



Wichita-Sedgwick County Metropolitan Area Planning Department

June 14, 2007

Wesley Medical Center LLC
550 N. Lorraine
Wichita, KS 67214

Re: **VAC2007-00013** - Request to vacate a portion of a platted setback, generally located east of Hillside Avenue, north of Murdock Avenue, southeast of Holyoke & Orchard Avenues.

Dear Ladies and Gentlemen:

At its regular meeting on Tuesday, June 12, 2007, 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
Harlan Foraker, Certified Engineering Design, PA, 810 W. Douglas, Suite C, Wichita, KS 67203
Wichita Children Home, Tax Department 31608, P.O. Box 570, Nashville, TN 37202-0570
Vicky Huang, Public Works Department, Mailstop 1-71
Paul Bryant, Water & Sewer, Mailstop 1-81

RECEIVED

JUN 15 2007

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 SETBACK)**

**GENERALLY LOCATED)
EAST OF HILLSIDE AVENUE, NORTH OF)
MURDOCK AVENUE, SOUTHEAST OF)
HOLYOKE AND ORCHARD AVENUES)**

Case No. VAC2007-00013

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 12th day of June, 2007 comes on for hearing the petition for vacation filed by Wesley Medical Center LLC praying for the vacation of the following described portion of a platted setback, to-wit:

The south 15 feet (that being a platted setback) of the following described tract: That part of Lot 1, Block 1, Wesley Medical Center 5th Addition to Wichita, Sedgwick County, Kansas, described as commencing at the N.W. Corner of said Lot 1; thence N89°46'58"E, along the north-line of said Lot 1, 426.30 feet to a corner of said Lot 1 common with the west line of Holyoke; thence S00°06'43"E, along a line common with said Lot 1 and the west line of said Holyoke, 85.85 feet for a place of beginning; thence N89°53'17"E, along a line common with said Lot 1 and the south line of said Holyoke, 100 feet to a point 20 feet east of a corner common with the south line of said Lot 1 and the east line of said Holyoke; thence S00°06'43"E, 20 feet; thence S89°53'17"W, 120 feet; thence N00°06'43"W, 20 feet; thence N89°53'17"E, 20 feet to the place 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 and the Derby Reporter on April 26, 2007, which was at least 20 days prior to the public hearing.

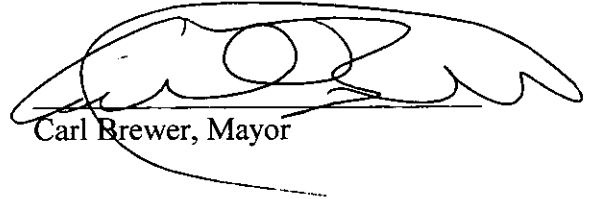
2. No private rights will be injured or endangered by the vacation of the above-described portion of the platted setback, and the public will suffer no loss or inconvenience thereby.

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 portion of the platted setback described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 12th day of June 2007 ordered that the above-described portion of a platted setback 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.



Carl Brewer, Mayor

ATTEST:


Karen Sublett, City Clerk



Approved as to Form:


Gary Rebenstorf, Director of Law

STAFF REPORT

CASE NUMBER: VAC2007-00013 Request to vacate a platted setback

OWNER/AGENT: Wesley Medical Center, LLC
Certified Engineering Design c/o Harlan Foraker

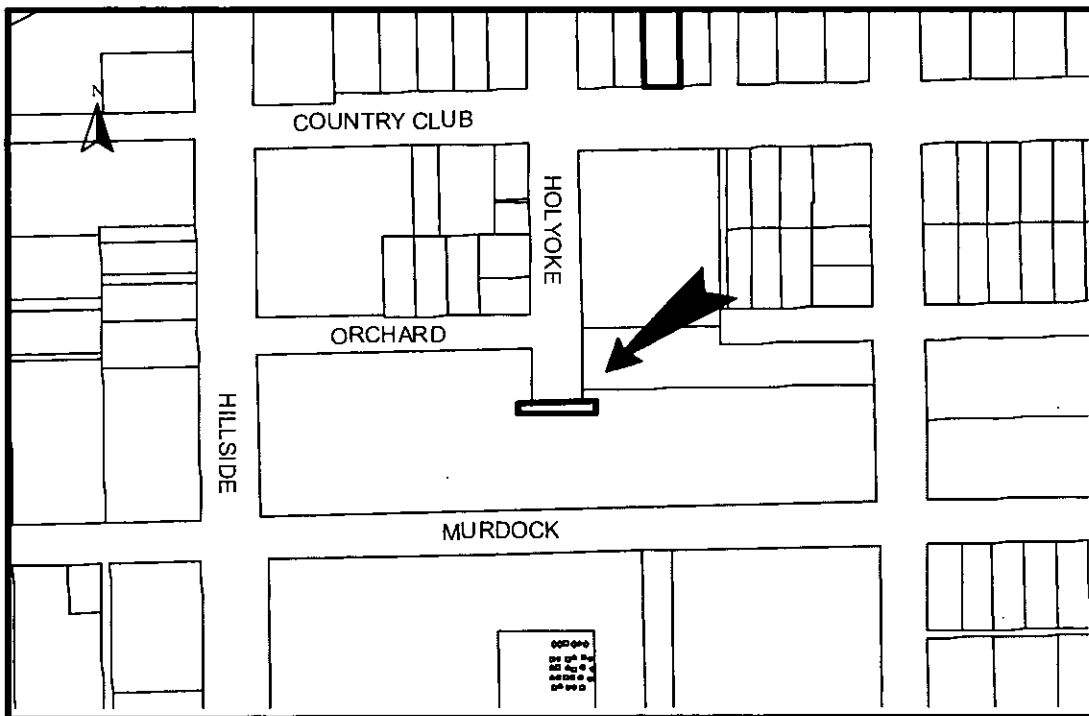
LEGAL DESCRIPTION: Generally described as that portion of the platted 20-foot street side yard building setback, located on Lot 1, Block 1, Wesley Medical Center 5th Addition, which runs parallel to south end of the dead end portion of Holyoke Avenue, all in Wichita, Sedgwick County, Kansas.

LOCATION: Generally located east of Hillside Avenue, north of Murdock Avenue and southeast of Orchard and Holyoke Avenues (WCC #1)

REASON FOR REQUEST: Additional room for development

CURRENT ZONING: The site and the abutting eastern and northern properties are zoned "B" Multi-family Residential. The adjacent northern properties are zoned "TF-3" Two-family Residential. A western portion of the site is zoned "GO" General Office.

VICINITY MAP:



The applicant proposes to vacate the described portion of the platted 20-foot street side yard setback. The Unified Zoning Code's (UZC's) minimum street side setback for the "B" Multi-family Residential zoning district is 5-feet. Because of the site location on the dead end portion of Holyoke the compatibility setback standards do not apply. There is a platted easement that runs through the platted setback and a water line within the easement: the easement will be retained. No other utilities are within the setback. The Wesley Medical Center 5th Addition was recorded with the Register of Deeds April 1, 1993.

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 of the vacation of the described portion of the platted setback 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 26, 2007 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 platted setback 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 platted setback, described in the petition should be approved with conditions;

- (1) Provide Planning with a legal description of the approved vacated portion of the setback on a Word document via e-mail. The new setback will be per the UZC's minimum street side yard setback for the "B" zoning district.
- (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. If needed provide easements for utilities. Retain the existing platted easement that intersects the platted setback,
- (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:

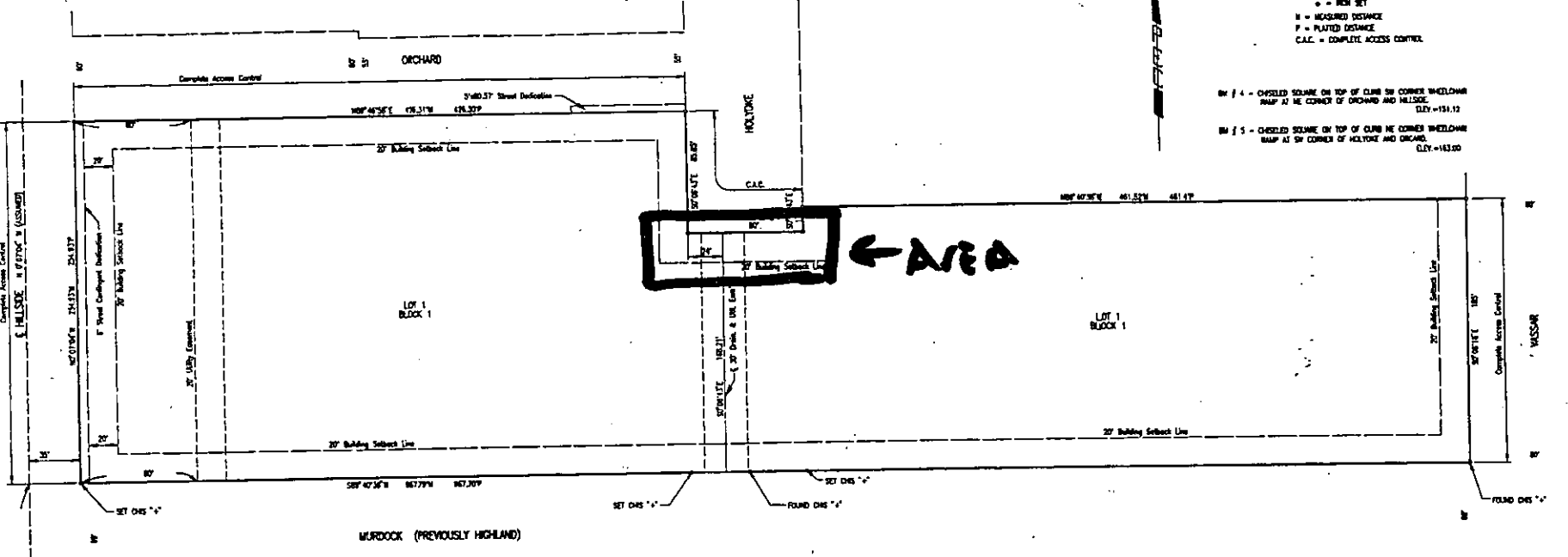
- (1) Provide Planning with a legal description of the approved vacated portion of the setback on a Word document via e-mail. The new setback will be per the UZC's minimum street side yard setback for the "B" zoning district.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicant's expense. If needed provide easements for utilities. Retain the existing platted easement that intersects the platted setback.
- (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

WESLEY MEDICAL CENTER 5TH ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS

SCALE: 1"=40'
 • = NECH SET
 M = MEASURED DISTANCE
 P = PLATTED DISTANCE
 C.A.C. = COMPLETE ACCESS CONTROL

BY 14 - CHASED SQUARE ON TOP OF CURB ON CORNER WHEELCHAIR
 RAMP AT NE CORNER OF ORCHARD AND HILLSIDE
 ELEV. = 154.12

BY 15 - CHASED SQUARE ON TOP OF CURB ON CORNER WHEELCHAIR
 RAMP AT SW CORNER OF HOLYOKE AND ORCHARD
 ELEV. = 143.00



STATE OF KANSAS }
 COUNTY OF SEDGWICK } SS

1. MICHAEL W. BERRY, A REGISTERED LAND SURVEYOR IN ARCHDALE STATE AND COUNTY, DO HEREBY CERTIFY THAT ON THIS 22ND DAY OF JULY, 1985, I HAVE CAUSED TO BE SURVEYED AND PLATTED WESLEY MEDICAL CENTER 5TH ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS INTO A LOT, A BLOCK AND A STREET THE SAME BEING A TRACT OF LAND DESCRIBED AS:

THE SOUTH 34.80 FEET OF 0.00 LOTS 18 THROUGH 23 AND ALL OF EACH LOTS 20 THROUGH 24 IN SWANSEE PARK ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS, EXCEPT THAT PART DESIGNATED FOR C&A-DE-S&C ON PLAN 114, PAGE 538, TOGETHER WITH LOT 1, C&A-DE-S&C ALLEY ADDITION, WICHITA, SEDGWICK COUNTY, KANSAS.

TOGETHER WITH LOTS 31 AND 32, LOTS 25 AND 26 AND THAT PART OF THE VACATED 10-FOOT ALLEY BETWEEN THEM IN LAYER'S SUBDIVISION OF LOTS 1 AND 2, BLOCK 6, FRESCO HEIGHTS ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS;

TOGETHER WITH 0.00 LOTS 1 THROUGH 11 EXCEPT THE NORTH 5 FEET THEREOF AND 0.00 LOTS 12, 15, AND 17 ON ORCHARD AVENUE TOGETHER WITH EACH LOTS 2 THROUGH 14 ON HIGHLAND, NOW MURDOCK AVENUE AND THE 10-FOOT VACATED ALLEY BETWEEN THE 0.00 AND EVEN LOTS, ALL IN GRADWATER SUBDIVISION OF LOTS 2 AND 4, BLOCK 4, FRESCO HEIGHTS ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS

SEVERE EASEMENTS AS PER DEED BOOK 878, PAGE 143, UTILITY EASEMENTS AS PER DEED BOOK 1484, PAGE 349, AND CONTRACT EASEMENT AS PER PLAN 127, PAGE 306, ALL EASEMENTS WITHIN THE BOUNDARY OF THIS PLAN, AND THAT PORTION OF HOLYOKE STREET AND C&A-DE-S&C LINE BETWEEN THE NORTH LINE OF MURDOCK AND THE EXTENDED NORTH LINE OF THE SOUTH 34.80 FEET OF LOT 18 ON ORCHARD AVENUE IN SWANSEE PARK ADDITION ARE HEREBY VACATED AND REGULATED BY ARTICLE 12-21(28) AMENDED.

Michael W. Berry
 MICHAEL W. BERRY, R.L.S. NO. 104
 PROFESSIONAL ENGINEERING CONSULTANTS, P.A.

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED PROPERTY OWNERS OF THE LAND AS ABOVE SET FORTH IN THE SURVEYOR'S CERTIFICATE, HAVE CAUSED THE LAND TO BE SURVEYED AND PLATTED INTO A LOT, A BLOCK, AND A STREET THE SAME TO BE KNOWN AS WESLEY MEDICAL CENTER 5TH ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS.

EASEMENTS AS INDICATED FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC UTILITIES AND GRABBAGE ARE HEREBY GRANTED. THE STREET IS HEREBY DEDICATED TO AND FOR THE USE OF THE PUBLIC. ALL ABUTTERS' RIGHTS OF ACCESS TO AND FROM HILLSIDE, HOLYOKE, ORCHARD, AND VASSAR, AS SHOWN, ARE HEREBY GRANTED TO THE CITY OF WICHITA.

THE 6-FOOT DRIVEWAY DEDICATION ALONG THE WEST LINE OF LOT 1, BLOCK 1, IS HEREBY DEDICATED TO THE PUBLIC AT SUCH TIME AS A DEDICATION IS MADE FOR ANY STREET OR STREET RELATED PURPOSES.

OWNER: HCA HEALTH SERVICES OF KANSAS, INC.

BY: *David J. Malone, Jr.*
 DAVID J. MALONE, VICE-PRESIDENT

STATE OF TENNESSEE }
 COUNTY OF DAVENESS } SS

BE IT REMEMBERED ON THIS 22ND DAY OF JULY, 1985, BEFORE ME, A NOTARY PUBLIC IN ARCHDALE STATE AND COUNTY, CAME DAVID J. MALONE, VICE-PRESIDENT OF HCA HEALTH SERVICES OF KANSAS, INC., TO ME PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGED THE DECISION OF SAID FOR AND ON BEHALF AND AS THE ACT AND DEED OF SAID CORPORATION, IN TESTIMONY WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL, THE DAY AND YEAR ABOVE WRITTEN.

Helen W. Cook, NOTARY PUBLIC
 HELEN W. COOK

BY COMMISSION EXPIRES September 26, 1988

THIS PLAN HAS BEEN SUBMITTED TO AND APPROVED BY THE MONTH-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, WICHITA, KANSAS, DATED THIS 13TH DAY OF JULY, 1985.

John W. McCoy, Jr. CHAIRMAN
 JOHN W. MCCOY, JR.
Marvin S. Grant SECRETARY
 MARVIN S. GRANT



THIS PLAN APPROVED AND ALL DECISIONS SHOWN HEREON ARE ACCEPTED BY THE CITY COUNCIL OF THE CITY OF WICHITA, KANSAS, DATED THIS 29TH DAY OF AUGUST, 1985.

Bob Hughes MAYOR
 BOB HUGHES
Paul Burnett DEPUTY CITY CLERK
 PAUL BURNETT



ENTERED ON TRANSFER BOOKS THE 5th DAY OF SEPTEMBER, 1985.

James Frank H. Green COUNTY CLERK
 JAMES FRANK H. GREEN

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE REGISTER OF DEEDS OFFICE AT WICHITA ON THIS 22ND DAY OF SEPTEMBER A.D. 1985.

Pat Lester REGISTER OF DEEDS
 PAT LESTER
Ed Ryan DEPUTY
 ED RYAN

