

FILE COPY



Wichita-Sedgwick County Metropolitan Area Planning Department

June 22, 2006

Kelley & Coleman Inc
Attn: Steve Kelley
1218 N. Northshore Ct.,
Wichita, KS 67212

Re: **VAC2006-00025** - Request to vacate a platted drainage easement, generally located west of Zoo Boulevard, south of 13th Street North, and northeast of the Clara - Doris Streets' intersection.

Dear Mr. Kelley:

At its regular meeting on Tuesday, June 20, 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,

A handwritten signature in black ink, appearing to read 'Bill Longnecker', with a long horizontal flourish extending to the right.

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., Attn: Phil Meyer, 315 Ellis, Wichita, KS 67211
Maria D. Campos, 1320 N. Doris, Wichita, KS 67205

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

**IN THE MATTER OF THE VACATION OF)
A PLATTED EASEMENT)
)
)
**GENERALLY LOCATED WEST OF)
ZOO BOULEVARD, SOUTH OF 13TH STREET)
NORTH, AND NORTHEAST OF THE CLARA -)
DORIS STREETS' INTERSECTION)
)
)
)
MORE FULLY DESCRIBED BELOW)****

Case No. VAC2006-00025

VACATION ORDER

NOW on this 20th day of June, 2006 comes on for hearing the petition for vacation filed by Steven R. Kelley, praying for the vacation of the following described platted easement, to-wit:

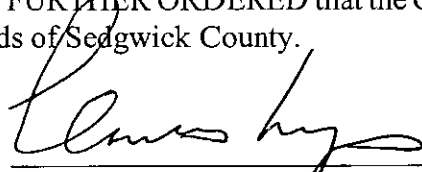
The platted 20-foot drainage easement, located between the common lot lines of Lots 5 & 6, ending at its intersection with the platted drainage easement located in the rear yards of Lots 5 & 6, all in Block A, Steven Kelley 5th Addition, Wichita, Sedgwick County, Kansas.

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 May 11, 2006, which was at least 20 days prior to the public hearing.

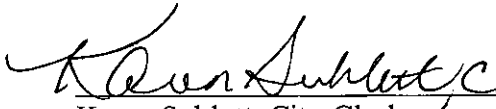
2. No private rights will be injured or endangered by the vacation of the above-described platted easement, and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner(s), the prayer of the petition ought to be granted.
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.
5. The vacation of the platted easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 20th day of June 2006 ordered that the above-described platted easement 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

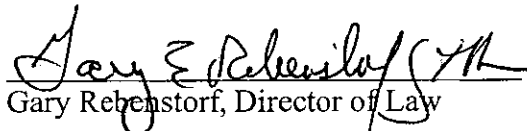
ATTEST:



Karen Sublett, City Clerk



Approved as to Form:



Gary Rebenstorf, Director of Law

STAFF REPORT

CASE NUMBER: VAC2006-00025 Request to vacate a platted drainage easement

APPLICANTS/OWNERS: Kelley & Coleman Inc., c/o Steve Kelley

AGENT: Baugman Co. PA c/o Phil Meyer

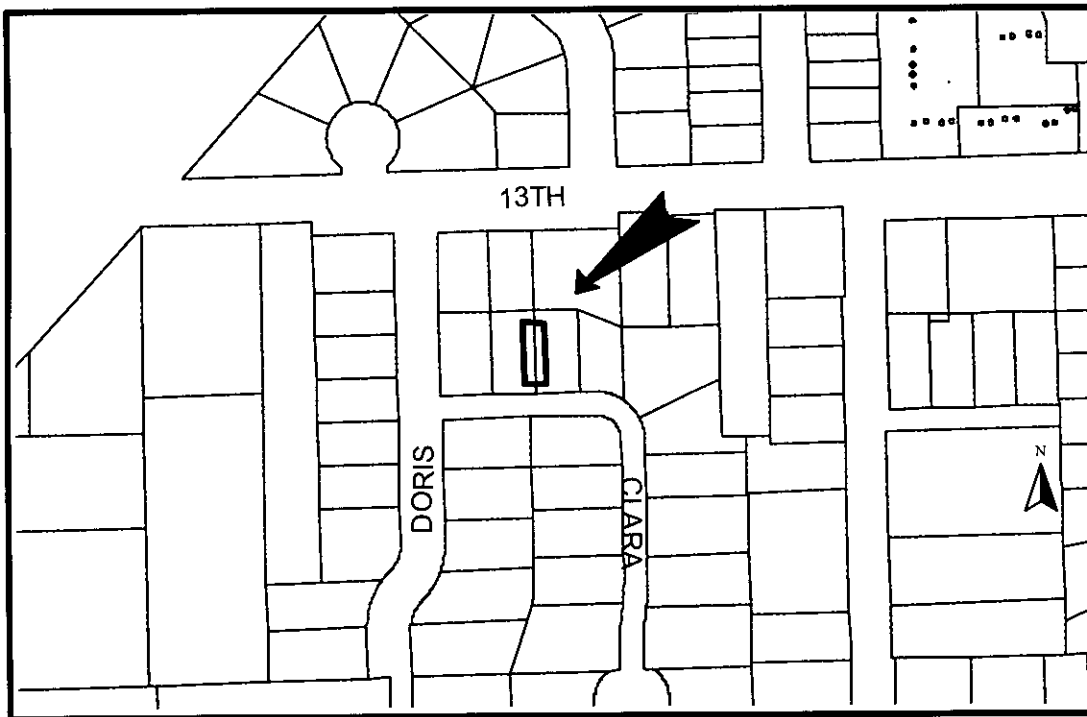
LEGAL DESCRIPTION: The platted 20-foot drainage easement, located between the common lot line of Lots 5 & 6, Block A, Steve Kelley 5th Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located west of Zoo Boulevard, south of 13th Street North, and northeast of the Clara - Doris Streets' intersection (WWC #VI)

REASON FOR REQUEST: Development/boundary shift

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

VICINITY MAP:



The applicant is requesting consideration to vacate the described platted drainage easement. There are franchised utilities, no manholes, sewer or water lines in the platted easement. The described easement

abuts another platted drainage easement located in its rear yard that is common with another eleven (11) abutting, adjacent and continuous lots. Storm Water has approved the vacation of the described easement, ending at its intersection with the platted 20-foot drainage easement located in the rear (north side) yards of the subject lots. The Steve Kelley 5th Addition was recorded with the Register of Deeds April 28, 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 a portion of the platted drainage easement as described in the attached legal, 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 April May 11, 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 portion of platted drainage 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 drainage easement described in the petition should be approved with conditions;

- (1) Retain that portion of the easement as required by utilities and storm water. Send Planning, via e-mail, a legal description of the vacated portion of the easement, as agreed by utilities and storm water.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicant's expense. Provide any needed replacement easements.
- (3) All improvements shall be according to City Standards and at the applicant's expense.
- (4) 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

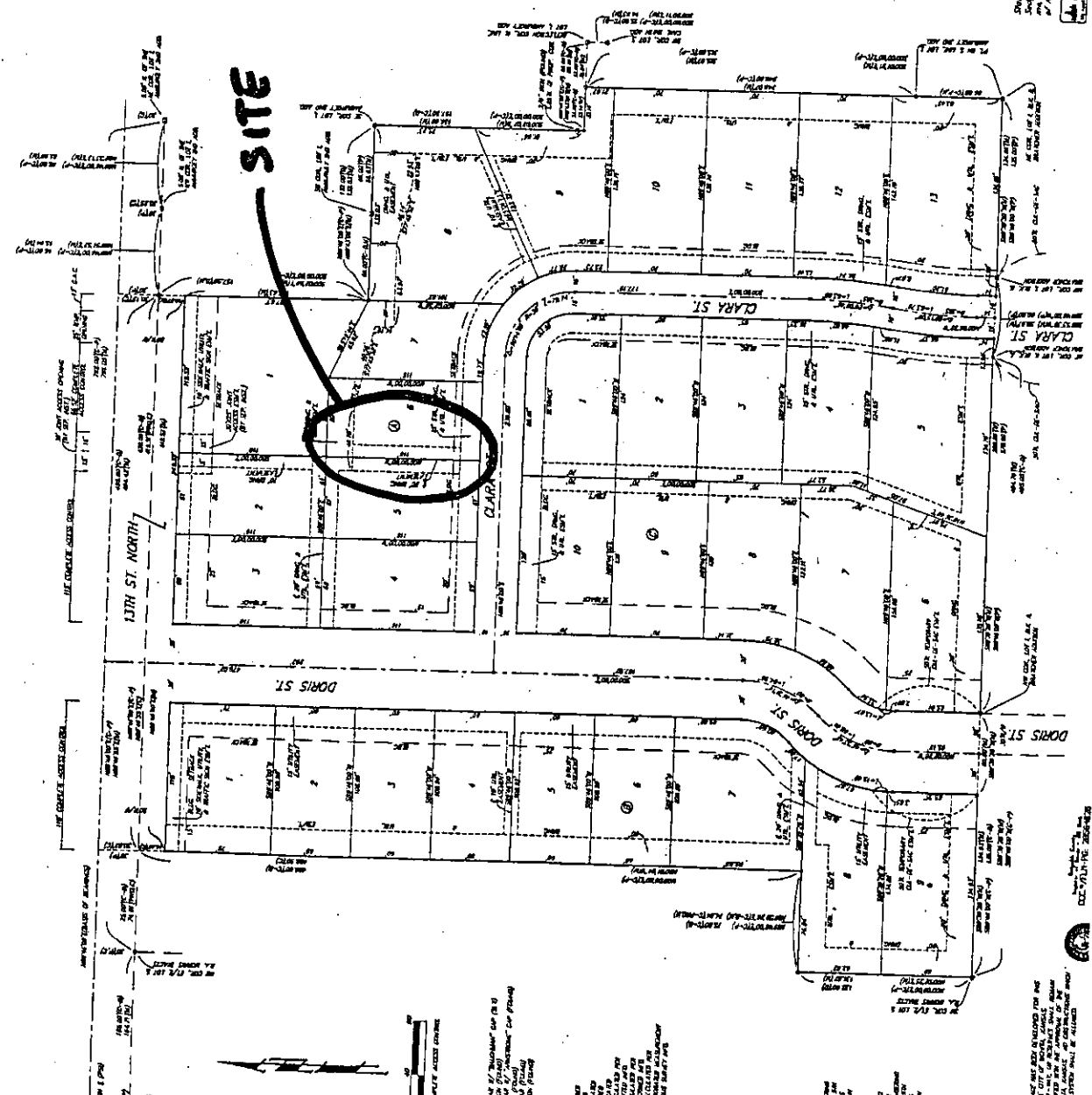
SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions;

- (1) Retain that portion of the easement as required by utilities and storm water. Send Planning, via e-mail, a legal description of the vacated portion of the easement, as agreed by utilities and storm water.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicant's expense. Provide any needed replacement easements.
- (3) All improvements shall be according to City Standards and at the applicant's expense.
- (4) 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 2006-25

STEVE KELLEY 5TH ADDITION WICHITA, SEDGWICK COUNTY, KANSAS



State of Kansas
Sedgwick County

25 The undersigned being duly sworn, depose and say that the above described property is the property of Steve Kelley, who is a resident of the City of Wichita, Kansas, and who is the owner of the same. The undersigned further depose and say that the above described property is the property of Steve Kelley, who is a resident of the City of Wichita, Kansas, and who is the owner of the same. The undersigned further depose and say that the above described property is the property of Steve Kelley, who is a resident of the City of Wichita, Kansas, and who is the owner of the same.

Subscribed and sworn to before me this 15th day of April, 2006.

Notary Public
Wichita, Kansas

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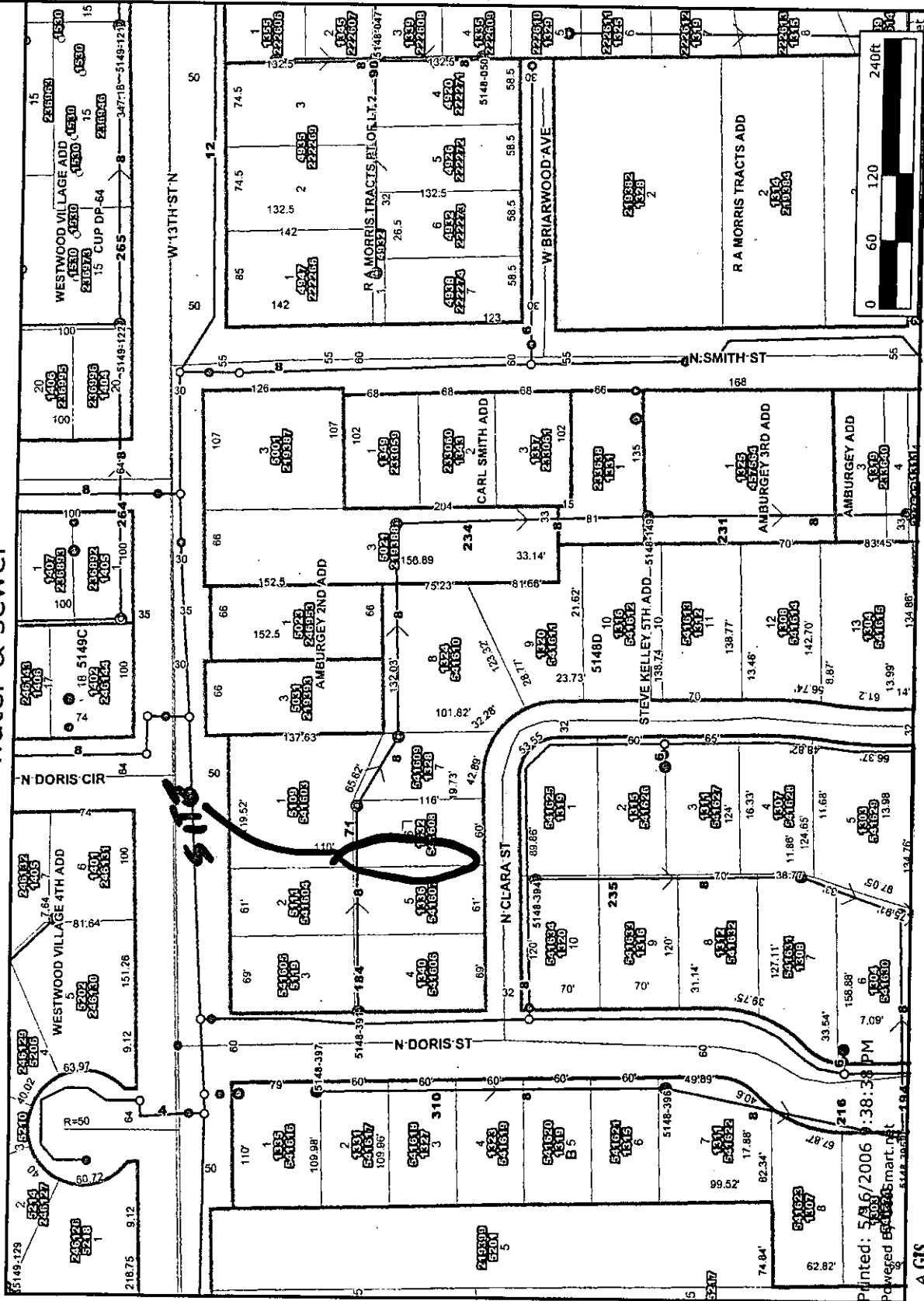
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Subscribed and sworn to before me this 15th day of April, 2006.

Notary Public
Wichita, Kansas



vac2006-25 water & sewer



Label Structural Addresses	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	City Limits
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