

Planning Agenda # _____

City of Wichita
City Council Meeting
July 11, 2000

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: V-2202 - REQUEST TO VACATE A PORTION OF TWO 20-FOOT UTILITY EASEMENTS LOCATED AT THE SOUTHWEST CORNER OF 21ST STREET NORTH AND WEBB ROAD.
(District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

*M. Hout
D. H.*

Staff Recommendation: Approve vacation of a portion of two 20-foot utility easements.

MAPC Recommendation: Approve vacation of a portion of two 20-foot utility easements.
(unanimous)

Background: The applicant is requesting to vacate sections of two 20-foot utility easements for future development on this site. An alternate easement was submitted by the applicant for sewer and utilities. All other conditions have been met.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Legal Considerations: A certified copy of the Vacation Order and utility easement will be recorded with the Register of Deeds.

Recommendations/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

dupl

JUL 11 2000

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

IN THE MATTER OF THE VACATION OF)
A PORTION OF TWO 20-FOOT UTILITY)
EASEMENTS)

GENERALLY LOCATED)
SOUTHWEST CORNER OF 21ST STREET NORTH)
AND WEBB ROAD)

MORE FULLY DESCRIBED BELOW)

Case No. V4

RECEIVED

AUG 14 2000

METROPOLITAN PLANNING
ROUTE _____

VACATION ORDER

NOW on this 11th day of July, 2000, comes on for hearing the petition for vacation filed by Laham Holding Company, LLC, c/o George Laham; Prairie State Bank, praying for the vacation of the following described a portion of two 20-foot utility easements, to-wit:

That part of a 20 foot utility easement as granted in Webb Road Commercial Addition to Wichita, Sedgwick County, Kansas, described as follows: Commencing at the SE corner of Lot 1, Block 1, in said Webb Road Commercial Addition; thence N00° 54'41"W along the east line of said Lot 1, 10.00 feet to the intersection with the north line of said easement and for a point of beginning; thence S89° 05'19"W along the north line of said easement 17.00 feet; thence S00° 54'41"E parallel with the east line of said Lot 1, and as extended south 20.00 feet to the intersection with the south line of said easement; thence N89° 05'19"E along the south line of said easement, 164.00 feet to a corner of said easement; thence S00° 54'41"E along the west line of said easement, 97.16 feet to a point 107.16 feet normally distant south of the south line of Lot 2 in said Block 1; thence N89° 05'19"E parallel with the south line of said Lot 2, 20.00 feet to the intersection with the east line of said easement; thence N00° 54'41"W along the east line of said easement, 117.16 feet to a corner of said easement; thence S89° 05'19"W along the north line of said easement, 167.00 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 Daily Reporter on October 5, 1999, 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 two 20-foot utility easements, 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 a portion of two 20-foot utility easements described herein should be approved, subject to the following conditions:

A. The applicant shall dedicate, by separate instrument, substitute utility easement as indicated on the submitted site plan.

B. The applicant shall be responsible for the relocation of KGE electric lines to the substitute utility easement.

C. The applicant shall grant a temporary easement by separate instrument covering the existing sewer and electric (KGE) lines until such time as the replacement sewer line is finished and electric lines have been moved.

D. The applicant shall submit a guarantee for the construction of the new sewer line until such time as the replacement sewer line is finished.

E. The applicant is advised that prior to further development he/she must submit a boundary shift to adjust the platted boundaries between Lots 1 and 2 and between Lots 3 and 4 as indicated on the site plan.

F. The applicant shall provide a cross-lot access agreement giving cross lot access between all three lots.

G. The applicant is advised that prior to further development he/she must apply for an Administrative Adjustment to adjust the following on C.U.P. DP-200 in order to make it coincide with the plat and any adjustments to that plat (i.e. boundary shifts), as required by Article 7-204(B) of the Wichita-Sedgwick County Subdivision Regulations:

1. The boundaries between Parcels 1 and 2 and Parcels 2 and 3 as indicated on the development plan submitted for this vacation.


2. Adjust the 30-foot building setback on the north side of the existing Parcel 3 and the 15-foot building setback on the west side of the existing Parcel 2.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 11th day of July 2000, ordered that the above-described a portion of two 20-foot utility easements 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.



Bob Knight, Mayor

ATTEST:



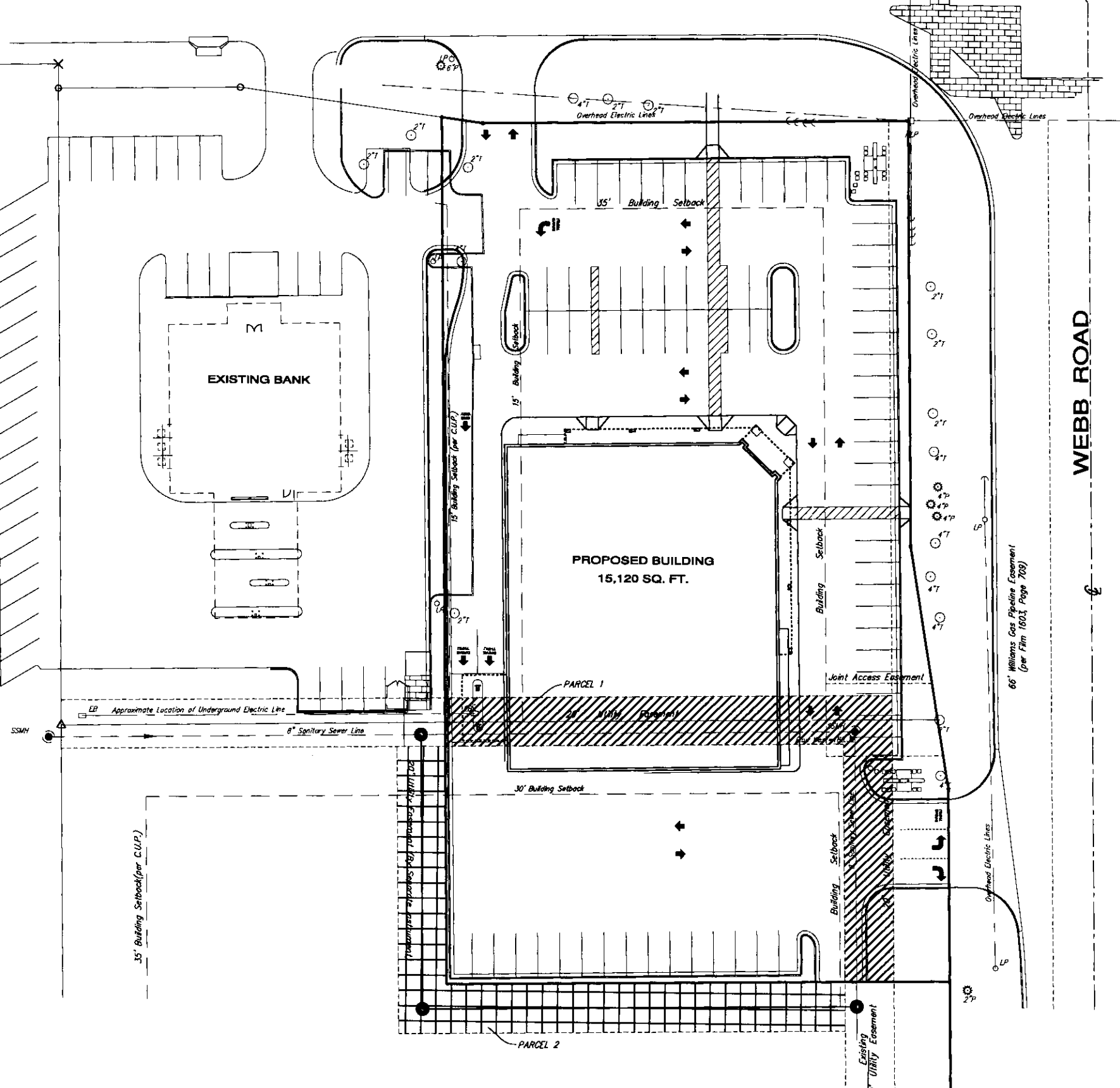
Pat Burnett, City Clerk



Approved as to Form:



Gary Rebenstorf, Director of Law



Vacate Easement: Parcel 1

That part of a 20 foot utility easement as granted in Webb Road Commercial Addition to Wichita, Sedgwick County, Kansas, described as follows: Commencing at the SE corner of Lot 1, Block 1, in said Webb Road Commercial Addition; thence N00°54'41"W along the east line of said Lot 1, 10.00 feet to the intersection with the north line of said easement and for a point of beginning; thence S89°05'19"W along the north line of said easement, 17.00 feet; thence S00°54'41"E parallel with the east line of said Lot 1, and as extended south, 20.00 feet to the intersection with the south line of said easement; thence N89°05'19"E along the south line of said easement, 164.00 feet to a corner of said easement; thence S00°54'41"E along the west line of said easement, 97.16 feet to a point 107.16 feet normally distant south of the south line of Lot 2 in said Block 1; thence N89°05'19"E parallel with the south line of said Lot 2, 20.00 feet to the intersection with the east line of said easement; thence N00°54'41"W along the east line of said easement, 117.16 feet to a corner of said easement; thence S89°05'19"W along the north line of said easement, 167.00 feet to the point of beginning.

Proposed SS Easement: Parcel 2

That part of Lot 3, Block 1, Webb Road Commercial Addition to Wichita, Sedgwick County, Kansas, described as follows: Commencing at the SE corner of Lot 1 in said Block 1; thence S89°05'19"W along the south line of said Lot 1, 17.00 feet; thence S00°54'41"E parallel with the east line of said Lot 1, as extended south, 10.00 feet to the intersection with the south line of a 20 foot utility easement as granted in said Webb Road Commercial Addition, and for a point of beginning; thence continuing S00°54'41"E parallel with the east line of said Lot 1, as extended south, 97.16 feet to a point 107.16 feet normally distant south of the north line of said Lot 3; thence N89°05'19"E parallel with the north line of said Lot 3, 164.00 feet to the intersection with the west line of said 20 foot utility easement; thence S00°54'41"E along the west line of said easement, 20.00 feet to a point 127.16 feet normally distant south of the north line of said Lot 3; thence S89°05'19"W parallel with the north line of said Lot 3, 184.00 feet to a point 37.00 feet normally distant west of the east line of said Lot 1, as extended south; thence N00°54'41"W parallel with the east line of said Lot 1, as extended south, 117.16 feet to the intersection with the south line of said 20 foot utility easement; thence N89°05'19"E along the south line of said easement, 20.00 feet to the point of beginning.

66' Williams Gas Pipeline Easement (per Film 1603, Page 708)