



Wichita-Sedgwick County Metropolitan Area Planning Department

CORRECTED

February 22, 2017

~~February 13, 2017~~

Baughman Company, P.A.
c/o Phil Meyer
315 Ellis
Wichita KS, 67211

Ref: VAC2016-00046 - City request to vacate portions of platted complete access control, a portion of a platted building setback line and a portion of a drainage and utility easement dedicated by separate instrument on property located south of West 29th Street North on the east side of North Tyler Road (WCC V).

Mr. Meyer:

At its regular meeting on Tuesday, December 6, 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,


Stephen Banks
Senior Planner

SB:klw

cc: Hawkins Marital Trust, c/o Craig A. Kreiser, Co-Trustee, PO Box 9510, Wichita, KS, 67277
Dan & Kate Scheer, 2618 N Spring Meadow St, Wichita KS 67205

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

**IN THE MATTER OF THE VACATION OF A PORTION)
OF PLATTED ACCESS CONTROL, A PORTION OF A)
PLATTED BUILDING SETBACK & A PORTION OF A)
DRAINAGE AND UTILITY EASEMENT DEDICATED)
BY SEPARATE INSTRUMENT)**

**GENERALLY LOCATED SOUTH OF WEST 29TH STREET)
NORTH ON THE EAST SIDE OF NORTH TYLER ROAD)**

VAC2016-00046

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 6th day of December, 2016, comes on for hearing the petition for vacation filed by Hawkins Marital Trust, c/o Craig A. Kreiser, Co-Trustee (owner), praying for the vacation of described portion of platted complete access control, a portion of a platted building setback and a portion of a drainage and utility easement dedicated by separate instrument, to-wit:

A portion of the platted Access Control:

The south 30.00 feet of the north 154.00 feet of Complete Access Control as granted along the east line of Lot 1, Block B, Fossil Rim Estates, Wichita, Sedgwick County, Kansas.

A portion of the platted Building Setback:

The east 5.00 feet of the 20.00 foot Building Setback lying east of and parallel with the west line of Lot 1, Block B, Fossil Rim Estates, Wichita, Sedgwick County, Kansas.

A portion of the Drainage & Utility Easement recorded in Film 2509, Page 14:

The west 35.48 feet of the Drainage and Utility Easement described, granted and conveyed in Film 2509, Page 14, said Drainage and Utility Easement being described as follows: Part of Reserve "G" and Lot 1, Block B, Fossil Rim Estates, Wichita, Sedgwick County, Kansas described as beginning at the SW corner of Lot 7, of said Block B; thence N00°00'00"E, along the west line of said Lot 7, 10.00 feet; thence S90°00'00"W, 235.00 feet; thence S00°00'00"W, 20.00 feet; thence N90°00'00"E, 235.00 feet to a point on the west line of Lot 8, of said Block B; thence N00°00'00"E, along the west line of said Lot 8, 10.00 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, in The Wichita Eagle on September 29, 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 the platted complete access control, the platted building setback and the drainage and utility easement dedicated by separate instrument and the public will suffer no loss or inconvenience thereby.
3. A partial dedication of abutter's rights by separate instrument will be recorded with the Vacation Order at the Register of Deeds of Sedgwick County.
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 described portions of the platted complete access control, the platted building setback and the drainage and utility easement dedicated by separate instrument, should be approved.

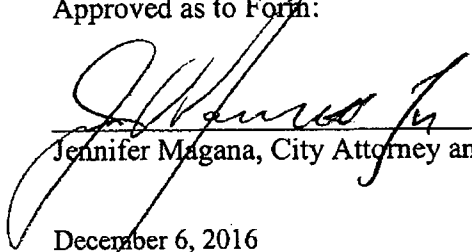
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 6th day of December, 2016, ordered that the described portions of the platted complete access control, the platted building setback and the drainage and utility easement dedicated by separate instrument are hereby vacated. IT IS FURTHER ORDERED that the 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:

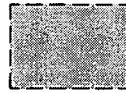


Jennifer Magana, City Attorney and Director of Law

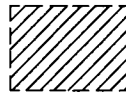
December 6, 2016
VAC2016-00046

EXHIBIT

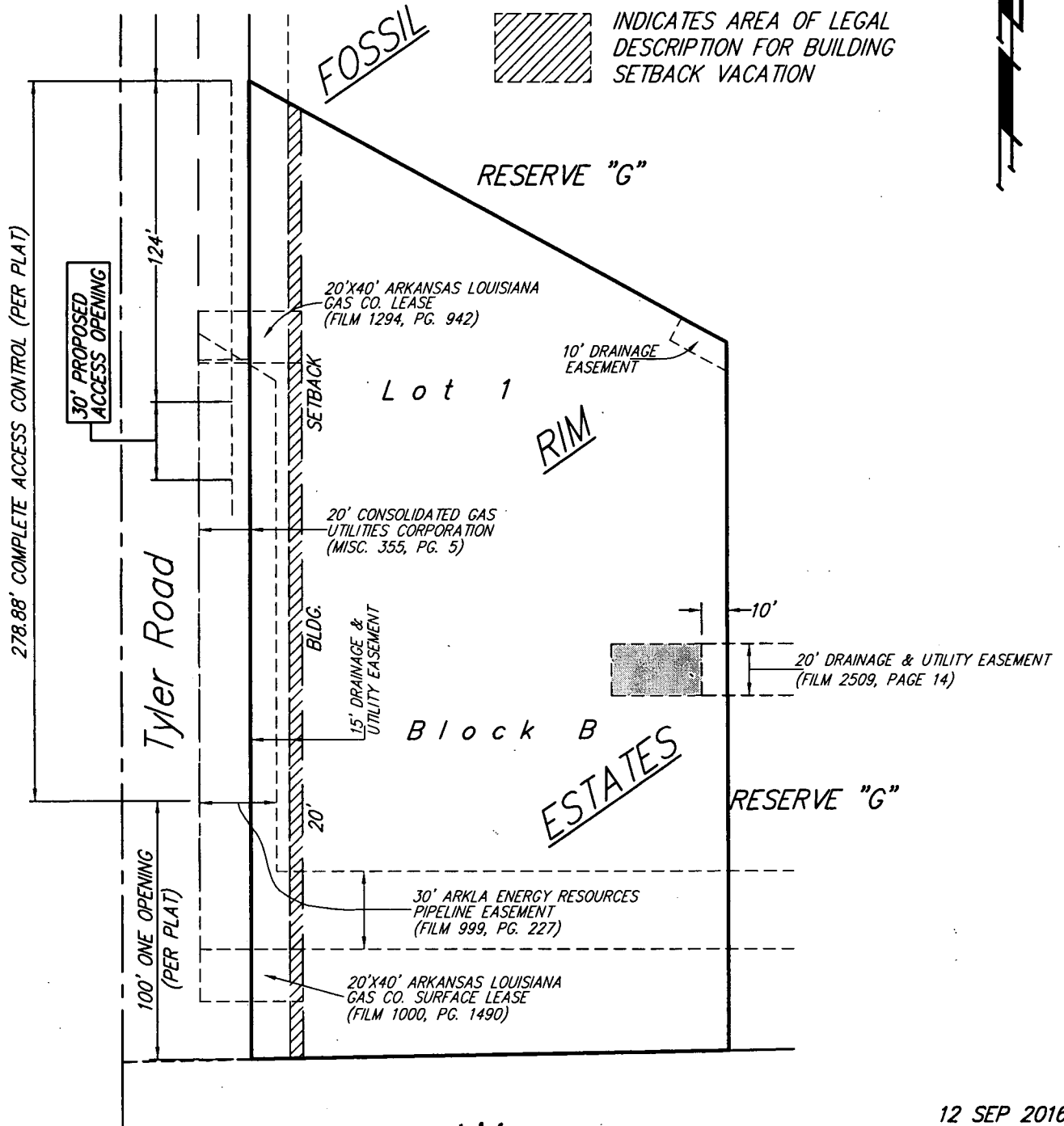
PART OF LOT 1, BLOCK B, FOSSIL RIM ESTATES, WICHITA, SEDGWICK COUNTY, KANSAS



INDICATES AREA OF LEGAL
DESCRIPTION FOR DRAINAGE
& UTILITY VACATION



INDICATES AREA OF LEGAL
DESCRIPTION FOR BUILDING
SETBACK VACATION



VAC2016-416

12 SEP 2016

 **Baughman Company, P.A.**
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ENGINEERING | SURVEYING | PLANNING | LANDSCAPE ARCHITECTURE