CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

November 6, 2008

Jack Pearce
Trustee of the Jack Pearce Revocable Trust
c/o Quick trip West, Incorporated
P.O. Box 3475
Tulsa, OK 74101

Re: **VAC2008-00023** – City vacation request to vacate multiple easements, generally located on the northwest corner of Seneca Street and Douglas Avenue.

Dear Mr. Pearce:

At its regular meeting on Tuesday, October 28, 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
Jack Pearce Revocable Trust, P.O. Box 78006, Wichita, KS 67278
McNamara Los Osos LLC, P.O. Box 1827, Atascadero, CA 93423

Sedgwick County
Register of Deeds - Bill Meek
DOC.#/FLM-PG: 29017671
Receipt #: 1702420
Pages Recorded: 3
Cashier Initials: AL
Authorized By:
Recording Fee: ODH
Date Recorded: 10/31/2008 2:14:39 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 10-28-08 #53

IN THE MATTER OF THE VACATION OF MULTIPLE EASEMENTS AND A PORTION OF RIGHT-OF-WAY

GENERALLY LOCATED ON THE NORTHEAST CORNER OF DOUGLAS AVENUE AND SENECA STREET

MORE FULLY DESCRIBED BELOW

Case No. VAC2008-00023

VACATION ORDER

NOW on this 28th day of October, 2008 comes on for hearing the petition for vacation filed by Quick Trip West Incorporated, c/o Jack Pearce & JC Mohler of Crofton-Tull-Sparks, praying for the vacation of the following described portions of vacated platted 15-foot alleys retained as utility easements, a 5-foot utility easement dedicated by separate instrument and a remnant portion of a platted alley to-wit:

Existing 5' Sanitary Sewer Easement

The south 5 feet of Lot 10, on Dodge Street, all in Supplemental Plat of Martinson's First Addition to West Wichita, Sedgwick County, Kansas (Film 1236/Page 970).

Vacation of easements created by alley vacation

The east/west easement (as created by vacation of the alley which was dedicated on the Supplemental Plat of Martinson's First Addition to West Wichita, Sedgwick County, Kansas; vacation instrument recorded on Film 1236/Pages 974 & 975) lying north of Douglas Avenue, and extending from the east line of Dodge Avenue to a point 20 feet west of the west line of Seneca Street; AND that portion of the north-south easement (as created by vacation of the alley which was dedicated on the Supplemental Plat of Martinson's First

Addition to West Wichita, Sedgwick County, Kansas; vacation instrument recorded on Film 1236/Pages 974 & 975) lying west of Seneca Street and extending from the north edge of the above described east/west easement to the south edge of Pearl Street.

Alley Vacation

The remaining east 20 feet of the east-west alley intersecting Seneca Street that was dedicated on the Supplemental Plat of Martinson's First Addition to West Wichita, Sedgwick County, Kansas. Note this is a remnant left over by the above referenced "Vacation of easements created by alley vacation."

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 vacated platted 15-foot alleys retained as utility easements, a 5-foot utility easement dedicated by separate instrument and a remnant portion of a platted alley, 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. Dedications by separate instruments for a sanitary sewer easement, a utility easement and access control 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 vacated platted 15-foot alleys retained as utility easements, a 5-foot utility easement dedicated by separate instrument and a remnant portion of a platted alley described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 28th day of October, 2008 ordered that the above described portion of the vacated platted 15-foot alleys retained as utility easements, a 5-foot utility easement dedicated by separate instrument and a remnant portion of a platted alley 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.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary Rebenstorf, Director of Law

State of Kansas)
Sedgwick County)
City of Wichita)

I, Karen Sublett 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 10.28.08

City Clerk

METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 3-3
August 21, 2008

STAFF REPORT

CASE NUMBER: **VAC2008-00023:** Request to vacate multiple easements and a portion of right-of-way (ROW)

OWNER/APPLICANT: Jack Pearce c/o Quick Trip West Inc, McNamara Los Osos (owners/applicants), Crafton Tull Sparks, c/o John Mohler

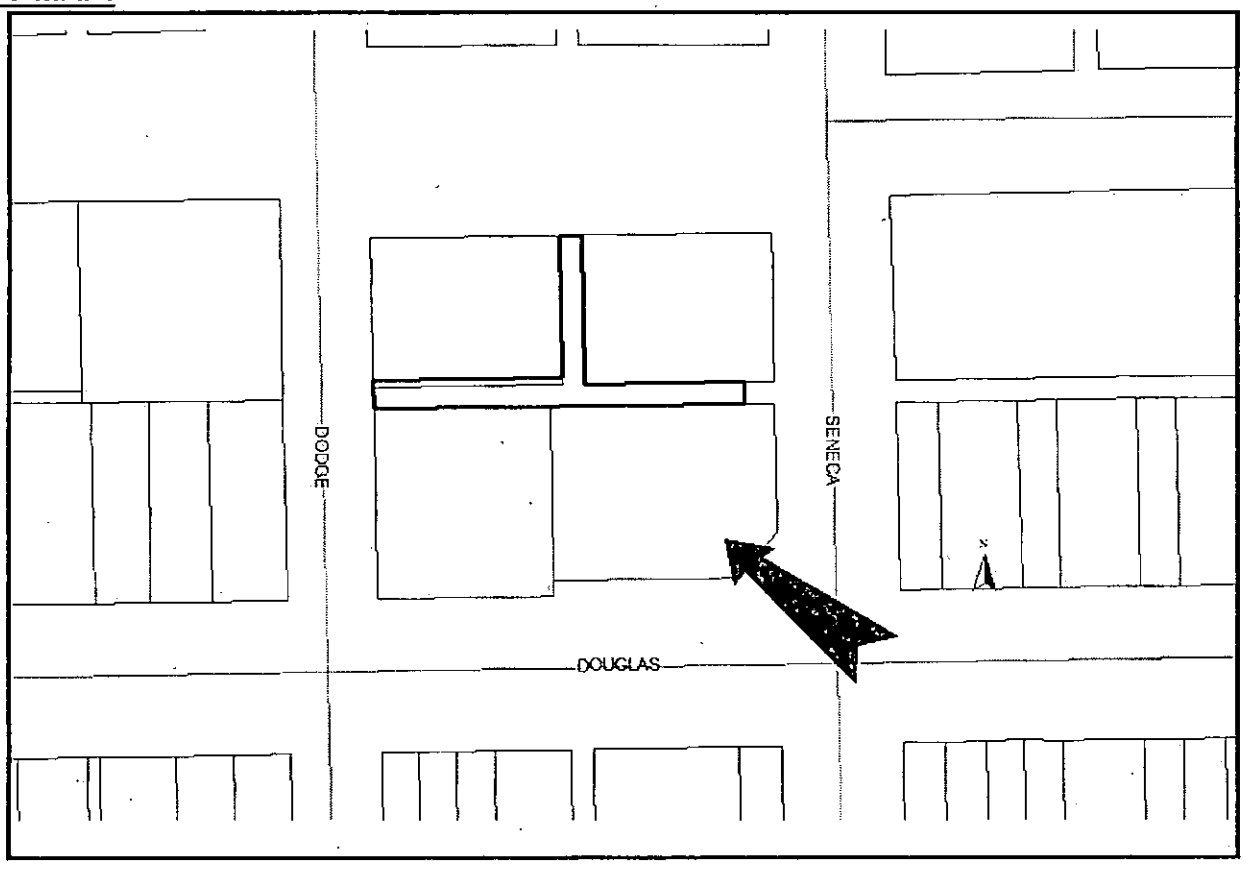
LEGAL DESCRIPTION: The vacated platted 15-foot alleys retained as utility easements (V-1730, Film 1236-Page 974), a 5-foot utility easement dedicated by separate instrument (Film 1236-Page 970), and a portion of platted alley as recorded on the Martinson's Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located on the northwest corner of Seneca Street and Douglas Avenue (WCC #IV).

REASON FOR REQUEST: Additional space for redevelopment

CURRENT ZONING: Subject property is zoned LI Limited Industrial ("LI"), GC General Commercial ("GC"), and LC Limited Commercial ("LC"). Adjacent eastern (across Seneca) and northern properties (across Pearl Street) are zone GC & LC. Adjacent western properties (across Dodge Avenue) are zoned LC & GC. Adjacent southern properties (across Douglas) are zoned LC.

VICINITY MAP:



The applicant is requesting consideration for the vacation of the described vacated platted 15-foot alleys retained as utility easements, a 5-foot utility easement dedicated by separate instrument and a remnant portion of a platted alley. The described easements and portion of alley run west - east and north – south. There are manholes and sewer line in the east – west easement. Comments from Storm Water and franchised utilities have not been received and are needed to determine if they have utilities located within the described easements and alley. Because the proposed redevelopment of the Quick Trip site includes expanding the size of the site, including the demolition of the abutting fast food restaurant, there may be access control issues that need to be addressed; the Traffic Engineer must approve any and all changes in access to and from the proposed Quick Trip site. The Martinson's Addition was recorded with the Register of Deeds March 3, 1886.

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 easements and alley 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 July 31, 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 alley and utility easements 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 contingent alley and utility easement described in the petition should be approved with conditions;

(1) Vacate only those portions of the alley and utility easements 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 all required dedications by separate instruments for utility easements. Provide the original to planning prior to the vacation case proceeding to City Council for final action.

(4) All improvements shall be according to City Standards and at the applicant's expense including any new driveways from private property onto public ROW, the continuation or providing new cub and gutter and drainage lines. Any new drives onto public ROW must be approved by the Traffic Engineer. Provide Public Works with all needed guarantee to ensure that those improvements will be made, prior to this vacation case going to City Council for final action. Provided all needed dedications for complete access control as determined by the Traffic Engineer. Provide the original to planning prior to the vacation case proceeding to City Council for final action.

(5) Retain the remnant portion of a platted alley, that intersects Seneca, until the Traffic Engineer makes a determination in regards to it need or lack in reference to Seneca ROW

(6) 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

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

(1) Vacate only those portions of the alley and utility easements 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 all required dedications by separate instruments for utility easements. Provide the original to planning prior to the vacation case proceeding to City Council for final action.

(4) All improvements shall be according to City Standards and at the applicant's expense including any new driveways from private property onto public ROW, the continuation or providing new cub and gutter and drainage lines. Any new drives onto public ROW must be approved by the Traffic Engineer. Provide Public Works with all needed guarantee to ensure that those improvements will be made, prior to this vacation case going to City

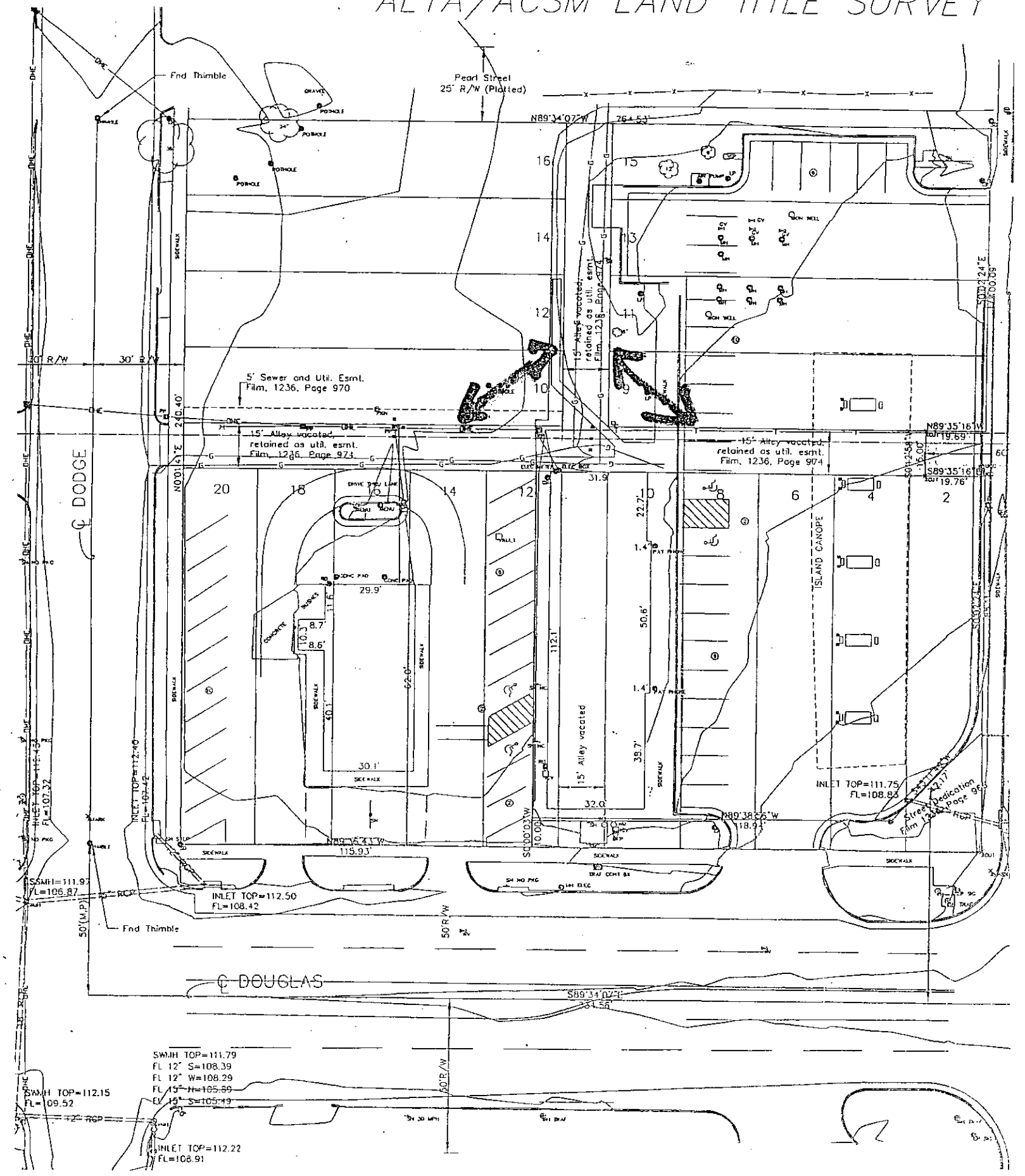
Council for final action. Provided all needed dedications for complete access control as determined by the Traffic Engineer. Provide the original to planning prior to the vacation case proceeding to City Council for final action.

(5) Retain the remnant portion of a platted alley, that intersects Seneca, until the Traffic Engineer makes a determination in regards to it need or lack in reference to Seneca ROW

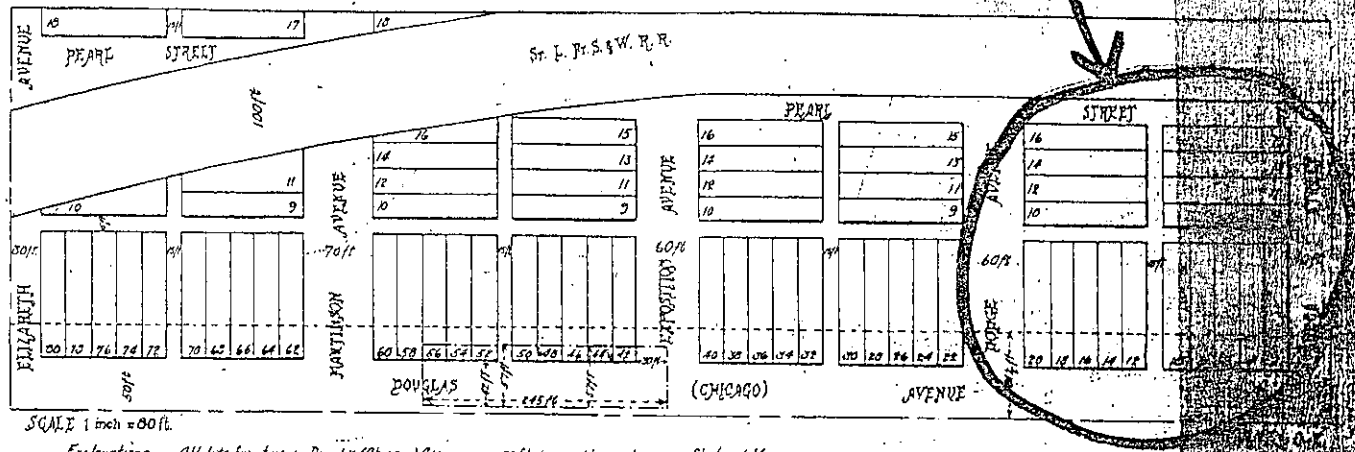
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VBC 2008-23

ALTA/ACSM LAND TITLE SURVEY



SUPPLEMENTAL PLAT TO MARTINSON'S 1ST ADDITION TO WEST WICHITA



Explanations – All lots fronting on Douglas (Chicago) Avenue are 25 ft. by 125 ft. each. The half of Douglas (Chicago) Avenue as here shown is fifty feet wide and as exhibited on the plat. The line of small dots shows the south limit of Martinsons (1st) Addition previous to adding the supplement. For all other explanations See Plat of Martinsons (1st) addition to West Wichita. The dash-and-dotted lines enclose a temporary Reserve until December first 1886.

I, O. Mulvey, Surveyor, hereby certify that I have replatted Martinsons (1st) Addition to West Wichita, to which there has been added a strip of ground eighty one and a half (81½) feet wide and thirteen hundred and twenty (1320) feet long, sole and adjoining the south side as shown in the above plat.

O. Mulvey - Surveyor.

State of Kansas } S.S.
County of Sedgwick }

Know all men by these presents that we O. Martinson and Sarah Martinson, his wife, have added a strip of ground as described in the Surveyors certificate, to the south side of Martinsons (1st) Addition to West Wichita and have caused a replatting of the said addition as shown in the above plat.

The streets and alleys are hereby dedicated to and for the use of the Public and the lots as shown are intended for sale.

O. Martinson.
Sarah Martinson.

State of Kansas } S.S.
County of Sedgwick }

Be it remembered that on this 3rd day of [illegible] A.D. 1886 before me a Notary Public in and for Sedgwick County, Kansas, came O. Martinson and Sarah Martinson to me personally known to be the same persons who signed the foregoing instrument of writing on the 3rd day of March 1886 and acknowledged the same to be their free act and deed.

[illegible]
Notary Public

ENTERED ON TRANSFER RECORD
MAR 3 1886
C. R. FORD CO. CLERK

Filed March 3rd 1886 at 11 o'clock A.M.
H. D. Hasselquist Register of Deeds
P. C. Dow - Dep.

I, David Bowman, Register of Deeds of Sedgwick County, Kansas, do hereby certify that the above is a true and correct copy of the plat of the Supplemental to Martinson's 1st Addition to West Wichita; that the original of which above is a copy is on file in my office and that I have the legal custody thereof. Witness my hand and official seal this 2nd day of July 1912.

David Bowman
Register of Deeds

This digital plat record accurately reproduces in all details the original plat filed with the Sedgwick County Register of Deeds. Digitized under the supervision of Register of Deeds Bill Meek by Sedgwick County Geographic Information Systems.

Bill Meek, Register of Deeds
Digitized rendition of original signature

MAC 1008-23

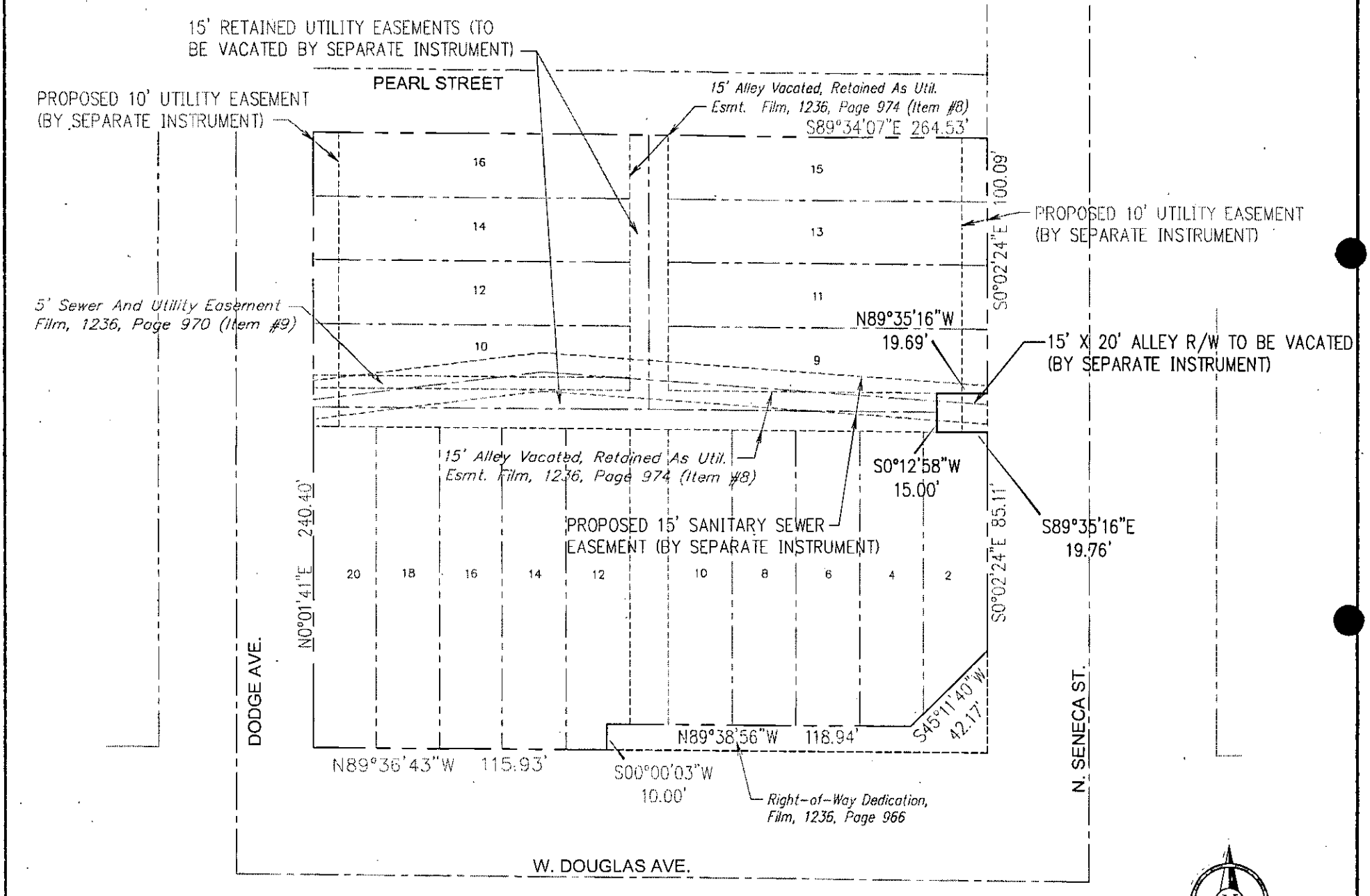


EXHIBIT 'A'
EXISTING ALLEY RIGHT-OF-WAY

(Waterline Location From Record)

DODGE AVE.

INLET TOP=112.40
FL=107.42

Asphalt

23 LF OF NEW CURB AND GUTTER

TRANSFORMER POLE MOUNTED

N0°01'41"E 240.40

N89°36'43"W
115.93'

W. DOUGLAS AVE.

S0°00'03"W
10.00'

RELOCATED WATER METERS

TRAFFIC CONTROL BOX TO BE RELOCATED

TRAF CONT BOX

N89°38'56"W
118.94'

QUIKTRIP
STORE No. 349R
WICHITA, KANSAS
4600 REAR ENTRY BLDG. (4,533 SQ. FT.)
METAL FASCIA AND RED BAND 4 SIDES (ILLUMINATED 4-SIDES)
F.F.E. = 114.68'
BLDG HT @ FRONT ENTRANCE=16'-4"

QT MONUMENT SIGN
P-011V (16'-4" HT.
@ 94 S.F.)

ADA SIGNAGE

BREAK-AWAY BASE CONSTRUCTED WITH LIGHT POLE TO BE

(1) FRESH AIR
(3) FUEL VENT LINES

DETAIL SEE ARCH. PLANS FOR DUMPSTER ENCLOSURE
14'X12'-8"X7'-8"

TRASH

W/RECEP

2-20K GALLON TANKS
1-12K GALLON TANKS

15' UTILITY EASEMENT (BY SEPARATE INSTRUMENT)

RELOCATED 12" SANITARY SEWER

PRIVACY FENCE DOUBLE SIDED WOOD 56LF OF 6' TALL

PRIVACY FENCE DOUBLE SIDED WOOD 46LF OF 6' TALL

PRIVACY FENCE DOUBLE SIDED WOOD 133 LF OF 6' TALL

ROUTING LINE LOCATIONS AND PROPOSE NEW GAS COMPANY TO VERIFY EXISTING GAS

S89°34'07"E 264.93'

127'-8"

G-022

G-022'S

S0°02'24"E 85.11'

INLET TOP=112.60
FL=108.30

S45°11'40"W
42.17'

S89°35'16"E
19.76'

S0°12'58"W
15.00'

N89°35'16"W
19.69'

N. SENECA ST.

Painted Island

SSMH TOP=113.17
8" N=106.07
12" E=106.07
12" W=105.97

Mast Arm

Lp Sig

Mh Traf

MH Traf

MH TRAF.

ONE CALL KANSAS
KS: 1-800-344-7233
WICHITA: 687-2470

20 10 0 20 40

SITE LEGEND

- BOUNDARY LINE
- CONCRETE CURB AND GUTTER.
- MOUNTABLE CURB W/PAVER
- (6) PARKING SPACE INDICATOR
- AREA LIGHT
- MULTIPLE PRODUCT DISPENSER WITH CANOPY COLUMNS AND BOLLARDS
- TFR TRANSFORMER
- FUEL SYSTEM ACCESS MANWAY

QuikTrip
4705 South 129th East Ave.
Tulsa, OK 74134-7008
P.O. Box 3473
Tulsa, OK 74101-3473
(918) 615-7700

GENERAL NOTES

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DESIGN PATENTS

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No.	Revision	Date

Crafton Tull Sparks
8200 East 34th Street North, Bldg. 1600
Suite 1603 Wichita, KS 67226
316.634.6776 FAX: 316.634.6777
www.craftontullsparks.com
architecture | engineering

SITE PLAN

DRAWN BY: CKW	SHEET 4
DESIGNED BY: CKW	
CHECKED BY: JCM	
ISSUE DATE: 06/02/08	OF 29

1112 WEST DOUGLAS AVE. . WICHITA, KANSAS

QuikTrip Store No.: 349

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