



Wichita-Sedgwick County Metropolitan Area Planning Department

January 14, 2002

Intrust Bank, N.A.,
Trustee of the Fount K. Hartley Trust
105 N. Main
Wichita, KS 67202

Re: **VAC2001-00063** - Request to vacate sewer easement generally located north side of Pawnee
– West of Seneca.

Dear Sirs:

At the Thursday, January 10, 2002, meeting of the Metropolitan Area Planning Commission the above-referenced vacation request was approved subject to the following conditions:

1. Guarantee to abandoned the sanitary sewer line and its relocation. •
2. Keep the easements as temporary easements until the sewer line and any private utilities are relocated.
3. Dedicate new easement by separate instrument to cover relocated sewer line or any other relocated utilities.
4. All improvements shall be according to City Standards.

This case will be scheduled for final action by the Wichita City Council at the first appropriate date after all conditions have been met.

If you have any questions about this matter, please call 268-4494.

Sincerely,

Bill Longnecker
Senior Planner

BL:le

STAFF REPORT

CASE NUMBER: VAC2001-00063: Request to vacate a portion of a platted 16-foot sewer easement.

OWNER/APPLICANT: Fount K Harley Trust

AGENT: Don Moehring II

LEGAL DESCRIPTION: Beginning at a point 20.00-feet west and 67.00 feet south of the northeast corner of Lot 1, Coleman Detweiler Addition to Wichita, Sedgwick County, Kansas, thence west parallel with the north line of said Lot 1, a distance of 16.00 feet, thence south parallel with the east line of said Lot 1, a distance of 71.20 feet to a point in the north line of the 16 foot sewer easement in said Addition, thence east 16.07 feet to a point 20.00 feet west of the east line of said Lot 1, thence north to the point of beginning . (Partial vacation of an easement dedicated by separate instrument, 06-12-1968, Misc Book 622, page 263)

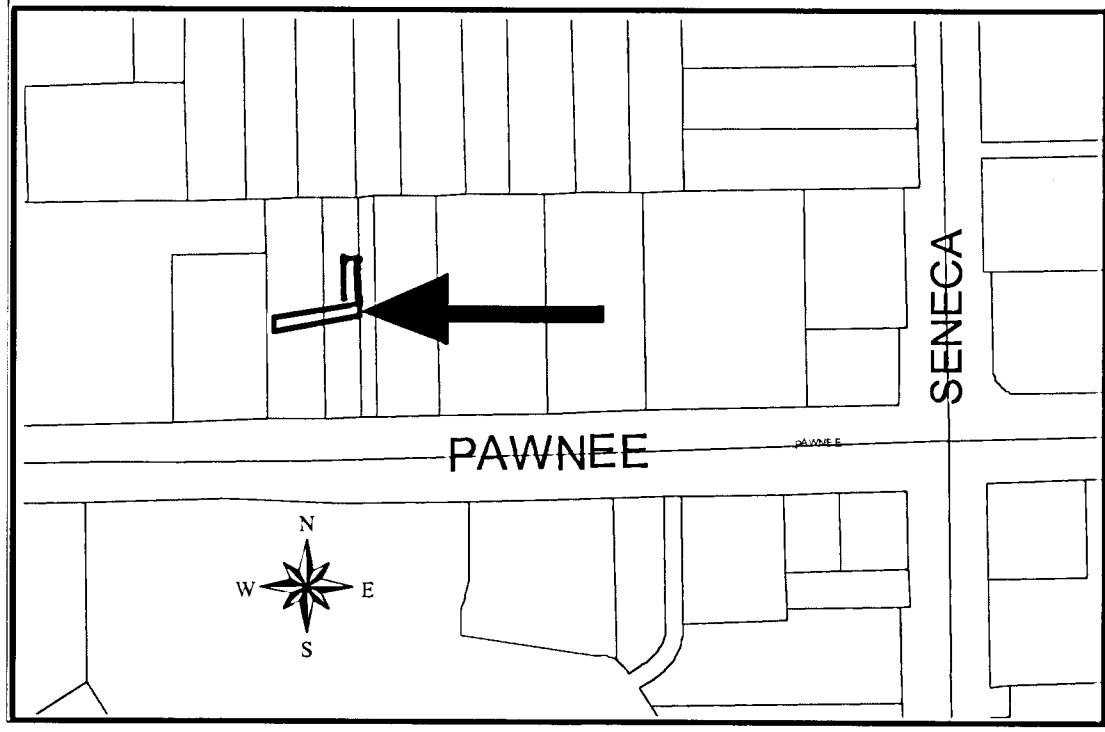
Beginning at appoint 116.27 feet north of the southwest corner of Lot 1, Coleman-Detweiler Addition to Wichita, Sedgwick County, Kansas, said point being on the south line of the 16-foot sewer easement as platted in said Addition; thence Easterly along the south line of said 16-foot sewer easement, a distance of 120.56-feet to a point 20.00-feet west of the east line of said Lot 1; thence north parallel with the east line of said Lot 1, a distance of 16.07-feet to a point in the north line of said 16-foot sewer easement; thence westerly along the north line of said 16-foot sewer easement, a distance of 120.56-feet to a point in the west line of said Lot 1; thence south 16.07-feet to the point of beginning.

LOCATION: Generally located northwest of Pawnee West - Seneca South intersection.

REASON FOR REQUEST: The applicant proposes to redevelop.

CURRENT ZONING: Subject property is zoned LC Limited Commercial. Properties to the south, east and west are zoned LC Limited Commercial. Property to the north is zoned SF-5 Single Family Residential.

VICINITY MAP:



The applicant is requesting the vacation of the 16-foot platted sewer easement, located on Lot 1, Coleman - Detweiler Addition, excluding the east 20-foot of Lot 1. The applicant is also requesting the partial vacation of a sewer easement dedicated by separate instrument. The applicant proposes to redevelop the property as Boeing Credit Union. There is a sanitary sewer line in the easements, which the applicant is working with Public Works to re-route.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC 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 of notice of this vacation proceeding one time December 20, 2001, which was at least 20 days prior to this public hearing.
 2. That private rights will not be injured or endangered by the vacation of the above-described portion of the utility easements, and the public will not suffer loss or inconvenience thereby.
 3. In justice to the petitioner(s), the prayer of the petition ought to be approved.
- B. Therefore, the vacation of the portion of utility easements described in the petition should be approved subject to the following conditions:
1. Guarantee to abandoned the sanitary sewer line and its relocation.

2. Keep the easements as a temporary easements until the sewer line and any private utilities are relocated.
3. Dedicate new easement by separate instrument to cover relocated sewer line or any other relocated utilities.
4. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
5. All improvements shall be according to City Standards.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions

1. Guarantee to abandoned the sanitary sewer line and its relocation.
2. Keep the easements as a temporary easements until the sewer line and any private utilities are relocated.
3. Dedicate new easements by separate instrument to cover relocated sewer line or any other relocated utilities.
4. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
4. All improvements shall be according to City Standards