

STAFF REPORT

CASE NUMBER: VAC2003-00057: Request to vacate multiple platted easements.

OWNER/APPLICANT: Maize Road LLC

AGENT: Baughman Company, PA c/o Phil Meyer

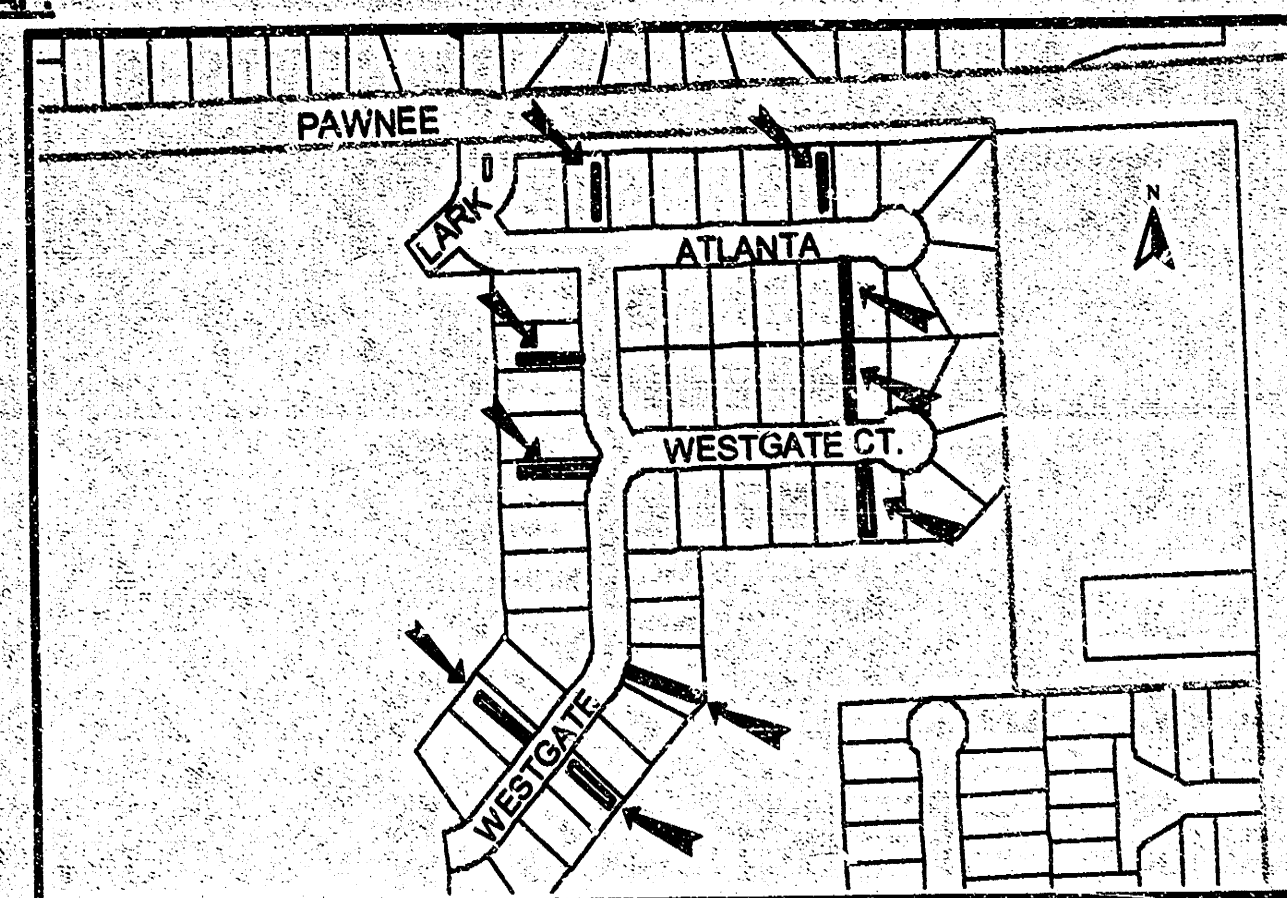
LEGAL DESCRIPTION: See attachment

LOCATION: Generally located southwest of the Maize Road - Pawnee Avenue intersection, multiple lots along Atlanta Circle, Westgate Street and Westgate Court.

REASON FOR REQUEST: Lot shifts have given new configuration to lots.

CURRENT ZONING: Subject property and all adjoining properties are zoned "SF-5" Single Family Residential.

VICINITY MAP:



The applicant is requesting consideration for the vacation of multiple platted easements located in the Southern Ridge Addition. Lot shifts will reconfigure these lots. The applicant has dedicated new easement to cover the Westar equipment that was in the easements. There are no sewer or water in the platted easement. The Southern Ridge Addition was recorded with the Register of Deeds January 15, 2003.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works, utility representatives and other interested parties, Planning Staff recommends approval to vacate the multiple platted utility easements as described in the legal description and the plat with conditions.

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 Derby Reporter of notice of this vacation proceeding one time November 20, 2003 which was at least 20 days prior to this public hearing.
2. That no private rights will be injured or endangered by the vacation of the above described multiple platted easements and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be granted.

Therefore, the vacation of the multiple platted easements described in the petition should be approved with conditions:

- (1) Vacate only those easements as described in the legal description and provide Staff with a copy of the dedicated easements recorded with the Register of Deeds.
- (3) 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.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate only those easements as described in the legal description and provide Staff with a copy of the dedicated easements recorded with the Register of Deeds.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
- (3) All improvements shall be according to City Standards.

RECEIVED

JAN 23 2004

METROPOLITAN PLANNING
ROUTE 8BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSASIN THE MATTER OF THE VACATION OF
MULTIPLE PLATTED EASEMENTSGENERALLY LOCATED
SOUTHWEST OF THE MAIZE ROAD -
PAWNEE AVENUE INTERSECTION

MORE FULLY DESCRIBED BELOW

Case No. VAC2003-00057

VACATION ORDER

NOW on this 13th day of January 2004, comes on for hearing the petition for vacation filed by Maize Road LLC, praying for the vacation of the following described multiple platted easements, to-wit:

The 10 foot utility easement as granted in Lots 27 and 28, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas described as the east 5.00 feet of said Lot 27, except the north 10.00 feet thereof, TOGETHER with the west 5.00 feet of said Lot 28, except the north 10.00 feet thereof.

The 10 foot utility easement as granted in Lots 33 and 34, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas described as the west 5.00 feet of said Lot 33, except the south 10.00 feet thereof, TOGETHER with the east 5.00 feet of said Lot 34, except the south 10.00 feet thereof.

Vacation Order
VAC2003-00057

Page 2 of 3

The 10 foot utility easement as granted in Lots 2 and 3, Block B, Southern Ridge Addition, Wichita, Sedgwick County, Kansas described as the south 5.00 feet of said Lot 2, except the west 40.00 feet thereof, TOGETHER with the north 5.00 feet of said Lot 3, except the west 40.00 feet thereof.

The 10 foot utility easement as granted in Lots 5 and 6, Block B, Southern Ridge Addition, Wichita, Sedgwick County, Kansas described as the south 5.00 feet of said Lot 5, except the west 40.00 feet thereof, TOGETHER with the north 5.00 feet of said Lot 6, except the west 40.00 feet thereof.

The 10 foot utility easement as granted in Lots 2 and 3, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas described as the east 5.00 feet of said Lot 2, except the north 15 feet thereof, and except the south 15.00 feet thereof, TOGETHER with the west 5.00 feet of said Lot 3, except the north 15.00 feet thereof, and except the south 15.00 feet thereof.

The 10 foot utility easement as granted in Lots 8 and 9, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas described as the east 5.00 feet of said Lot 8, except the north 15.00 feet thereof, and except the south 15.00 feet thereof, TOGETHER with the west 5.00 feet of said Lot 9, except the north 15.00 feet thereof, and except the south 15.00 feet thereof.

The 10 foot utility easement as granted in Lots 15 and 16, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas described as the west 5.00 feet of said Lot 15, except the south 10.00 feet thereof, TOGETHER with the east 5.00 feet of said Lot 16, except the south 10.00 feet thereof.

The 10 foot utility easement as granted in Lots 45 and 46, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas described as the southwest 5.00 feet of said Lot 45, except the southeast 10.00 feet thereof, and except the northwest 15.00 feet thereof, TOGETHER with the northeast 5.00 feet of said Lot 46, except the southeast 10.00 feet thereof, and except the northwest 15.00 feet thereof.

The 10.00 foot utility easement as granted in Lots 11 and 12, Block B, Southern Ridge Addition, Wichita, Sedgwick County, Kansas described as the southwest 5.00 feet of said Lot 11, except that part granted as drainage and utility easement in said Southern Ridge Addition, TOGETHER with the northeast 5.00 feet of said Lot 12, except that part granted as said drainage and utility easement.

The 20 foot drainage easement as granted in Lots 42 and 43, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas described as the southwest 10.00 feet of said Lot 42, except that part granted as drainage and utility easement in said Southern Ridge Addition TOGETHER with the northeast 10.00 feet of said Lot 43, except that part granted as said drainage and utility easement.

Vacation Order
VAC2003-00057

Page 3 of 3

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 November 20, 2003, 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 multiple platted 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 multiple platted easements described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13th day of January 2004, ordered that the above-described multiple platted 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.

ATTEST:

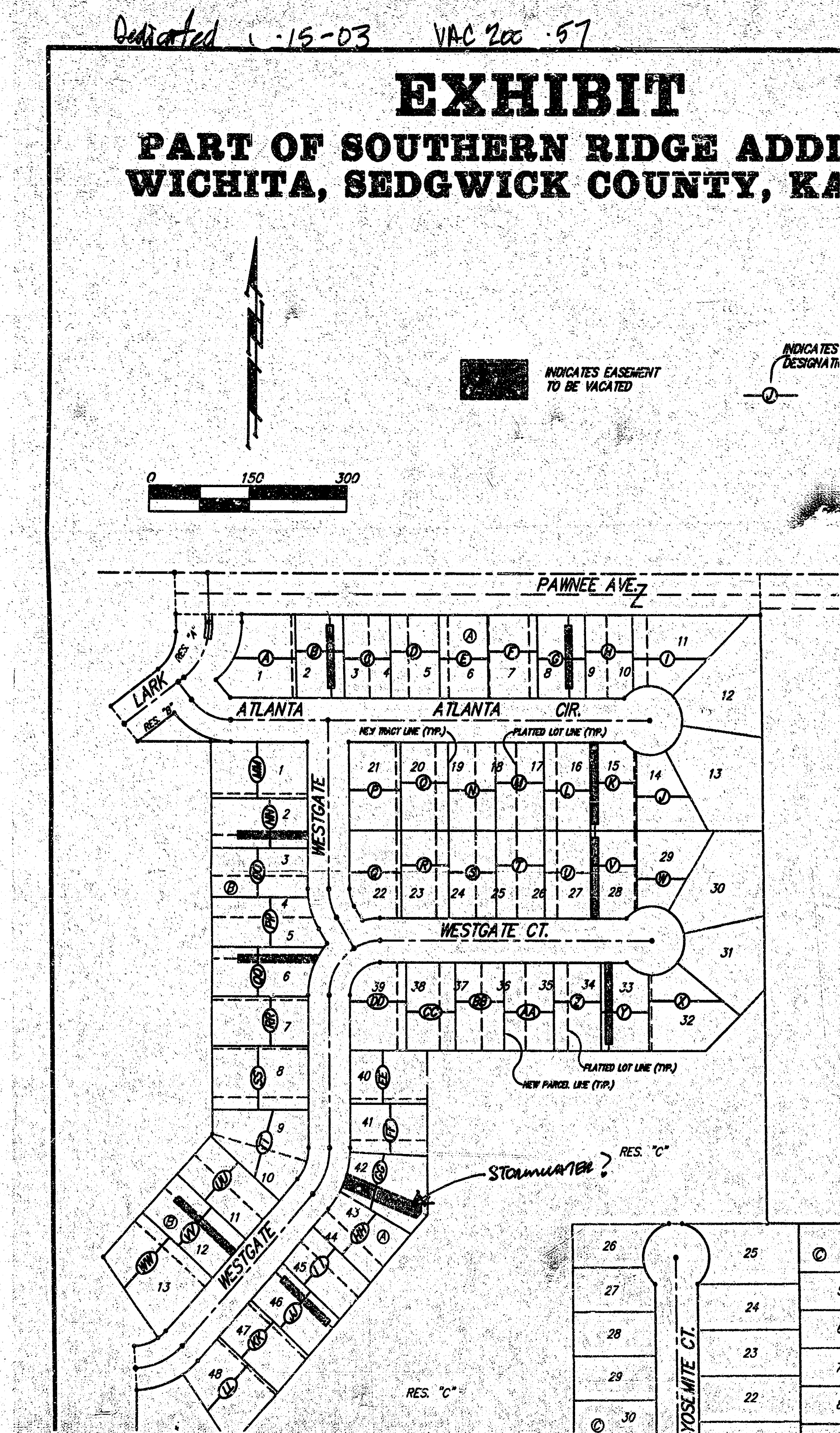


Karen Schofield
Karen Schofield, City Clerk

Carlos Mayans
Carlos Mayans, Mayor

Approved as to Form:

Gary Repenstorff
Gary Repenstorff, Director of Law



UTILITY EASEMENT

THIS EASEMENT made this 21st day of October, 2003, by and between Maize Road, L.L.C., a Kansas Limited Liability Company, party of the first part, and the City of Wichita, party of the second part.

WITNESSETH: That the said first party, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, does hereby grant and convey unto the said second party, for the benefit of the public, a perpetual right-of-way and easement for the purpose of constructing, maintaining, and repairing sewer, all other public utilities, over, along, and under the following-described real estate situated in Sedgwick County, Kansas, to-wit:

SEE ATTACHED LEGAL DESCRIPTION

And said second party, for the benefit of the public, is hereby granted the right to enter upon said premises at any time for the purpose of constructing, operating, maintaining, and repairing such sewer, all other public utilities.

IN WITNESS WHEREOF: The said first party has signed these presents the day and year first above written.

Maize Road, L.L.C.

By: *[Signature]*
Jay W. Russell, Managing Member

Bayshore Company
316 E. 11th
Wichita, KS 67203

Utility Easement
Page 3 of 3

The east 5 feet of the following: Lot 2, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the west 6.47 feet thereof, TOGETHER with the west 20.47 feet of Lot 3 in said Block A.

TOGETHER WITH
The west 5 feet of the following: Lot 3, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the west 20.47 feet thereof, TOGETHER with the west 34.47 feet of Lot 4 in said Block A.

AND

The west 5 feet of the following: Lot 15, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, TOGETHER with the west 3.00 feet of Lot 14 in said Block A, and TOGETHER with the east 7.00 feet of Lot 16 in said Block A.

TOGETHER WITH
The east 5 feet of the following: Lot 16, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the east 7.00 feet thereof, TOGETHER with the east 19.00 feet of Lot 17 in said Block A.

AND

The west 5 feet of the following: Lot 33, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the east 4.00 feet thereof, TOGETHER with the east 12.00 feet of Lot 34 in said Block A.

TOGETHER WITH
The east 5 feet of the following: Lot 34, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the east 12.00 feet thereof, TOGETHER with the east 22.00 feet of Lot 35 in said Block A.

AND

The southwesterly 5 feet of the following: Lot 44, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the northeast 31.37 feet thereof, TOGETHER with the northeast 43.37 feet of Lot 45 in said Block A.

TOGETHER WITH
The northeasterly 5 feet of the following: Lot 45, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the northeast 43.37 feet thereof, TOGETHER with the northeast 55.37 feet of Lot 46 in said Block A.

AND

The south 5 feet of the following: Lot 2, Block B, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the north 7.00 feet thereof, TOGETHER with the north 19.00 feet of Lot 3 in said Block B.

TOGETHER WITH
The north 5 feet of the following: Lot 3, Block B, Southern Ridge Addition, Wichita, Sedgwick County, Kansas, except the north 19.00 feet thereof, TOGETHER with the north 31.00 feet of Lot 4 in said Block B.

Utility Easement
Page 2 of 3

STATE OF KANSAS
COUNTY OF SEDGWICK

SS:

BE IT REMEMBERED, that on this 21st day of October, 2003, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Jay W. Russell, Managing Member of Maize Road, L.L.C., a Kansas Limited Liability Company, personally known to me to be the same person(s) who executed the within instrument of writing and such person(s) duly acknowledged the execution of the same, for and on behalf and as the act and deed of said limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.

SUSAN K. MONETTE
Notary Public - State of Kansas
My Comm. Expires: 11-19-03

[Signature]
Notary Public

(My Appointment Expires: 11-19-03)