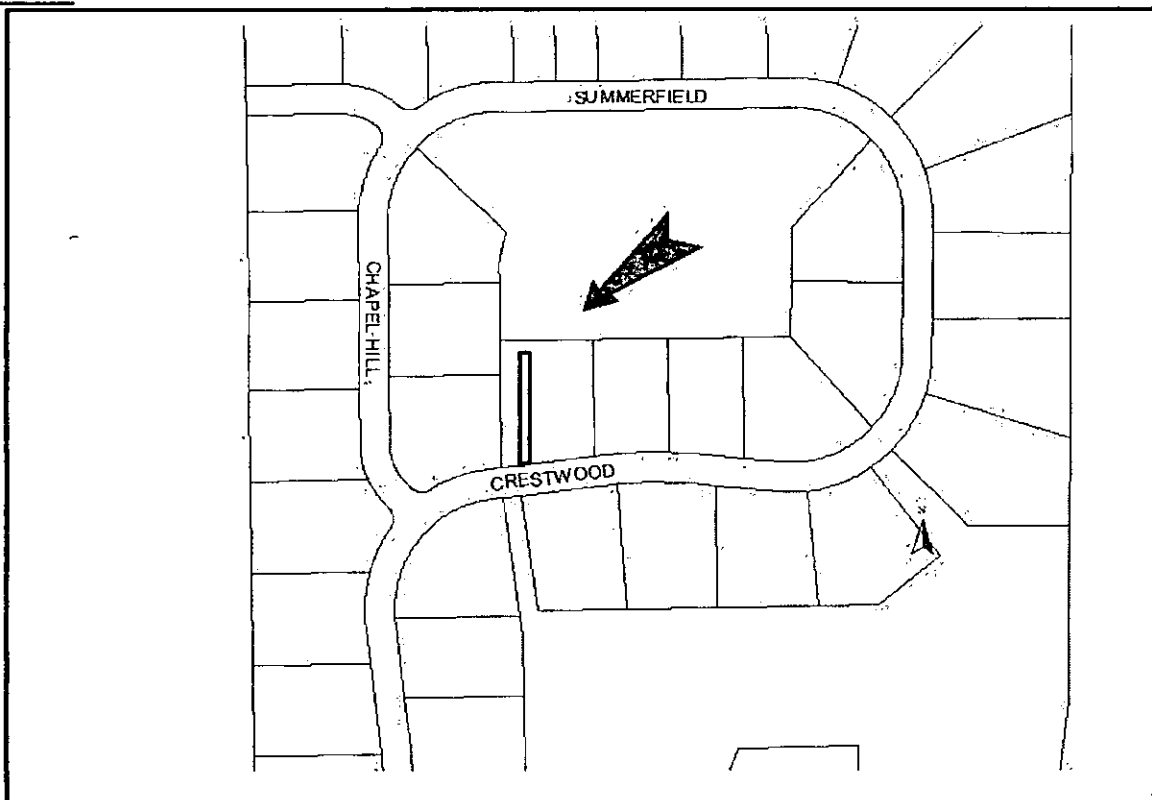
LEGAL DESCRIPTION: The east 20 feet of the west 30 feet of the platted 40-foot utility easement. 30 feet of the platted 40-foot easement is located on Lot 6, Block 3, the Chapel Hill 2nd Addition (the site), with the remaining 10 feet of the platted 40-foot utility easement located on Lot 7, Block 3, the Chapel Hill 2nd Addition. All of the platted 40-foot utility easement runs parallel to the common lot lines of Lots 6 & 7, Block 3, the Chapel Hill 2nd Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located west of K-96 Highway, midway between 21st and 13th Streets North, and northeast of the Crestwood and Chapel Hill Streets intersection (WCC #II)

REASON FOR REQUEST: Additional space for development

CURRENT ZONING: Subject property and adjacent and abutting eastern, southern and western properties are zoned TF-3 Two-family Residential ("TF-3"). The abutting northern property is zoned MF-18 Multi-family Residential ("MF-18").

VICINITY MAP:



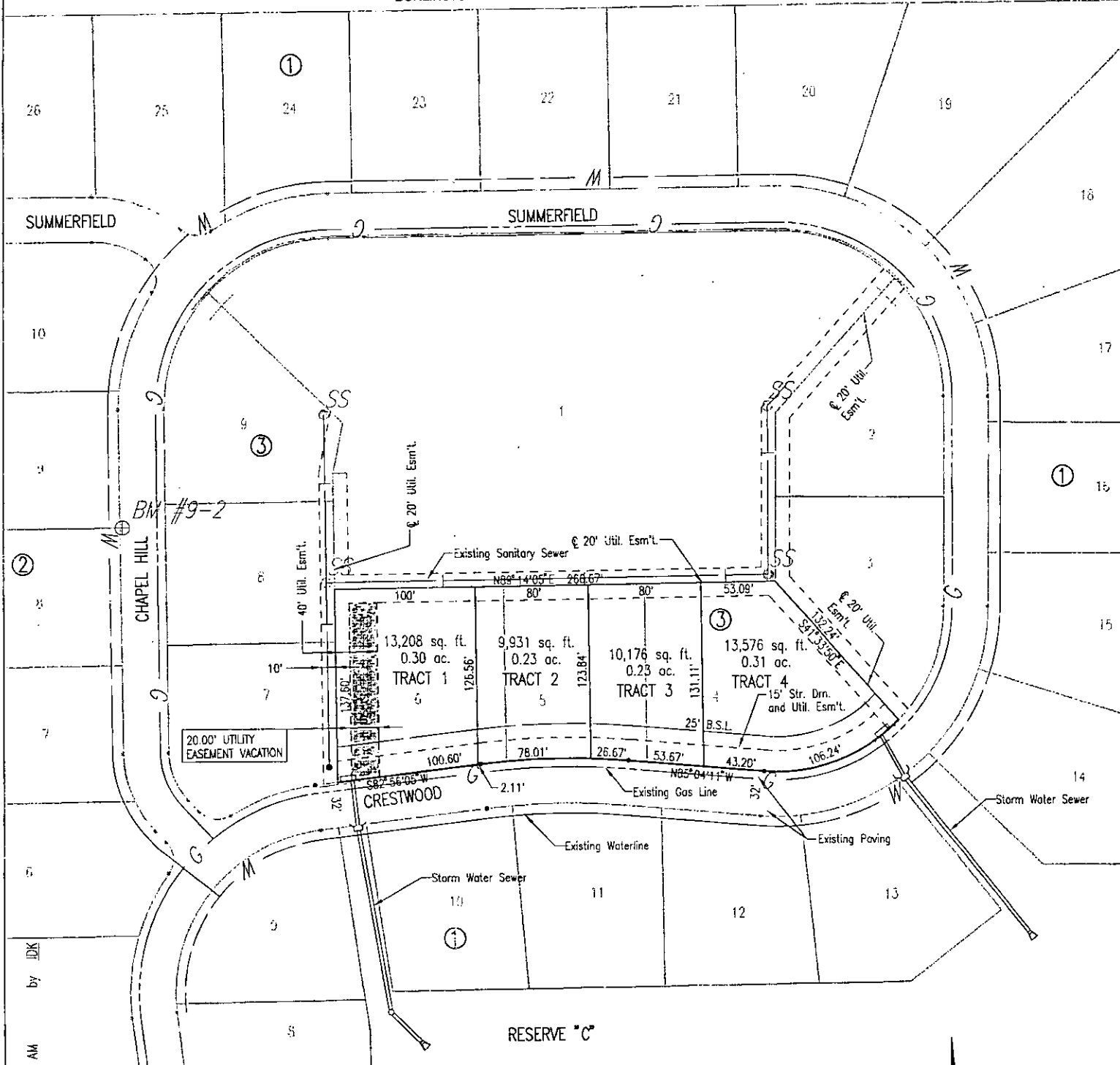
The applicant is requesting consideration for the vacation of the described portion of the platted utility easement. The GIS map shows manholes and sewer line west portion of the subject platted easement. Comments from Storm Water and franchised utilities have not been received and are needed to determine if they have utilities located within the platted utility easement. The Chapel Hill 2nd Addition was recorded with the Register of Deeds April 5, 2003.

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 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 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. Provide Planning Staff the approved legal description of the vacated portion of platted utility 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 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, including reverting public sewer line and manholes to a private sewer line, 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.

UTILITY EASEMENT VACATION EXHIBIT CHAPEL HILL 2ND ADDITION

BURLINGTON NORTHERN RAILROAD RIGHT-OF-WAY



VAC2008-16

SCALE: 1"=100'
DATE: MAY 07, 2008