



Wichita-Sedgwick County Metropolitan Area Planning Department

April 13, 2005

Ridge Plaza Ventures, LLC
1900 E. Pawnee
Wichita, KS 67211
City, State

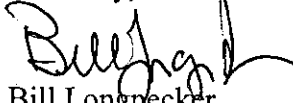
Re: **VAC2005-00003** - Request to vacate platted utility easements, generally located northeast of the Ridge Road – Kellogg Drive intersection, more specifically southwest of the University Avenue – Emerson Street intersection.

Dear Ladies and Gentlemen:

At its regular meeting on Tuesday, April 12, 2005, 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
Sedgwick County Electric Coop, Attention: Allen Henning & Wayne Voss, P.O. Box 220, Cheney, KS, 67205-0220
Griffiths & Associates, Inc., 6101 Bella Rd., Wichita, KS 67204

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

**IN THE MATTER OF THE VACATION OF A)
PORTION OF PLATTED UTILITY EASEMENTS)**

**GENERALLY LOCATED)
NORTHEAST OF THE RIDGE ROAD - KELLOGG)
DRIE INTERSECTION, MORE SPECIFICIALLY)
SOUTHWEST OF THE UNIVERSITY AVENUE -)
EMERSON STREET INTERSECTION)**

Case No. VAC2005-00003

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 12th day of April, 2005 comes on for hearing the petition for vacation filed by Ridge Plaza Ventures, LLC praying for the vacation of the following described portion of platted utility easements, to-wit:

All of the platted 20-foot utility easement located between Lots 2 & 3 and a portion of the northeast corner of Lot 4, except for the north 20-feet of said platted 20-foot utility easement located between Lots 2 & 3, all in Block A, Ridge Plaza 8th Addition, Wichita, Sedgwick County, 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 Wichita Eagle on February 17, 2005, which was at least 20 days prior to the public hearing.

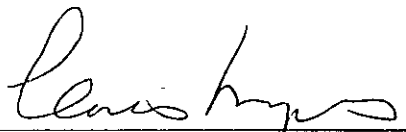
2. No private rights will be injured or endangered by the vacation of the above-described portion of the platted utility easements, and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner(s), the prayer of the petition ought to be granted.
4. No written objection 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. A Restrictive Covenant binding and tying Lots 2, 3 & 4, Block A, Ridge Plaza 8th Addition will be recorded with the Register of Deeds.
6. The vacation of the portion of the platted utility easements described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 12th day of April 2005 ordered that the above-described portion of the platted utility 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.

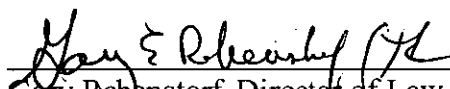
ATTEST:


Karen Sublett, City Clerk




Carlos Mayans, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

STAFF REPORT

CASE NUMBER: VAC2005-00003: Request to vacate a platted drainage easement

APPLICANT/OWNER: Ridge Plaza Ventures LLC

AGENT: Griffiths & Associates c/o Art Griffith

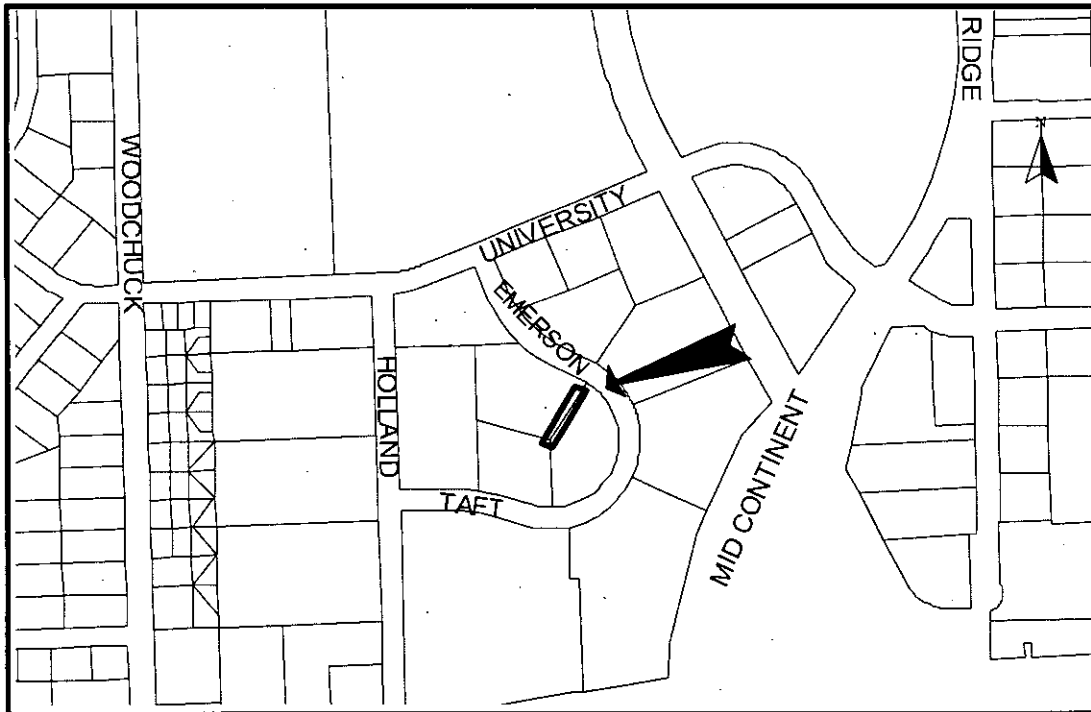
LEGAL DESCRIPTION: The platted 20-foot utility easement located between Lots 2 & 3 and a portion of the northeast corner of Lot 4, all in Block A, Ridge Plaza 8th Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located west of Ridge Road and north of Kellogg Avenue, more specifically southwest of the Emerson/Taft Streets – University Avenue Intersection (District V)

REASON FOR REQUEST: To allow future development on this site.

CURRENT ZONING: Subject properties and properties south and east of them are zoned GC General Commercial. Properties to the north, south and the west are zoned LC Limited Commercial.

VICINITY MAP:



The applicant is requesting consideration to vacate a platted 20-ft utility easement located between Lots 2 & 3 (10-foot on each lot) and a portion of the northeast corner of Lot 4, all in Block A, Ridge Plaza 8th Addition. There no manholes, sewer or water lines in the easement.

Comments from franchised utilities have not been received and are needed to determine if they have utilities in the easement. Water is located in the Emerson Street ROW. Sewer is located north, across Emerson Street and has access through a platted easement that could allow extension of sewer to the site. Sewer is also located west of the site, but there is no platted easement that would allow an extension of sewer to the site. The Ridge Plaza 8th Add was recorded April 1982.

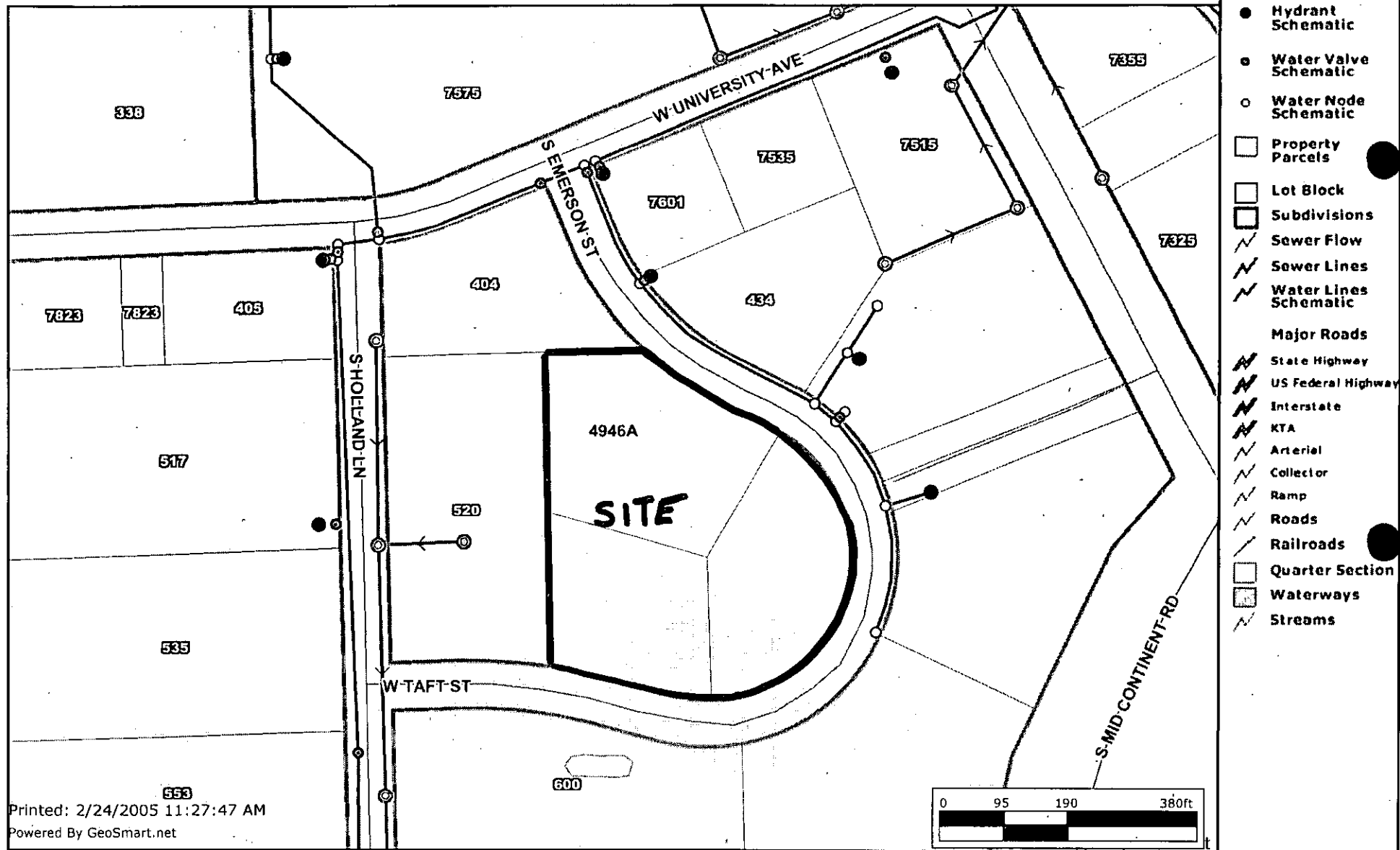
Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate the platted utility easement,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

- (1) If necessary, per the recommendation of the City's Public Works, Water & Sewer Departments and the franchised utilities, provide any additional easement(s) needed for public and franchised utilities.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants.
- (3) All improvements shall be according to City Standards.
- (4) All conditions to be completed within 6 months of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and recorded with the Register of Deeds.



vac2005-03

water & sewer



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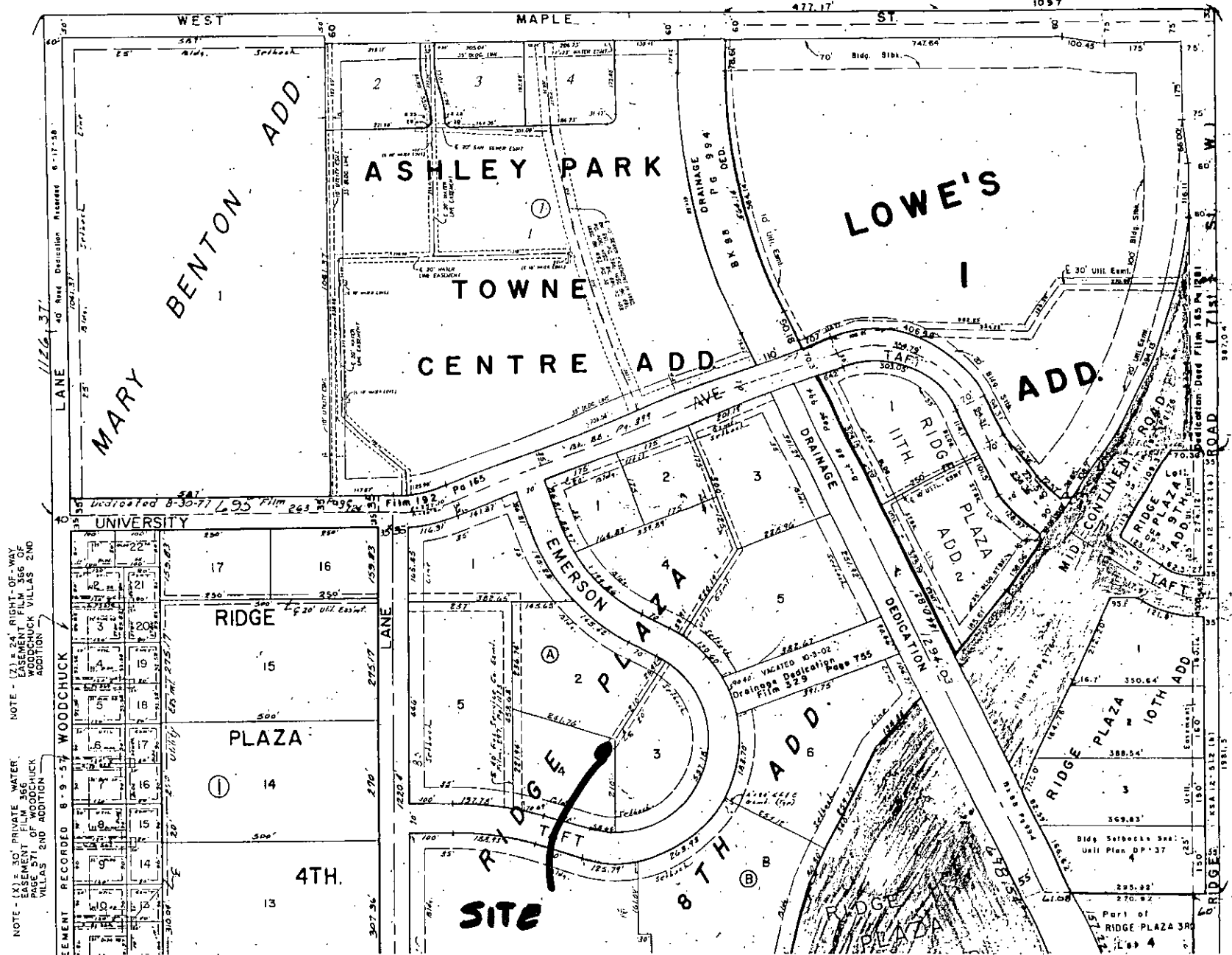
Every reasonable effort has been made to assure the accuracy of the maps and associated data provided herein. This information is provided with the understanding that the data are susceptible to a degree of error, and conclusions drawn from such information are the responsibility of the reader. The City of Wichita makes no warranty, representation or guaranty as to the content, accuracy, timeliness or completeness of any of the data provided herein. Some data provided here and used for the preparation of these maps has been obtained from public records not created or maintained by the City of Wichita. The City of Wichita shall assume no liability for any decisions made or actions taken or not taken by the reader in reliance upon any information or data furnished hereunder. The user should consult with the appropriate departmental staff member, e.g. Planning, Parks & Recreation, etc. to confirm the accuracy of information appearing in the visual presentations accessible through these web pages.



VAC 2005-03

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N.E. 1/4 SEC. 28, TWP. 27S, R.1W.



NOTE - (X) = 30' PRIVATE WATER EASEMENT OF WOODCHUCK VILLAS 2ND ADDITION
EASEMENT RECORDED 8-9-57 WOODCHUCK VILLAS 2ND ADDITION
UNDISTURBED 8-30-77 L 93 Film 243 M 1952