



Wichita-Sedgwick County Metropolitan Area Planning Department

January 24, 2006

Maize Road, LLC
Attn: Jay Russell
P.O. Box 75337
Wichita, KS

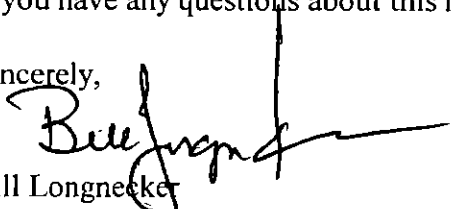
Re: **VAC2005-00043** - Request to vacate a platted utility easement, generally located ¼-mile south of Pawnee Boulevard, west of Maize Road, and west of the Yosemite Street – Yosemite Court intersection, on the north side of Yosemite Street.

Dear Mr. Russell:

At its regular meeting on Tuesday, January 24, 2006, the Wichita City Council considered 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, Mailstop 1-71
Paul Gunzelman/Carla Jones, Public Works Engineering, Mail Stop 1-71
Baughman Company, P.A., Attn: Phil Meyer, 315 Ellis, Wichita, KS 67211
Lance C & Laura R Phillips, 10615 W. Yosemite Drive, Wichita, KS 67215
Southern Ridge Homeowners Association, % Ron H Harnden, 2959 N Rock Road, #300,
Wichita, KS 67226



Register of Deeds - Bill Meek
DOC #/FLM-PG: 28755980

Receipt #: 1612517
Pages Recorded: 2

Recording Fee: 1

Cashier Initials: KM

Authorized By:

Date Recorded: 2/13/2006 4:30:56 PM



Associated with:
D 17758

Approved / Accepted by City Council

CLERK'S ORIGINAL
TURN TO CITY CLERK

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

This 1-24-06

**IN THE MATTER OF THE VACATION OF
A PLATTED UTILITY EASEMENT**

**GENERALLY LOCATED ¼ MILE
SOUTH OF PAWNEE BOULEVARD, WEST OF
MAIZE ROAD, AND WEST OF THE YOSEMITE
COURT-YOSEMITE STREET INTERSECTION,
ON THE NORTH SIDE OF YOSEMITE STREET**

Case No. VAC2005-00043

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 24th day of January, 2006 comes on for hearing the petition for vacation filed by Maize Road LLC c/o Jay Russell praying for the vacation of the following described platted utility easement, to-wit:

The platted 10-foot utility easement, centered along the common lot line of Lots 36 & 37, Block C, Southern Ridge 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 December 1, 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 platted utility easement, and the public will suffer no loss or inconvenience thereby.

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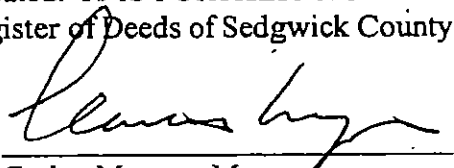
3. In justice to the petitioner(s), the prayer of the petition ought to be granted.
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.
5. The vacation of the platted utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 24th day of January 2006 ordered that the above-described 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.

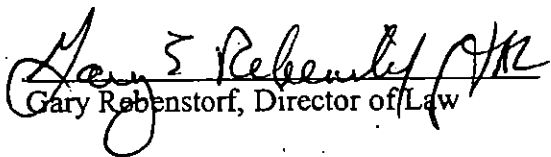
ATTEST:




Karen Sublett, City Clerk


Carlos Mayans, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

STAFF REPORT

CASE NUMBER: VAC2005-00043: Request to vacate a platted utility easement

OWNER/APPLICANT: Maize Road LLC c/o Jay Russell

AGENT: Baughman Company, PA c/o Phil Meyer

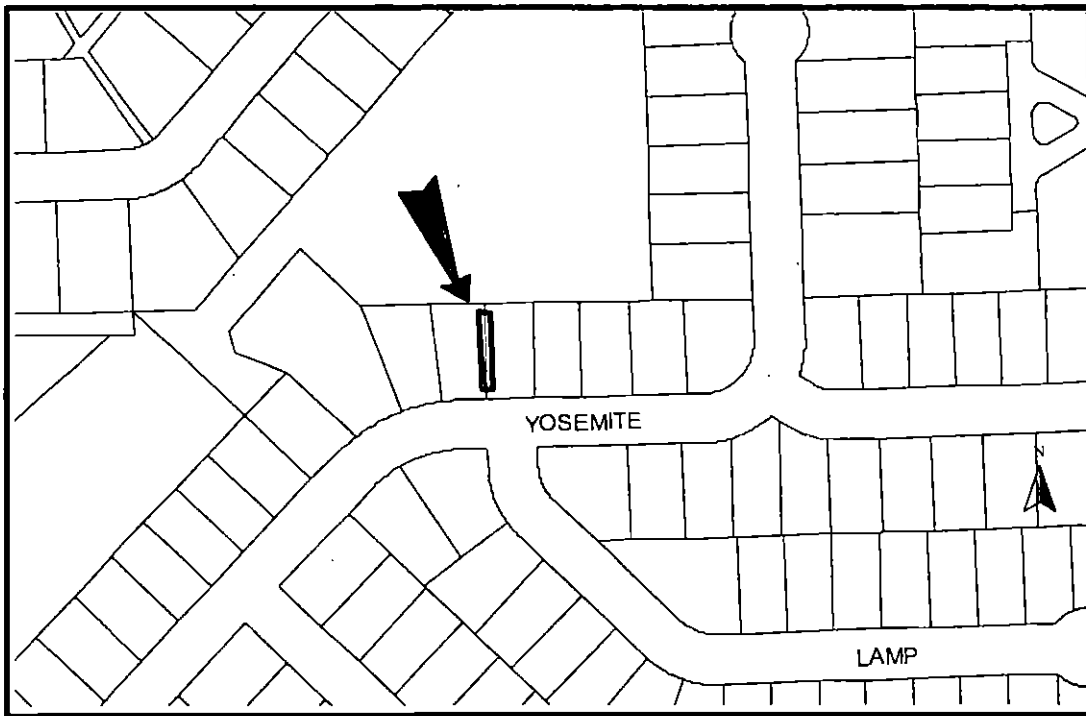
LEGAL DESCRIPTION: Generally described as the platted 10-foot utility easement, centered along the common lot line of Lots 36 & 37, Block C, Southern Ridge Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located approximately ¼ mile of Pawnee Boulevard, west of Maize Road, and west of the Yosemite Court – Yosemite Street intersection, on the north side of Yosemite Street (WCC District #IV)

REASON FOR REQUEST: Boundary shift to allow for larger lots

CURRENT ZONING: Subject property and all abutting and adjacent properties are zoned "SF-5" Single-family Residential

VICINITY MAP:



The applicant is requesting the vacation of a portion of the platted 10-foot side yard utility easement as described. There are no utilities, manholes or water and sewer lines in the platted easement. Sewer is in a platted easement along the lots' Yosemite Street frontage. 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 Public Works, Storm Water, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate the portion of the platted 10-foot easement as described in the legal description with the following 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 Wichita Eagle of notice of this vacation proceeding one time December 1, 2005, 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 portion of the platted easement 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 platted easement described in the petition should be approved with conditions;

- (1) Vacate the platted 10-foot utility easement, as described in the legal description, contingent upon approval by Public Works, Water & Sewer, Storm Water and any other the franchised utility companies. Retain any easement needed for existing utilities, as recommended by public and franchised utilities. Provide an accurate legal description of the applicant's site and the vacated portion of the easement on a word document, via e-mail.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicant's expense. Provide any recommended easements for relocated utilities. Provide Planning Staff with the original easement that has been reviewed and approved by Public Works/Water & Sewer; this document will go with the Vacation Order to WCC for final action and subsequent recording with the register of Deeds. If utilities are to be relocated, retain the easement until they are relocated.
- (3) All improvements shall be according to City Standards.
- (4) Per the MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All

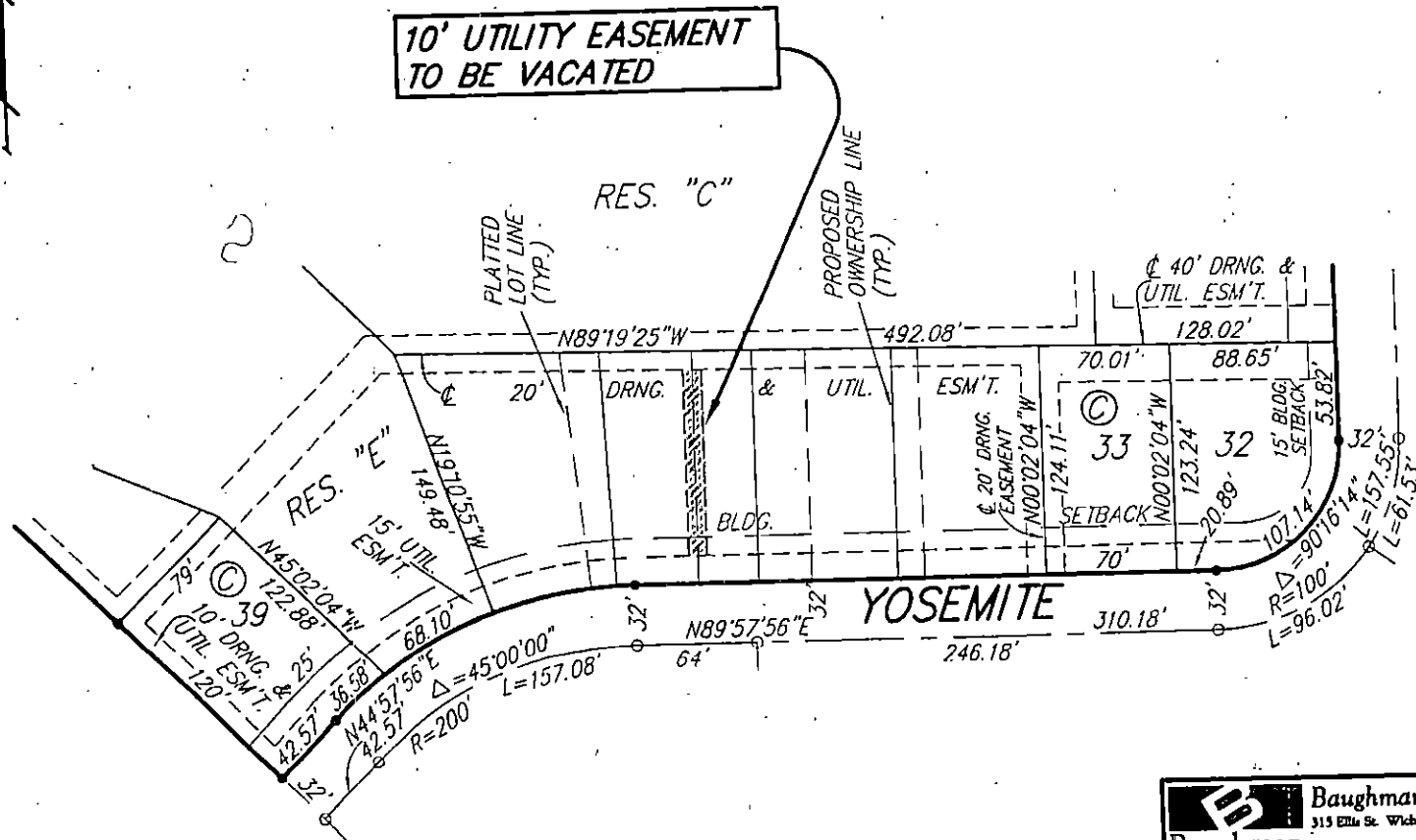
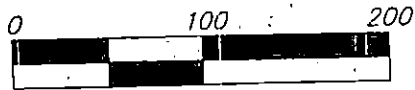
vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the platted 10-foot utility easement, as described in the legal description, contingent upon approval by Public Works, Water & Sewer, Storm Water and any other the franchised utility companies. Retain any easement needed for existing utilities, as recommended by public and franchised utilities. Provided an accurate legal description of the applicant's site and the vacated portion of the easement on a word document, via e-mail.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicant's expense. Provide any recommended easements for relocated utilities. Provide Planning Staff with the original easement that has been reviewed and approved by Public Works/Water & Sewer; this document will go with the Vacation Order to WCC for final action and subsequent recording with the register of Deeds. If utilities are to be relocated, retain the easement until they are relocated.
- (3) All improvements shall be according to City Standards.
- (4) Per the MAPC Policy Statement #7, all conditions to be completed within one year 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 the necessary documents have been recorded with the Register of Deeds.

EXHIBIT



08 NOVEMBER 2005

B Baughman Company, P.A.
 315 Elm St. Wichita, KS 67211 P 316-262-7171 F 316-262-0149
 Baughman ENGINEERING | SURVEYING | PLANNING | LANDSCAPE ARCHITECTURE

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