



Wichita-Sedgwick County Metropolitan Area Planning Department

June 20, 2005

21/127 L C
Attention: Rob Ramseyer
8100 E. 22nd N
Bldg. 1000
Wichita, KS 67226

Re: **VAC2005-00018** - Request to vacate portions of platted utility easements, generally located midway between 127th Street East and 143rd Street East, on the southwest corner of 21st Street North & Clear Creek Street.

Dear Mr. Ramseyer:

At its regular meeting on Tuesday, June 20, 2005, 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
Sedgwick County Electric Coop, Attention: Allen Henning & Wayne Voss, P.O. Box
220, Cheney, KS, 67205-0220
Baughman Company, P.A., Attention: Phil Meyer, 315 Ellis, Wichita, KS 67211



Sedgwick County
 Register of Deeds - Bill Meek
 DOC #/FLM-PG: 28684817
 Receipt #: 1589152
 Pages Recorded: 2
 Recording Fee: 00
 Cashier Initials: DH
 Authorized By:
 Date Recorded: 6/21/2005 11:19:35 AM

CITY CLERK'S ORIGINAL
 RETURN TO CITY CLERK

Approved / Accepted By City Council

This 6-14-05

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

**IN THE MATTER OF THE VACATION OF)
 PORTIONS OF PLATTED UTILITY EASEMENTS)**

**GENERALLY LOCATED)
 MIDWAY BETWEEN 127TH STREET EAST AND)
 143RD STREET EAST, ON THE SOUTHWEST)
 CORNER OF 21ST STREET NORTH & CLEAR)
 CREEK STREET)**

Case No. VAC2005-00018

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 14th day of June, 2005 comes on for hearing the petition for vacation filed by 21/127 L.C., c/o Rob Ramseyer praying for the vacation of the following described portions of platted utility easements, to-wit:

The east 15-foot utility easement, except the north 20-feet, lying in Reserve "A", together with the 15-foot utility easement, except the south 20-feet, lying in Lot 29, Block A, all in Reed's Cove 3rd Addition, Wichita, Sedgwick County, Kansas.

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 April 21, 2005, which was at least 20 days prior to the public hearing.

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2. No private rights will be injured or endangered by the vacation of the above-described portions of platted 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 portions of the platted utility easements described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 14th day of June 2005 ordered that the above-described portions of platted utility easements 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.

Carlos Mayans
Carlos Mayans, Mayor



ATTEST:

Karen Sublett
Karen Sublett, City Clerk

State of Kansas)
Sedgwick County)
City of Wichita)

I, **Karen Sublett** 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, Kansas this JUN 14 2005

Karen Sublett City Clerk

Approved as to Form:



Gary Rebenstorf
Gary Rebenstorf, Director of Law

STAFF REPORT

CASE NUMBER: VAC2005-00018: Request to vacate a portion of a platted utility easement

OWNER/APPLICANT: Rob Ramseyer

AGENT: Baughman Company, PA , c/o Phil Meyer

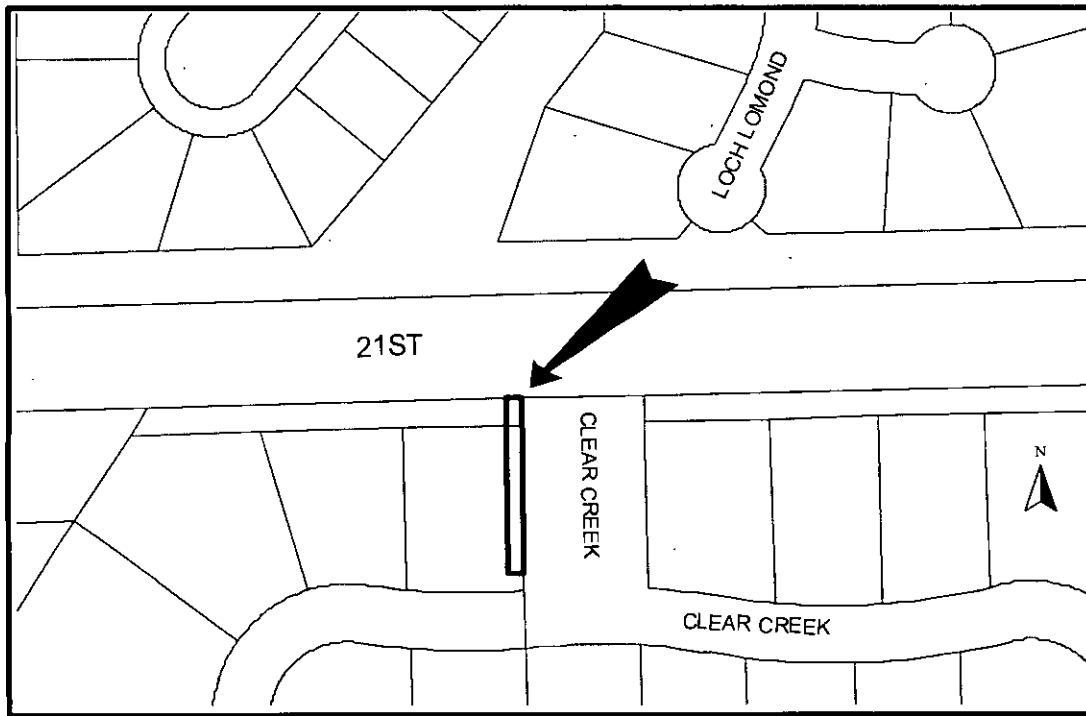
LEGAL DESCRIPTION: The east 15-foot utility easement, except the north 20-feet, lying in Reserve "A", together with the 15-foot utility easement, except the south 20-feet, lying in Lot 29, Block A, all in Reed's Cove 3rd Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located south of 21st Street North, midway between 127th Street East and 143rd Street East, more specifically on the west corner of the 21st Street North – Clear Creek Street intersection (WCC District #II)

REASON FOR REQUEST: To replace with a private landscape and wall easement

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

VICINITY MAP:



The applicant is requesting consideration to vacate the described portions of the platted utility easement. There are no franchised utilities, sewer or water lines in the described portion of the utility easement. The Reed's Cove 3rd Addition was recorded with the Register of Deeds May 26, 2004.

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 easement as described in the legal description with the following 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 21, 2005 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 platted utility 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 a portion of the platted utility easement described in the petition should be approved with conditions;

- (1) Vacate only that portion of the utility easement as described in the legal description.
- (2) Public Works/Water & Sewer must approve the recorded utility easement.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
- (4) If needed provide the franchised utilities with all required replacement easements. If needed, retain the platted utility easement until all utilities in the easement have been relocated/abandoned and approved by the public and franchised utilities
- (5) All improvements shall be according to City Standards.
- (6) 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) Vacate only that portion of the utility easement as described in the legal description.
- (2) Public Works/Water & Sewer must approve the recorded utility easement.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
- (4) If needed provide the franchised utilities with all required replacement easements. If needed, retain the platted utility easement until all utilities in the easement have been relocated/abandoned and approved by the public and franchised utilities
- (5) All improvements shall be according to City Standards.
- (6) 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.

