CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

February 14, 2006

Seldin Development Management Company
Attention: Ted Seldin
13057 W. Center Road
Omaha NE 68144-3790

Re: VAC2000-00043- Request to vacate 80 foot drainage dedication generally located South of Kellogg and west of the Kansas Turnpike.

Dear Mr. Seldin:

At its regular meeting on Tuesday, February 7, 2006, 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
The Pep Boys, Manny, Moe & Jack of California, 311 W. Alleghany Avenue, Philadelphia, PA 19133
Seldin Development & Management Company, 13057 W. Center Road, Omaha NE 68144
Joe W. Self Jr., Real Estate LLC, P.O. Box 780577, Wichita, KS 67278

CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

January 24, 2006

Seldin Development Management Company
Attention: Ted Seldin
13057 W. Center Road
Omaha NE 68144-3790

Re: **VAC2000-00043** - Request to vacate 80-foot drainage dedication generally located South of Kellogg and west of the Kansas Turnpike.

Dear Mr. Seldin:

At the Thursday, October 19, 2000, meeting of the Metropolitan Area Planning Commission the above-referenced vacation request was approved subject to the conditions recommended by the Subdivision Committee and stated in our letter of October 13, 2000. Since you have completed all the approval conditions, this case will be placed on the Consent Agenda for final approval by the Wichita City Council on Tuesday, February 7, 2006, at 9:00 A.M. in the City Council Chamber, First Floor, City Hall, 455 North Main Street, Wichita, Kansas.

The public hearing on planning items is conducted by the MAPC under provisions of State Law. Adopted policy is that the City Council will not take additional testimony on zoning-related applications and other issues for which the MAPC has held a public hearing. However, interested parties may file a written statement before the City Council meeting, stating any objections to the proposed vacation. The Council will determine from such statements whether to return the issue to the MAPC for reconsideration or to reverse their recommendation.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 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
Baughman Company, P.A., 315 Ellis, Wichita KS 67211
The Pep Boys Manny, Moe & Jack of California, 311 W. Alleghany Ave., Philadelphia, PA 19133
Seldin Development & Management Company, 13057 W. Center Road, Omaha, NE 68144
Joe W. Self Jr., Real Estate LLC, P.O. Box 780577, Wichita, KS 67278

CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

October 20, 2000

Seldin Development Management Company
Attention: Ted Seldin
13057 W. Center Road
Omaha NE 68144-3790

Re: VAC2000-00043- Request to vacate 80 foot drainage dedication generally located South of Kellogg and west of the Kansas Turnpike.

Dear Mr. Seldin:

At the Thursday, October 20, 2000, meeting of the Metropolitan Area Planning Commission the above-referenced vacation request was approved subject to the conditions recommended by the Subdivision Committee and stated in our letter of October 13,2000 . This case will be scheduled for final action by the Wichita City Council at the first appropriate date after all conditions have been met.

If you have any questions about this matter, please call -- 268-4421.

Sincerely,

Neil Evan Strahl
Senior Planner

NES:le

cc: Mike Lindebak, City Engineer, Public Works (1-71)
Baughman Company, P.A., 315 Ellis, Wichita, KS 67211
The Pep Boys, Manny, Moe & Jack of California, 311 W. Alleghany Avenue, Philadelphia, PA 19133
Seldin Development & Management Company, 13057 W. Center Road, Omaha NE 68144
Joe W. Self Jr., Real Estate LLC, P.O. Box 780577, Wichita, KS 67278

CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

October 13, 2000

Seldin Development Management Company
Attention: Ted Seldin
13057 W. Center Road
Omaha NE 68144-3790

Re: VAC2000-00043 - Request to vacate 80 foot drainage dedication generally located South of Kellogg and west of the Kansas Turnpike.

Dear Mr. Seldin:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission on Thursday, October 12, 2000, the above-captioned vacation request was considered. The action of the Committee was to recommend that this vacation be approved subject to:

A. The applicant shall dedicate a 20-foot drainage easement by separate instrument to cover the storm sewer.

B. The applicant shall submit a guarantee for construction of the storm sewer.

C. The applicant shall grant a temporary easement by separate instrument to cover the existing ditch until construction of the storm sewer.

This matter is set for public hearing by the Metropolitan Area Planning Commission on Thursday, October 19, 2000 at 1:30 p.m. in the Planning Conference Room, Tenth Floor, City Hall, 455 North Main, Wichita, Kansas. If you have any questions, please call at 268-4421.

Sincerely,

Neil Evan Strahl
Senior Planner

NES:le

cc: Mike Lindebak, City Engineer, Public Works Department, Mail Stop 1-71
Baughman Company, P.A., 315 Ellis, Wichita KS 67211
The Pep Boys Manny, Moe & Jack of California, 311 W. Alleghany Ave., Philadelphia, PA 19133
Seldin Development & Management Company, 13057 W. Center Road, Omaha, NE 68144
Joe W. Self Jr., Real Estate LLC, P.O. Box 780577, Wichita, KS 67278

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: January 23, 2006

TO: Karen Sublett, City Clerk

FROM: Bill Longnecker, Senior Planner, MAPD

SUBJECT: Filing of a petition for Vacation Case VAC2000-00043, vacation of a platted drainage dedication, generally located southwest of the Kellogg Avenue and Kansas Turnpike interchange.

Attached for filing is a petition for public hearing on the above identified vacation request. If you have any questions concerning this item, please contact me. Please file the petition for the February 7, 2006, hearing date.

BL:le
Attachment(s)

cc: Jim Armour, City Engineer, Public Works Department, Mail Stop 1-71
Paul Gunzelman/Carla Jones, Public Works Department, Mail Stop 1-71

RECEIVED
FEB 13 2006
METROPOLITAN PLANNING
ROUTE

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

IN THE MATTER OF THE VACATION OF A PLATTED DRAINAGE DEDICATION	)	
GENERALLY LOCATED SOUTHWEST OF THE OF KELLOGG AVENUE & KANSAS TURNPIKE INTERCHANGE	)	**Case No. VAC2000-00043**
MORE FULLY DESCRIBED BELOW	)	

VACATION ORDER

NOW on this 7th day of February, 2006 comes on for hearing the petition for vacation filed by Seldin Development & Management Company, c/o Ted Seldin praying for the vacation of the following described platted drainage dedication, to-wit:

The platted 80 foot drainage dedication as recorded on Lot 2, the East Turnpike Entrance 2nd Addition to 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 on September 26, 2000, 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 platted drainage dedication, and the public will suffer no loss or inconvenience thereby.

3. A 20-foot drainage easement and a temporary easement, dedicated by separate instruments, 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 platted drainage dedication described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 7th day of February 2006 ordered that the above-described platted drainage dedication 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.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary Rebenstorf, Director of Law

TEMPORARY DRAINAGE EASEMENT

THIS EASEMENT made this 1st day of February, 2001, by and between Seldin Development & Management Company, of the first part and the City of Wichita of the second part.

WITNESSETH: That the said first party, in consideration of the sum of One Dollar ($1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, does hereby grant and convey unto the said second party a temporary right-of-way and easement for the purpose of constructing, maintaining, and repairing a storm sewer system over, along, and under the following described real estate situated in Sedgwick County, Kansas; to wit:

The 80 foot drainage dedication as dedicated in East Turnpike Entrance 2nd Addition, Wichita, Kansas

Said easement shall expire upon the completion of the storm water sewer system within said drainage dedication.

IN WITNESS WHEREOF:

The said first party has signed these presents the day and year first written.

Seldin Development &
Management Company

By: Theodore M. Seldin
Theodore M. Seldin, Vice-Pres.

STATE OF Nebraska)
Douglas COUNTY) SS:

BE IT REMEMBERED, that on this 1st day of February, 2001, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Theodore M. Seldin, as Vice-President of Seldin Development & Management Company, personally known to me to be the same person(s) who executed the within instrument of writing and such person(s) duly acknowledged the execution of the same, for and on behalf and as the act and deed of said company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.

GENERAL NOTARY-State of Nebraska
REVA L. GRIMM
My Comm. Exp. 2/7/03

Reva L Grimm
Notary Public

(My Commission Expires: 2/7/03)

VAC2000-00043

DRAINAGE EASEMENT

This EASEMENT made this 1st day of February, 2001, by and between Seldin Development & Management Company, of the first part and the City of Wichita of the second part.

WITNESSETH: That the said first parties, in consideration of the sum of One Dollar ($1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey unto the said second party a perpetual right-of-way and easement for the purpose of constructing, maintaining, and repairing a drainage system over, along, and under the following-described real estate situated in Sedgwick County, Kansas; to wit:

A 20 foot wide tract of land in the 80 foot drainage dedication as dedicated in East Turnpike Entrance 2nd Addition, Wichita, Kansas described as follows: Commencing at the NW corner of said drainage dedication; thence south along the west line of said drainage dedication, 17.44 feet for a point of beginning; thence continuing south along the west line of said drainage dedication, 20.74 feet; thence southeasterly with a deflection angle to the left of 74°37'44", 484.82 feet to a point on the east line of said drainage dedication; thence north along the east line of said drainage dedication, 21.10 feet; thence northwesterly with a deflection angle to the left of 71°24'21", 483.59 feet to the point of beginning.

And said second party is hereby granted the right to enter upon said premises at any time for the purpose of constructing, operating, maintaining, and repairing such drainage system.

IN WITNESS WHEREOF: The said first parties have signed these presents the day and year first above written.

Seldin Development &
Management Company

By: Theodore M. Seldin
Theodore M. Seldin, Vice-Pres.

VAC2000-00043

STATE OF Nebraska)
Douglas COUNTY) SS:

BE IT REMEMBERED, that on this 14 day of February, 2001, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Theodore M. Seldin, as Vice-President of Seldin Development & Management Company, personally known to me to be the same person(s) who executed the within instrument of writing and such person(s) duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.

GENERAL NOTARY-State of Nebraska
REVA L. GRIMM
My Comm. Exp. 2/7/03

Reva L. Grimm
Notary Public

(My Commission Expires: 2/7/03)

File

AFFIDAVIT

STATE OF KANSAS)
) - SS.
County of Sedgwick)

Toni Simmons, of lawful age, being first duly sworn, deposeth and saith: That she is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle for 1 consecutive issues - weeks, that the first publication of said notice was made as aforesaid on the 26 day, September, A.D. 2000, with subsequent publications being made on the following dates:

_____

_____

And affiant further says that _____ she has personal knowledge of the statements above set forth and that they are true.

Toni Simmons

Subscribed and sworn to before me this 29 day of September, 2000

Danna M. Cotton

Notary Public Sedgwick County, Kansas

DANNA M. COTTON
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 8/21/2004

Printer's Fee 19.72

LEGAL PUBLICATION

CW

Published in The Wichita Eagle
September 26, 2000 (#1217400)
OFFICIAL NOTICE
OF
VACATION HEARING
TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

You are hereby notified that a petition has been filed in the office of the City Clerk of the City of Wichita, Kansas, by International Trading Inc., praying for the vacation of the following described utility easement, to-wit:

The 80 foot drainage dedication in East Turnpike Entrance 2nd Addition, Wichita, Kansas, Sedgwick County, Kansas.
(VAC2000-00043)

The Subdivision Committee of the Metropolitan Area Planning Commission will review said petition on Thursday, October 12, 2000, also in the Planning Conference Room, Tenth Floor, City Hall, 455 North Main, Wichita, Kansas. A public hearing will be held on said petition by the Metropolitan Area Planning Commission on Thursday, October 19, 2000, in the Planning Conference Room, Tenth Floor, City Hall, 455 North Main, Wichita, Kansas. Both meetings will begin at 1:30 p.m. At such times and place all persons interested can appear and be heard.

Pat Burnett, City Clerk

RECEIVED
NOV 03 2000
METROPOLITAN PLANNING
ROUTE

File

AFFIDAVIT

STATE OF KANSAS \
- SS.
County of Sedgwick /

Toni Simmons, of lawful age, being first duly sworn, deposeth and saith: That she is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle for 1 consecutive issues - weeks, that the first publication of said notice was made as aforesaid on the 26 day, September, A.D. 2000, with subsequent publications being made on the following dates:

_____

_____

And affiant further says that ____ she has personal knowledge of the statements above set forth and that they are true.

Toni Simmons

Subscribed and sworn to before me this 29 day of September, 2000

Danna M. Cotton

Notary Public Sedgwick County, Kansas

DANNA M. COTTON
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 8/21/2004

Printer's Fee 20.40

LEGAL PUBLICATION

CW

Published in The Wichita Eagle
September 26, 2000 (#1217365)
OFFICIAL NOTICE
OF
VACATION HEARING
TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

You are hereby notified that a petition has been filed in the office of the City Clerk of the City of Wichita, Kansas, by International Trading Inc., praying for the vacation of the following described utility easement, to-wit:

The East 5 feet of Lot 15, Block 1, WOODLAND LAKES ESTATES 2nd ADDITION and
The West 5 feet of Lot 16, Block 1, WOODLAND LAKES ESTATES 2nd ADDITION, Wichita, Sedgwick County, Kansas (VAC2000-00042)

The Subdivision Committee of the Metropolitan Area Planning Commission will review said petition on Thursday, October 12, 2000, also in the Planning Conference Room, Tenth Floor, City Hall, 455 North Main, Wichita, Kansas. A public hearing will be held on said petition by the Metropolitan Area Planning Commission on Thursday, October 19, 2000, in the Planning Conference Room, Tenth Floor, City Hall, 455 North Main, Wichita, Kansas. Both meetings will begin at 1:30 p.m. At such times and place all persons interested can appear and be heard.

Pat Burnett, City Clerk

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NOV 03 2000
METROPOLITAN PLANNING
ROUTE

METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 3-2
OCTOBER 19, 2000

STAFF REPORT

CASE NUMBER: **VAC2000-00043** -- Request to vacate a drainage dedication

OWNER/APPLICANT: Seldin Development &Management Co., Attn: Ted Seldin

AGENT: Baughman Company, P.A.

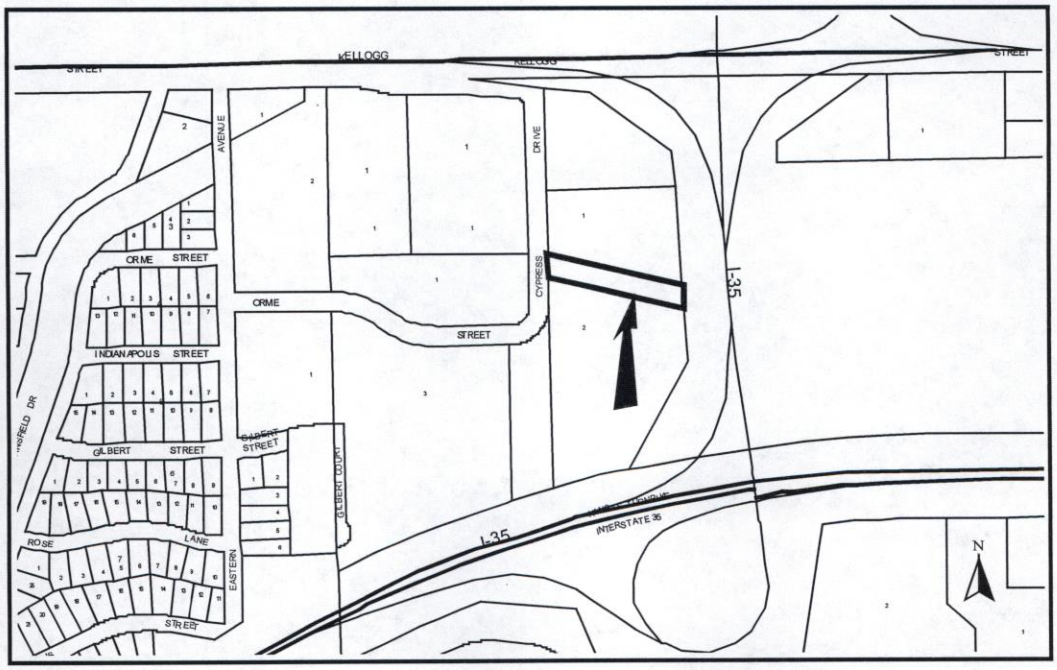
LEGAL DESCRIPTION: The 80 foot drainage dedication platted in East Turnpike Entrance 2nd Addition to Wichita, Sedgwick County, Kansas

LOCATION: South of Kellogg, West of Kansas Turnpike

REASON FOR REQUEST: Future site development

CURRENT ZONING: "GO" General Office

VICINITY MAP:



The applicant is requesting to vacate an 80-foot drainage dedication along the northeastern property line of the East Turnpike Entrance 2nd Addition to allow for future site development. The Applicant will replace this surface drainage with a storm sewer within a 20-foot drainage easement.

Based upon the information available prior to the public hearing, staff recommends the MAPC make the following findings and recommendation to the City Council:

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, by publication in the Wichita Eagle of notice of this vacation proceeding one time September 26, 2000, 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 drainage dedication, 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.

B. Therefore, the vacation of the drainage dedication described in the petition should be approved subject to the following conditions:

1. The applicant shall dedicate a 20-foot drainage easement by separate instrument to cover the storm sewer.

2. The applicant shall submit a guarantee for the construction of the storm sewer.

3. The applicant shall grant a temporary easement by separate instrument to cover the existing ditch until construction of the storm sewer.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval, subject to

1. The applicant shall dedicate a 20-foot drainage easement by separate instrument to cover the storm sewer.

2. The applicant shall submit a guarantee for construction of the storm sewer.

3. The applicant shall grant a temporary easement by separate instrument to cover the existing ditch until construction of the storm sewer.