

Agenda Item No. _____

CITY OF WICHITA
CITY COUNCIL MEETING

January 8, 1991

Agenda Report No. _____

TO: Mayor and City Council Members
SUBJECT: Purchase of Right-Of-Way at 8730 West Kellogg
INITIATED BY: Department of Public Works *[Signature]*
AGENDA ACTION: Consent Agenda

Recommendation: Authorize purchase of Right-of-Way at 8730 West Kellogg.

Background: Phillips 66 is purchasing and plans to redevelop the Security Oil site at the northeast corner of Kellogg and Tyler. The redevelopment will require replatting of the tract. Normal arterial street right-of-way will be dedicated during the replatting process; however, additional right-of-way will be required if Kellogg is ever improved at Tyler Road.

Phillips 66 desires, as a condition of their purchase, that the City acquire any future right-of-way so they may construct their facility to minimize future impacts of highway reconstruction.

Analysis: The owner is willing to sell the needed right-of-way to the City at \$5.50 per square foot which calculates to a total of approximately \$50,700.

The net appraised value of the site should increase following redevelopment, which will increase the City's tax base.

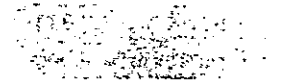
Financial Considerations: Local Sales Tax funds are available to purchase the needed right-of-way. The estimated cost is \$50,700.

Recommendation/Action: Authorize the purchase of Right-of-Way at 8730 West Kellogg.

CG:gnz



R/W TO BE DEDICATED



R/W TO BE PURCHASED



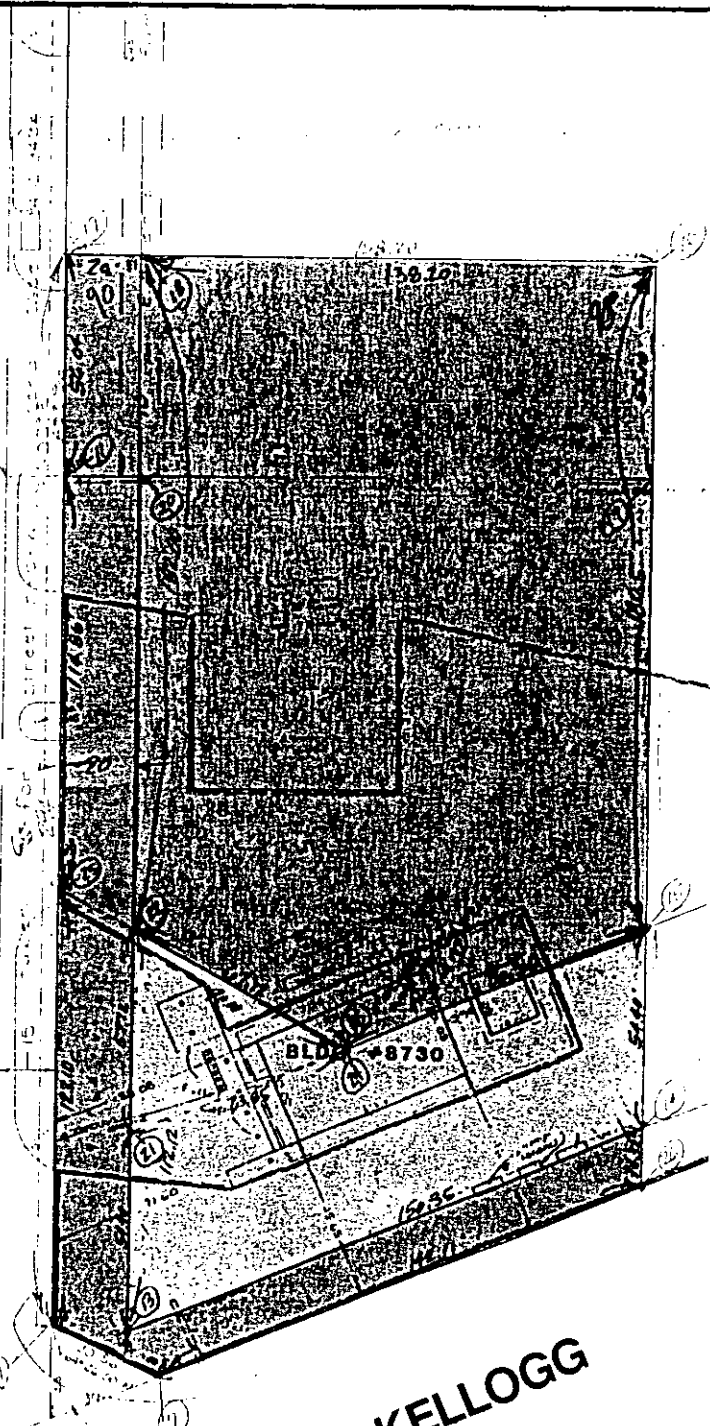
SITE TO BE DEVELOPED



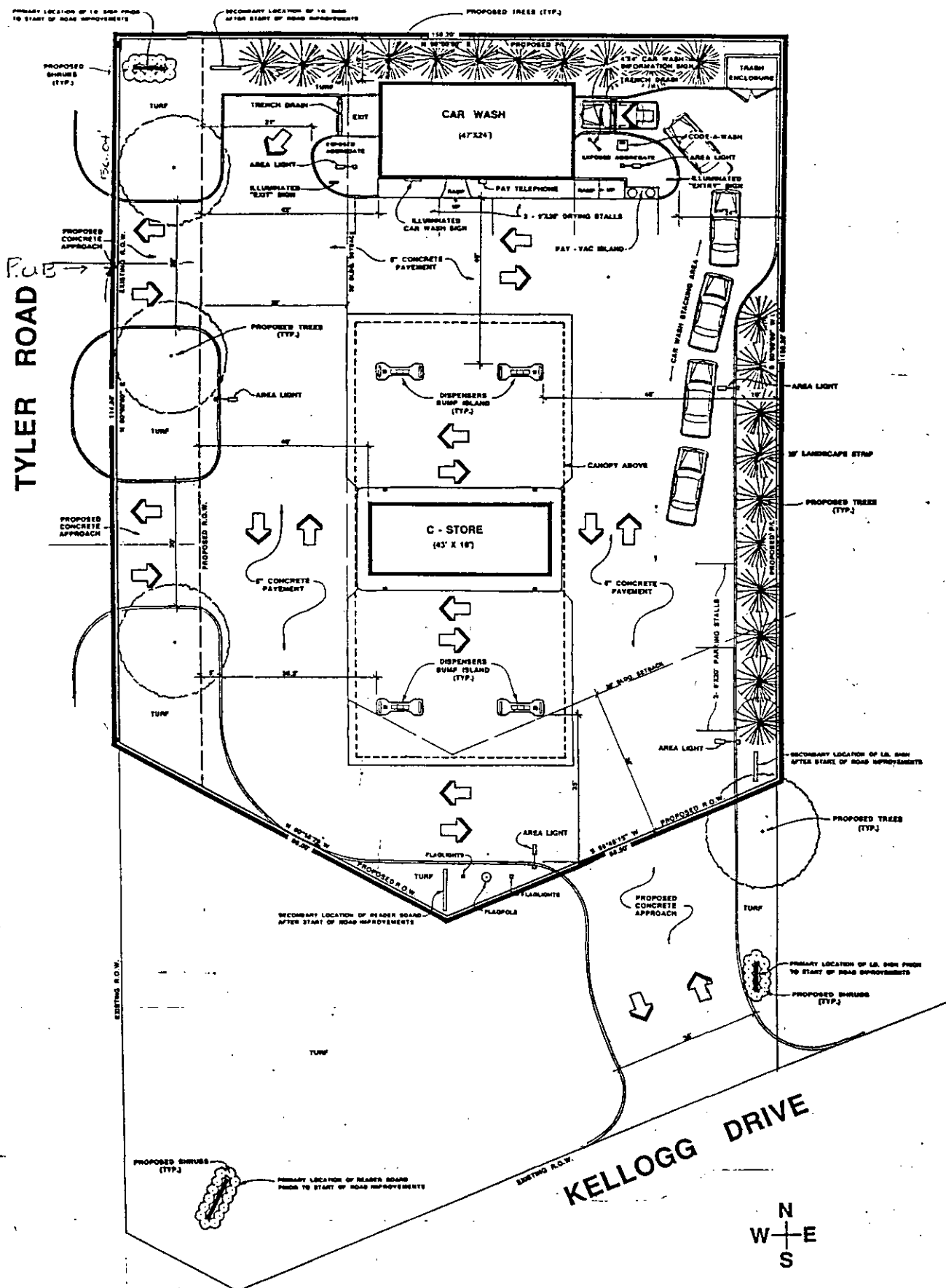
TYLER RD.

City Co. 1/11/20

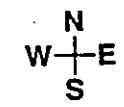
♀



KELLOGG



PROPOSED SITE PLAN (FOR B.Z.A. APPROVAL)
PROPOSED PHILLIPS 66 @ KELLOGG & TYLER ROAD
 OWNER: PHILLIPS 66 CO. 8700 S. BRANDER, TULSA, OKLAHOMA 74139 (918) 286-9822



SUBDIVISION COMMITTEE
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 2
January 10, 1991

STAFF REPORT
(Preliminary Plat)

CASE NUMBER: S/D 90-69 - PHILLIPS TYLER ADDITION

OWNER/APPLICANT: Phillips 66, 9706 S. Branden, Tulsa, OK 74136

SURVEYOR/ENGINEER: Bill Yung Design, 4912 E. 29th Suite One,
Wichita, KS 67220

LOCATION: Northeast corner of Kellogg and Tyler Rd.

SITE SIZE: .689 Acres

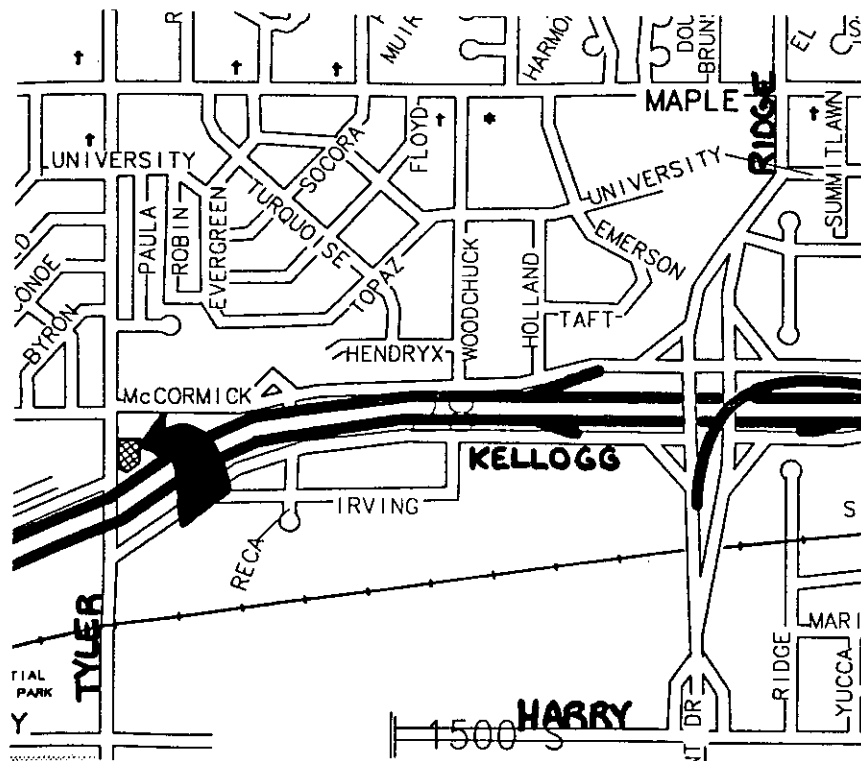
NUMBER OF LOTS

Residential:	
Office:	
Commercial:	1
Industrial:	
Total:	1

MINIMUM LOT AREA: 30,825 sq. ft.

CURRENT ZONING: "LC" Light Commercial

VICINITY MAP:



NOTE: As indicated by the preliminary plat a portion of this area immediately south of the area being platted, is involved with right-of-way being acquired for Kellogg improvements. It is anticipated that all of the shaded area will be required for future right-of-way needs.

STAFF COMMENTS:

- A. The applicant shall guarantee the extension of sanitary sewer to serve the lot being platted.
- B. The applicant shall guarantee any drainage improvements required by the platting of this property.
- C. The representative from Traffic Engineering should be prepared to comment on any intersection or traffic improvements that should be required for this site.
- D. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- E. On the final plat tracing, the 20-foot dedication of right-of-way for Tyler Road shall be properly depicted and referenced in the platting's text.
- F. The representative from City Engineering should be prepared to indicate the status of right-of-way acquisition for Kellogg and if this plat is properly reflecting the situation.
- G. The representatives from Traffic and City Engineering should be prepared to comment on access controls for this site. Specifically, 100-feet of complete access control is now typically being provided back from intersections such as Tyler Road and Kellogg. Also, regardless of whether the area to the south is improved as a Drive, only one opening across this plat's south line is implied as being necessary, or as is being provided by a private access agreement. Further, no more than one opening to Tyler Road may be practical for the limited frontage here.
- H. As indicated by the preliminary plat, an off-site easement will be required for the extension of sanitary sewer to this site. This easement should be 20-feet wide and needs to be established by separate instrument. A copy of the easement should be provided to City Engineering for approval, with the original dedication submitted to Planning for recording with the plat tracing.
- I. A copy of the private access agreement shall be submitted for the plat file. This document should be recorded by the applicant, with the recording information shown on the final plat tracing.

- J. The applicant shall submit a letter from K.G. & E. indicating that satisfactory arrangements have been made for the relocation of their service lines.
- K. Although the existing buildings on the site are indicated as to be removed, if this plat is completed, and the buildings are not removed, no expansion of the structures will be permitted within the areas of the setbacks.
- L. The applicant shall submit an avigational easement covering all of the subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
- M. On the final plat, the center line of Tyler Road shall be labeled.
- N. Prior to or at the time of submitting the final plat, the applicant shall submit a drainage plan to City Engineering for review and approval.
- O. Requirements for a final plat (see pages 24-29, Part 4, Article 5 of the MAPC Subdivision Regulations).
- P. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations.
- Q. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- R. The representatives from the utility companies should be prepared to comment on the need for utility easements to be platted on this property.
- S. The representative from City Engineering should be prepared to comment on the status of the applicant's drainage plan and dedication of right-of-way for this site.

SUBDIVISION COMMITTEE
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 9

January 24, 1991

STAFF REPORT

(Final Plat; Preliminary Plat Approved 1/10/91)

CASE NUMBER: S/D 90-69 - PHILLIPS TYLER ADDITION - now
PHILLIPS 66 CENTER - TYLER ADDITION

OWNER/APPLICANT: Phillips 66, 9706 S. Branden, Tulsa, OK 74136

SURVEYOR/ENGINEER: Bill Yung Design, 4912 E. 29th Suite One,
Wichita, KS 67220/Baughman Company, 315 Ellis,
Wichita, KS 67211

LOCATION: Northeast corner of Kellogg and Tyler Rd.

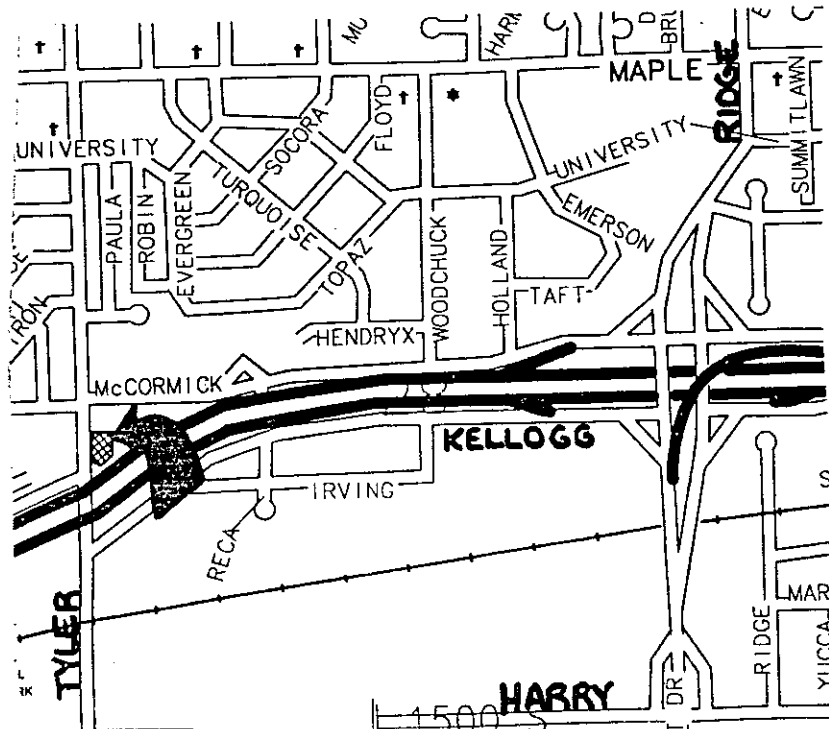
SITE SIZE: .689 Acres

NUMBER OF LOTS
Residential:
Office:
Commercial: 1
Industrial:
Total: 1

MINIMUM LOT AREA: 30,825 sq. ft.

CURRENT ZONING: "LC" Light Commercial

VICINITY MAP:



Page 2

NOTE: As indicated by the final plat a portion of this area immediately south of the area being platted, is involved with right-of-way being acquired for Kellogg improvements. It is anticipated that all of the indicated area will be required for future right-of-way needs by separate instrument.

STAFF COMMENTS:

- A. It should be noted that this plat involves a name change from what was indicated on the preliminary plat (Phillips-Tyler).
- B. The applicant shall guarantee the extension of sanitary sewer to serve the lot being platted.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. As indicated by the preliminary plat, an off-site easement will be required for the extension of sanitary sewer to this site. This easement should be 20 feet wide and needs to be established by separate instrument. A copy of the easement should be provided to City Engineering for approval, with the original dedication submitted to Planning for recording with the plat tracing.
- E. A copy of the private access agreement shall be submitted for the plat file. This document should be recorded by the applicant, with the recording information shown on the final plat tracing.
- F. As indicated during the Subdivision Committee approval of the preliminary plat the final plat shall indicate access control except for 2-openings to Tyler Road, with complete access control for the area south of the southern most drive along Tyler Road.
- G. Arrangements shall be made for the relocation of K.G.& E.'s, Southwestern Bell's, and Cablevision's facilities crossing this site, but not covered by an easement. As necessary, substitute easements shall be platted for these utilities. As requested by K.G.& E., easements may need to be provided along the north and east lines of this plat. The applicant shall submit with the final plat tracing letters from these utilities indicating that satisfactory arrangements have been made for any needed relocations.
- H. Although the existing buildings on the site are indicated to be removed, if this plat is completed, and the buildings are not removed, no expansion of the structures will be permitted within the areas of the setbacks.

Page 3

- I. The applicant shall submit an avigational easement covering all of the subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
- J. The applicant shall submit copies of the street right-of-way condemnation case 84C-3494 as well as the right-of-way easements, Film 710, Pg. 1434, Film 287, Pg. 94 and Film 306, Pg. 557 to the Planning Dept. Each of these is mentioned in the title binder as well as shown on the final plat.
- K. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations.
- L. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- M. Perimeter closure computations shall be submitted with the final plat tracing. Section 5-101(c).
- N. Recording of the plat within 30 days after approval by the City Council.
- O. The representative from City Engineering should be prepared to comment on the status of the applicant's drainage concept.
- P. The representative from Traffic Engineering should be prepared to comment on any traffic or intersection improvements that should be required for this site and what portion if any of this site should show complete access controls to Tyler Road.

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

February 4, 1991

Bill Yung
Bill Yung Design
4912 E. 29th St. N., Ste. One
Wichita, KS 67220

Re: S/D 90-69 - Phillips 66 Center - Tyler Addition

Dear Bill:

At the regular meeting of the Metropolitan Area Planning Commission on January 31, 1991, the above-captioned plat was considered. The action of the Planning Commission was to recommend that the plat be approved as recommended by the Subdivision Committee, subject to the conditions stated in our letter of January 24, 1991.

In addition to complying with those conditions, it is necessary that you meet the following requirements before this plat can be forwarded to the City Council for consideration:

1. Submission of the fully completed and signed tracing of the subdivision to the Metropolitan Area Planning Department.
2. Submission of a check made payable to the Register of Deeds covering the costs of any documents to be recorded as a requirement of platting.

Please call if you have any questions.

Sincerely,

Kandace A. Jones
Associate Planner

KAJ:jcm

cc: Phillips 66, 9706 S. Branden, Tulsa, OK, 74136
Mike Lindebak, City Engineer

1. Access control except for 2-openings to Tyler Road, with complete access control for the area south of the southern most drive along Tyler Road.
 2. Complete access control to Kellogg (Drive) across the 90-foot, southwest line of the site.
 3. Access control except for one opening to Kellogg (Drive) across the 86.5-foot, southeast line of the site.
- G. Arrangements shall be made for the relocation of K.G.& E.'s, Southwestern Bell's, and Cablevision's facilities crossing this site, but not covered by an easement. As necessary, substitute easements shall be platted for these utilities. As requested by K.G.& E. easements may need to be provided along the north and east lanes of this plat. The applicant shall submit with the final plat tracing letters from these utilities indicating that satisfactory arrangements have been made for any needed relocations.
- H. Although the existing buildings on the site are indicated as to be removed, if this plat is completed, and the buildings are not removed, no expansion of the structures will be permitted within the areas of the setbacks.
- I. The applicant shall submit an avigational easement covering all of the subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
- J. On the final plat, the center line of Tyler Road shall be labeled.
- K. Prior to or at the time of submitting the final plat, the applicant shall submit a drainage plan to City Engineering for review and approval.
- L. Requirements for a final plat (see pages 24-29, Part 4, Article 5 of the MAPC Subdivision Regulations).
- M. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations.
- N. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.

S/D 90-69 Phillips Tyler Addition
Page 3

In addition to complying with those conditions, it is necessary that you meet the following requirements before this plat can be placed on the agenda for final plat consideration before the Subdivision Committee:

Submission of a title report by an abstract or title insurance company or an attorney's opinion that fee title is vested in the plattor; if the title report or attorney's opinion has not already been submitted.

The enclosed "marked" copy of the plat is for your information and files. If you should have any questions, please call.

Sincerely,

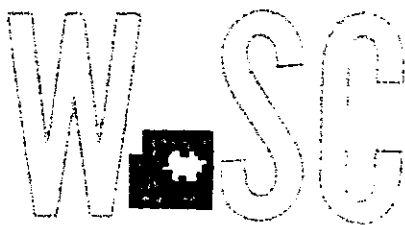
Kandace A. Jones

Kandace A. Jones
Associate Planner

KJ:sm
Enclosure

cc: Phillips 66, 9706 S. Branden, Tulsa, OK 74136
Mike Lindebak, City Engineer

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

January 11, 1991

Bill G. Yung Design
4912 E. 29th St. N., Suite 1
Wichita, KS 67220

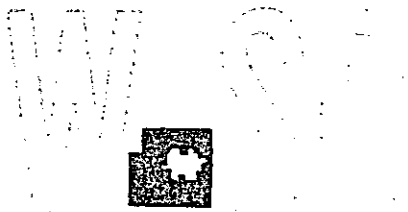
Re: S/D 90-69 (Preliminary Plat) Phillips Tyler Addition

Dear Bill:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission on Thursday, January 10, 1991, the above captioned plat was considered. The action of the Committee was to approve the preliminary and authorize preparation of the final plat, subject to the following:

- A. The applicant shall guarantee the extension of sanitary sewer to serve the lot being platted.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. On the final plat tracing, the 20-foot dedication of right-of-way for Tyler Road shall be properly depicted and referenced in the plat's text.
- D. As indicated by the preliminary plat, an off-site easement will be required for the extension of sanitary sewer to this site. This easement should be 20-feet wide and needs to be established by separate instrument. A copy of the easement should be provided to City Engineering for approval, with the original dedication submitted to Planning for recording with the plat tracing.
- E. A copy of the private access agreement shall be submitted for the plat file. This document should be recorded by the applicant, with the recording information shown on the final plat tracing.
- F. The final plat shall indicate the following access controls for this site;

SEDGWICK COUNTY

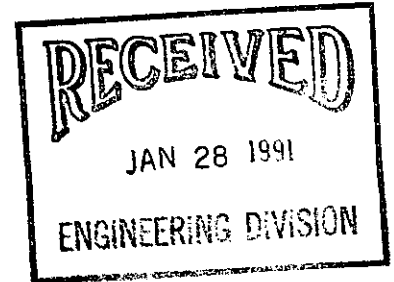


METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

January 24, 1991

Bill G. Yung Design
4912 E. 29th St. N., Suite 1
Wichita, KS 67220



Re: S/D 90-69 (Final Plat) Phillips 66 Center - Tyler
Addition

Dear Bill:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission on Thursday, January 24, 1991, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved subject to:

- A. It should be noted that this plat involves a name change from what was indicated on the preliminary plat (Phillips-Tyler).
- B. The applicant shall guarantee the extension of sanitary sewer to serve the lot being platted.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. As indicated by the preliminary plat, an off-site easement will be required for the extension of sanitary sewer to this site. This easement should be 20 feet wide and needs to be established by separate instrument. A copy of the easement should be provided to City Engineering for approval, with the original dedication submitted to Planning for recording with the plat tracing.
- E. A copy of the private access agreement shall be submitted for the plat file. This document should be recorded by the applicant, with the recording information shown on the final plat tracing.

- F. As indicated during the Subdivision Committee approval of the preliminary plat the final plat shall indicate access control except for 2-openings to Tyler Road, with complete access control for the area south of the southern most drive along Tyler Road.
- G. Arrangements shall be made for the relocation of K.G. & E.'s, Southwestern Bell's, and Cablevision's facilities crossing this site, but not covered by an easement. As necessary, substitute easements shall be platted for these utilities. As requested by K.G. & E., easements may need to be provided along the north and east lines of this plat. The applicant shall submit with the final plat tracing letters from these utilities indicating that satisfactory arrangements have been made for any needed relocations. If the applicant chooses to provide the easements adjacent to the plat or off-site, these easements shall be provided by separate instrument and submitted to Planning for recording.
- H. Although the existing buildings on the site are indicated to be removed, if this plat is completed, and the buildings are not removed, no expansion of the structures will be permitted within the areas of the setbacks.
- I. The applicant shall submit an avigational easement covering all of the subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
- J. The applicant shall submit copies of the street right-of-way condemnation case 84C-3494 as well as the right-of-way easements, Film 710, Pg. 1434, Film 287, Pg. 94 and Film 306, Pg. 557 to the Planning Dept. Each of these is mentioned in the title binder as well as shown on the final plat.
- K. Prior to submitting the final plat tracing the applicant shall meet with City Engineering and Planning Department staff to determine how the dedication of additional right-of-way for Tyler and Kellogg is to be provided with the platting of this site.
- L. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations.
- M. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.

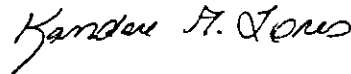
- N. Perimeter closure computations shall be submitted with the final plat tracing. Section 5-101(c).
- O. Recording of the plat within 30 days after approval by the City Council.

Enclosed with the applicant's copy of this letter is a list of the five methods which have been adopted as being acceptable for guaranteeing improvements required in the approval of plats. The certificate will be required if petitions are submitted. Forms for the bond and irrevocable Letter of Credit are available from this office.

The enclosed "marked" copy of the final plat is for your information and files.

This matter will be forwarded to the Planning Commission for its consideration on Thursday, January 31, 1991 at 1:30 p.m. If you have any questions concerning this matter, please call.

Sincerely,



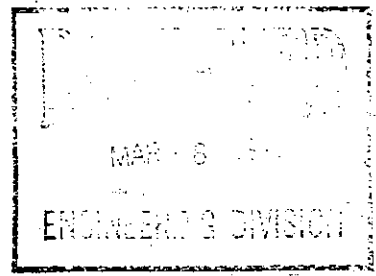
Kandace A. Jones
Associate Planner

KJ:sm
Enclosure

cc: Phillips 66, 9706 S. Branden, Tulsa, OK 74136
Mike Lindebak, City Engineer

Vicky

March 7, 1991



Mr. Mike Lindebak
City Engineer
455 N. Main
City Hall, Seventh Floor
Wichita, KS 67202-1688

Re. Construction of Phillips 66 Station at the Northeast Corner of Kellogg and Tyler.

Dear Mike:

As per our discussion earlier, I have clarified the two issues that we have agreed upon.

- a. During the construction of the station, Phillips will relocate the sidewalk at the new right-of-way along the western boundary of the Phillips 66 Centre - Tyler Addition. The sidewalk will angle to the west to meet the existing sidewalk at the north property line and at the southwest corner of the plat.
- b. Along Kellogg Drive, there is approximately 105' of roadway that has no curb. During the construction of the approach onto Kellogg Drive, Phillips 66 will be permitted to construct a 6" curb of asphalt or concrete along Kellogg Drive to prevent vehicles from driving across the city property that lies south of the Phillips 66 Centre - Tyler Addition. Other than the construction of the curb, Phillips 66 will not be held responsible for correcting any defect that currently exists along Kellogg Drive.

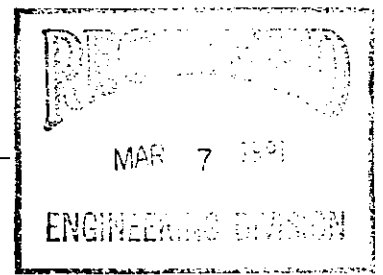
Mike, please sign and return a copy to me for our files. If you have any questions, give me a call.

Sincerely,

Terrence T. Smythe

Mike Lindebak
City Engineer

Date 3-8-91



TTS:vcr