Planning Agenda #_____

City of Wichita
City Council Meeting
November 18, 1997

Agenda Report #_____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2042 REQUEST TO VACATE PARTIAL UTILITY EASEMENT, DRAINAGE EASEMENT, AND BUILDING SETBACK LOCATED AT THE SOUTHWEST CORNER OF KELLOGG AND MAIN. (District #6)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of partial utility easement, drainage easement, and building setback.

MAPC Recommendation: Approve vacation of partial utility easement, drainage easement, and building setback. (unanimous)

Background: The applicants are developing the Cambridge Inn of Candlewood Hotel on the site of the former Big Boy restaurant. In order to site the building on the property it is requested that 10 feet on the east side of the north/south utility easement running through the middle of the block be vacated and a substitute easement of 10 feet on the west side be provided. Following further review of the site development needs, it was also requested that a drainage easement in the northeast portion of the property be vacated, as well as vacating part of the 35 foot building setback parallel to Main Street to 10 feet.

This request was heard by the Subdivision Committee on August 7, 1997, and approved unanimously, subject to the submission of the substitute easement documents. The MAPC unanimously approved the same on August 14, 1997. The substitute easement dedications were received the first part of October and the vacation case was then set for City Council action.

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

Recommendations/Actions: Close the public hearing, approve the vacation; authorize the Mayor to sign the Vacation Order; accept the dedication of the substitute Utility Easements; authorize the Mayor to sign the Easements; and record both the certified copy of the Vacation Order and the Utility Easements; recording costs to be billed to: 150029-2909

CITY CLERK'S ~~ORIGINAL~~
RETURN TO CITY CLERK

MICROFILMED
OF RECORD

P 745 PAGE 0258

Approved / Accepted By City Council
This NOV 18 1997

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

STATE OF KANSAS } SS
SEDGWICK COUNTY }
FILED FOR RECORD AT
8:00 A.M.

1654042 BE 185

MARY CONSOLVER
REGISTER OF DEEDS

IN THE MATTER OF THE VACATION OF PARTIAL UTILITY EASEMENT, DRAINAGE EASEMENT AND BUILDING SETBACK)

GENERALLY LOCATED SOUTHWEST CORNER OF KELLOGG AND MAIN)

MORE FULLY DESCRIBED BELOW)

Case No. V-2042

VACATION ORDER

Deputy

NOW on this 18th day of November, 1997, comes on for hearing the petition for vacation filed by Kip's of Oklahoma, Inc., praying for the vacation of the following described partial utility easement, drainage easement and building setback to-wit:

Utility Easement: The east 10 feet of the west 20 feet of Lot 2, South Main Plaza Addition to the City of Wichita.
Drainage Easement: All that part of Lot 2, South Main Plaza Addition to the City of Wichita described as follows: commencing at the southeast corner of Lot 2; thence north along the east line of said Lot 2 a distance of 80.27 feet to the true point of beginning; thence deflecting 35°00'00" left a distance of 81.71 feet; thence deflecting 90°00'00" right a distance of 15 feet; thence deflecting 90°00'00" right a distance of 60.29 feet to a point on the east line of said Lot 2; thence south along the east line of said Lot 2 a distance of 26.16 feet to the true point of beginning; said tract of land containing 1,065 square feet more or less.
Building Setback: The west 25 feet of the east 35 feet of Lot 2, South Main Plaza Addition to the City of Wichita, 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 Daily Reporter of notice of this vacation proceeding on 10-24-97.

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

150029 9.00

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 partial utility easement, drainage easement and building setback described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 18th day of November, 1997, ordered that the above-described partial utility easement, drainage easement and building setback 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, City Clerk

THE CITY OF WICHITA SEDGWICK COUNTY, KANSAS

Approved as to Form:

Gary Rebenstorf, Director of Law

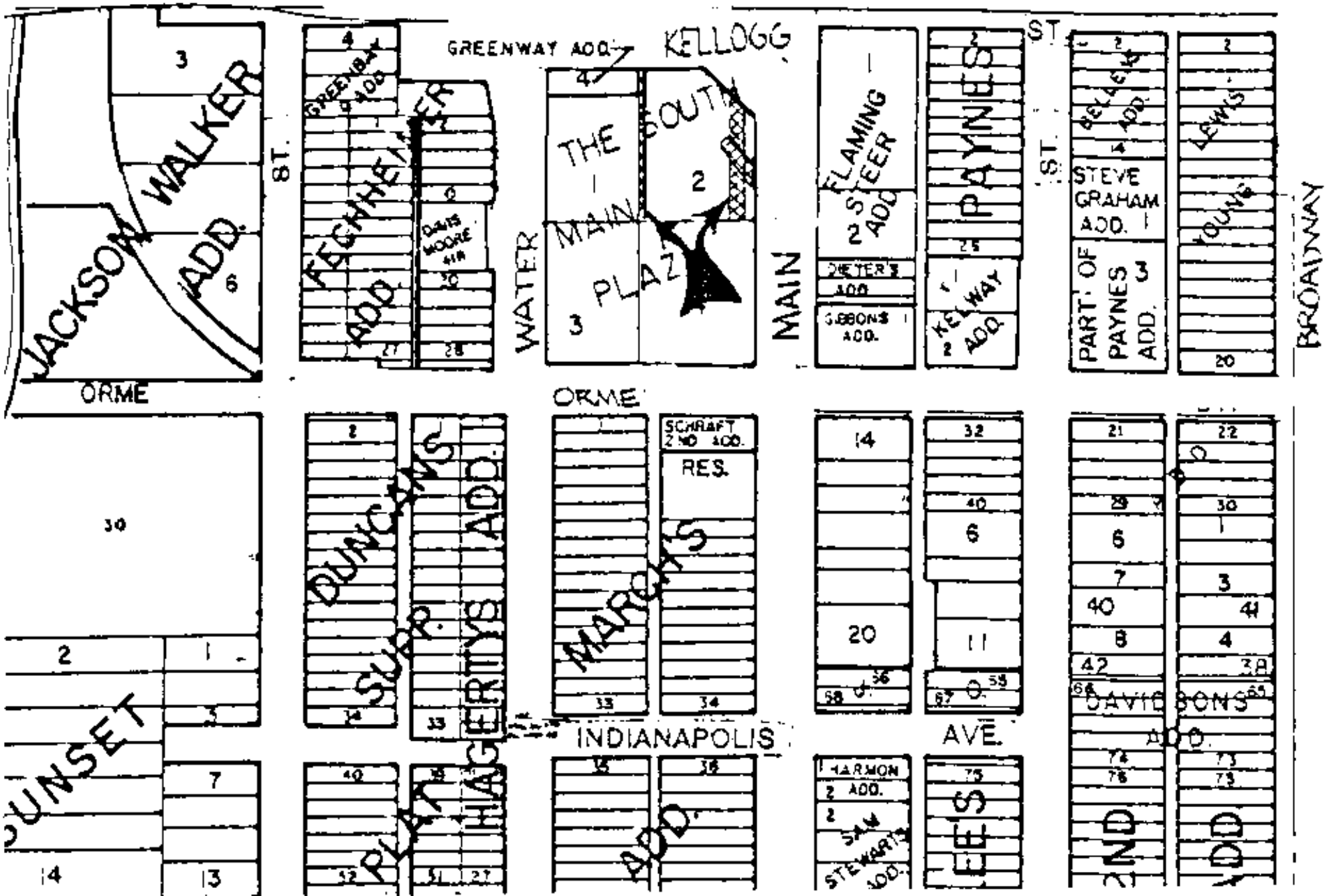
THE CITY OF WICHITA SEDGWICK COUNTY, KANSAS

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

I, Pat Burnett, City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is attached is a true and correct copy of the original on file in my office.

Given under my hand and seal of the City of Wichita, this NOV 18 1997

Pat Burnett City Clerk



JACKSON WALKER ADD.
ORME
ST.
GREENBAY ADD.
FECHHEIMER ADD.
DAVIS MOORE AIR
GREENWAY ADD.
KELLOGG
THE SOUTH MAIN PLAZA
WATER
MAIN
FLAMING STEER ADD.
DIETER'S ADD.
GIBBONS ADD.
PAYNES
KELWAY ADD.
ST.
BELLEVS ADD.
STEVE GRAHAM ADD.
PART OF PAYNES ADD.
LEWIS
YOUNG
BROADWAY
ORME
DUNCANS SUPP.
HAGERTYS ADD.
MARCH'S
SCHRAFT 2ND ADD.
RES.
INDIANAPOLIS
AVE.
DAVIDSONS ADD.
SUNSET
PLAT
ADD.
HARMON ADD.
SAM STEWARTS ADD.