



Wichita-Sedgwick County Metropolitan Area Planning Department

February 6, 2007

Westlink Christian Church
Attn: Pastor Larry Wren
2001 N. Maize Rd
Wichita, KS 67212

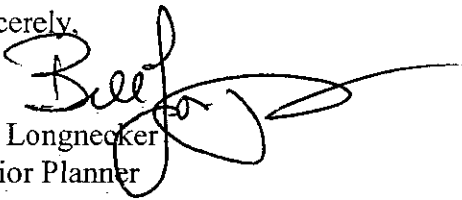
Re: **VAC2006-00042** - Request to vacate a portion of a utility easement dedicated by separate instrument, generally located on the southwest corner of 21st Street North and Maize Road.

Dear Pastor Wren:

At its regular meeting on Tuesday, February 6, 2007, 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
Baughman Company, P.A., Attn: Phil Meyer, 315 Ellis, Wichita, KS 67211

METROPOLITAN PLANNING
UNIT

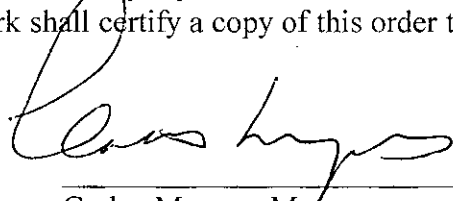
That part of a Utility Easement (described and recorded in Film 2351 at Page 755), described as follows: Commencing at the NW corner of Lot 1, Westlink Christian Church Addition, Wichita, Sedgwick County, Kansas; thence S01°21'13"W along the west line of said Lot 1, 303.22 feet; thence S88°23'18"E, 182.11 feet to a corner of said Utility Easement; thence continuing S88°23'18"E and along a line of said Utility Easement, 66.04 feet to a corner of said Utility Easement; thence S70°45'35"E along a line of said Utility Easement, 188.49 feet for a point of beginning; thence continuing S70°45'35"E along a line of said Utility Easement, 21.73 feet to a corner of said Utility Easement; thence S57°27'23"E along a line of said Utility Easement, 312.85 feet to a corner of said Utility Easement; thence S32°32'37"W along a line of said Utility Easement, 20.00 feet to a corner of said Utility Easement; thence N57°27'23"W along a line of said Utility Easement, 310.52 feet to a corner of said Utility Easement; thence

N70°45'35"W along a line of said Utility Easement, 21.73 feet; thence N25°53'31"E, 20.14 feet to the point of beginning.

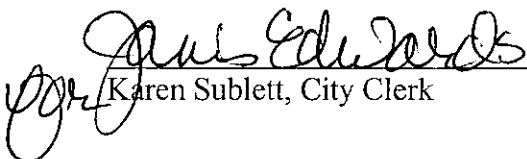
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in The Wichita Eagle on October 26, 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 utility easement dedicated by separate instrument, and the public will suffer no loss or inconvenience thereby.
3. Dedication of a replacement easement will be recorded with the Register of Deeds.
4. In justice to the petitioner(s), the prayer of the petition ought to be granted.
5. 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.
6. The vacation of the described portion of the utility easement dedicated by separate instrument described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 6th day of February 2007 ordered that the above-described portion of the utility easement dedicated by separate instrument 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

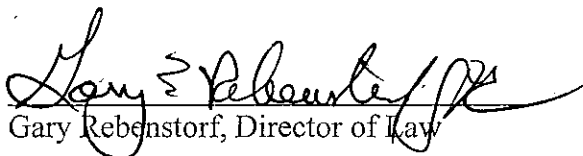
ATTEST:


Karen Sublett, City Clerk

Deputy



Approved as to Form:


Gary Rebenstorf, Director of Law

STAFF REPORT

CASE NUMBER: VAC2006-00042 Request to vacate a utility easement dedicated by separate instrument

APPLICANTS/OWNERS: Westlink Christian Church

AGENT: Baughman Company, PA c/o Phil Meyer

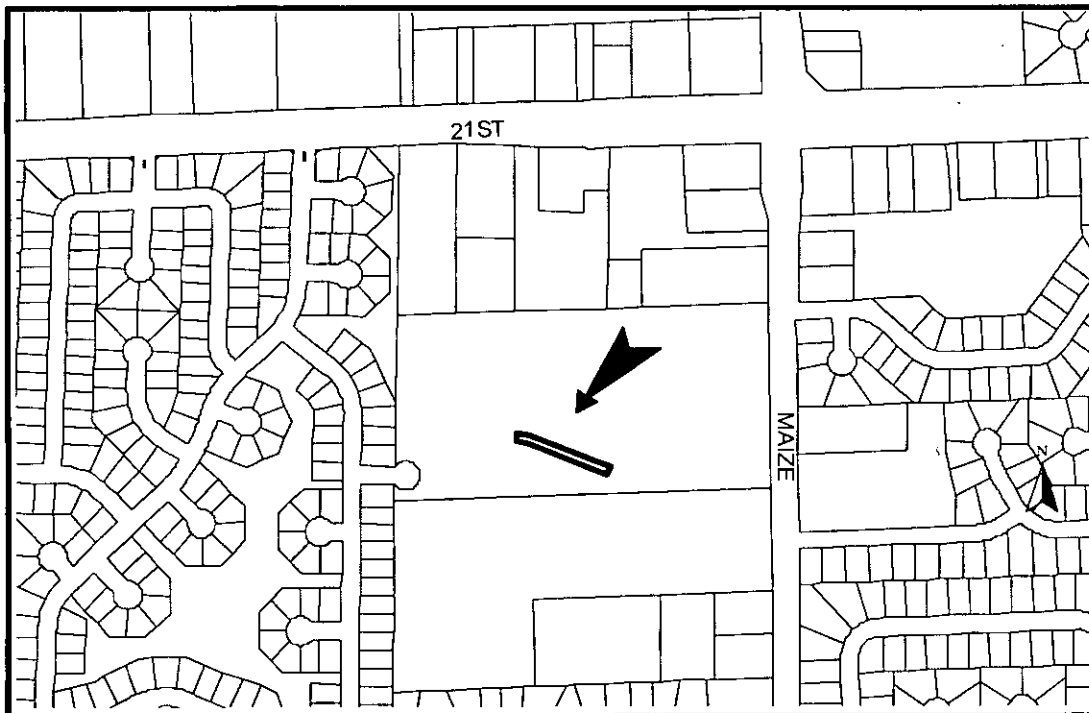
LEGAL DESCRIPTION: Generally described as a portion of the 20-foot wide easement dedicated by separate instrument (Film 2351 Page 755, see Exhibit provided by applicant) located in the mid-portion of Lot 1, Westlink Christian Church Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located southwest of the Maize Road – 21st Street North intersection. (WCC District #V)

REASON FOR REQUEST: Development and encroachment into a portion of easement

CURRENT ZONING: The site and abutting/adjacent southern, western and eastern properties are zoned "SF-5" Single-family Residential. Properties north of the site are zoned "LC" Limited Commercial and "GC" General Commercial.

VICINITY MAP:



The applicant has applied for the vacation of the described easement dedicated by separate instrument. There is a sewer line and manholes in the easement. There is no water line in the easement. There are no franchised utilities in the easement. The Westlink Christian Church Addition was recorded with the Register of Deeds June 15, 1998

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from Public Works, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate a portion of the easement dedicated by separate instrument, 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, in the Wichita Eagle, of notice of this vacation proceeding one time October 26, 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 portion of easement dedicated by separate instrument 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 portion of the easement dedicated by separate instrument described in the petition should be approved with conditions;

- (1) Any relocation or reconstruction of the sewer line – manhole/utilities located in the easement made necessary by this vacation shall be the responsibility of the applicants and at the applicant's expense. Provide Public Works with any necessary plans for review and approval of relocated sewer line and manholes. Provide Public Works with a petition/guarantee to relocate the sewer line and manholes. Provide Planning with an easement to be recorded with the Register of Deeds. Retain the easement until all utilities have been relocated. If the sewer line and manholes revert to a private line provide Public Works with required plans for approval and any required guarantee/petition. If the sewer and manhole are to be abandoned provide Public Works with a guarantee and a temporary easement until the work is completed per City standards. Provide Planning staff with a legal description of the approved vacated (portion) of the easement on a word document via e-mail.
- (2) All improvements shall be according to City Standards, at the applicant's expense.
- (3) 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) Any relocation or reconstruction of the sewer line – manhole/utilities located in the easement made necessary by this vacation shall be the responsibility of the applicants and at the applicant's expense. Provide Public Works with any necessary plans for review and approval of relocated sewer line and manholes. Provide Public Works with a petition/guarantee to relocate the sewer line and manholes. Provide Planning with an easement to be recorded with the Register of Deeds. Retain the easement until all utilities have been relocated. If the sewer line and manholes revert to a private line provide Public Works with required plans for approval and any required guarantee/petition. If the sewer and manhole are to be abandoned provide Public Works with a guarantee and a temporary easement until the work is completed per City standards. Provide Planning staff with a legal description of the approved vacated (portion) of the easement on a word document via e-mail.
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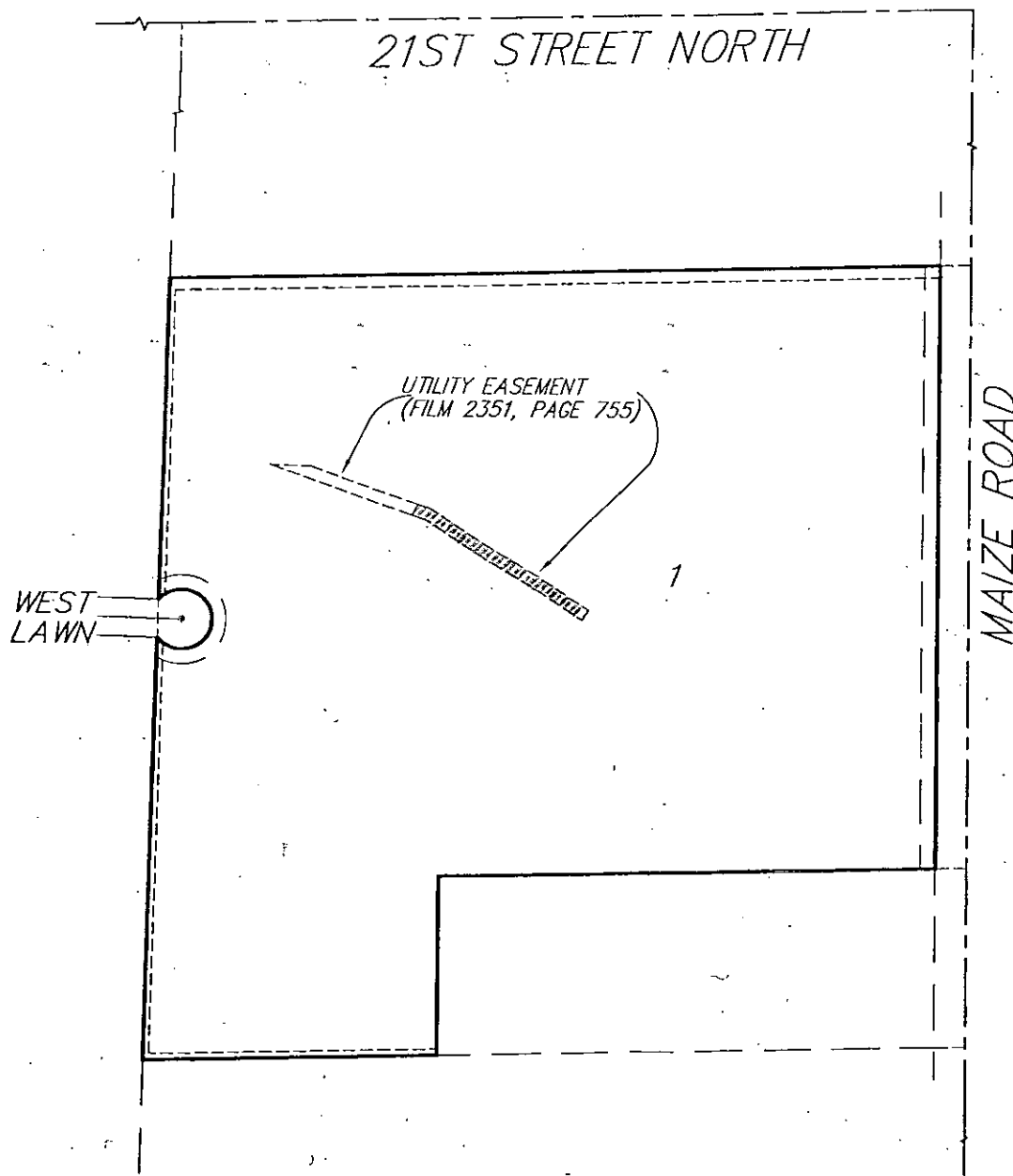
VAC2006-42

EXHIBIT

PART OF LOT 1, WESTLINK CHRISTIAN CHURCH ADDITION



INDICATES THAT PART OF UTILITY EASEMENT,
(FILM 2351, PAGE 755), TO BE VACATED



3 OCT 2006