



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

March 28, 2006

Dillon Real Estate Inc  
2700 East 4<sup>th</sup> Avenue  
Hutchinson KS 67504

Re: **VAC2006-00003** - Request to vacate multiple platted easements, generally located at the southwest corner of Central Avenue and Rock Road.

Dear Ladies and Gentlemen:

At its regular meeting on Tuesday, March 28, 2006, 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  
Pickering Inc., 6775 Lenox Center Court, Ste. 300, Memphis, TN 38115  
Genwood Development Company, Inc., %David J. Taylor, 2410 Winstead Circle, Wichita,  
KS 67226  
Heartland Dough, LLC, %Krispy Kreme Doughnut Corporation, P.O. Box 83, 10101 W.  
144<sup>th</sup> Street, Winston-Salem, NC 27102  
General Mills Restaurants, Inc., D/B/A TOG #1224, P.O. Box 593330, Orlando, FL 32859



Register of Deeds - Bill Meek  
DOC.#/FLM-PG: 28772330

Receipt #: 1618916  
Pages Recorded: 3

Recording Fee: DD

Cashier Initials: DH Authorized By:   
Date Recorded: 4/14/2006 2:26:43 PM



Approved / Accepted By City Council

This 3-28-06

CLERK'S ORIGINAL  
URN TO CITY CLERK

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

**IN THE MATTER OF THE VACATION OF  
MULTIPLE PLATTED EASEMENTS** )

**GENERALLY LOCATED AT THE  
SOUTHWEST CORNER OF CENTRAL AVENUE  
AND ROCK ROAD** )

Case No. VAC2006-00003

**MORE FULLY DESCRIBED BELOW** )

**VACATION ORDER**

NOW on this 28<sup>th</sup> day of March, 2006 comes on for hearing the petition for vacation filed by Dillon Real Estate Inc., c/o Richard Russell, praying for the vacation of the following described multiple platted easements, to-wit:

BEING A LEGAL DESCRIPTION OF A PORTION OF AN EXISTING 20-FOOT WIDE UTILITY EASEMENT LOCATED ON LOTS 4 AND 5, BLOCK 1, ROCKWOOD CENTER 2<sup>ND</sup> ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS, SAID PROPERTY SITUATED IN THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 27 SOUTH, RANGE 2 EAST IN SEDGWICK COUNTY, KANSAS, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 27 SOUTH, RANGE 2 EAST, IN SEDGWICK COUNTY, KANSAS, SAID POINT BEING ALSO THE INTERSECTION OF THE CENTERLINE OF CENTRAL AVENUE (PUBLIC, ASPHALT PAVED ROAD, RIGHT OF WAY VARIES)

00227230

AND ROCK ROAD (PUBLIC, ASPHALT PAVED ROAD, RIGHT OF WAY VARIES); THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE CENTERLINE OF ROCK ROAD – 604.36 FEET TO A POINT; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST – 90.00 FEET TO THE POINT OF BEGINNING OF THE SAID UTILITY EASEMENT; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST – 20.00 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST – 148.00 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST – 200.00 FEET; THENCE NORTH 33 DEGREES 35 MINUTES 41 SECONDS WEST – 36.15 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST – 334.57 FEET; THENCE NORTH 37 DEGREES 16 MINUTES 06 SECONDS EAST – 33.03 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST – 170.97 FEET; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST – 148.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 10,215 SQUARE FEET OR 0.2345 ACRES, MORE OR LESS.

BEARINGS ARE PER SURVEY MADE SEPTEMBER 12, 2005 BY SAVOY COMPANY, P.A. IN WICHITA, 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:

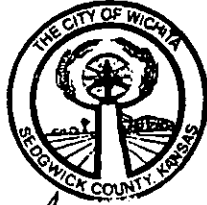
1. That due and legal notice has been given by publication as required by law, by publication in The Wichita Eagle on January 26, 2006, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described multiple platted easements, and the public will suffer no loss or inconvenience thereby.
3. Dedication by separate instrument of a utility easement and petitions for the relocation of utilities to be recorded by with the Register of Deeds.
4. In justice to the petitioner(s), the prayer of the petition ought to be granted.
5. 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.
6. The vacation of the multiple platted easements described herein should be approved.

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Vacation Order  
VAC2006-00003

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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 28<sup>th</sup> day of March 2006 ordered that the above-described multiple platted 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.



ATTEST:

Karen Sublett, CMC  
Karen Sublett, City Clerk

Carlos Mayans  
Carlos Mayans, Mayor

Approved as to Form:

Gary E. Rebenstorf  
Gary Rebenstorf, Director of Law



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 4-13-06

Karen Sublett, CMC City Clerk

STAFF REPORT

**CASE NUMBER:** VAC2006-00003: Request to vacate a portion of multiple platted utility easements

**OWNER/APPLICANT:** Dillon Real Estate Co., Inc.

**AGENT:** Pickering Inc., c/o Cara Martin, PE

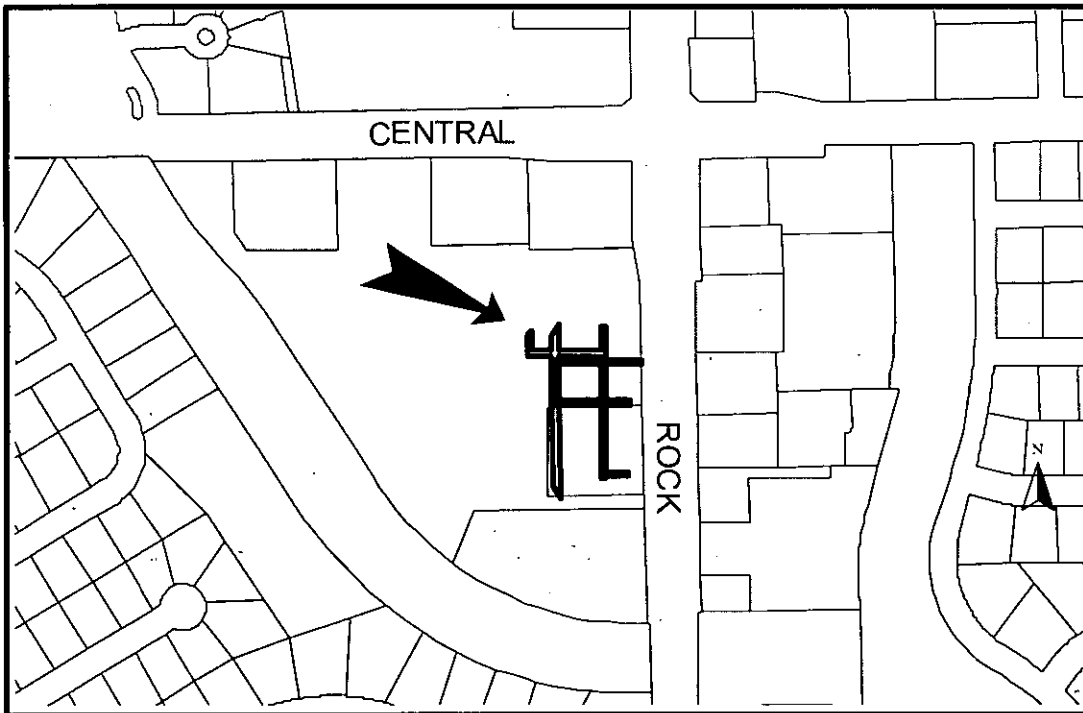
**LEGAL DESCRIPTION:** See legal: Generally described as the platted easements as recorded on Lots 4 & 5, Block 1, Rockwood Center 2<sup>nd</sup> Addition, Wichita, Sedgwick County, Kansas.

**LOCATION:** Generally located southeast of the Rock Road – Central Avenue intersection (WCC #2)

**REASON FOR REQUEST:** Proposed eastward expansion of existing building

**CURRENT ZONING:** The subject property, abutting northern and adjacent eastern properties are zoned "LC" Limited Commercial. Property south of the site is zoned "GO" General Office. Property west of the site is zoned "B" Multi-family. Property

**VICINITY MAP:**



The applicant proposes to vacate portions of platted 10-foot water easements and portions of platted 20-foot utility easements, as shown on the applicant's exhibit. The applicant's exhibit also shows a proposed vacation of a KG&E affidavit. According to the GIS utilities' map there are manholes, water and sewer lines in most of the easements. The applicant proposes to replace the portion of the vacated easements with easements dedicated by separate instrument. There is a platted 70-foot building setback line that appears to run parallel to one of the proposed vacated 10-foot water easements, which will remain in effect. The site is part of CUP DP-41. The Rockwood Center 2<sup>nd</sup> Addition was recorded with the Register of Deeds September 8, 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 multiple platted easements with 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 January 26, 2006 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 multiple platted easements 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 platted easements and reserves described in the petition should be approved with conditions;

- (1) Provide Staff with a copy of any required additional easements (with original signatures) dedicated by separate instrument, as needed and approved by Public Works, Water & Sewer, Storm Water and franchised utilities. These easements will go with the Vacation Order to City Council for final action and recording with the Register of Deeds.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide Public Works/Water & Sewer and franchised utilities with any needed plans for review for location of utilities. Provide a guarantee for the relocation of the water and sewer line and manholes.
- (3) Retain the easements until all utilities have been relocated or a guarantee for relocation of the utilities has been accepted by the City and the new easements for the relocated utilities has been recorded with the Register of Deeds.

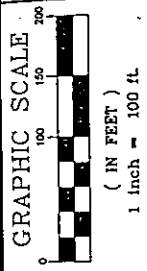
- (4) All improvements shall be according to City Standards.
- (5) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the 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:**

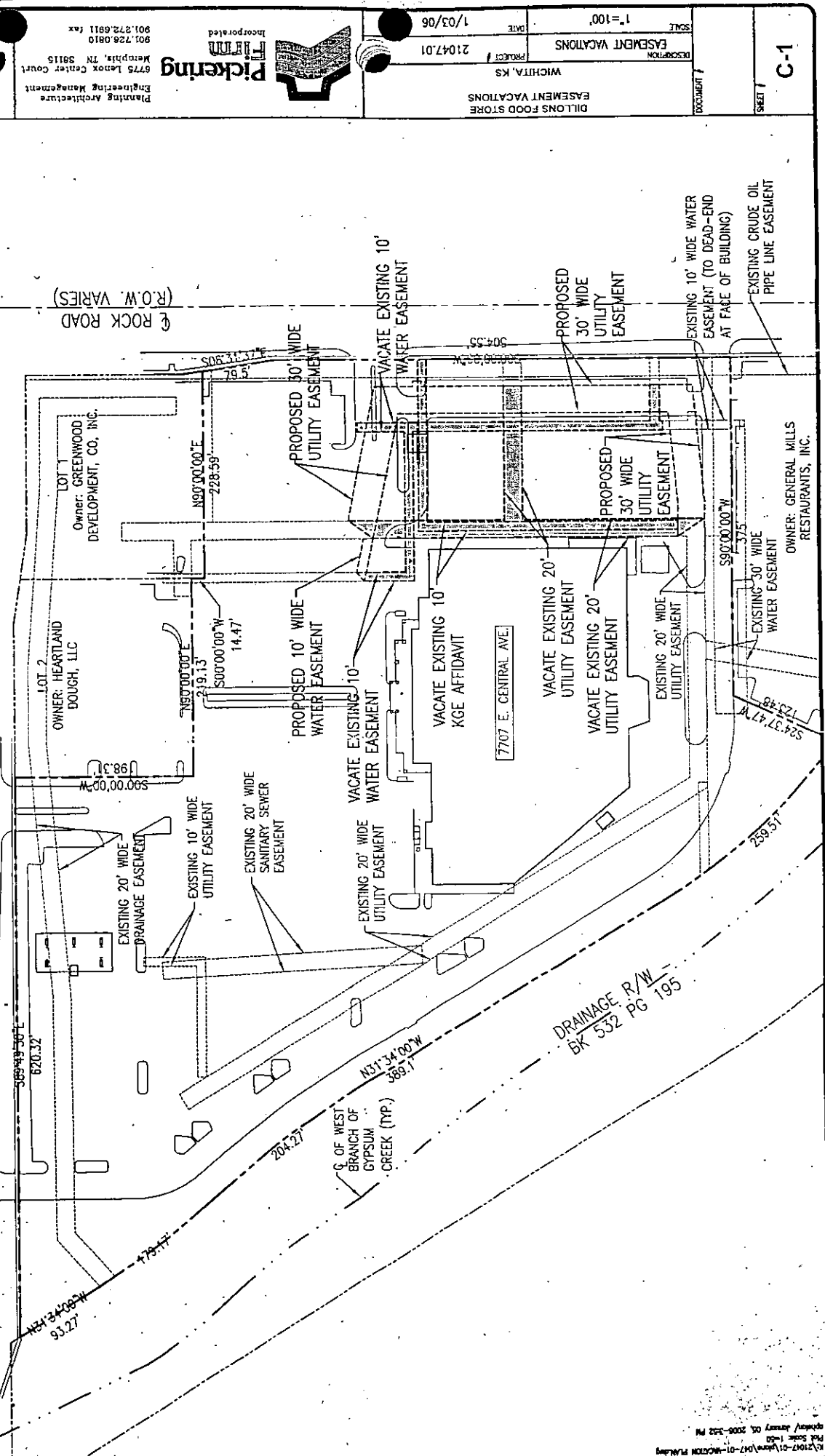
The Subdivision Committee recommends approval subject to the following conditions:

- (1) Provide Staff with a copy of any required additional easements (with original signatures) dedicated by separate instrument, as needed and approved by Public Works, Water & Sewer, Storm Water and franchised utilities. These easements will go with the Vacation Order to City Council for final action and recording with the Register of Deeds.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide Public Works/Water & Sewer and franchised utilities with any needed plans for review for location of utilities. Provide a guarantee for the relocation of the water and sewer line and manholes.
- (3) Retain the easements until all utilities have been relocated or a guarantee for relocation of the utilities has been accepted by the City and the new easements for the relocated utilities has been recorded with the Register of Deeds.
- (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

Vac 2006-03



CENTRAL AVE  
(R.O.W. VARIES)

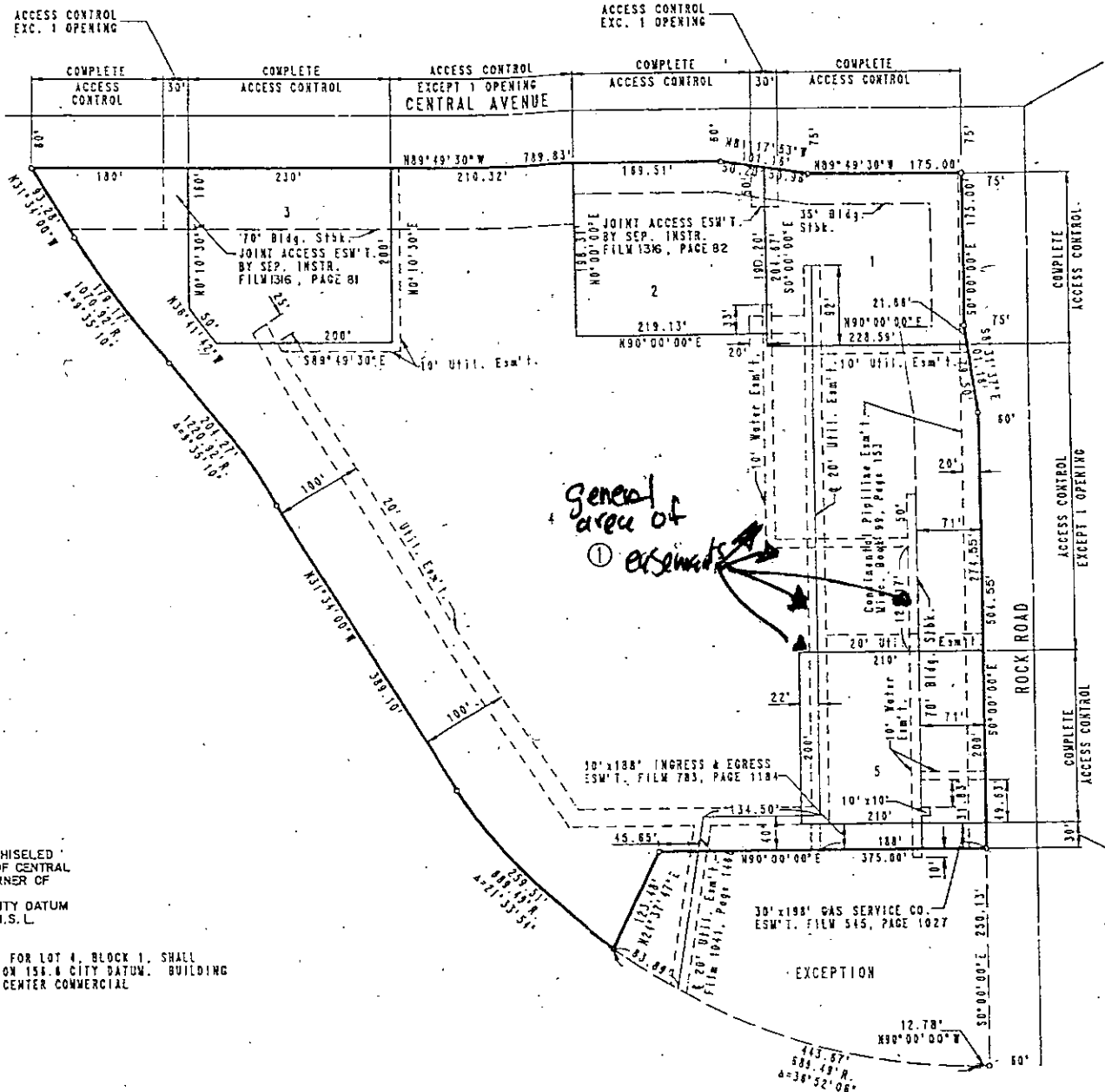


Planning Architecture Engineering Management 6775 Lenox Center Court Memphis, TN 38115 901.272.8911 fax		DATE	1/03/06
		PROJECT #	21047.01
DILONS FOOD STORE EASEMENT VACATIONS WICHITA, KS		DESCRIPTION	EASEMENT VACATIONS
		SCALE	1" = 100'

C-1  
SHEET 1



# ROCKWOOD CENTER TO WICHITA, SEDGWICK



SCALE 1"=100'

- = 3/4" IRON SET
- = IRON FOUND

B.M. - CITY STANDARD B.M. SQUARE CHISELED ON NW CORNER INTERSECTION OF CENTRAL AND ROCK ROAD AT THE SE CORNER OF CONCRETE VALVE BOX.  
 ELEV.=167.592 CITY DATUM  
 ELEV.=1355.09 M.S.L.

MIN. PAD ELEVATION (LOWEST OPENING) FOR LOT 4, BLOCK 1, SHALL BE ELEVATION 1344.00 W.S.L. OR ELEVATION 134.0 CITY DATUM. BUILDING ACCESS REQUIREMENTS ARE PER ROCKWOOD CENTER COMMERCIAL P. DP-41 (AMENDMENT #1).

20.00  
cl