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

IN THE MATTER OF THE VACATION OF MULTIPLE PLATTED DRAINAGE AND UTILITY EASEMENTS, PORTIONS OF PLATTED RESERVES & THE PLATTOR'S TEXT	)	
GENERALLY LOCATED NORTHEAST OF RIDGE ROAD & 37TH STREET NORTH, WEST AND EAST OF SOLANO STREET, OFF OF MIRABELLA STREET, SOLANO COURT & COLLINA STREET	)	**VAC2016-00009**
MORE FULLY DESCRIBED BELOW	)	

VACATION ORDER

NOW on this 17th day of May, 2016, comes on for hearing the petition for vacation filed by Tier 1 LLC & Estancia LLC, c/o Marv Schellenberg, Member (owners) & Larry E. & M. Jeanine McKee (owners), praying for the vacation of the following described portions of multiple platted drainage and utility easements, portions of platted reserves and the vacation of the plattor's text to amend the uses permitted, to-wit:

Description of the Vacation of Multiple Platted Drainage and Utility Easements

The west 20 feet of Lot 9, Block 2, Estancia Addition, an addition to Wichita, Sedgwick County, Kansas, EXCEPT, the north 10 feet and south 15 feet, thereof.

TOGETHER WITH, The north 10 feet of Lot 25, Block 1, Estancia Addition, an addition to Wichita, Sedgwick County, Kansas, EXCEPT, the west 15 feet and east 40 feet, thereof.

TOGETHER WITH, The south 10 feet of Lot 26, Block 1, Estancia Addition, an addition to Wichita, Sedgwick County, Kansas, EXCEPT, the west 15 feet and east 40 feet, thereof.

TOGETHER WITH, The east 20 feet of Lot 18, Block 2, Estancia Addition, an addition to Wichita, Sedgwick County, Kansas, EXCEPT, the north 15 feet and south 10 feet, thereof.

TOGETHER WITH, The east 30 feet of Lot 42, Block 2, Estancia Addition, an addition to Wichita, Sedgwick County, Kansas, EXCEPT, the north 15 feet and south 10 feet, thereof.

TOGETHER WITH, The east 30 feet of Lot 6, Block 4, Estancia Addition, an addition to Wichita, Sedgwick County, Kansas, EXCEPT, the north 40 feet and south 15 feet, thereof.

TOGETHER WITH, 10' Drainage and Utility Easement located in a portion of Reserve G, Estancia Addition, an addition to Wichita, Sedgwick County, Kansas being described as follows: BEGINNING at the southwest corner of Lot 26, Block 2, said Addition, thence along the extended west line of said Lot 26

on a platted bearing of S01°13'40"E, 10.00 feet to a point on a southerly line of a platted 20 Foot Drainage and Utility Easement; thence along said southerly line, S88°46'20"W, 10.00 feet to a point on a west line of a platted 10 foot Drainage and Utility Easement; thence along said platted easement and also parallel with and 10.00 feet west of the west line of said Lot 26, N01°13'40"W, 192.49 feet to a point on a 15 foot Sidewalk, Street, Drainage, and Utility Easement, said point also being a point on a non-tangent curve to the left; said curve having a radius of 65.00 feet, a central angle of 32°12'16", a chord bearing of S17°19'47"E, and a chord distance of 36.06 feet, thence along said easement and said non-tangent curve to the left 36.53 feet to a point on the west line of said Lot 26; thence along said west line S01°13'40"E, 147.85 feet to the POINT OF BEGINNING.

TOGETHER WITH, 10' Drainage and Utility Easement located in a portion of Reserve G, Estancia Addition, an addition to Wichita, Sedgwick County, Kansas being described as follows: BEGINNING at the southwest corner of Lot 48, Block 2, said Addition, thence along the extended west line of said Lot 48 on a platted bearing of S01°13'40"E, 10.00 feet to a point on a southerly line of a platted 20 foot Drainage and Utility Easement; thence along said southerly line, S80°10'48"W, 10.11 feet to a point on a west line of a platted 10 foot Drainage and Utility Easement; thence along said platted easement and also parallel with and 10.00 feet west of the west line of said Lot 48, N01°13'40"W, 114.78 feet to a point on a southerly line of a 15 foot Sidewalk, Street, Drainage, and Utility Easement, thence along said southerly line for the next two courses, N56°09'31"E, 9.26 feet to a point on a tangent curve to the right; said curve having a radius of 185.00 feet, a central angle of 0°48'17", a chord bearing of N56°33'39"E, and a chord distance of 2.60 feet, thence along said tangent curve to the right 2.60 feet to a point on the west line of said Lot 48; thence along said west line S01°13'40"E, 109.53 feet to the POINT OF BEGINNING.

TOGETHER WITH, 10' Drainage and Utility Easement located in the east 10 feet of Reserve O, Estancia Addition, an addition to Wichita, Sedgwick County, Kansas, EXCEPT, the north 10 feet and south 15 feet, thereof.

Description of the Vacation of Portions of Platted Reserves

A portion of Reserve O, Estancia Addition, an addition to Wichita, Sedgwick County, Kansas being described as follows: BEGINNING at the northwest corner of Lot 13, Block 4, said addition, being coincident with the east line of said Reserve O; thence along the common line to said Reserve O and said Lot 13, on a platted bearing of S01°13'40"E, 188.00 feet to the southwest corner of said Lot 13 being coincident with the southeast corner of said Reserve O being a point on a curve to the left; said curve having radius of 816.00 feet, a central angle of 0°08'43", a chord bearing of S73°43'40"W, a chord distance of 2.07 feet; thence along said south line and along said curve to the left 2.07 feet; thence parallel with and 2.00 feet west of the east line of said Reserve O, N01°13'40"W, 188.54 feet to the extended north line of said Lot 13; thence along said extended north line, N88°46'20"E, 2.00 feet to the POINT OF BEGINNING.

TOGETHER WITH, A portion of Reserve G, Estancia Addition, an addition to Wichita, Sedgwick County, Kansas being described as follows: BEGINNING at the northwest corner of Lot 48, Block 2, said addition, being coincident with the easterly line of said Reserve G; thence along the common line to said Reserve G and said Lot 48, on a platted bearing of S01°13'40"E, 126.93 feet to the southwest corner of said Lot 48; thence on an extended south line of said Lot 48, S80°10'48"W, 2.02 feet; thence parallel with and 2.00 feet west of the west line of said Lot 48, N01°13'40"W, 126.10 feet to the north line of said Reserve G being a point on a non-tangent curve to the right; said curve to the right having a radius of 200.00 feet, said curve having a central angle of 00°39'30", a chord bearing of N59°15'50"E, a chord distance of 2.30 feet; thence along said non-tangent curve to the right a distance of 2.30 feet to the POINT OF BEGINNING.

TOGETHER WITH, A portion of Reserve G, Estancia Addition, an addition to Wichita, Sedgwick County, Kansas being described as follows: BEGINNING at the northwest corner of Lot 26, Block 2, said addition, being coincident with an easterly line of said Reserve G; thence along the common line to said Reserve G and said Lot 26, on a platted bearing of S06°17'00"W, 41.53 feet; thence continuing along said common line S01°13'40'E, 147.85 feet to the southwest corner of said Lot 26; thence on an extended south line of

said Lot 26, S88°46'20"W, 2.00 feet; thence parallel with and 2.00 feet west of the west line of said Lot 26, N01°13'40"W, 151.25 feet; thence N09°45'39"E, 41.53 feet to a point on the west right-of-way of Solano Court platted in said Estancia Addition, said point also being a point on a non-tangent curve to the left, said curve having a radius of 50.00 feet, a central angle of 03°28'39", a chord bearing of S08°01'20"W, and a chord distance of 3.03 feet; thence along said west right-of-way and said non-tangent curve to the left, 3.03 feet to the to the POINT OF BEGINNING.

TOGETHER WITH, A portion of Reserve B, Estancia Addition, an addition to Wichita, Sedgwick County, Kansas being described as follows: BEGINNING at the northeast most corner of said Reserve B, being coincident with the southeast corner of said Lot 12; thence along the east line of said Reserve B on a platted bearing of S01°20'41"E, 2.00 feet; thence parallel with and 2.00 feet south of the common line to said Reserve B and said Lot 12, S88°46'20"W, 160.56 feet; thence on an extended west line of said Lot 12, N01°13'40"W, 2.00 feet; thence along said common line, N88°46'20"E, 160.55 feet to the POINT OF BEGINNING.

VACATE THE PLATTORS TEXT AND REPLACE WITH THE FOLLOWING

Allow single-family residential uses in the above described vacated portions of Reserves B, G & O, Estancia Addition, Wichita, Sedgwick County, Kansas

As to all Lots within Block 1, all Lots within Block 2, and Lots 1-13, inclusive, Block 4:
Said Lots are zero lot line lots. Each Lot where abutting and adjoining another zero lot line lot within the aforesaid Lots and Blocks shall provide a minimum of a 3.5 foot maintenance and access easement for the benefit of the adjoining owner(s), their successors and assigns, and/or their agents, and emergency personnel. The maintenance access easements are hereby platted for the purpose of pedestrian access, emergency access, construction, maintenance, and the extension of the footings and a 2 foot overhang of the structure onto the adjoining lot. Opposite of the zero lot line the minimum side yard setbacks shall be 6 feet. The residences with the 6 foot side yard setbacks shall construct a fire break wall. Only roof encroachments are permitted into said 6 foot side yard setback, moreover, no building cantilevers or equipment are permitted in the side yard and sight restrictions shall be maintained on the windows.

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, in The Wichita Eagle on March 17, 2016, 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 described portions of multiple platted drainage and utility easements, portions of platted reserves and the vacation of the plattor's text to amend the uses permitted and the public will suffer no loss or inconvenience thereby.

3. Multiple drainage and utility easements dedicated by separate instrument and an exhibit will be recorded with the Vacation Order at the Sedgwick County Register of Deeds.

4. Quit Claim Deeds have been recorded with the Sedgwick County Register of Deeds that convey ownership of the described vacated portions of the Reserves B, O& G, Estancia Addition, Wichita, Sedgwick County, Kansas, to the abutting lots.

5. In justice to the petitioner(s), the prayer of the petition ought to be granted.

6. 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.

7. The vacation of the described portions of multiple platted drainage and utility easements, portions of platted reserves and the vacation of the plattor's text to amend the uses permitted, should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 17th day of May, 2016, ordered that the above-described portions of multiple platted drainage and utility easements, portions of platted reserves and the vacation of the plattor's text to amend the uses permitted are hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Register of Deeds of Sedgwick County.

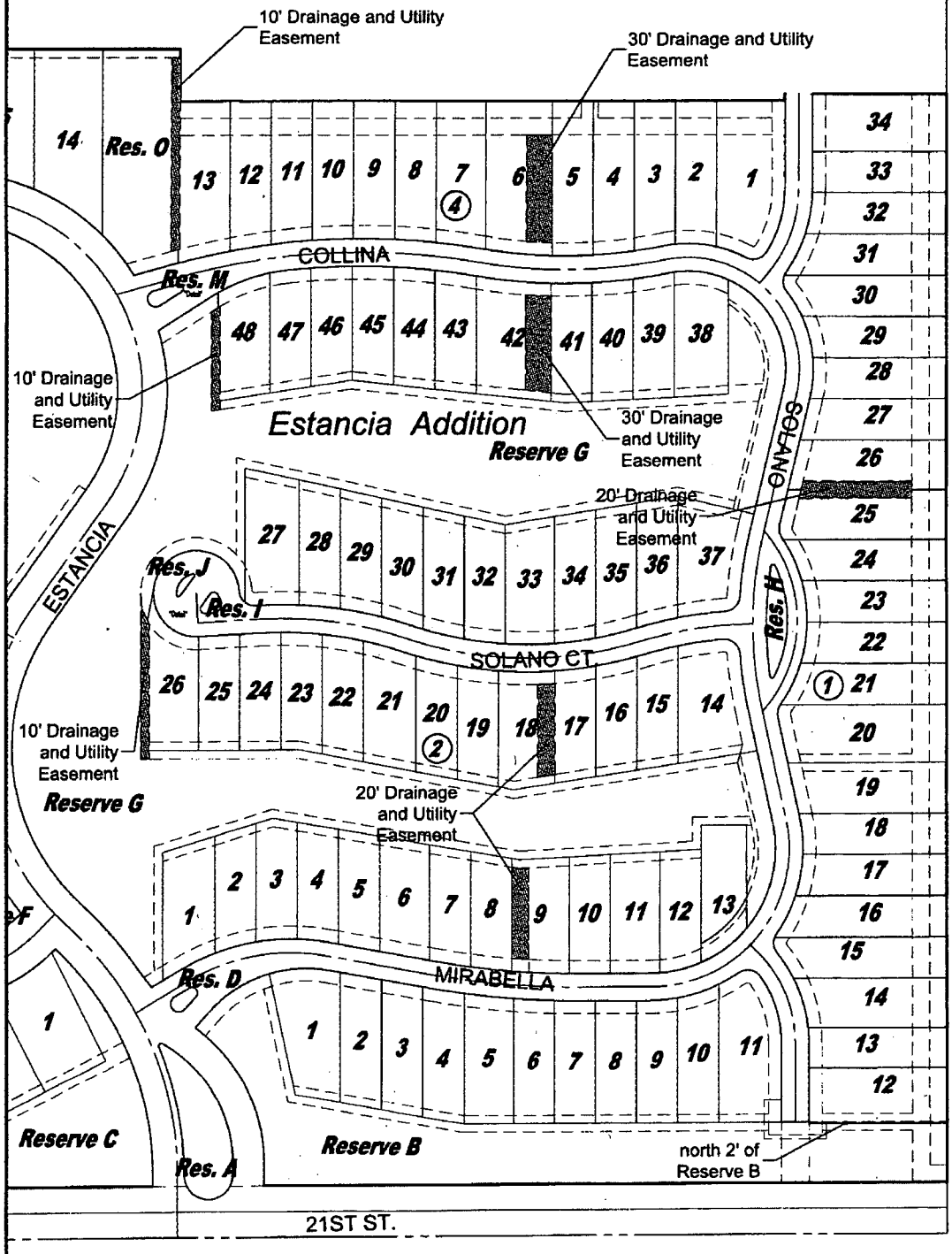
_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

Approved as to Form:

_____
Jennifer Magana, City Attorney and Director of Law



- Vacated Tracts

1"=150' / 1 : 1800

0 150 300

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MKEC
Wichita, KS • 316.684.9600

VACATION EXHIBIT
VAC2016-09
ESTANCIA ADDITION

PROJECT NO. 1301010762	DATE: APRIL 2016	SHEET NO.
DRAWN BY: JGD	DESIGNED BY: BDL	APPROVED BY: BDL	1 OF 1

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CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

May 18, 2016

MKEC Engineering Inc.
Attn: Brian Lindebak
411 N. Webb Rd
Wichita, KS 67206

Ref: VAC2016-00009 - Request to Vacate Multiple Platted Easements, Platted Reserves and Amend their Plattor's Text, on Properties Generally Located Northeast of North Ridge Road and West 37th Street North, West and East of Solano Street, off of Mirabella Street, Solano Court, and Collina Street (District V).

Dear Mr. Lindebak:

At its regular meeting on Tuesday, May 17, 2016, the Wichita City Council considered the above-referenced 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 268-4421.

Sincerely,

Bill Longnecker
Senior Planner

BL:klw

cc: Tier 1 LLC & Estancia LLC, Marv Schellenberg, 7926 W 21st Street, Wichita KS 67205
Tier 1 LLC, 1313 N Webb Rd, Ste 230, Wichita KS 67206
Larry E & M. Jeanine McKee, 2718 N Lakeridge, Wichita KS 67205