



Wichita-Sedgwick County Metropolitan Area Planning Department

July 7, 2009

Sedgwick County
528 N. Main
Wichita, KS 67203

Re: **VAC2008-00022** – City request to vacate a platted contingent dedication of alley & utility easement, generally located north of 10th Street, on the west side of Minneapolis Avenue.

Dear Ladies and Gentlemen:

At its regular meeting on Tuesday, July 7, 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
Sedgwick County Electric Coop, Attention: Allen Henning & Wayne Voss, P.O. Box 220, Cheney, KS, 67205-0220
Jim Weber, Sedgwick County Engineer, Public Works Department, 1144 S. Seneca, Wichita, KS 67213
Janice M. Thacker, 1537 N. Yale Blvd., Wichita, KS 67208



Register of Deeds - Bill Meek
DOC.#/FLM-PG: 29076512

Receipt #: 1723149
Pages Recorded: 2
Cashier Initials: BLB

Authorized By: [Signature] Recording Fee: 00H

Date Recorded: 7/15/2009 3:51:01 PM



**BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS**

**IN THE MATTER OF THE VACATION OF
A PORTION OF A PLATTED CONTINGENT
ALLEY AND UTILITY EASEMENT**

**GENERALLY LOCATED EAST OF
HYDRAULIC AVENUE, NORTH OF
10TH STREET, ON THE WEST SIDE OF
MINNEAPOLIS AVENUE**

MORE FULLY DESCRIBED BELOW

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Case No. VAC2008-00022

VACATION ORDER

NOW on this 7th day of July, 2009 comes on for hearing the petition for vacation filed by Sedgwick County, c/o Paula Downs, praying for the vacation of the following described portion of a platted contingent dedication for an alley and utility easement to-wit:

The north 20.00 feet of the east 129.55 feet of Lot 1, Block 2, KUMC 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 July 31, 2008, which was at least 20 days prior to the public hearing.

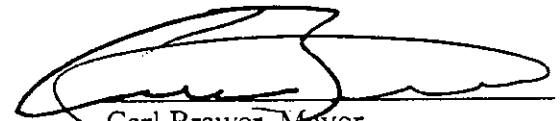
2. No private rights will be injured or endangered by the vacation of the above described portion of a platted contingent dedication for an alley and a utility easement, and the public will suffer no loss or inconvenience thereby.

Vacation Order
VAC2008-00022

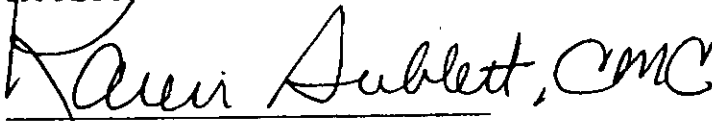
Page 2 of 2

3. In justice to the petitioner(s), the prayer of the petition ought to be granted.
4. A dedication by separate instrument for an alley and utility easement will be recorded with the Sedgwick County Register of Deeds.
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 contingent dedication of an alley and utility easement described herein should be approved.

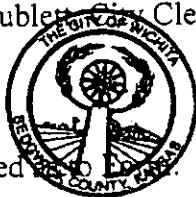
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 7th day of July 2009 ordered that the above described portion of the platted contingent dedication of an alley and utility easement is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

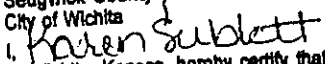
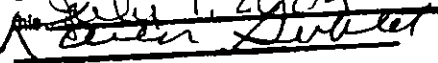

Carl Brewer, Mayor

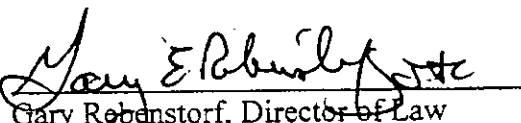
ATTEST:


Karen Sublett, City Clerk

Approved



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
this July 7, 2009
 City Clerk


Gary Robenstorf, Director of Law



STAFF REPORT

CASE NUMBER: VAC2008-00022: Request to vacate a portion of a platted easement

OWNER/APPLICANT: Sedgwick County c/o Paula Downs

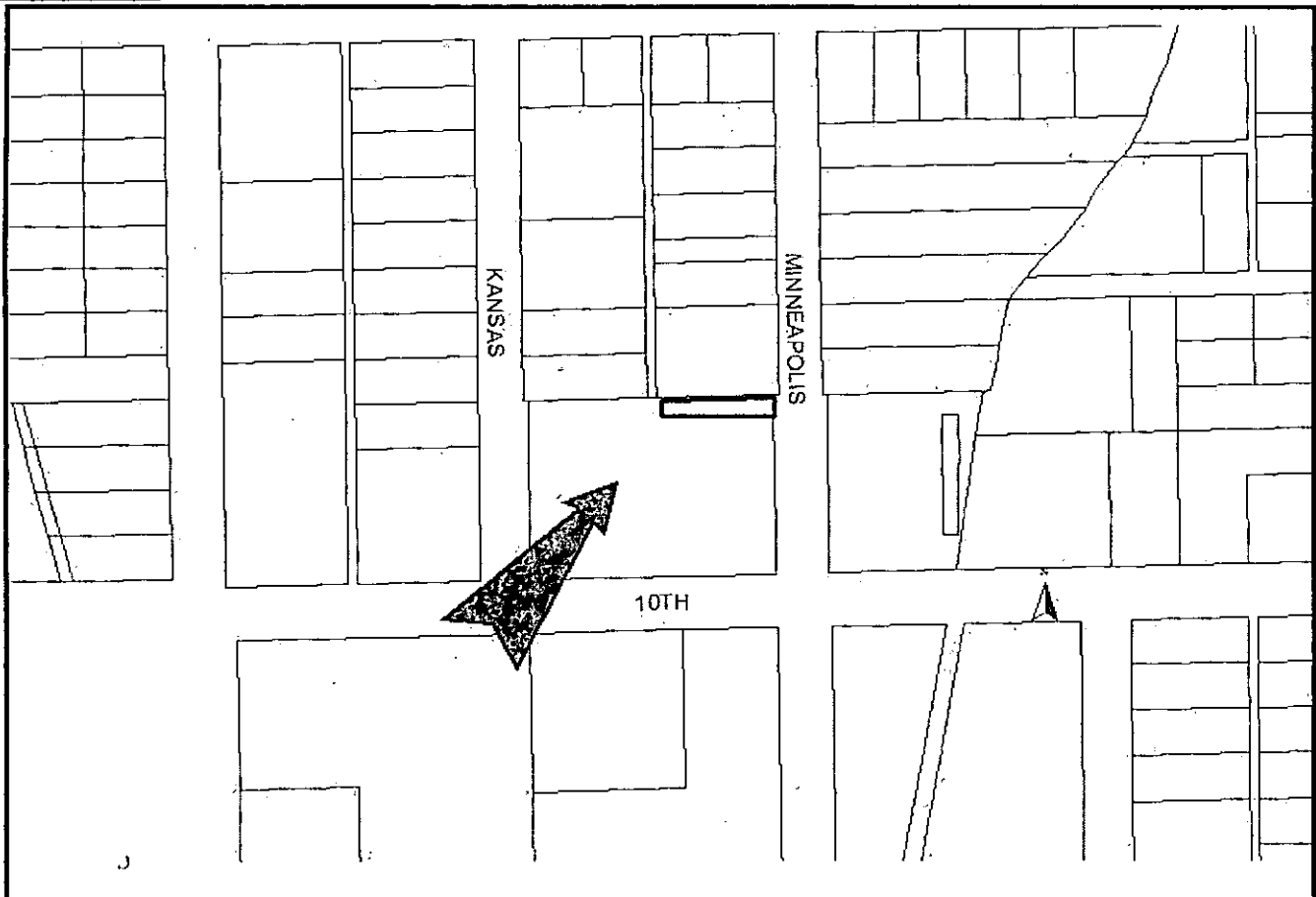
LEGAL DESCRIPTION: The platted contingent dedication for a 20-foot alley and utility easement, as recorded on Lot 1, Block 2, the KUMC Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located east of Hydraulic Avenue, north of 10th Street, on the west side of Minneapolis Avenue (WCC #1).

REASON FOR REQUEST: Additional space for development

CURRENT ZONING: Subject property and all adjacent and abutting properties are zoned are zoned B Multi-family Residential ("B")

VICINITY MAP:



The applicant is requesting consideration for the vacation of the described portion of the platted contingent alley and utility easement. The described alley/easement currently runs west to east and connects the platted north – south alley to Minneapolis Avenue. There are manholes and sewer line in the platted north – south alley. The applicant will need to provide a dedication by separate instrument of a contingent 20-foot alley and utility easement from the north – south alley, going east – west to Kansas Avenue, to prevent a dead end alley. Comments from Storm Water and franchised utilities have not been received and are needed to determine if they have utilities located within the described alley - easement. The KUMC Addition was recorded with the Register of Deeds April 3, 1995.

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 contingent alley and utility easement as described in the legal description with the following conditions.

- (1) Vacate only that portion of the platted contingent alley and utility easement as described in an approved legal description, as approved by City Water & Sewer, Public Works, Storm Water and franchised utilities. 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 and per City Standards. To abandon the sewer line provide Public Works with a certification from an engineer attesting that the sewer line has been abandoned per City Standards or provide a guarantee for the abandoning of the sewer line and a temporary easement, all to occur prior to the vacation case proceeding to City Council for final action.
- (3) Provide Planning Staff with a dedication by separate instrument of a contingent 20-foot alley and utility easement that will connected the platted north – south alley with Kansas Avenue. Provide the original to Planning prior to the vacation case proceeding to City Council for final action.
- (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.



UAC 0008-22

Proposed development.

"Relocate" Contingent alley dedication.

Contingent alley dedication on plat

(b) dedicated for easement

SITE BENCHMARK - 1
"a" Chiselled on Top
of Curb
Elevation = 1299.58
(NAD 83)

SUSAN
Rim = 1299.41

Building #1109

SITE BENCHMARK - 1
"b" Chiselled on Top
of Road
Elevation = 1300.15
(NAD 83)

Minneapolis Avenue

Minneapolis Avenue

Note: If Kansas Gas Service Gas Line, the west side of Minneapolis Avenue