



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

September 16, 2005

Brown Family Real Estate, LLC  
Janet M. Keefer  
14<sup>th</sup> Floor  
1200 Main  
Kansas City, MO 64105-2122

Re: **VAC2005-00023** - Request to vacate a utility easement dedicated by separate instrument, generally located north of State Highway K-96 and west of Greenwich Road, more specifically located northwest of the 26<sup>th</sup> Street North - Regency Park Street intersection.

Dear Ms. Keefer:

At its regular meeting on Tuesday, September 13, 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,

A handwritten signature in black ink, appearing to read 'Bill Longnecker'.

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  
MKEC Engineering Consultants, Inc., 411 N. Webb Road, Wichita, KS 67206  
Brown Family Real Estate, LLC, c/o Bank of America MO8-060-13-01 Janet Keefer  
1200 Main Street, 14<sup>th</sup> Floor, Kansas City MO 64105

**RECEIVED**

SEP 16 2005

METROPOLITAN PLANNING  
ROUTE

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

**IN THE MATTER OF THE VACATION OF )  
A UTILITY EASEMENT DEDICATED BY )  
SEPARATE INSTRUMENT )**

**GENERALLY LOCATED )  
WEST OF GREENWICH ROAD AND NORTH OF )  
STATE HIGHWAY K-96, NORTHWEST OF THE )  
26<sup>TH</sup> STREET NORTH – REGENCY PARK )  
STREET INTERSECTION )**

**Case No. VAC2005-00023**

**MORE FULLY DESCRIBED BELOW )**

**VACATION ORDER**

NOW on this 13<sup>th</sup> day of September, 2005 comes on for hearing the petition for vacation filed by Brown Family Real Estate LLC c/o Gene Rath praying for the vacation of the following described utility easement dedicated by separate instrument, to-wit:

All of the 20-foot utility easement, as dedicated by separate instrument, Film 2143, Page 1411, on Lot 8, Block 1, the Regency Park 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 June 2, 2005, 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 a utility easement dedicated by separate instrument, and the public will suffer no loss or inconvenience thereby.

3. A Restrictive Covenant binding and tying Lot 6, Block 1, Regency Park 3<sup>rd</sup> Addition to a portion of Lot 8, Block 1, Regency Park Addition, as described in the Covenant, shall be recorded with the Register of Deeds.

4. The existing sewer line and manhole located in the vacated easement dedicated by separate instrument will become a private line, as stated by the Bill of Sale between the City of Wichita and the said owners of the property where the line is located.

5. In justice to the petitioner(s), the prayer of the petition ought to be granted.

6. 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.

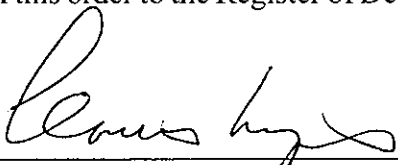
7. The vacation of the utility easement dedicated by separate instrument described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13<sup>th</sup> day of September 2005 ordered that the above-described 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.

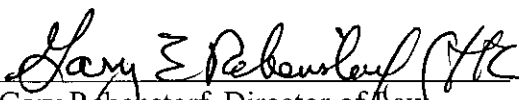


ATTEST:

  
Karen Sublett, City Clerk

  
Carlos Mayans, Mayor

Approved as to Form:

  
Gary Rebenstorf, Director of Law

STAFF REPORT

**CASE NUMBER:** VAC2005-00023: Request to vacate a utility easement dedicated by separate instrument

**OWNER/APPLICANT:** Brown Family Real Estate LLC c/o Janet M. Keefer

**AGENT:** MKEC Engineering Consultants, Inc., c/o Greg Allison

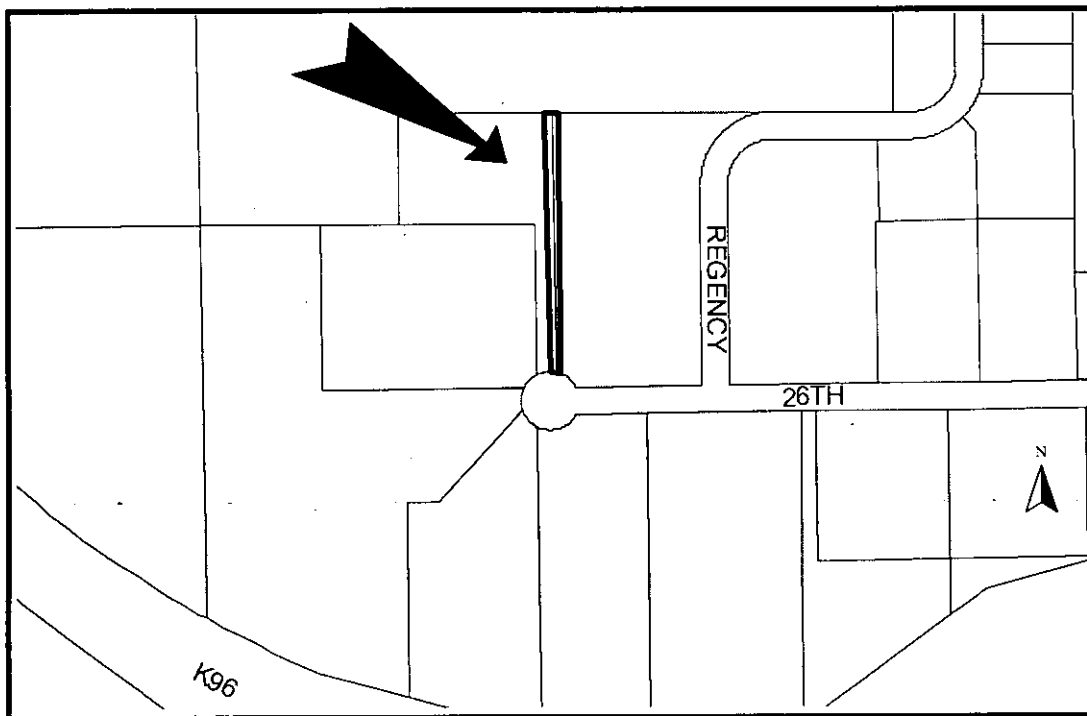
**LEGAL DESCRIPTION:** All of the 20-foot utility easement, as dedicated by separate instrument, Film 2143, Page 1411, on Lot 8, Block 1, the Regency Park Addition, Wichita, Sedgwick County, Kansas.

**LOCATION:** Generally located west of Greenwich Road and north of State Highway K-96, northwest of the 26<sup>th</sup> Street North – Regency Park Street intersection.

**REASON FOR REQUEST:** *convert to private line*  
Propose to abandon existing sanitary sewer line

**CURRENT ZONING:** Subject property and all abutting and adjacent properties are zoned "LI" Limited Industrial.

**VICINITY MAP:**



The applicant is requesting consideration for the vacation of a 20-foot utility easement dedicated by separate instrument as described. There is a sewer line and manhole in the easement the applicant wants to vacate. The Regency Park 3<sup>rd</sup> Addition abuts the west side of the site and is

going to the WCC June 14, 2005 for final action, SUB 2005-41. This plat could help address issues with Public Works/Water & Sewer prior to the vacation request being completed. There are no water lines in the easement. The Regency Park Addition was recorded with the Register of Deeds February 29, 2000.

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 utility easement dedicated by separate instrument as described in the legal description with the following conditions.

- (1) Vacate only that portion of the easement dedicated by separate instrument as described in the legal description.
- ~~(2) Public Works/Water & Sewer must approve the sanitary sewer abandonment project.~~
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
- (4) If needed, provide the public and franchised utilities with all required replacement easements. Retain the easement dedicated by separate instrument 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.

④

VAC 2005-23

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FedEx Ground Corporation  
2707 N. Regency Park St.  
Wichita, KS 67226

00° E 343.78'

8" S.S. LINE TO BE ABANDONED IN PLACE. OWNER TO ASSUME FULL RESPONSIBILITY FOR MAINTENANCE OF REMAINING SEWER SERVICE LINES

5

REGENCY PARK  
THIRD ADDITION

8

20' BLDG. STPK.  
76' DRNG. & UTL. ESMT.

25' BLDG. STPK.  
25' DRNG. & UTL. ESMT.

26th CIR. N.

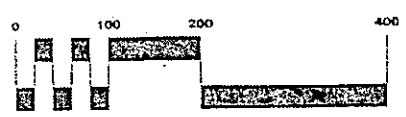
20' DRNG. & UTL. ESMT.  
25' BLDG. STPK.

20' DRNG. & UTL. ESMT.  
25' BLDG. STPK.

9

REGENCY PARK ADDITION

10



SCALE: 1" = 200'




**MKEC**  
ENGINEERING  
CONSULTANTS  
111 N. WHEEL ROAD  
WICHITA, KS 67204  
316-264-9400

2707 REGENCY PARK ST.  
LOT 8, REGENCY PARK ADDITION  
PROJECT NAME

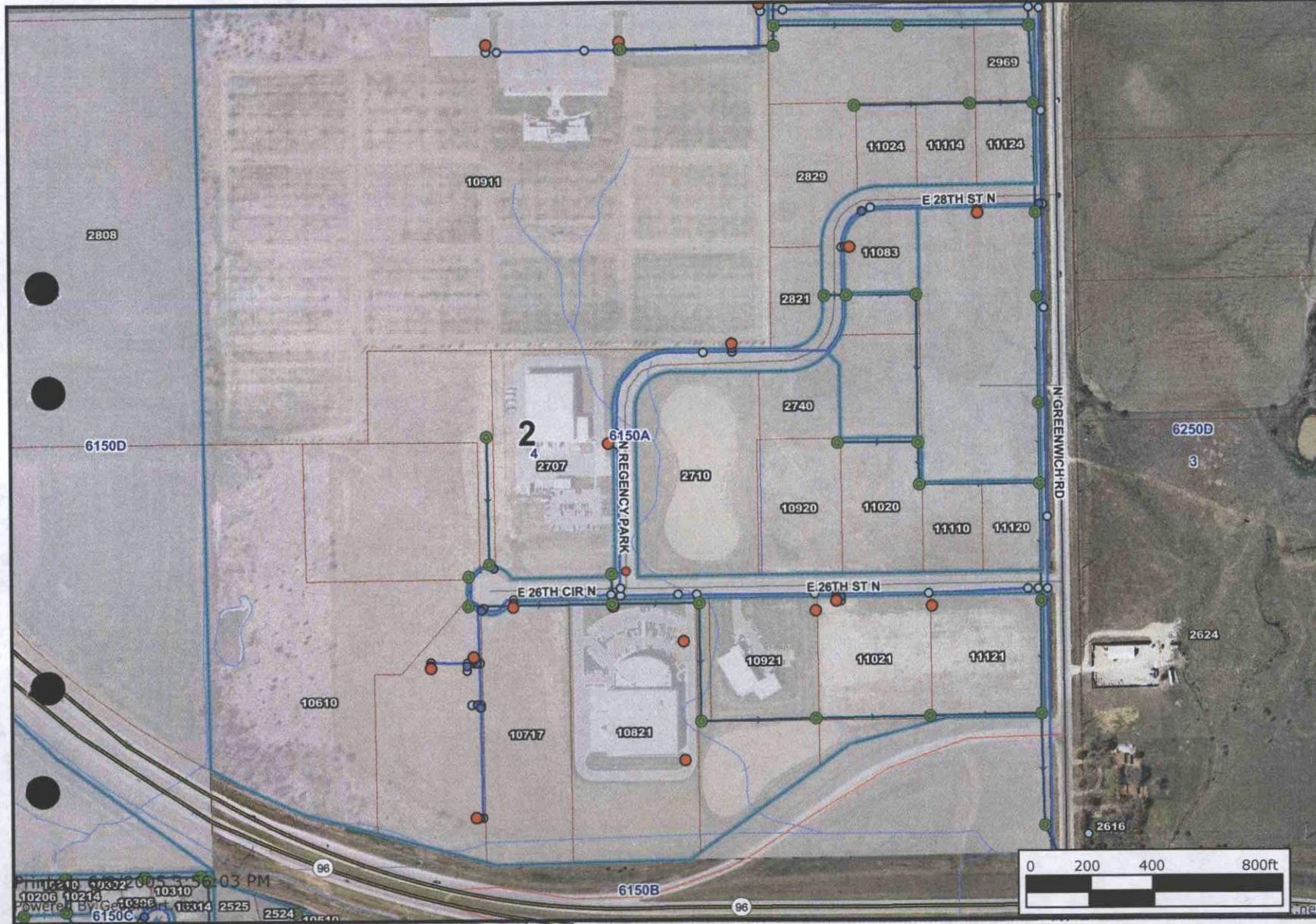
VACATION EXHIBIT  
SHEET TITLE

BDL DESIGN BY	DMJ DRAWN BY	CJA CHECKED BY
MAY 2005 DATE	05139 JOB NO.	111 SHEET/01



# vac2005-23

## water & sewer



- Sewer Manholes
- Sewer Observation Manholes
- Hydrant Schematic
- Water Valve Schematic
- Water Node Schematic
- Property Parcels
- Lot Block
- Subdivisions
- Sewer Flow
- Sewer Lines
- Water Lines Schematic
- Major Roads**
- State Highway
- US Federal Highway
- Interstate
- KTA
- Arterial
- Collector
- Ramp
- Roads
- Railroads
- Township and Range
- Section
- Quarter Section
- Waterways
- Streams
- Council Districts**
- Bob Martz
- Carl Brewer
- Paul Gray
- Phil Lambke



Every reasonable effort has been made to assure the accuracy of the maps and associated data provided herein. This information is provided with the understanding that the data are susceptible to a degree of error, and conclusions drawn from such information are the responsibility of the reader. The City of Wichita makes no warranty, representation or guaranty as to the content, accuracy, timeliness or completeness of any of the data provided herein. Some data provided here and used for the preparation of these maps has been obtained from public records not created or maintained by the City of Wichita. The City of Wichita shall assume no liability for any decisions made or actions taken or not taken by the reader in reliance upon any information or data furnished hereunder. The user should consult with the appropriate departmental staff member, e.g. Planning, Parks & Recreation, etc. to confirm the accuracy of information appearing in the visual presentations accessible through these web pages.

