



Wichita-Sedgwick County Metropolitan Area Planning Department

December 20, 2005

Murdock Companies, Inc.
C/o Brenda Blazer
P.O. Box 2775
Wichita, KS 67201

Re: **VAC2005-00031** - Request to vacate utility easements created by vacation of platted street right-of-way, generally located on the southeast corner of 1st Street and Wabash Avenue.

Dear Ms. Blazer:

At its regular meeting on Tuesday, December 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,



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
Baughman Company, P.A., c/o Russ Ewy, 315 Ellis, Wichita, KS 67211
Eaton Investment Properties, L.L.C, 1104 E. Douglas, Wichita, KS 67214
Hendricks Commercial Properties LLC, Suite 301, 655 Third St., Beloit, WI 53511

RECEIVED

DEC 27 2005

METROPOLITAN PLANNING
ROUTE _____

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

**IN THE MATTER OF THE VACATION OF)
UTILITY EASEMENTS ESTABLISHED BY)
VACATION OF PLATTED STREET)
RIGHT-OF-WAY)**

**GENERALLY LOCATED)
ON THE SOUTHEAST CORNER OF THE)
WABASH AVENUE AND 1ST STREET)
INTERSECTION)**

Case No. VAC2005-00031

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 13th day of December, 2005 comes on for hearing the petition for vacation filed by Murdock Companies, Inc., c/o Brenda Blazer praying for the vacation of the following described vacate utility easements established by the vacation of platted street right-of-way (Misc. Book 650, Page 444, August 27, 1969), to-wit:

Part of Lots 6 and 8 and part of vacated Victor Street, formerly Boston Avenue, in Supplemental Plat of Mathewson's Addition, Sedgwick County, Kansas, described as commencing at a point 602 feet north and 360.75 feet east of the Southwest corner of the Northeast Quarter of Section 21, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, said point being the Southeast corner of First Street and Wabash Avenue; thence south, along the East line of Wabash Avenue 287 feet to the Center line of vacated Victor Street, formerly Boston Avenue; thence east, along the Center line of said vacated Victor Street, 182.37 feet for a point of beginning; thence

north, parallel to the West line of Lamb's Subdivision, 20 feet; thence east, parallel to said Center line of vacated Victor Street, 15 feet; thence south, parallel to the West line of Lamb's Subdivision, 20 feet to a point on said Center line of vacated Victor Street; thence west, along said Center line of vacated Victor Street, 15 feet to the point of beginning.

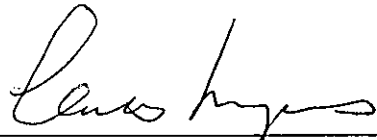
And Also:

Part of Lots 6 and 8 and part of vacated Victor Street, formerly Boston Avenue, in Supplemental Plat of Mathewson's Addition, Sedgwick County, Kansas, described as commencing at a point 602 feet north and 360.75 feet east of the Southwest corner of the Northeast Quarter of Section 21, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, said point being the Southeast corner of First Street and Wabash Avenue; thence south, along the East line of Wabash Avenue 287 feet to the Center line of vacated Victor Street, formerly Boston Avenue; thence east, along the Center line of said vacated Victor Street, 224.25 feet to the East line of said Lot 8, extended south and being the West line of Lamb's Subdivision, an Addition to Wichita, Kansas for a point of beginning; thence north, along the West line of Lamb's Subdivision, 20 feet; thence west, parallel to said Center line of vacated Victor Street, 8 feet; thence south, parallel to the West line of Lamb's Subdivision, 20 feet to a point on said Center line of vacated Victor Street; thence east, along said Center line, 8 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 Wichita Eagle on September 1, 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 utility easements established by the vacation of platted street right-of-way, 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 utility easements established by the vacation of platted street right-of-way described herein should be approved.

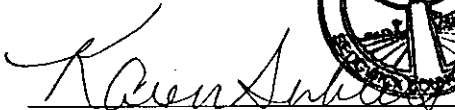
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13th day of December 2005 ordered that the above-described utility easements established by the vacation of platted street right-of-way is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.



Carlos Mayans, Mayor

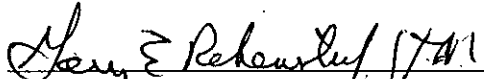
ATTEST:





Karen Sublett, City Clerk

Approved as to Form:



Gary Rebenstorf, Director of Law

RECEIVED
DEC 15 2005
CITY CLERK'S OFFICE

STAFF REPORT

CASE NUMBER: VAC2005-00031: Request to vacate utility easements established by vacation of right-of-way (ROW)

OWNER/APPLICANT: Murdock Companies, Inc., c/o Brenda Blaze

AGENT: Baughman Company, PA, c/o Russ Ewy

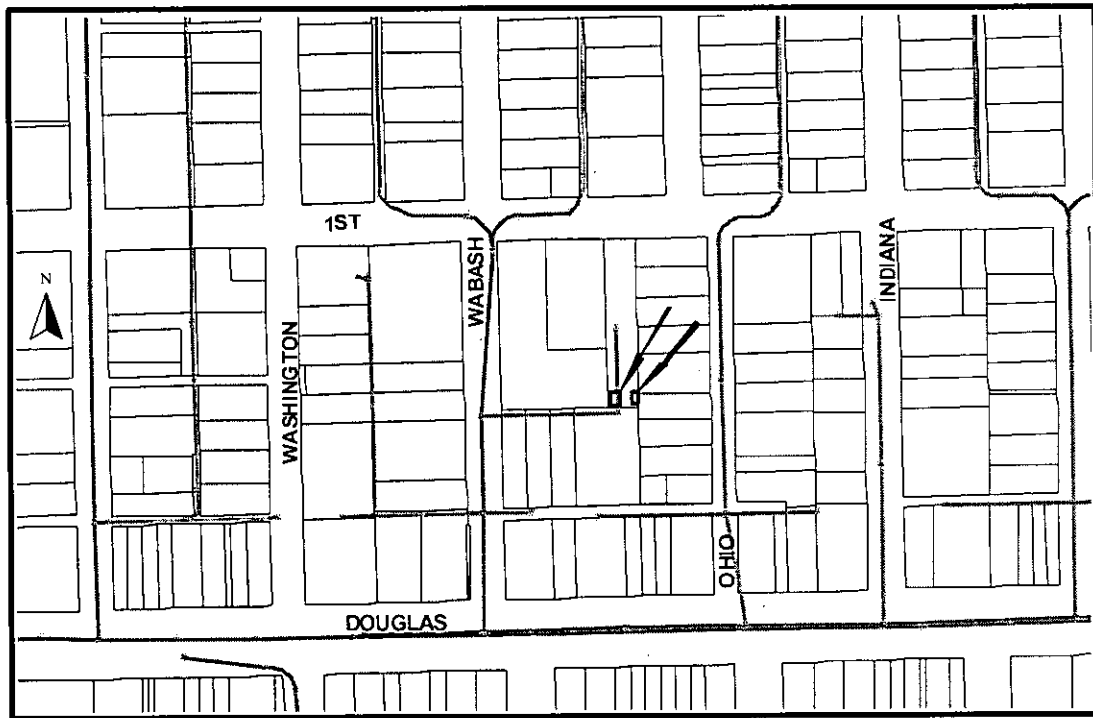
LEGAL DESCRIPTION: See attached, but generally described as those portions of two easements located along the south lot lines of Lots 6 & 8, the Mathewson's Addition and the and north line of the vacated ROW of Victor Street

LOCATION: Generally located on the southeast corner of the Wabash Avenue and 1st Street intersection.

REASON FOR REQUEST: Propose to expand existing business

CURRENT ZONING: Subject property and all abutting and adjacent properties are zoned "LI" Limited Industrial, except for some "GC" General Commercial zoned properties north of the site.

VICINITY MAP:



The applicant is requesting consideration for the vacation of utility easements created by the vacation of Victor Avenue, formerly Boston Avenue; Misc. Book 650, Page 444, August 27,

1969. There is a sewer line and manhole in the western easement and in the vacated Victor Street ROW. There are no sewer lines or manholes in the eastern easement. There are no water lines in the easements or the vacated Victor Avenue ROW. There are no franchised utilities in the easements. The applicant proposes to remove the sewer line (which is actually a private line with only the south 20-feet of it) covered by the western easement to allow expansion of the existing business. The Mathewson's Addition was recorded with the Register of Deeds December 3, 1883.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works/Water & Sewer, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate the portion of the utility easements 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 September 1, 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 the utility easement created by vacating ROW 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 the portion of the utility easement dedicated by separate instrument described in the petition should be approved with conditions;

- (1) Vacate only that portion of the easements as described in the legal description. Provide Planning Staff with a metes and bounds description of the vacated easements via e-mail on a word document.
- (2) Provide Public Works/Water and Sewer with any necessary plans, guarantees and new easements needed for the abandoned and relocated sewer lines and manholes in the easements proposed to be vacated. Retain the easement until Public Works/City Water & Sewer have approved the abandoned and relocated sewer lines and manholes.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
- (4) All improvements shall be according to City Standards.

- (5) 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 easements as described in the legal description. Provide Planning Staff with a metes and bounds description of the vacated easements via e-mail on a word document.
- (2) Provide Public Works/Water and Sewer with any necessary plans, guarantees and new easements needed for the abandoned and relocated sewer lines and manholes in the easements proposed to be vacated. Retain the easement until Public Works/City Water & Sewer have approved the abandoned and relocated sewer lines and manholes.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
- (4) All improvements shall be according to City Standards.
- (5) 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.

1st Street

N89°55'22"E 394.10' (R)
394.11' (N)

224.16' (R)
224.21' (N)

SEE A
Class 1
of 3
Elev = 15

Wobosch Ave.

Building No. 1111
Square Feet = 24,032.1

Sign Cor. 0.25'
ft. of Line

Sign Cor. 0.15'
ft. of Line

SSM
Elev = 1296.47
E(W) = 1293.02
E(S) = 1292.02
E(Invert) = 1292.42

SSM
Elev = 1296.77
E(W) = 1291.32
E(S) = 1291.42
E(Invert) = 1291.92

15' Easement
per Misc. BH 650.
Page 444

8' Easement
per Misc. BH 650.
Page 444

589°57'51"W 224.11' (N)
224.29' (R)

Victor Street (Vacated)

LOT 7

LOT 5

LOT 8

LOT 6

LOT 8

SSM (see Field Method)
Elev = 602.00' (R)
602.26' (N)

Radius of Curvature = 145.00' (R)



SCALE: 1" = 50'

VAC 2005-31 EXHIBIT

EASEMENT VACATION

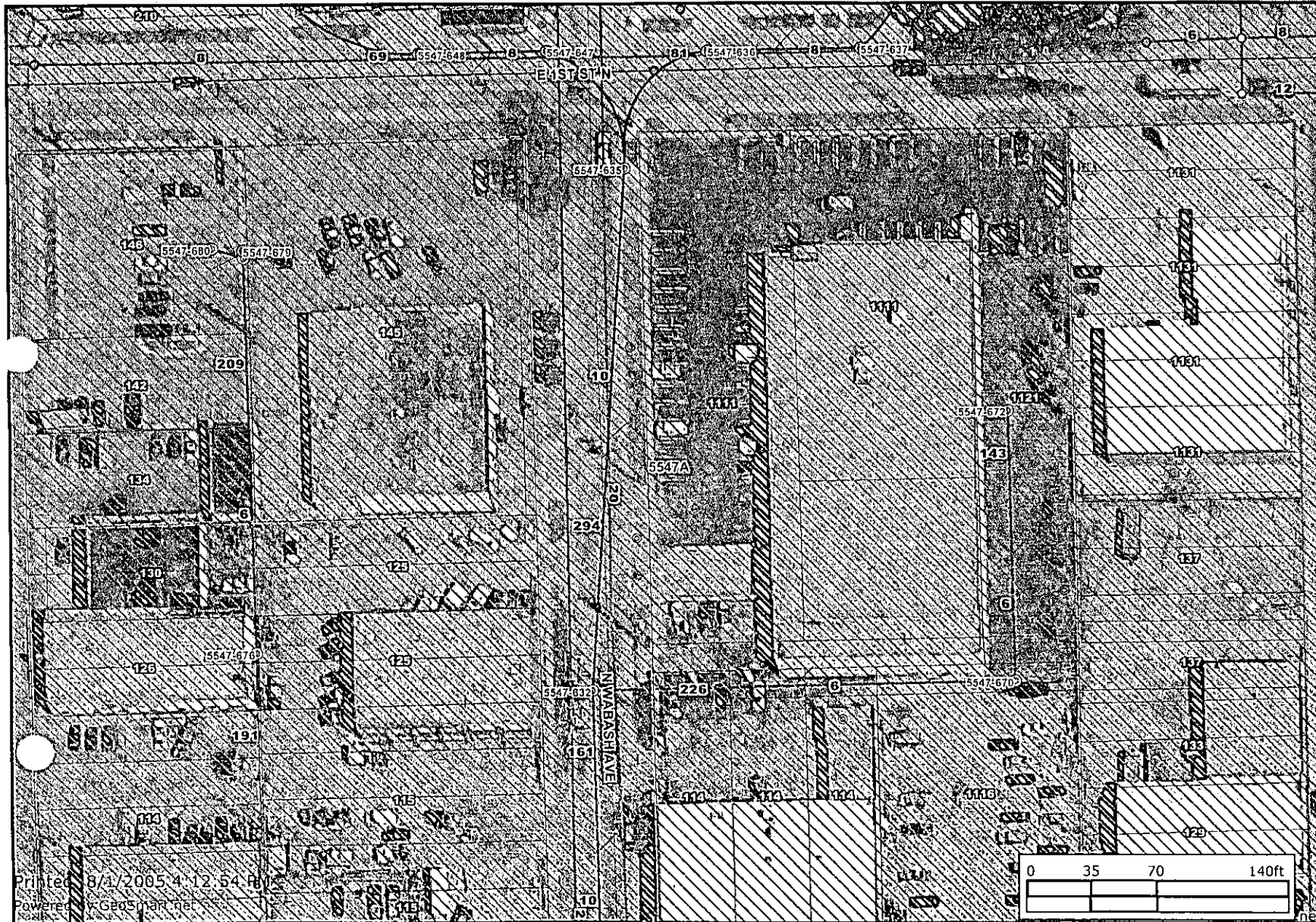


ENGINEERING | SURVEYING | PLANNING
LANDSCAPE ARCHITECTURE



water & sewer

vac2005-31



Sewer Line Diameter

Sewer Line Length

⊙ Sewer Manholes

⊙ Sewer Observation Manholes

⊙ Hydrant Schematic

⊙ Water Valve Schematic

⊙ Water Node Schematic

▨ SS Main BD District

□ 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

□ Quarter Section

▨ Waterways

— Streams

2000 County Aerial Photo

2003 Wichita Aerial Photo

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