



Wichita-Sedgwick County Metropolitan Area Planning Department

January 14, 2009

Shannon #2
Attn: David Shannon
1223 N. Rock Road
Building #1
Suite 100
Wichita, KS 67206

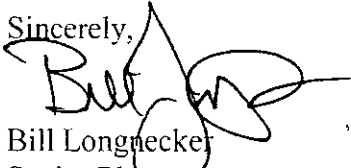
Re: **VAC2008-00034** – Request to vacate a portion of a platted drainage easement, generally located midway between Pawnee Avenue and Harry Street, south of May Street, on the west side of West Street (2009 S. West Street).

Dear Mr. Shannon:

At its regular meeting on Tuesday, January 13, 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
Carla Jones / Paul Gunzelman, Public Works Engineering, Mail Stop 1-71
Julianne Kallman, Public Works Engineering, Mailstop 1-71
Baughman Company, P.A., Attn: Phil Meyer, 315 Ellis, Wichita, KS 67211
JH Shears Sons, Inc., P.O. Box 55038, Lexington, KY 40555
Gerry R & Melinda Cook, 2215 S. West, Wichita, KS 67213
Gregg W & Pamela G Miller, c/o Trinity Sales, LLC, 2225 S. West Street, Wichita, KS 67213
City of Wichita, c/o JR Custom Metal – IRB, 2237 S. West Ct., Wichita, KS 67213

City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

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www.wichita.gov



Sedgwick County
Register of Deeds - Bill Meek
DOC.#/FLM-PG: 29032419

Receipt #: 1708189
Pages Recorded: 2
Cashier Initials: KV

Recording Fee: 00H
Authorized By:

Date Recorded: 1/21/2009 2:46:06 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

1-13-09 V-2

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

GENERALLY LOCATED
MIDWAY BETWEEN PAWNEE AVENUE AND
HARRY STREET, SOUTH OF MAY STREET, ON
THE WEST SIDE OF WEST STREET

Case No. VAC2008-00034

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 13th day of January, 2009 comes on for hearing the petition for vacation filed by David Shannon praying for the vacation of the following described portion of a platted drainage easement, to wit:

That part of the drainage easement as granted in the Casco Addition, Wichita, Kansas described as follows: Commencing at the most easterly SE corner of Lot 1 in said Casco Addition; thence N00°00'00"E along the east line of said Lot 1, 62.00 feet for a point of beginning; thence S89°56'36"W parallel with the south line of said Lot 1, 70.00 feet; thence S54°01'37"W, 75.00 feet to a point 70.00 feet normally distant north of the south line of said drainage easement; thence S89°56'36"W parallel with the south line of said Lot 1, 479.30 feet to a point on the west line of said Lot 1; thence N00°00'00"W along the west line of said Lot 1, 45.00 feet to the intersection with the north line of said drainage easement; thence N89°56'36"E along the north line of said drainage easement, 400.00 feet to a deflection corner in said north line; thence N41°49'12"E along the north line of said drainage easement, 89.98 feet to a deflection corner in said north line; thence N89°56'36"E along the north line of said drainage easement, 150.00 feet to the intersection with the east line of said Lot 1;

VAC 2008-00034

thence S00°00'00"E along the east line of said Lot 1, 68.00 feet to the point of beginning.

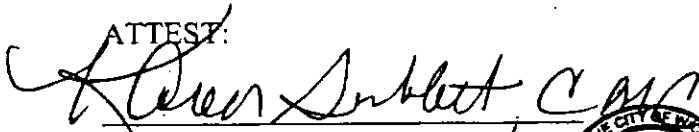
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

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 October 30, 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 easement, and the public will suffer no loss or inconvenience thereby.
3. A temporary easement and a certification of petition will be recorded with the Register of Deeds.
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 easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13th day of January, 2009 ordered that the above described a portion of the platted drainage 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.

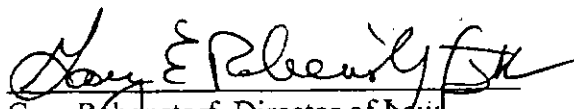

Carl Brewer, Mayor

ATTEST:


Karen Sublett, City Clerk



Approved as to form:


Gary Rebenstorf, Director of Law

STAFF REPORT

CASE NUMBER: VAC2008-00034: Request to vacate a portion of a platted drainage easement

OWNER/APPLICANT: David Shannon

AGENT: Baughman Company, P.A., c/o Phil Meyer

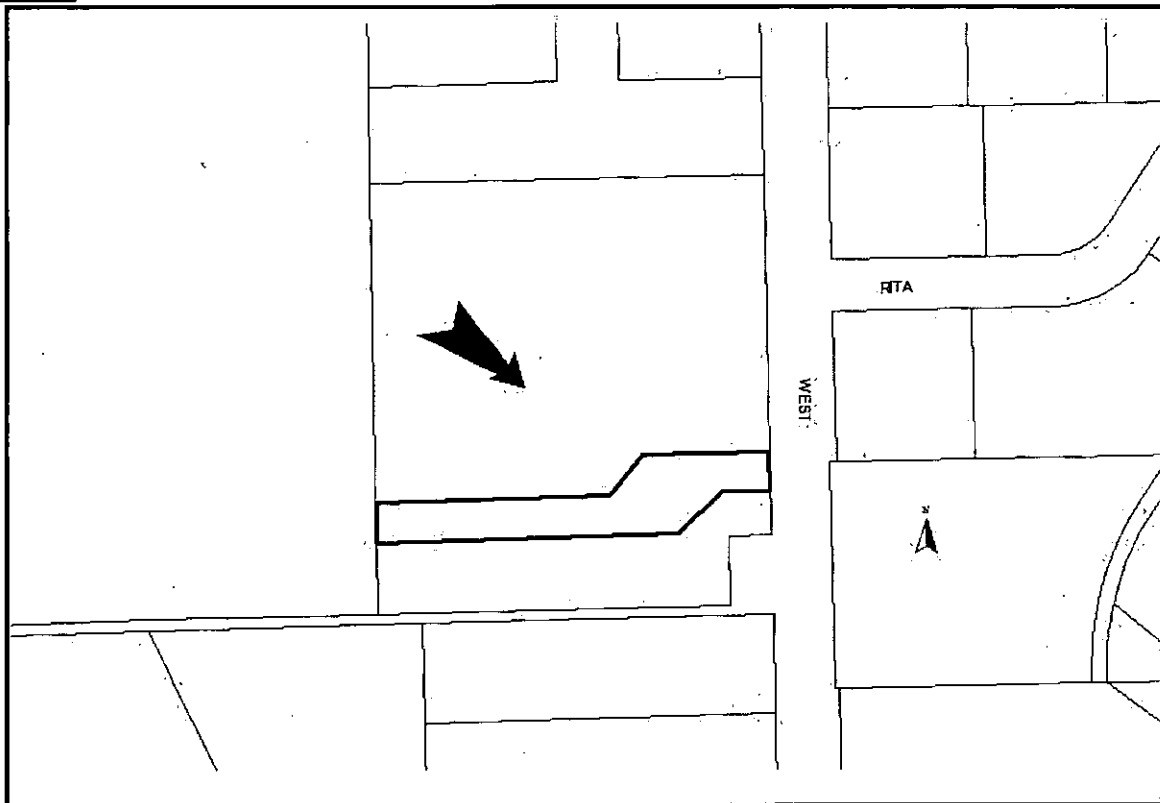
LEGAL DESCRIPTION: Generally described as the north 70-foot wide portion of the platted 170-foot wide drainage easement located along the south lot line of Lot 1, Casco Addition, Wichita, Sedgwick County, Kansas. (see attached legal and exhibit)

LOCATION: Generally located midway between Pawnee Avenue and Harry Street, south of May Street, on the west side of West Street (WCC #II)

REASON FOR REQUEST: Additional space for development

CURRENT ZONING: Subject property and all adjacent and abutting properties are zoned LI Limited Industrial ("LI").

VICINITY MAP:



The applicant is requesting consideration for the vacation of the described portion of the platted drainage easement. The GIS map shows a sewer line in the east portion of the subject platted easement, but it is protected by a sanitary sewer easement dedicated by separate instrument; Film 707, Page 640. The applicant has contacted the Storm Water Engineer, who is agreement with vacating an undefined portion of the subject easement, contingent on plans submitted to Storm Water for review and approval. No sewer, water or franchised utilities will be impacted by the proposed vacation. The Casco Addition was recorded with the Register of Deeds October 16, 1985.

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 drainage 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 October 30, 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 portion of the platted drainage 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 portion of the platted drainage easement described in the petition should be approved with conditions;

- (1) Vacate only that portion of the platted drainage easement as described in as approved by Storm Water.
- (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 Storm Water and with all needed plans for review. Provide a guarantee for improvements and a temporary easement, both to be provided 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:

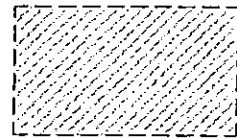
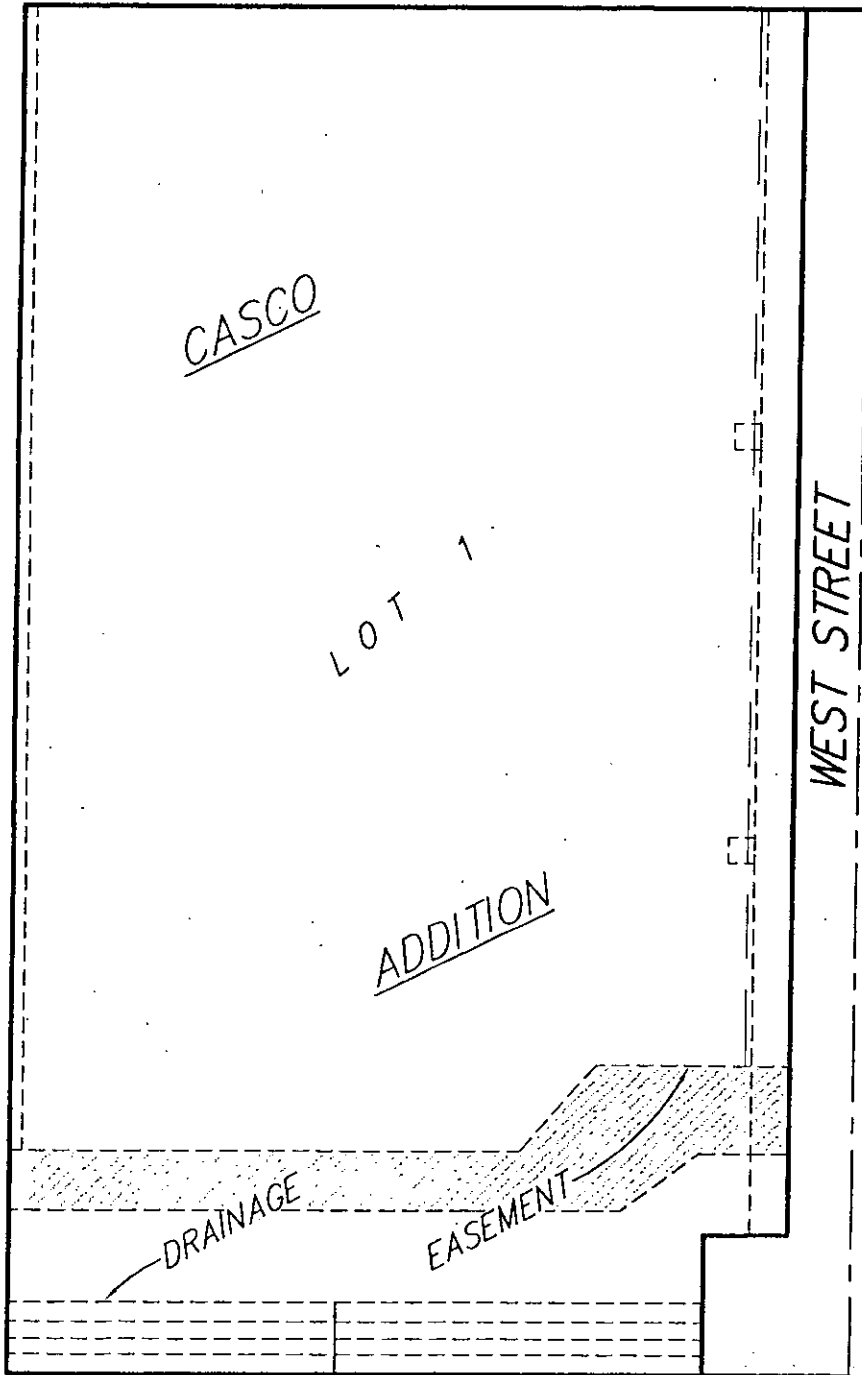
The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate only that portion of the platted drainage easement as described in as approved by Storm Water.
- (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 Storm Water and with all needed plans for review. Provide a guarantee for improvements and a temporary easement, both to be provided 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.

EXHIBIT

PART OF CASCO ADDITION

VAC 2008-34



INDICATES AREA OF
LEGAL DESCRIPTION

55' CONTINGENT STREET DEDICATION
(PER CASCO ADDITION PLAT)

9 OCT 2008



VAC 2008-34