

City of Wichita
City Council Meeting
May 24, 1988

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V-1484 - REQUEST TO VACATE STREET RIGHT-OF-WAY FOR COMOTARA STREET AND ASSOCIATED BUILDING SETBACK, LOCATED IN AN AREA EAST OF ROCK ROAD, NORTH OF 37TH STREET NORTH. (District #2)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of street right-of-way and building setback.

MAPC Recommendation: Approve vacation of street right-of-way and building setback. (unanimous)

Background: When Comotara Street was platted at this location, it was thought that the street would be extended to the north. Since that time, the property to the north has been developed with Willowbend golf course. This vacation case has been requested in order to vacate that part of Comotara Street that is not needed because the street will not be extended to the north. The Vacation Order retains needed utility and drainage easements. The street dedication, which is being established by separate instrument, is needed in order to construct the new cul-de-sac required by this vacation case. The applicant has guaranteed that the cul-de-sac will be constructed. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions.

Legal Considerations: The City Clerk needs to certify as to proper notification and no filing of written protest.

Recommendations/Action: Close public hearing; accept street dedication, approve vacation; authorize the Mayor to sign the Vacation Order; and record certified copy of Order and street dedication, recording costs to be billed to:

755-68-360-50000-295-000-000

Approved / Accepted By City Council
MAY 24 1988

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

IN THE MATTER OF THE VACATION OF STREET
RIGHT-OF-WAY, TEMPORARY CUL-DE-SAC
EASEMENT AND BUILDING SETBACK.

GENERALLY LOCATED IN AN AREA NORTH OF 37TH
STREET NORTH AND EAST OF ROCK ROAD. (V-1484)

MORE FULLY DESCRIBED BELOW

STATE OF KANSAS }
SEDGWICK COUNTY }
FILED FOR RECORD AT

JUN 6 1988

NO. 9 50774

PAT KETTLER
REGISTER OF DEEDS

MICROFILMED
OF RECORD

Ed Resaw Deputy

VACATION ORDER

NOW on this 24th day of May, 1988, comes on for hearing the petition for vacation filed by Golf Courses of America, Inc., praying for the vacation of the following described street right-of-way, temporary cul-de-sac easement and building setback, to-wit:

STREET RIGHT-OF-WAY

A tract of land lying in the Hi-Tech Industrial Park Second Addition, an addition to Wichita, Sedgwick County, Kansas, and North Point Industrial Park, an addition to Wichita, Sedgwick County, Kansas, more particularly described as follows:

Beginning at the northeast corner of said Hi-Tech Industrial Park Second Addition; thence S 00° 49' 09" E, along the east line of Comotara 259.59 feet to a point on a curve to the left; thence along said curve 112.81 feet, said curve having a central angel of 86° 10' 39", a radius of 75.00 feet, and a long chord of 102.47 feet, bearing N 43° 54' 28" W to a point on the west line of Comotara; thence N 00° 49' 09" W, 170.43 feet to a point on the north line of said Hi-Tech Industrial Park Second Addition; thence continuing N 00° 49' 09" W, 99.77 feet along the westerly line of said North Point Industrial Park, said line also an easterly line of Reserve A, Willowbend First Addition, an addition to Wichita, Sedgwick County, Kansas, to a point on a curve to the left; thence along said curve 35.02 feet, said curve having a central angle of 06° 22' 13", a radius of 315.00 feet, and a long chord of 35.00 feet, bearing N 04° 00' 15" W; thence N 82° 48' 38" E, 70.00 feet to a point on a curve to the right; thence along said curve 42.81 feet, said curve having a central angle of 06° 22' 13", a radius of 385.00 feet, and a long chord of 42.78 feet, bearing S 04° 00' 15" E, thence S 00° 49' 09" E, 85.45 feet to the point of beginning; and

TEMPORARY CUL-DE-SAC

A temporary cul-de-sac easement recorded on Film 476, Page 318, May 12, 1981 and described as follows:

A tract of land in the Southwest Quarter of Section 29, Township 26 South, Range 2 East of the 6th P.M. described as follows:

Beginning at the northwest corner of North Point Industrial Park; thence S 82° 48' 38" W, 40.00 feet; thence N 07° 11' 22" W, 150.00 feet; thence N 82° 48' 38" E, 150.00 feet; thence S 07° 11' 22" E, 150.00 feet to the north line of North Point Industrial Park; thence S 82° 48' 38" W, along said north line 110.00 feet to the point of beginning; and

BUILDING SETBACK

The north 387.85 feet of the 50.00 foot building setback along the east line of Comotara Street as platted in said North Point Industrial Park. (V-1484)

City Clerk

6.00 cA

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 Daily Record of notice of this vacation proceeding for consecutive weeks on MAY 11 & 18, 1988.
2. No private rights will be injured or endangered by the vacation of the above-described street right-of-way, temporary cul-de-sac easement and building setback, 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 vacated street right-of-way is hereby retained as a drainage easement.
6. The vacated street right-of-way is hereby retained as a utility easement.
7. The vacation of the street right-of-way, temporary cul-de-sac easement and building setback described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 24th day of May, 1988, ordered that the above-described street right-of-way, temporary cul-de-sac easement and building setback are 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:

Dale E. Rea Deputy City Clerk

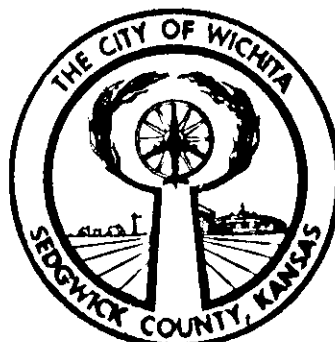
Approved as to Form:

Thomas Powell Director of Law

Sheldon Kamen, Mayor

State of Kansas)
Sedgwick County) ss
City of Wichita)
I, DALE E. REA, Deputy City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is affixed is a true and correct copy of the original on file in the office of the City Clerk.
Given under my hand and seal of the City of Wichita, this JUN 2 1988

Dale E. Rea Deputy City Clerk



V-1484

Street R.O.W. Dedication

A tract of land lying in Lot 6, Block 1, Hi-Tech Industrial Park Second Addition, an addition to Wichita, Sedgwick County, Kansas, more particularly described as follows:

Commencing at the Northeast corner of said addition; thence S 77° 37' 15" W, 71.45 feet; thence S 00° 49' 09" E, 170.43 feet to the point of beginning; thence S 00° 49' 09" E, 149.67 feet to a point on a curve to the right; thence along said curve 245.63 feet, said curve having a central angle of 187° 38' 42", a radius of 75.00 feet, and a long chord of 149.67 feet bearing N 00° 49' 09" W to the point of beginning.

EXHIBIT "A"

Street R.O.W. Vacation

A tract of land lying in the Hi-Tech Industrial Park Second Addition, an addition to Wichita, Sedgwick County, Kansas, and North Point Industrial Park an addition to Wichita, Sedgwick County, Kansas, more particularly described as follows:

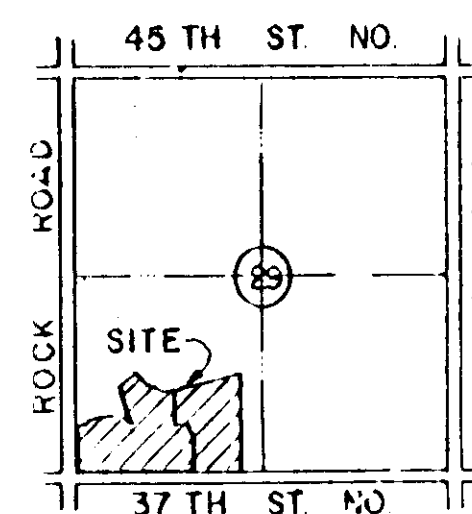
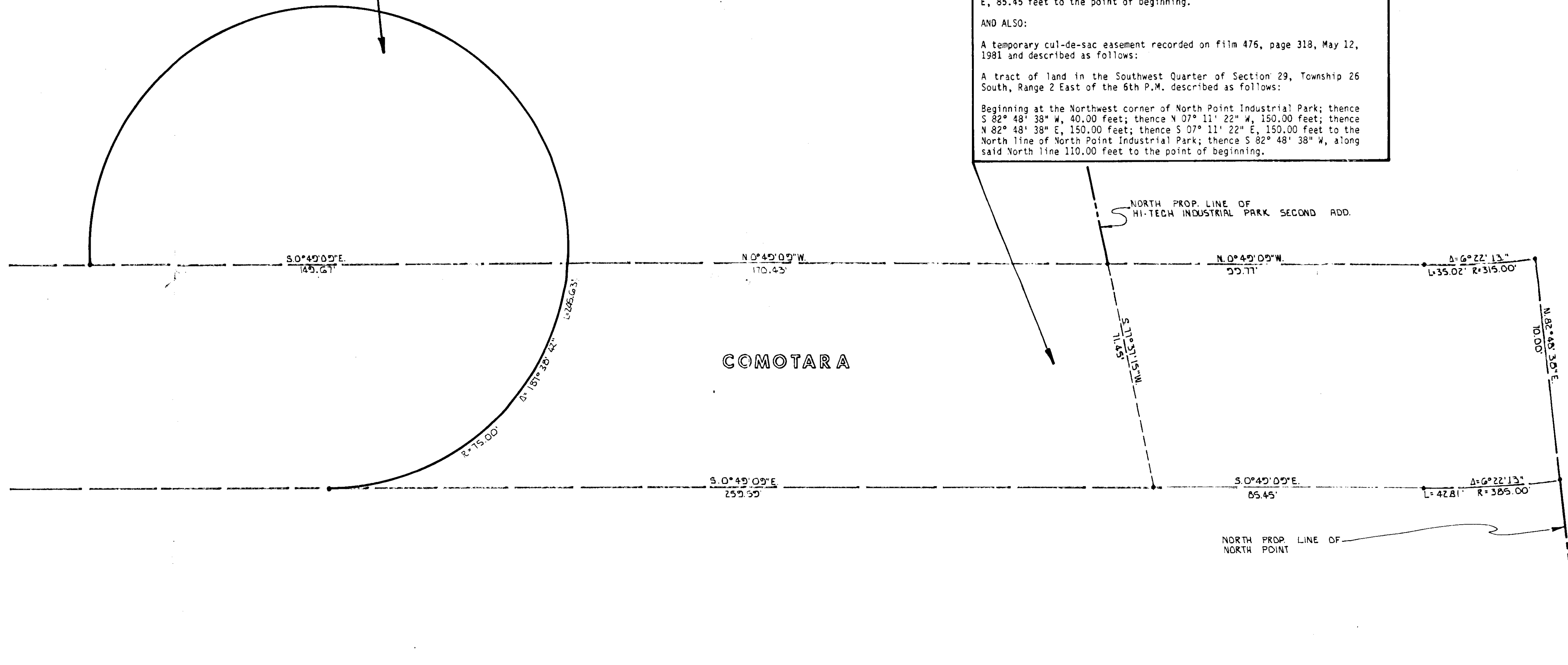
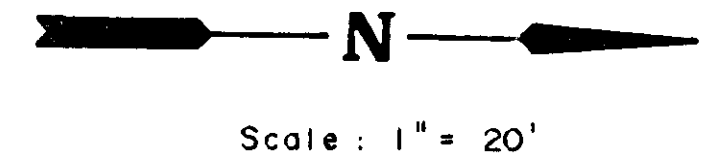
Beginning at the Northeast corner of said Hi-Tech Industrial Park Second Addition; thence S 00° 49' 09" E, along the East line of Comotara 259.59 feet to a point on a curve to the left; thence along said curve 112.81 feet, said curve having a central angle of 86° 10' 39", a radius of 75.00 feet, and a long chord of 102.47 feet, bearing N 43° 54' 28" W to a point on the West line of Comotara; thence N 00° 49' 09" W, 170.43 feet to a point on the North line of said Hi-Tech Industrial Park Second Addition; thence continuing N 00° 49' 09" W, 99.77 feet along the West-erly line of said North Point Industrial Park, said line also an East-erly line of Reserve A, Willowbend First Addition, an addition to Wich-ita, Sedgwick County, Kansas, to a point on a curve to the left; thence along said curve 35.02 feet, said curve having a central angle of 06° 22' 13", a radius of 315.00 feet, and a long chord of 35.00 feet, bear-ing N 04° 00' 15" W; thence N 82° 48' 38" E, 70.00 feet to a point on a curve to the right; thence along said curve 42.81 feet, said curve having a central angle of 06° 22' 13", a radius of 385.00 feet, and a long chord of 42.78 feet, bearing S 04° 00' 15" E; thence S 00° 49' 09" E, 85.45 feet to the point of beginning.

AND ALSO:

A temporary cul-de-sac easement recorded on film 476, page 318, May 12, 1981 and described as follows:

A tract of land in the Southwest Quarter of Section 29, Township 26 South, Range 2 East of the 6th P.M. described as follows:

Beginning at the Northwest corner of North Point Industrial Park; thence S 82° 48' 38" W, 40.00 feet; thence N 07° 11' 22" W, 150.00 feet; thence N 82° 48' 38" E, 150.00 feet; thence S 07° 11' 22" E, 150.00 feet to the North line of North Point Industrial Park; thence S 82° 48' 38" W, along said North line 110.00 feet to the point of beginning.



COMOTARA STREET VACATION & DEDICATION

MID-KANSAS ENGINEERING CONSULTANTS PA
3500 NORTH ROCK ROAD
BUILDING #800
WICHITA, KANSAS 67226

682-6561

Design
Drawn by
Checked by
Date
Job no.

Sheet
1
of
1