

FILE COPY



Wichita-Sedgwick County Metropolitan Area Planning Department

June 22, 2006

Greg Allison
3302 N. Den Hollow Circle
Wichita, KS 67205

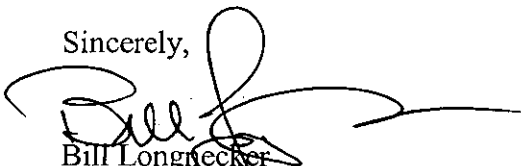
Re: **VAC2006-00024** - Request to vacate a portion of a platted easement, generally located northwest of the Tyler Road - 29th Street North intersection, north of West Lake Parkway on the east side of Den Hollow Circle.

Dear Mr. Allison:

At its regular meeting on Tuesday, June 20, 2006, 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
MKEC Engineering Consultants Inc., 411 N. Webb Road, Wichita, KS 67206
Larry Bruna, 3222 N. Den Hollow, Wichita, KS 67206
Gregory J & Debra L Allison, 2340 Bullinger, Wichita, KS 67204
Larry D & Cincy R R Bruna, 1802 N Keith, Wichita, KS 67212
Fox Ridge Development Co., Inc., 7926 W. 21st Street North, Wichita, KS 67205

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

[illegible]

MORE FULLY DESCRIBED BELOW

1. That due and legal notice has been given by publication as required by law, by publication in The Wichita Eagle on April 27, 2006, which was at least 20 days prior to the public hearing.

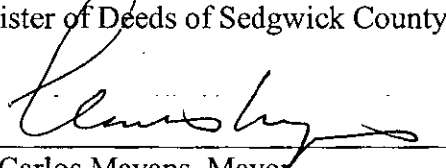
2. No private rights will be injured or endangered by the vacation of the above-described portion of the platted easement, and the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner(s), the prayer of the petition ought to be granted.

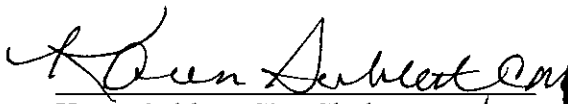
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

5. The vacation of the described portion of the platted easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 20th day of June 2006 ordered that the above-described portion of a platted 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.

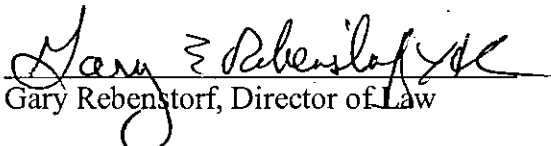

Carlos Mayans, Mayor

ATTEST:


Karen Sublett, City Clerk



Approved as to Form:


Gary Rebenstorf, Director of Law

STAFF REPORT

CASE NUMBER: VAC2006-00024 Request to vacate a portion of a platted drainage and utility easement

APPLICANTS/OWNERS: Greg Allison

AGENT: MKEC Engineering Consultants, Inc.

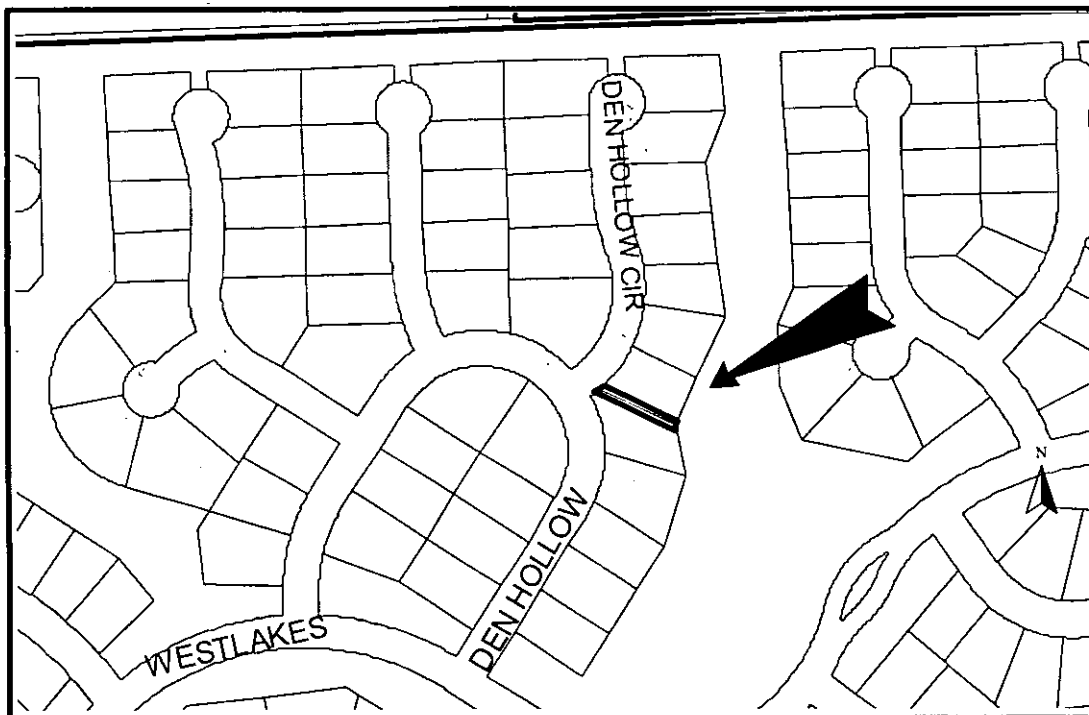
LEGAL DESCRIPTION: Generally described (see exhibit) as 10-feet of the platted 20-foot drainage and utility easement, as recorded located between Lots 141 & 142, Block 1, Fox Ridge Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located northwest of the Tyler Road – 29th Street North intersection, north of Westlakes Parkway, on the east side of Den Hollow Circle (WWC #V)

REASON FOR REQUEST: Existing encroachment and proposed encroachment

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

VICINITY MAP:



The applicant is requesting consideration to vacate 5-feet of the platted 20-foot drainage and utility easement, from both Lots 141 & 142, Block 1, Fox Ridge Addition: a total of 10-feet of the platted 20-foot easement. There are no water or sewer lines or manholes in the platted easement. Storm Water will need to confirm the drainage function of the easement. Westar has equipment in the easement. The Fox Ridge Addition was recorded with the Register of Deeds July 8, 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, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate the portion of the platted utility and drainage easement as described in the attached legal, 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 Wichita Eagle of notice of this vacation proceeding one time April 27, 2006, 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 platted utility and drainage 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 drainage easement described in the petition should be approved with conditions;

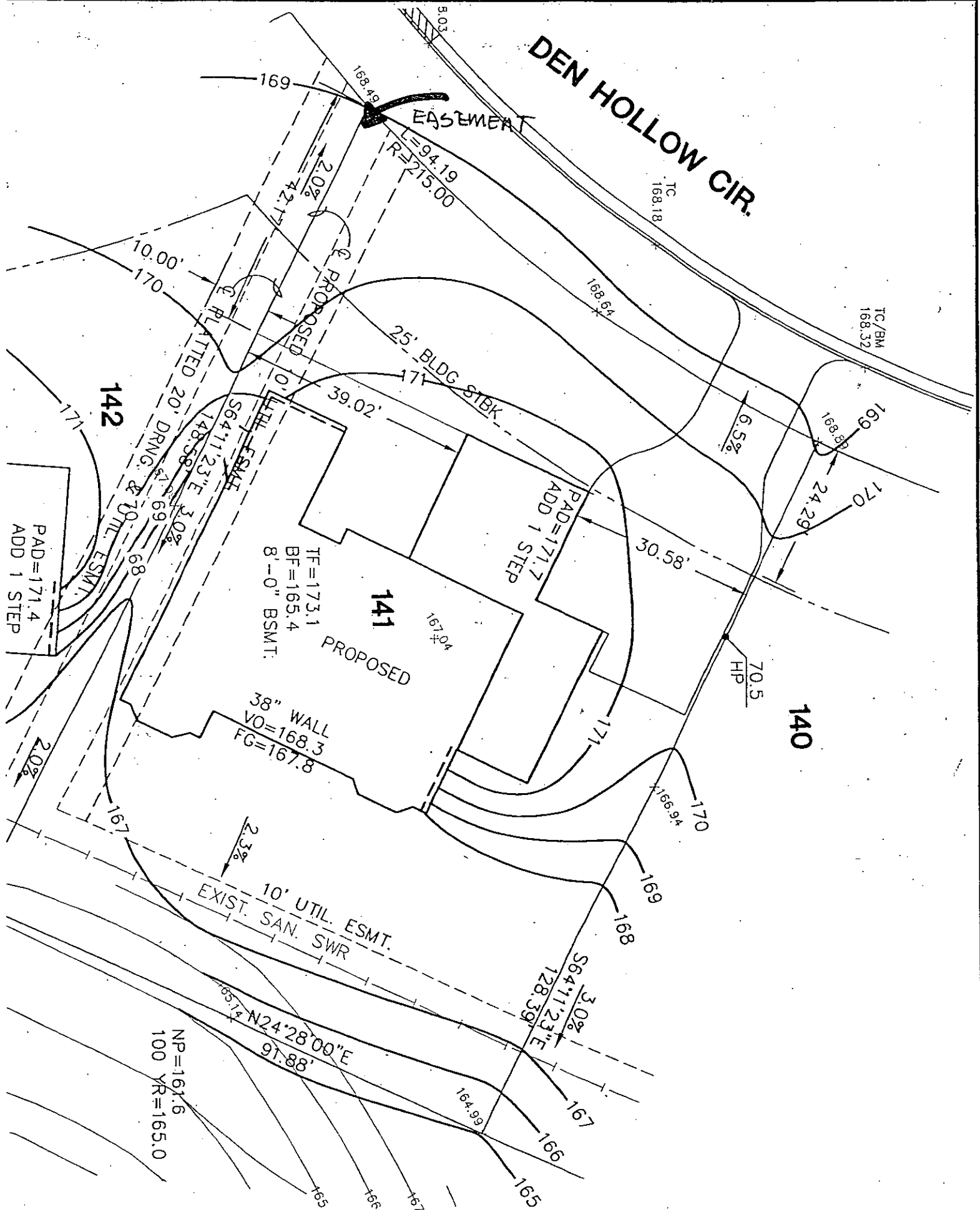
- (1) Westar has equipment in the easement. Retain that portion of the easement as required by Westar. Send Planning, via e-mail, a legal description of the vacated portion of the easement, as agreed by Westar.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicant's expense. Provide any needed replacement easements.
- (3) All improvements shall be according to City Standards and at the applicant's expense.
- (4) Per 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) Westar has equipment in the easement. Retain that portion of the easement as required by Westar. Send Planning, via e-mail, a legal description of the vacated portion of the easement, as agreed by Westar.
- (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 needed replacement easements.
- (3) All improvements shall be according to City Standards and at the applicant's expense.
- (4) Per 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.

DEN HOLLOW CIR.

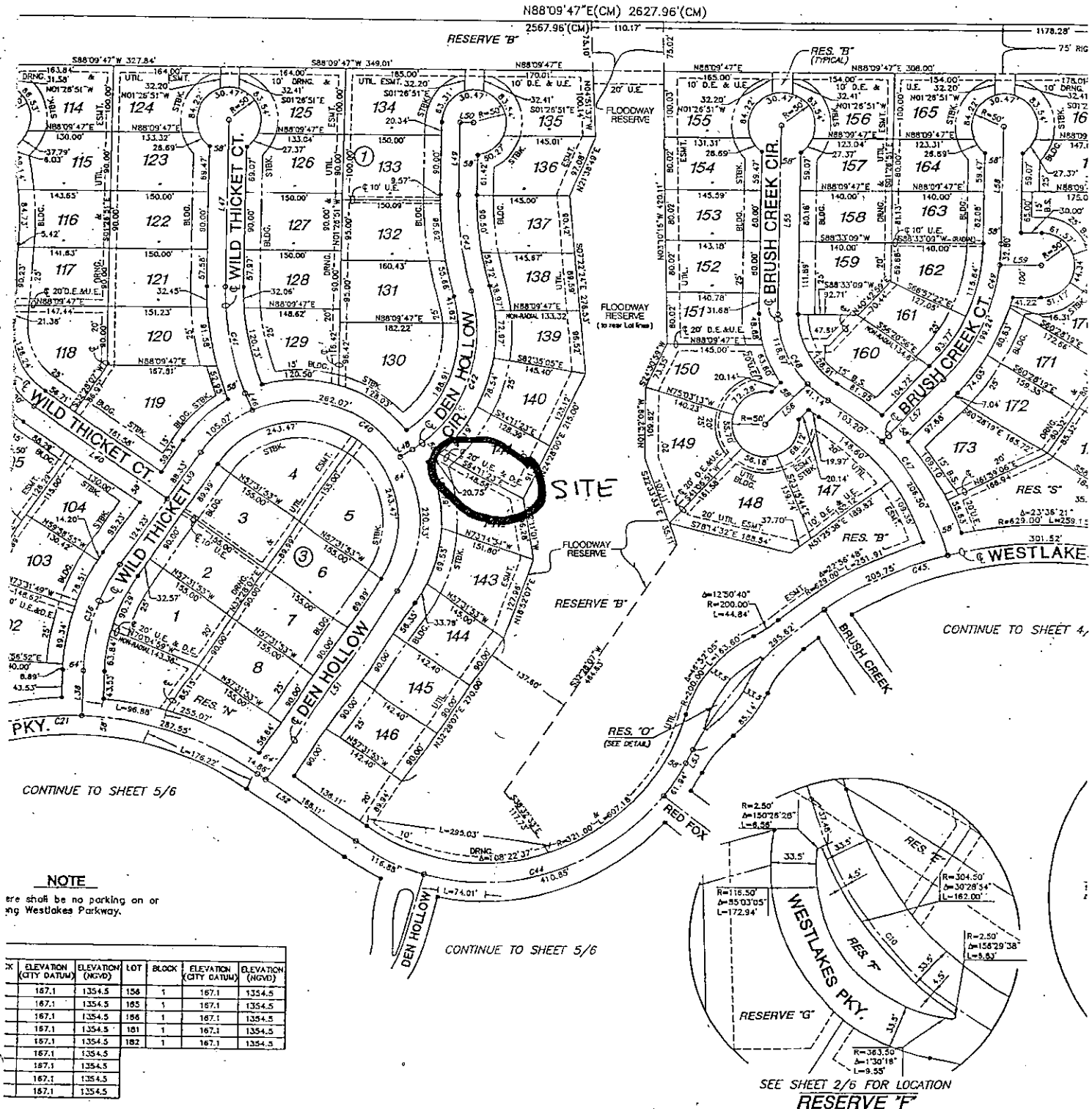


VAC 2006-24

FINAL PLAT

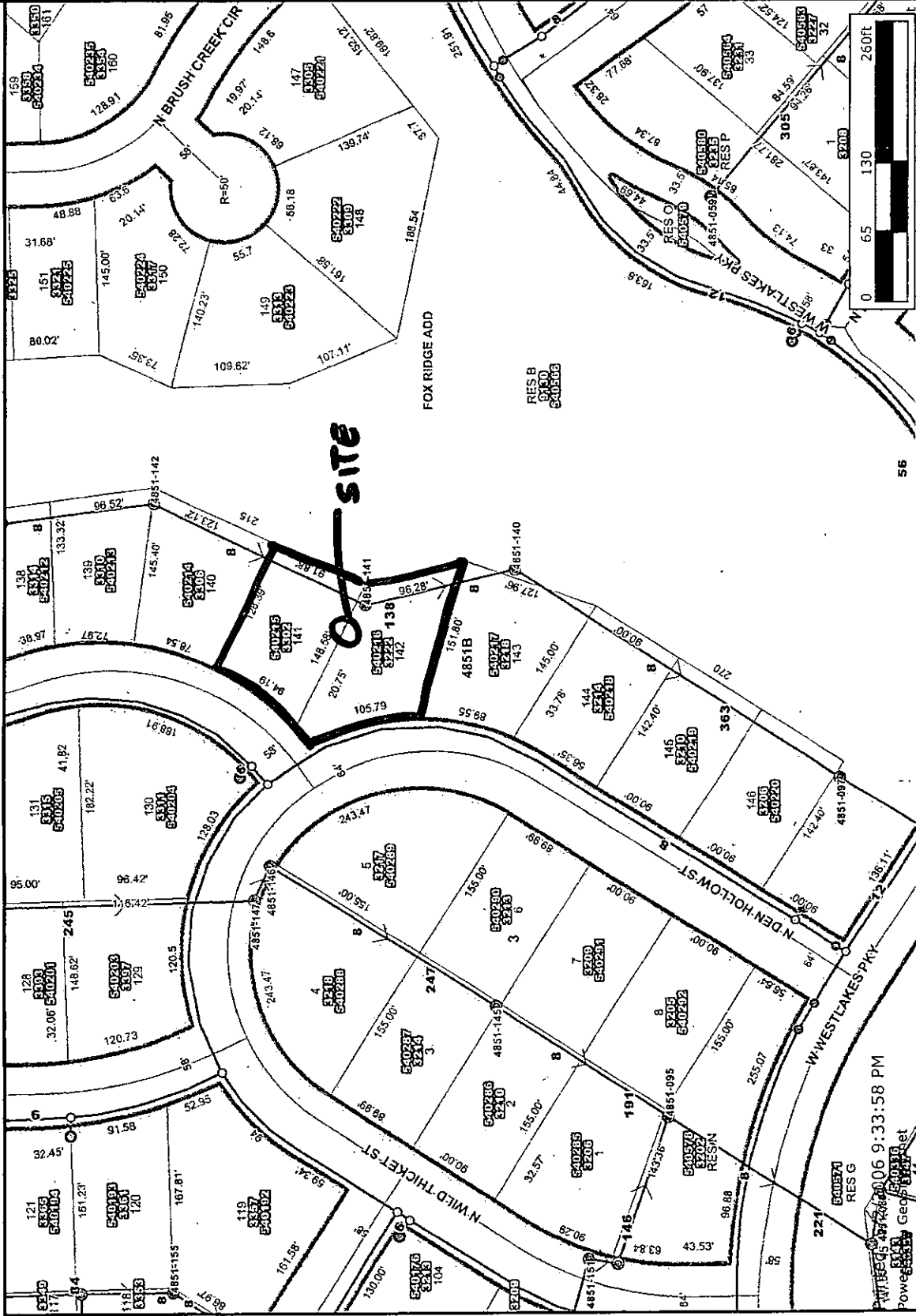
FOX RIDGE ADDITION

AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS



vac2006-24

water & sewer



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PowerMap Geospatial