

City of Wichita
City Council Meeting
January 10, 1995

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1883 REQUEST TO VACATE STREET
RIGHT-OF-WAY, BUILDING SETBACKS AND UTILITY
EASEMENTS AT THE S.E. CORNER OF 13TH ST. NORTH
AND WEST STREET.
(District #5)

INITIATED BY: Metropolitan Area Planning Department 

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of street right-of-way, building setbacks and utility easements.

MAPC Recommendation: Approve vacation of street right-of-way, building setbacks and utility easements. (unanimous)

Background: In order to develop this site for a convenience store, the applicant, rather than replating the site as requesting to vacate certain items so as to consolidate lots and a portion of a lot into a unified building site. Consequently, a number of conditions normally provided for by way of the plat, are being addressed by the use of separate easements. While the vacation is involving street right-of-way, dedicate access controls and easements, separate documents are being provided which dedicate other portions of street right-of-way dedicate access controls and covenant the properties together as if it were one (1) platted lot. Certain required improvements such as the abandonment of sanitary sewer has already been done, while other improvements are being guaranteed by a letter-of-credit. City Engineering, the utility representatives and the Subdivision Committee have agreed that the items requested for vacation can be vacated with no negative impacts. 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/Actions: Accept the street and access control (3) dedications, receive and file the letter-of-credit, record the dedications (4) and restrictive covenants; close the public hearing; approve the vacation; authorize the Mayor to sign the Vacation Order; and record the Certified copy of the Vacation Order; recording costs to be billed to: 150029-2909

MICROFILMED
OF RECORD

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

IN THE MATTER OF THE VACATION OF
STREET RIGHT-OF-WAY, BUILDING
SETBACKS AND UTILITY EASEMENTS

GENERALLY LOCATED SOUTHEAST
CORNER OF 13TH ST N AND WEST STREET

MORE FULLY DESCRIBED BELOW



STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AT
1:00 P M

FEB 22 1995

Case No. V-1883

NO. 1137613
PAT KETTLER
REGISTER OF DEEDS

Pat Kettler
Deputy

VACATION ORDER

NOW on this 10th day of January, 1995, comes on for hearing the petition for vacation filed by QuikTrip Corporation, praying for the vacation of the following described street right-of-way, building setbacks and utility easements, to-wit:

Street-Right-of-Way described as: The east 15 feet of West Street, lying west of and adjacent to Lot 1, Par Addition, Wichita, Kansas.

Building Setback described as: The east 15 feet of the 35 foot building setback adjacent to Lot 1, Par Addition, Wichita, Kansas.

Street Right-of-Way described as: The south 15 feet of 13th Street lying north of and adjacent to Lot 1, Par Addition, Wichita, Kansas.

Building Setback described as: The south 15 feet of the 35 foot building setback adjacent to 13th Street, Par Addition, Wichita, Kansas.

Utility Easement described as: The 8 foot utility easement, being the east 8 feet of Lot 1, Continental Addition, Wichita, Kansas.

and also:

That part of the Easement as recorded in Miscellaneous Book 444, Page 339, described as follows: The south 10 feet of the north 13 feet of the west 89.3 feet of the east 97.3 feet of Lot 1, Pearl E. Woods Addition.

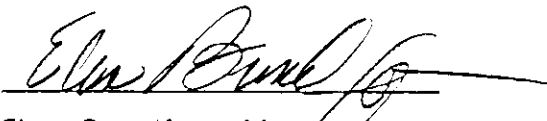
*8:00
check*

Old Clerk

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:

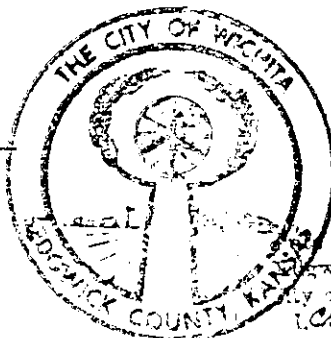
1. That due and legal notice has been given by publication as required by law, by publication in the Daily Reporter of notice of this vacation proceeding for consecutive weeks on 12-16-94 & 12-23-94
2. No private rights will be injured or endangered by the vacation of the above-described street right-of-way, building setbacks and utility easements, 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 street right-of-way, building setbacks and utility easements, described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 10th day of January, 1995, ordered that the above-described street right-of-way, building setbacks and utility easements, 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.


Elma Broadfoot, Mayor

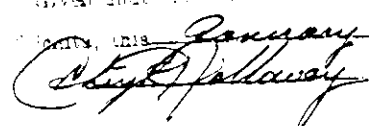
ATTEST:

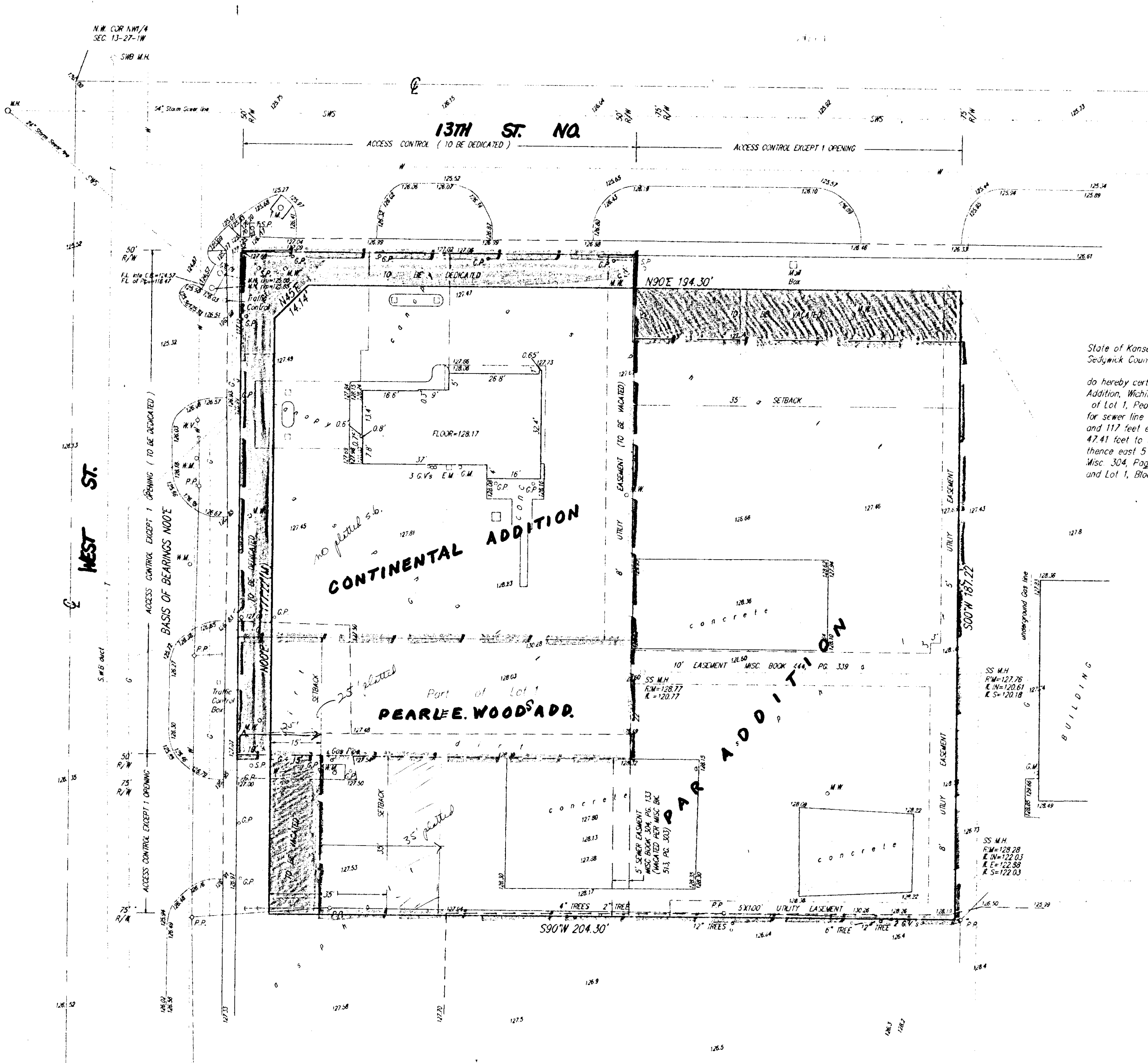

Pat Burnett, Deputy City Clerk



Approved as to Form:


Gary Rebenstorf, Director of Law

of Kansas
Sedgwick County Clerk
City of Wichita
I, Cheryl Holloway, Deputy City Clerk of the City
of Wichita, do hereby certify that the document
is a true and correct copy of
the original as filed with the City Clerk
on this January 26, 1995
 Deputy City Clerk

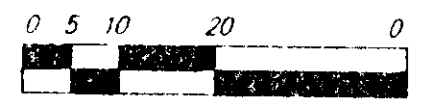


State of Kansas) SS
Sedgwick County)

We, Baughman Company, P.A., Surveyors in aforesaid county and state do hereby certify that we did on this 20th day of April, 1994, survey Lot 1, Continental Addition, Wichita, Sedgwick County, Kansas, and the north 35 feet of the west 117 feet of Lot 1, Pearl E. Woods Addition, Sedgwick County, Kansas, together with an easement for sewer line appurtenant to the aforesaid premises beginning at a point 35 feet south and 117 feet east of the northwest corner of Lot 1, Pearl E. Woods Addition, thence south 47.41 feet to the south line of said Lot 1; thence west 5 feet, thence north 47.41 feet; thence east 5 feet to the point of beginning, as described in instrument recorded in Book Misc. 304, Page 133 in the office of the Register of Deeds of Sedgwick County, Kansas, and Lot 1, Block 1, Par Addition, Wichita, Sedgwick County, Kansas.

The accompanying plat is a true and correct exhibit of said survey

Surveyor



- (P) = Platted
- (M) = Measured
- X = Cross Found
- = 1/2" Baughman Rebar Set
- = Conc Nail & Shaver Set
- = 3/4" Iron Found

LEGEND

- SS M.H. = Sanitary Sewer Manhole
- P.P. = Power Pole
- G.P. = Gas Post
- M.M. = Monitoring Well
- W.V. = Water Vault
- S.P. = Sign Pole
- G.V. = Gas Vent
- T.C.B. = Traffic Control Box
- L.P. = Light Pole
- W.V. = Water Vault