



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

November 9, 2006

37<sup>th</sup> & Ridge Development Company LLC  
c/o Mike Boyd  
1707 N. Waterfront Parkway  
Wichita, KS 67206


Re: **VAC2006-00036** - Request to vacate a portion of a platted easement, generally located midway between 37<sup>th</sup> Street North and State Highway K-96, on the west side of Ridge Road.

Dear Mr. Boyd:

At its regular meeting on Tuesday, November 7, 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  
Baughman Company, PA, Attn: Phil Meyer, 315 Ellis, Wichita, KS 67211

RECEIVED

NOV 15 2006

METROPOLITAN PLANNING  
ROUTE

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

**IN THE MATTER OF THE VACATION OF )  
A PORTION OF A PLATTED EASEMENT )**

**GENERALLY LOCATED )  
MIDWAY BETWEEN 37<sup>TH</sup> STREET NORTH AND )  
STATE HIGHWAY K- 96 ON THE WEST SIDE )  
OF RIDGE ROAD )**

Case No. VAC2006-00036

**MORE FULLY DESCRIBED BELOW )**

**VACATION ORDER**

NOW on this 7<sup>th</sup> day of November, 2006 comes on for hearing the petition for vacation filed by 37<sup>th</sup> & Ridge Development Company, LLC c/o Mike Boyd praying for the vacation of the following described portion of a platted easement, to-wit:

That part of the platted 10-foot utility easement centered on the west lot line of Lot 3, Block A, Northridge Plaza Addition, Wichita, Sedgwick County, Kansas, lying south of a line that lies 15-feet south of and parallel with the north line of said Northridge Plaza Addition and lying north of the extended south line of said Lot 3.

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 28, 2006, which was at least 20 days prior to the public hearing.

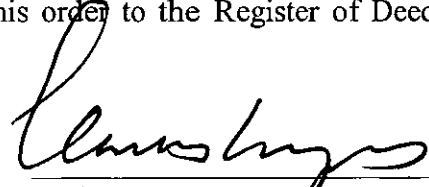
2. No private rights will be injured or endangered by the vacation of the above-described portion of the platted easement, and the public will suffer no loss or inconvenience thereby.

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

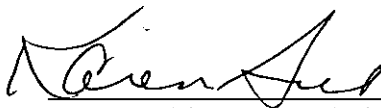
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

5. The vacation of a portion of the platted easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 7<sup>th</sup> day of November 2006 ordered that the above-described portion of the 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.

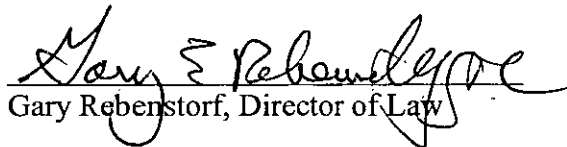
  
\_\_\_\_\_  
Carlos Mayans, Mayor

ATTEST:

  
\_\_\_\_\_  
Karen Sublett, City Clerk



Approved as to Form:

  
\_\_\_\_\_  
Gary Rebenstorf, Director of Law

STAFF REPORT

CASE NUMBER: VAC2006-00036 Request to vacate a portion of a platted easement

OWNER/APPLICANT: 37<sup>th</sup> & Ridge Development Company, LLC, c/o Mike Boyd

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

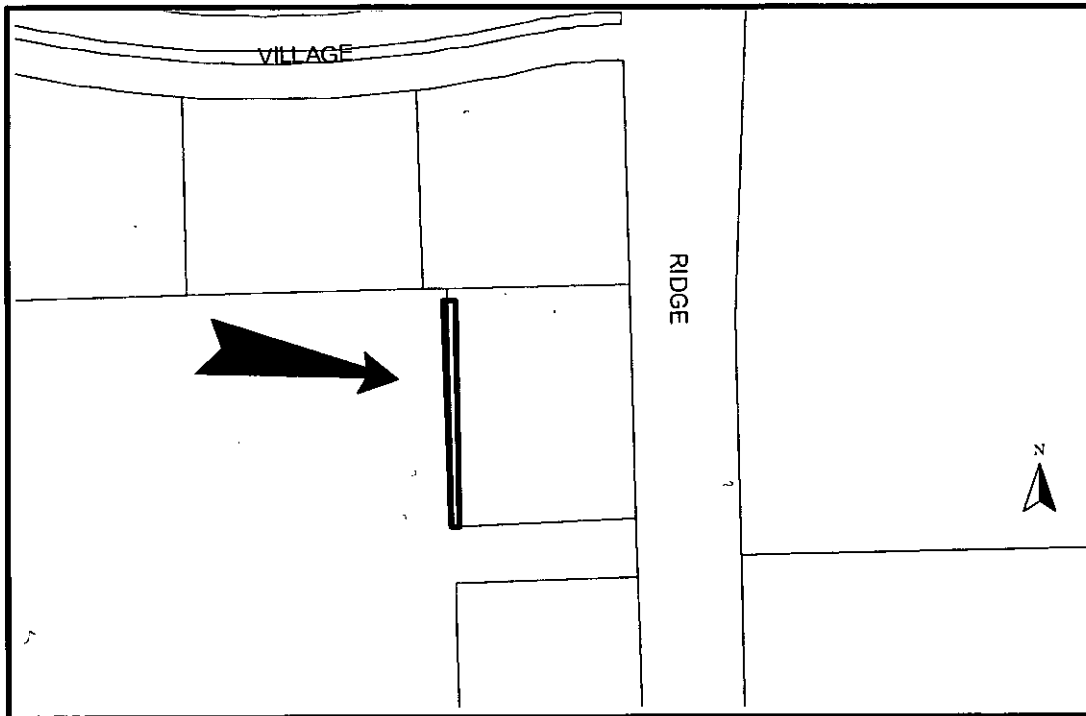
LEGAL DESCRIPTION: That part of the platted 10-foot utility easement centered on the west line of Lot 3, Block A, Northridge Plaza Addition, Wichita, Sedgwick County, Kansas, lying south of a line that lies 15-feet south of and parallel with the north line of said Northridge Plaza Addition and lying north of the extended south line of said Lot 3.

LOCATION: Generally located midway between 37<sup>th</sup> Street North & state highway K-96, on the west side of Ridge Road (WCC #V)

REASON FOR REQUEST: Development of Lot 3 and adjacent Lot 2

CURRENT ZONING: Site and abutting north, west and south properties are zoned "LC" Limited Commercial. Public street right-of-way (Ridge Road) abuts site's east side

VICINITY MAP:



The applicant proposes to vacate the described platted easement. There are no utilities manholes, sewer or water lines in the easement. This request is associated with a recorded lot split; SUB2006-89, FILM/PAGE: 28820690 which includes a cross lot drainage agreement, FILM/PAGE: 28820689. The Northridge Plaza Addition recorded with the Register of Deeds June 4, 2002.

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 described portion of a platted easement 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 September 14, 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 a platted 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 the portion of the platted easement described in the petition should be approved with conditions;

- (1) If needed, provide Planning with a copy of any required additional public 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) If needed, 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 petition/guarantee for the relocation of the sewer line and manholes as needed.
- (3) Retain the easements until all utilities have been relocated or a petition/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 and at the applicant's expense.
- (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) If needed, provide Planning with a copy of any required additional public 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) If needed, 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 petition/guarantee for the relocation of the sewer line and manholes as needed.
- (3) Retain the easements until all utilities have been relocated or a petition/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 and at the applicant's expense.
- (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

# EXHIBIT

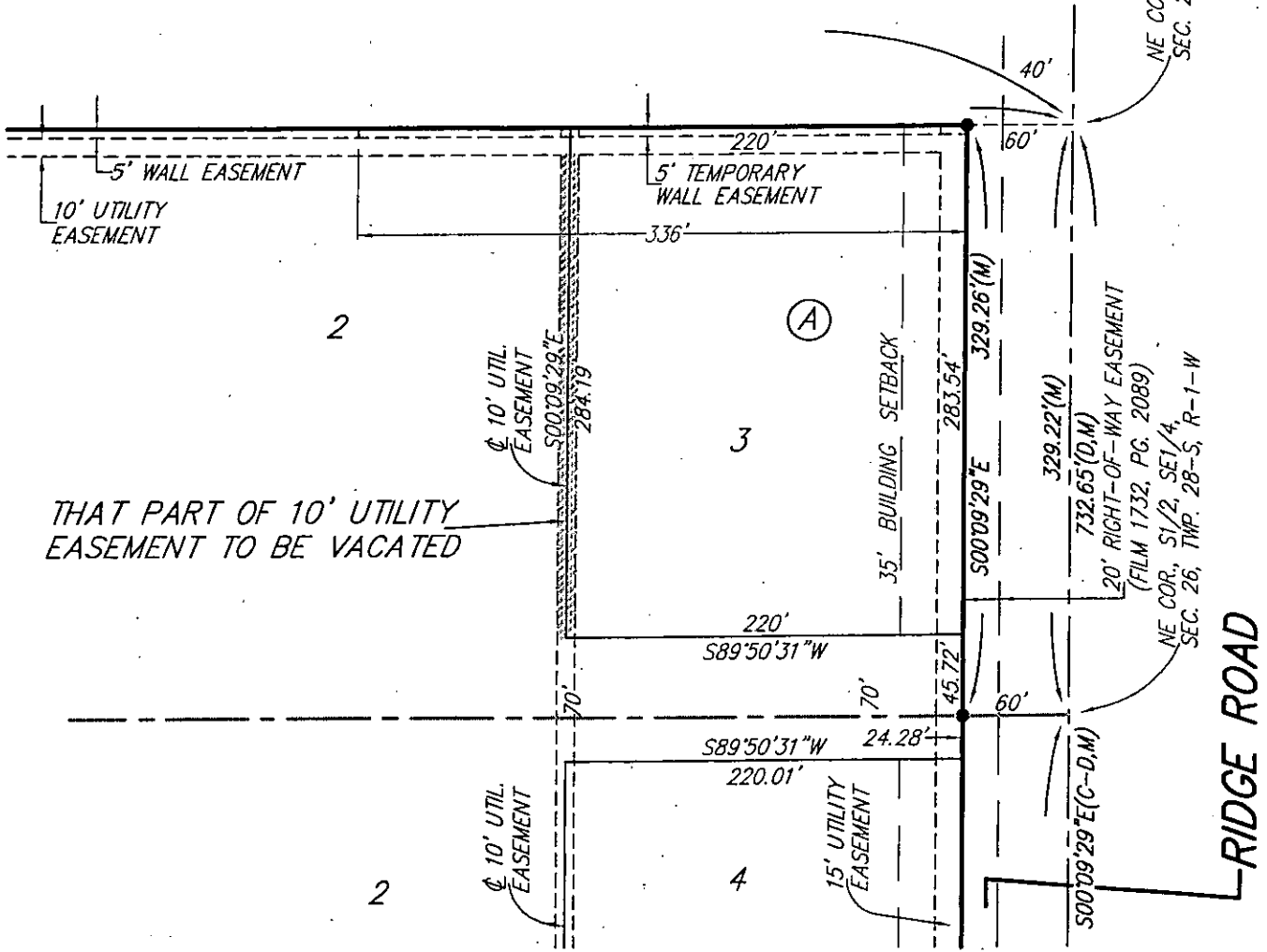
## PART OF NORTHRIDGE PLAZA ADDITION WICHITA, SEDGWICK COUNTY, KANSAS



INDICATES AREA OF  
LEGAL DESCRIPTION



NE COR., S1/2, S1/2, N1/2, SE1/4,  
SEC. 26, TWP. 28-S, R-1-W



THAT PART OF 10' UTILITY  
EASEMENT TO BE VACATED

6 SEPT 2006

VAC2006-36

**Baughman Company, P.A.**  
315 Ellis St. Wichita, KS 67211 P 316-262-7271 F 316-262-0149  
Baughman ENGINEERING | SURVEYING | PLANNING | LANDSCAPE ARCHITECTURE  
C:\PLAT\NR\PLAZA\BT.DWG-MGC