

METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421

November 19, 1993

B. F. Company
238 Mesa, Wichita, Kansas 67212

Federated Merchandisers, Inc.
P.O. Box 12530, Wichita, Kansas 67277

RE: V-1847; Request to vacate street right-of-way

Gentlemen:

Your request to vacate the above referenced alley right-of-way has been reviewed by the Metropolitan Area Planning Commission. The action of the MAPC was to recommend that this vacation be approved, subject to the following conditions:

1. Any relocation or reconstruction of utilities necessitated by this vacation shall be the sole responsibility and expense of the applicants.
2. Applicants shall dedicate, or have dedicated, by separate instrument, the north 50 feet of Lot 39, Freemans Addition, as street right-of-way. Applicant should provide MAPD with the dedication for processing and recording. If this area has already been dedicated, applicants shall provide sufficient proof to MAPD that this requirement has been satisfied.
3. As Lot 2 will no longer have access to right-of-way should the vacation request be approved, applicants shall provide, by separate instrument, a restrictive covenant for Lot 2 so that this lot will be considered one undivided tract for all ownership and development purposes, to either Lot 1 and/or Lot 3, at the applicant's discretion. Applicants should provide MAPD with the restrictive covenant for processing and recording.
4. Applicants shall guarantee the paving of Dora and Esthner adjacent to the Lots under their ownership. Applicants shall initiate and attempt to obtain paving petitions for Esthner (from West to Knight), and for the remainder of Dora (east of Kessler). If the paving petitions are unsuccessful, applicant

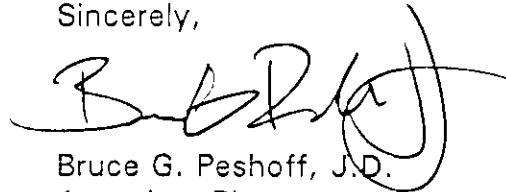
shall submit an affidavit to MAPD indicating that applicants will not protest future attempts at paving Dora and/or Esthner.

5. The proposed right-of-way vacation area shall be retained, as a finding of fact noted in the vacation order, as utility easement for the provision of sanitary sewer for these and other adjacent lots.
6. Applicant shall contact KG&E to determine what guarantees will be required to relocate the guidewires and/or utility pole located within the proposed vacation right-of-way area.

(Upon satisfactory completion of all requirements and conditions, this case will be scheduled for final public hearing before Wichita City Council.)

Should you have any questions regarding the disposition of this vacation case, I may be contacted at 268-4495.

Sincerely,



Bruce G. Peshoff, J.D.
Associate Planner

cc: Mike Lindebak, City Engineer
Bob Bundy (agent)
Plastic Fabricating Co.
Utility Maintenance Contractors
Hallum Tooling

STAFF REPORT

CASE NUMBER: V-1847

OWNER/APPLICANTS: B. F. Company
238 Mesa
Wichita, Kansas 67212

Federated Merchandisers, Inc.
P.O. Box 12530
Wichita, Kansas 67277

AGENT: Bob Bundy
238 Mesa
Wichita, Kansas 67212

LEGAL DESCRIPTIONS: That portion of street right-of-way described as:

The west half of Kessler Avenue lying east of and adjacent to Lots 5, 6, and 11, Block 4, West Warehouse Addition, Wichita, Sedgwick County, Kansas, and

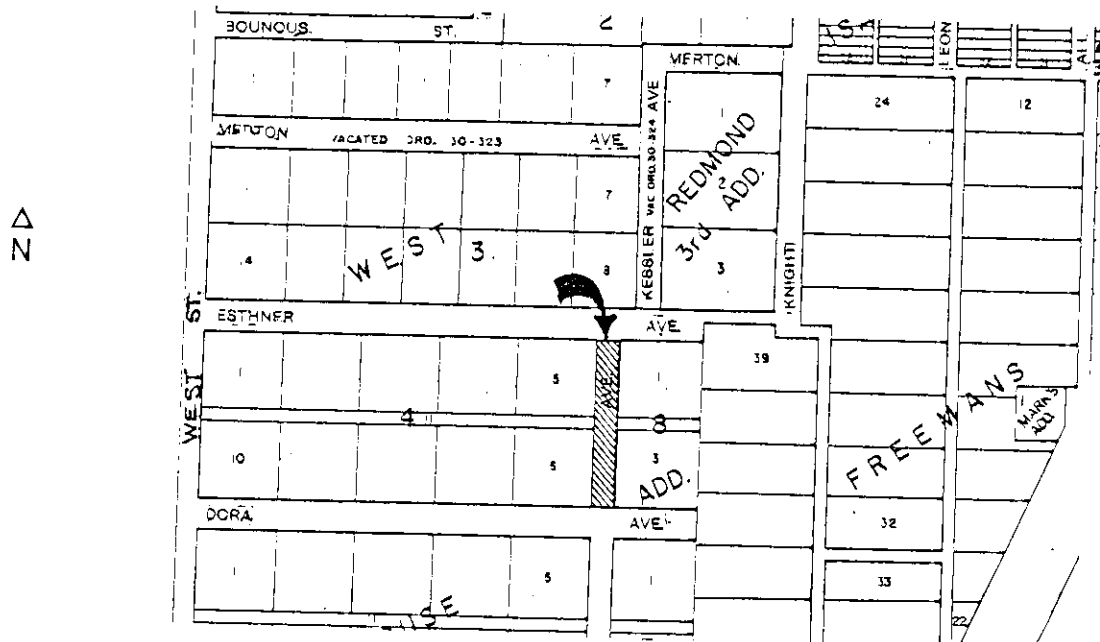
The east half of Kessler Avenue lying west of and adjacent to Lots 1, 2, and 3, Block 8, West Warehouse Addition, Wichita, Sedgwick County, Kansas.

LOCATION: east of West Street; south of Harry

REASON FOR REQUEST: Street has not been developed/constructed and may not be required to develop larger industrial lots in site area.

SITE ZONING: "E" Light Industrial

VICINITY MAP



STAFF NOTE:

Though Lot 39, Freemans Addition, does not abut the proposed vacation area, it apparently is under the same ownership of applicant(s), and may prove critical to either promoting or inhibiting satisfactory internal traffic patterns within this industrial area. As it appears there is an substandard amount of right-of-way along Esthner (east of the proposed vacation area), and because the vacation of this portion of Kessler may result in an inadequate traffic flow for vehicles traveling east along Esthner, additional right-of way should be dedicated to satisfy the industrial street standard as provided at the time this area was platted (80 feet of ROW), thereby providing access/release to Knight from Esthner.

STAFF COMMENTS:

Approve the vacation subject to the following conditions:

- (A) Any relocation or reconstruction of utilities necessitated by this vacation shall be the sole responsibility and expense of the applicants.

- (B) Applicants shall dedicate, or have dedicated, by separate instrument, the north 50 feet of Lot 39, Freemans Addition, as street right-of-way. Applicant should provide MAPD with the dedication for processing and recording.
- (C) As Lot 2 will no longer have access to right-of-way should the vacation request be approved, applicants shall provide, by separate instrument, a restrictive covenant for Lot 2 so that this lot will be considered one undivided tract for all ownership and development purposes, to either Lot 1 and/or Lot 3, at the applicant's discretion. Applicants should provide MAPD with the restrictive covenant for processing and recording.
- (D) Applicants shall guarantee the paving of Dora and Esthner adjacent to the Lots under their ownership. Applicants shall initiate and attempt to obtain paving petitions for Esthner (from West to Knight), and for the remainder of Dora (east of Kessler). If the paving petitions are unsuccessful, applicant shall submit an affidavit to MAPD indicating that applicants will not protest future attempts at paving Dora and/or Esthner.

NOTE: City Council has recommended and approved, as a cost-cutting measure, that the grading of unpaved streets and roads be reduced 20% (8-10-93). Council has stated this will have the effect of encouraging property owners to have their streets paved, and would be a way to have all streets paved within the city.

- (E) The proposed right-of-way vacation area shall be retained, as a finding of fact noted in the vacation order, as utility easement for the provision of sanitary sewer for these and other adjacent lots.
- (F) Applicant shall contact KG&E to determine what guarantees will be required to relocate the guidewires and/or utility pole located within the proposed vacation right-of-way area.