Planning Agenda Item #_____

City of Wichita
City Council Meeting
June 4, 1991

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1674 - REQUEST TO VACATE PLATTED UTILITY EASEMENT AND BUILDING SETBACK; LOCATED EAST OF ROCK ROAD AND NORTH OF 21ST STREET NORTH, TALLGRASS COMMERCIAL 5TH ADDITION, AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS. (District #2)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of platted utility easements and building setback.

MAPC Recommendation: Approve vacation of platted utility easements and building setback. (unanimous)

Background: This vacation request in a platted subdivision involved 2 building setbacks and a utility easement adjacent to the applicants' common lot line. The applicants wish to construct a maintenance building and maintenance office City Engineering and the Utility Companies have indicated their approval of this vacation. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions.

Legal Considerations: The City Clerk needs to certify as to proper notification and no filing of written protest.

Recommendations/Action: Close public hearing, approve vacation; authorize the Mayor to sign the Vacation Order; and record certified copy of Order, recording costs to be billed to:

150029-2909

FILM 189 PAGE 1511

Approved by City Council

Date 6-4-91

STATE OF KANSAS) SS
SEDGWICK COUNTY)
FILED FOR RECORD AT
8:00 O'

AUG 16 3I 1154273

PAT KETTLER
REGISTER OF DEEDS

Ed Reed
Deputy

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

IN THE MATTER OF THE VACATION OF PLATTED UTILITY EASEMENT AND BUILDING SETBACKS.

GENERALLY LOCATED EAST OF ROCK ROAD AND NORTH OF 21ST STREET NORTH, TALLGRASS COMMERCIAL 5TH ADDITION, AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS. (V-1674)

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 4th day of June, 1991, comes on for hearing the petition for vacation filed by Intel Corp. of America, Inc. and Slawson Investment Corp., praying for the vacation of the following described easement and building setbacks, to-wit:

1. Ten Foot Utility Easement.

Beginning at the Northeasterly corner of Lot 3, Tallgrass Commercial 5th Addition to Wichita, Sedgwick County, Kansas; thence Southwest along the Easterly line of said Lot 3, a distance of One Hundred Thirteen Feet (113'); thence Northwesterly on a line perpendicular to the Easterly line of said Lot 3, a distance of Ten Feet (10'); thence Northeast along a line which is parallel to the Easterly line of said Lot 3 to a point on the Northeast lot line of said Lot 3; thence Southeast along the Northerly line of said Lot 3 to the point of beginning.

2. Setback (15') in Lot 13.

Beginning at the lot corner which is common to Lots 2, 3 and 13, Tallgrass Commercial 5th Addition to Wichita, Sedgwick County, Kansas; thence Southwest along the Westerly lot line of Lot 13, a distance of One Hundred Thirteen Feet (113'); thence Southeasterly along a line which is perpendicular to the Westerly lot line of said Lot 13, a distance of Fifteen Feet (15'); thence Northeast along a line which is parallel to the Northwesterly lot line of said Lot 13 to a point which is the Westerly terminus of the East-West Fifteen Foot (15') setback line adjacent to the North line of said Lot 13; thence Northwest to the

MICROFILMED OF RECORD

10.00 dk

City clerk

C1662 1674

point of beginning, excepting however, that part of the Twenty Foot (20') utility easement platted in Lot 13 which is within the boundaries of the above Fifteen Foot (15') building setback hereby being vacated.

3. Setback (25') in Lot 3.

The Twenty-five Foot (25') building setback which is adjacent to the Easterly lot line of Lot 3, Tallgrass Commercial 5th Addition to Wichita, Sedgwick County, Kansas; excluding any part thereof which may be within the Twenty Foot (20') building setback line adjacent to the South lot line of said Lot 3.

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 Daily Reporter of notice of this vacation proceeding for consecutive weeks on 5-24-91 & 5-31-91.

2. No private rights will be injured or endangered by the vacation of the above-described easement and building setbacks, 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. 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.

5. The vacation of the easement and building setbacks described herein should be approved.

Vacation Order
V-1674
Page 3 of 3

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 4th day of June, 1991, ordered that the above-described easement and building setbacks 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.

Bob Knight, Mayor

ATTEST:

Pat Burnett, Deputy City Clerk

THE CITY OF WICHITA SEDGWICK COUNTY, KANSAS

Approved as to Form:

Joe Allen Lang Gerling Director of Law

State of Kansas)
Sedgwick County) ss
City of Wichita)

I, Pat Burnett, Deputy City Clerk of the City of Wichita, Kansas, hereby certify that the foregoing 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, this June 4, 1991

Pat Burnett Deputy City Clerk

THE CITY OF WICHITA SEDGWICK COUNTY, KANSAS

N

Scale : 1" = 60'

N.E. CORNER
EXECUTIVE PARK
AT TALLGRASS

N. 89°06'46"E.
187.31'

10' Util. Esmt.
15' Bldg. Stbk.

316.00'

169.35' Util. Esmt.

S.1°01'02"E. 168.92'

Stbk. Esmt.

Bldg. Util.

20' 10'

N.88°58'58"E.
90.00'

187.68'
S.88°58'58"W.

277.68'

Access Agreement

N0°53'34"W.

146.65' Util. Esmt.

1

2

S.1°01'02"E. 183.00'

Esmt. Stbk. Bldg. Util.

267.65'

N.88°58'58"E.
178.88'

55.88'

13' Util. Esmt.
Bldg. Stbk.

Legal for vacation = ?

℄ S.51°59'12"E. 20' Util. Esmt.

N45°37'57"W. 169.99'

208.15'

25' Bldg. Stbk.

407.13'

Esmt.

10' Util. Esmt.

S.88°58'58"W. 158.61'

N.88°58'58"W. 270.05'

18.1' Util. Esmt.
Bldg. Stbk.

20' Util. Esmt.
123.00'

S.14°08'36"W. 90.26'

S.1°01'02"E. 63.89'

S. 75°51'24"E.

135.96'
Bldg. Stbk.

248.60'

S.45°53'34"E.
36.15'

112.64'

SOUTHWEST CORNER
RESERVE "D"
EXECUTIVE PARK
ADD.

N.43°58'58"E.

Util.

3

Bldg. Stbk. Esmt.

231.87'

℄ N.46°01'02"W. 83.36'

S.39°31'34"W. 140.87'

49'

S.14°08'36"W. 5.84'

20' Utility Esmt.

S.88°58'58"W. 215.00'

52.88'

℄ 20' S.75°51'24"E. Util.

339.38'

Setback

Esmt.

S.57°25'42"W.
121.08'

N.88°58'58"E.
114.91'

28.97' 55.22'

R=248.87'
Δ=12°04'51"
L=52.47'

82.73'

R=250.00'
Δ=20°00'00"
L=87.27'

107.02'

R=180.00'
Δ=52°55'09"
L=166.25'

N.88°58'58"E.
145.44'

26.68' 49.73'

S.88°58'58"W.
108.19'

91.80'

N.43°58'58"E.
23.23'

20'

Bldg. Stbk.

S.46°01'02"E.
19.95'

15' 71.24'

RES. "A"

154.24'

10' Bldg.

102.86' S.46°01'02"E. 102.86'

102.86'

13

Esmt.

100.00'

N.88°58'58"E.
40.00'

S.1°14'07"E.
27.85'

N.28°28'04"W.
46.00'

℄ 20' Util. Esmt.

S.88°58'58"W.
123.04'

℄ 15' Util. Esmt.

S.88°58'58"W.
108.03'

N1°01'02"W. 25'

20'

℄ 20' Util. Esmt.

Building

N.17°52'39"E.

Access

26'

RESERVE "B"

S.1°01'02"E.
152.03'

S.43°58'58"W.

R = 50.00'
Δ = 45°03'53"
L = 39.33'
Chd. = 38.32'
Brg. = N.20°52'39"E.

4

257.59'

410.16'

Util.

201.82'

S.43°58'58"W.

R=40.00'
Δ=90°00'00"
L=62.83'

37.93'

42.41'

S.46°01'02"E.
31.45'

15' Bldg. Stbk.

111.99'

118.00'

26' Access Esmt.

10' Util Esmt.
5' Bldg. Stbk.

5

R=252.50'
Δ=11°25'16"
L=50.33'

74.82'

12'

74.82'

174.82'

74.82'

R=252.50'
Δ=11°25'16"
L=50.33'

TALLGRASS COMMERCIAL
THIRD BOUNDARY

N.46°01'02"W.
119.86'

Esmt.

Bldg. Stbk.

20' 25'

Util. Esmt.

113.98'

100'

2.25'

N.88°58'58"E.
243.19'

80'

29.02'

119.39'

SEE ACCESS ESMT. DETAIL

240.42'

R = 50.00'
Δ = 156°21'11"
L = 136.44'
Chd. = 97.88'
Brg. = N.32°09'33"E.

32.71'

23.83'

6

R=252.50'
Δ=12°41'09"
L=55.91'

189.20'

113.98'

222.50'

S.1°01'02"E. 222.50'

175.00'

11

12

Stbk. Esmt.

175.00'

℄ 20' Util. Esmt.

N.88°58'58"E.

150.00'

SUMMERFIELD BOUNDARY

R = 176.00'
Δ = 32°40'44"
L = 100.38'
Chd. = 99.03'
Brg. = N. 15°19'20"E.

41.59'

57.35'

℄

S.88°58'58"W. 20'

245.84'
Utility

Esmt.

100.38'

N. 27°19'25"W.
10.00'

7

Bldg.

150.00'

62.19'

372.99'

S.88°58'58"W.
130.00'

9

S.1°01'02"E.

421.03'

10

Bldg. Utility

S.1°01'02"E.

284.90'

222.71'

35'

8

373.53'

30'

8

421.35'

476.97'

℄ TARA CIRCLE

N.1°01'02"W.

100'

℄

Building

Setback

Drainage

20' Util. Esmt.

20'

80.00'

33'

130.00'

245.84'

150.00'

525.84'

S.89°06'26"W.

P.O.B.

℄ 21ST. STREET NORTH

50'

COMPLETE ACCESS CONTROL

130'

ACCESS CONTROL EXCEPT FOR 1 OPENING

120' COMPLETE ACCESS CONTROL

S.W. Cor., S.W. 1/4
Sec. 5, T.27S., R. 2E.

Joint Ingress-egress