WICHITA — SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

FILE COPY

December 19, 1997

Municipal Engineers, P.A.,
Attn.: Babar Khan
254 Laura, Ste. 201
Wichita, KS 67211

Re: V-2057 - Request to vacate a Utility Easement

Gentlemen:

At the December 18, 1997, 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 December 12, 1997. This case will be scheduled for final public hearing before the Wichita City Council at the first appropriate date after all conditions have been met.

Sincerely,

David L. Yearout, AICP
Principal Planner, Current Plans Division

DLY\lfb

cc: Tharaldson Development Company, Attn. Dennis Ouderkirk, P. O. Box 10519, Fargo, ND 58106-0519
Mike Lindebak, City Engineering, Mail Stop (1-71)

SEDGWICK COUNTY

METROPOLITAN AREA PLANNING
DEPARTMENT
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1568
(316) 268-4421
FAX (316) 268-4390

December 12, 1997

Municipal Engineers, P.A.,
Attn.: Babar Khan
254 Laura, Ste. 201
Wichita, KS 67211

Re: V-2057 - Request to vacate a Utility Easement

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, Thursday, December 11, 1997, the above-captioned vacation request was considered. The action of the Committee was to recommend that this vacation be approved subject to:

A. Applicant shall install new sewer manhole and abandon existing sewer line and manhole in accordance with City of Wichita policies and procedures.

B. Applicant shall guarantee the work stated above in a form acceptable to Public Works.

C. The vacation order shall not be forwarded to the City Council until the work stated above is completed and accepted by the City.

D. Any relocation or reconstruction of any other utilities made necessary by this vacation shall be the responsibility of the applicant.

This matter will be forwarded to the Planning Commission for its consideration on Thursday, December 18, 1997, at 1:30 p.m. If you have any questions, please call

SUBDIVISION COMMITTEE
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 3

December 11, 1997

STAFF REPORT

CASE NUMBER: V-2057 - Request to vacate a Utility Easement

OWNER/APPLICANT: Tharaldson Development Company, Attn. Dennis Ouderkirk
P. O. Box 10519, Fargo, ND 58106--0519

AGENT: Municipal Engineers, P.A., Attn.: Babar Khan
254 Laura, Ste. 201, Wichita, KS 67211

LEGAL DESCRIPTION: All area within the following described easement located east of a line which is 45 feet east of the west line of Lot 3, Block 1, Killarney Plaza Third Addition, (now replatted as Killarney Plaza Fourth Addition):

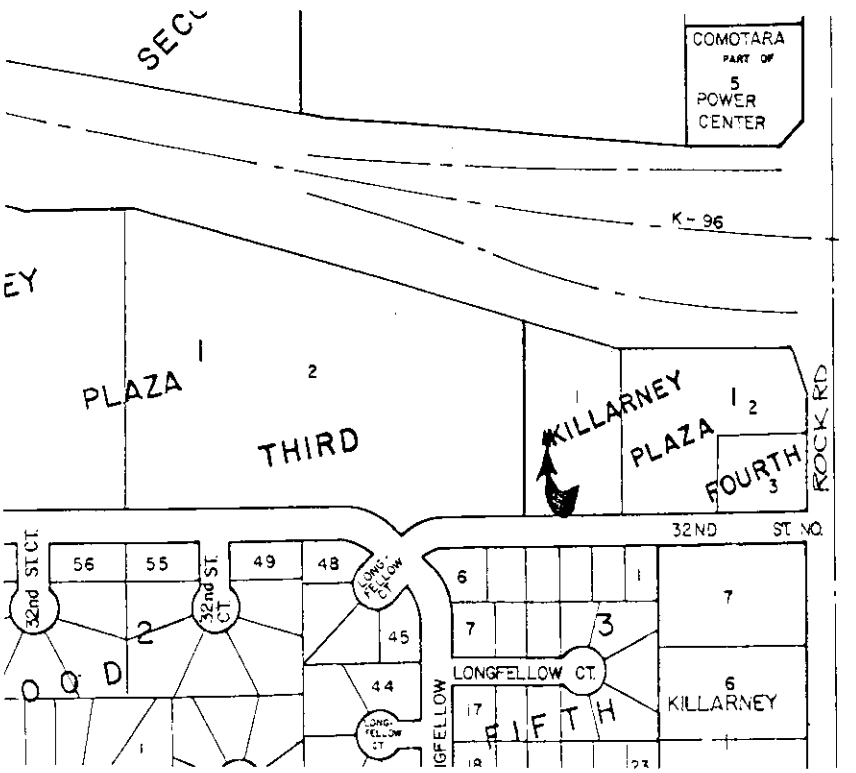
A sanitary sewer easement 20 feet in width lying 10 feet on each side of the following described centerline: Beignning at a point on the west line and 180 feet North of the southwest corner of Lot 3, Block 1, Killarney Plaza Third Addition (Now Southwest corner of Lot 1, Block 1, Killarney Plaza Fourth Addition); Thence S 73 degrees-52'-19"E, 67.53 feet.

LOCATION: 32nd Street North, 500'± west of Rock Road.

REASON FOR REQUEST: To construct a motel.

CURRENT ZONING: "LC" Limited Commercial

VICINITY MAP:



Consider the request based upon information provided by Staff.

A. **City Public Works** needs to comment on the acceptability of this vacation and any requirements. Specifically, if substitute easements should be required.

B. The **Utility Representatives** need to comment on the acceptability of this vacation and any requirements.

C. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

March 13, 2006

Tharaldson Development Company
C/o Brett Rossell
P.O. Box 10519
Fargo, ND 58106-0519

Re: **V-2057** Request to vacate a portion of a platted easement, generally located between State Highway K-96 and 32nd Street North, west of Rock Road.

Dear Mr. Rossell :

At its regular meeting on Tuesday, March 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
Barbar Khan, Municipal Engineers, 254 Laura, Suite 201, Wichita, KS 67211

Sedgwick County
Register of Deeds - Bill Meek
DOC.#/FLM-PG: 28762804
Receipt #: 1615169
Pages Recorded: 2
Recording Fee: 0.00
Cashier Initials: MKF
Authorized By:
Date Recorded: 3/10/2006 3:08:11 PM

CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

Approved / Accepted By City Council
This 3-7-06

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

IN THE MATTER OF THE VACATION OF A PORTION OF A PLATTED EASEMENT	)	
GENERALLY LOCATED BETWEEN K-96 AND 32ND STREET NORTH AND WEST OF ROCK ROAD	)	**Case No. V-2057**
MORE FULLY DESCRIBED BELOW	)	

VACATION ORDER

NOW on this 7th day of March 2006 comes on for hearing the petition for vacation filed by Tharaldson Development Company, c/o Dennis Ouderkirk, praying for the vacation of the following described portion of a platted easement, to-wit:

All area within the following described easement located east of a line, which is 45-feet east of the west line of Lot 3, Block 1, Killarney Plaza Third Addition (now replatted as Killarney Plaza Fourth Addition):

A sanitary sewer easement 20-feet in width lying 10-feet on each side of the following described centerline: Beginning at a portion on the west line and 180 feet north of the southwest corner of Lot 3, Block 1, Killarney Plaza Third Addition (now the southwest corner of Lot 1, Block 1, Killarney Plaza Fourth Addition); Thence S 73 degrees-52'-19" E, 67.53-feet.

2-12.00

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 February 9, 2006, 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 a portion of a platted easement, 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 portion of the platted easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 7th day of March 2006 ordered that the above-described portion of the platted easement 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

State of Kansas)
Sedgwick County)
City of Wichita)

I, Patsy Eichacker Deputy City Clerk of the City of Wichita, Kansas, hereby certify that the document 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, Kansas this 3-7-06

Patsy Eichacker Deputy City Clerk

Patsy Eichacker