



**Wichita-Sedgwick County Metropolitan Area Planning Department**

June 24, 2002

Starr Investments, LLC  
Attention: Steven R. Barrett  
150 N. Market  
Wichita, Ks 67202

Re: V-2207 - Request to vacate utility easement generally located at the southeast corner of Central and Hillside.

Dear Mr. Barrett:

At the Thursday, December 2, 1999, meeting of the Metropolitan Area Planning Commission the above-referenced vacation request was approved subject to the conditions recommended by the Subdivision Committee and stated in our letter of December 10, 1999. Since you have completed all the approval conditions, this case will be placed on the Consent Agenda for final approval by the Wichita City Council on Tuesday, July 2, 2002, at 9:00 A.M. in the City Council Chamber, First Floor, City Hall, 455 North Main Street, Wichita, Kansas.

The public hearing on planning items is conducted by the MAPC under provisions of State Law. Adopted policy is that the City Council will not take additional testimony on zoning-related applications and other issues for which the MAPC has held a public hearing. However, interested parties may file a written statement before the City Council meeting, stating any objections to the proposed vacation. The Council will determine from such statements whether to return the issue to the MAPC for reconsideration or to reverse their recommendation.

Sincerely,  
  
Bill Longnecker  
Senior Planner

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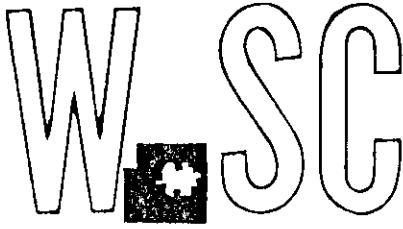
cc: Mike Lindebak, City Engineer, Public Works Department, Mail Stop 1-71  
Paul Gunzelman/ Carla Jones, Public Works Engineering, Mailstop 1-71  
Baughman Company, 315 Ellis, Wichita, KS 67211  
Bencor Development, Attention: Jon Gorski, 90 Cascade Avenue, Suite 330, Colorado Springs, CO 80903

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WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
DEPARTMENT

CITY HALL — TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1688  
(316) 268-4421  
FAX (316) 268-4390

December 10, 1999

Starr Investments, LLC  
Attention: Steven R. Barrett  
150 N. Market  
Wichita, KS 67202

Re: V-2207 - Request to vacate utility easement generally located at the southeast corner of Central and Hillside.

Dear Mr. Barrett:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission on Thursday, December 2, 1999, the above-captioned vacation request was considered. The action of the Committee was to recommend that this vacation be approved subject to:

- A. The applicant shall dedicate, by separate instrument, a substitute easement for the sewer line to be relocated as required by the City of Wichita Departments of Public Works and Engineering.
- B. The applicant shall grant a temporary easement by separate instrument covering the existing easements until such time as the replacement lines are in place.
- C. The applicant shall submit a guarantee for the construction of the new lines until such time as the replacement lines are in place.

My letter dated December 3, 1999 was in error. The MAPC meeting time was moved to a earlier time to accommodate a large number of zoning cases.

This matter is set for public hearing by the Metropolitan Area Planning Commission on **Thursday, December 16, 1999** no earlier than 10:00 a.m. in the Planning Conference Room, Tenth Floor, City Hall, 455 North Main, Wichita, Kansas. If you have any questions, please call at 268-4421.

Sincerely,

Lisa A. Verts  
Senior Planner

LAV:le

cc: Mike Lindebak, City Engineer, Public Works Department, Mail Stop 1-71  
Baughman Company, 315 Ellis, Wichita, KS 67211  
Bencor Development, Attention: Jon Gorski, 90 S. Cascade Avenue, Suite 330, Colorado Springs, CO 80903



STAFF REPORT

CASE NUMBER: V-2207 Request to vacate utility easements

OWNER/APPLICANT: Starr Investments, LLC, c/o Steven Barrett (owner); Bencor Development, c/o Jon Gorski (contract purchaser)

AGENT: Baughman Company

LEGAL DESCRIPTION: Easement recorded in Misc. Book 469, page 388:

Beginning at a point on the south line of Lot 10, Howard's Addition, 191.75 feet east of the center line of Hillside Avenue; thence south to a point on the north line of Lot 2, Holyoke Avenue, Floral 2<sup>nd</sup> Addition, 191.75 feet east of the center line of Hillside Avenue; thence west 36.67 feet; thence northeasterly to a point on the south line of Lot 9, Howard's Addition, 171.75 feet east of the center line of Hillside Avenue; thence east to the point of beginning.

Easement recorded in Misc. Book 496, page 385:

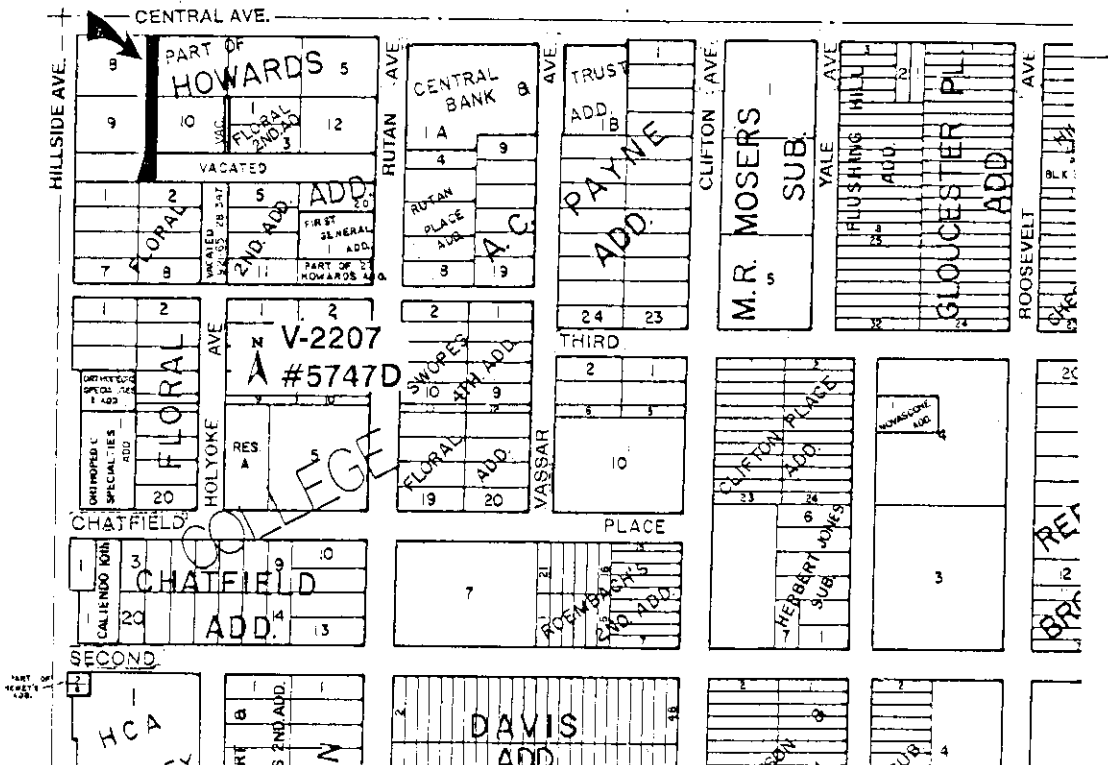
Beginning at a point on the south line of Lot 10, Howard's Addition, 191.75 feet east of the center line of Hillside Avenue; thence north to a point on the north line of Lot 7, Howard's Addition, 191.75 feet east of the center line of Hillside Avenue; thence west 20 feet to a point on the north line of Lot 8, Howard's Addition, 20 feet west of the point of beginning; thence east to the point of beginning.

LOCATION: Southeast corner of Central and Hillside

REASON FOR REQUEST: Future commercial development

CURRENT ZONING: "GC" General Commercial

VICINITY MAP:



The applicant is requesting to vacate adjoining utility easements (totaling 20-feet in width) on adjacent lots. These lots will be used for future commercial development.

Based upon the information available prior to the public hearing, staff recommends the MAPC make the following findings and recommendation to the City Council:

- 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 Daily Reporter of notice of this vacation proceeding one time November 23, 1999, 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 drainage 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.
- B. Therefore, the vacation of utility easements described in the petition should be approved, subject to the following conditions:
1. The applicant shall dedicate, by separate instrument, a substitute easement for the sewer line to be relocated as required by the City of Wichita Departments of Public Works and Engineering.
  2. The applicant shall grant a temporary easement by separate instrument covering the existing easements until such time as the replacement lines are in place.
  3. The applicant shall submit a guarantee for the construction of the new lines until such time as the replacement lines are in place.

**SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:**

The Subdivision Committee recommends approval, subject to the following conditions:

1. The applicant shall dedicate, by separate instrument, a substitute easement for the sewer line to be relocated as required by the City of Wichita Departments of Public Works and Engineering.
2. The applicant shall grant a temporary easement by separate instrument covering the existing easements until such time as the replacement lines are in place.
3. The applicant shall submit a guarantee for the construction of the new lines until such time as the replacement lines are in place.