



Wichita-Sedgwick County Metropolitan Area Planning Department

August 8, 2007

Jon Michael Woodruff
910 South Hillside
Wichita, KS 67211

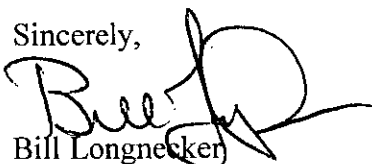
Re: **VAC2007-00016** - Request to vacate a drainage easement dedicated by separate instrument, generally located east of K-96, south of 21st Street North and west of Founders Circle.

Dear Mr. Woodruff:

At its regular meeting on Tuesday, August 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
Harlan Foraker, Certified Engineering Design, 810 W. Douglas, Suite C, Wichita, KS 67203



Register of Deeds - Bill Meek
DOC.#/FLM-PG: 28907348

Acct #: 1664008
Pages Recorded: 2
Cashier Initials: PJ

Authorized By:  Recording Fee: 00

Date Recorded: 8/10/2007 3:29:36 PM



CITY CLERK'S ORIGINAL BEFORE THE CITY COUNCIL OF THE
RETURN TO CITY CLERK CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

Approved / Accepted By City Council:

8-7-07

**IN THE MATTER OF THE VACATION OF
A PORTION OF A DRAINAGE EASEMENT
DEDICATED BY SEPARATE INSTRUMENT**

**GENERALLY LOCATED
EAST OF K-96, SOUTH OF 21ST STREET NORTH
AND WEST OF FOUNDERS CIRCLE**

Case No. VAC2007-00016

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 7th day of August 2007 comes on for hearing the petition for vacation filed by Jon Woodruff praying for the vacation of the following described a portion of the drainage easement dedicated by separate instrument, Film 2772/Page 0006, to-wit:

That portion of the 10-foot wide drainage easement dedicated by separate instrument (Film 2772/Page 0006) that is the north 10-feet of the south 35-feet of Parcel A (created from Lot 3 Block 1, the Collective Addition, by a commercial Lot Split, SUB2005-69, recorded 08-22-2005) Block 1, the Collective 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 and The Derby Reporter on June 21, 2007, which was at least 20 days prior to the public hearing.

#38

Vacation Order
VAC2007-00016

Page 2 of 2

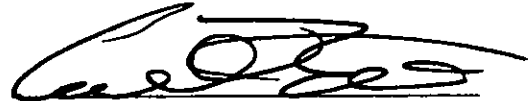
2. No private rights will be injured or endangered by the vacation of the above-described portion of the drainage easement dedicated by separate instrument, and the public will suffer no loss or inconvenience thereby.

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.

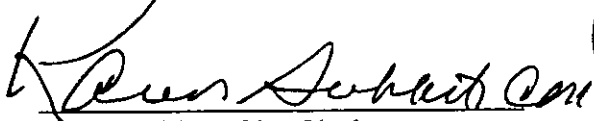
5. The vacation of the described portion of the drainage easement dedicated by separate instrument described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 7th day of August 2007 ordered that the above-described portion of the drainage easement dedicated by separate instrument 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

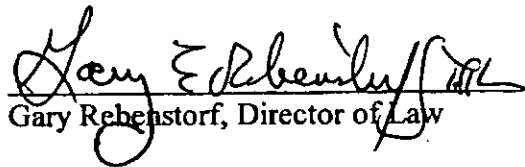
ATTEST:



Karen Sublett, City Clerk



Approved as to Form:



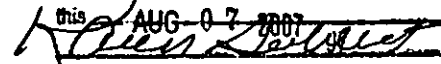
Gary Rebenstorf, Director of Law

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 AUG 07 2007



City Clerk

STAFF REPORT

CASE NUMBER: VAC2007-00016: Request to vacate a portion of a drainage easement dedicated by separate instrument.

OWNER/AGENT: Jon Michael Woodruff
Certified Engineering Design, c/o Harlan Foracker

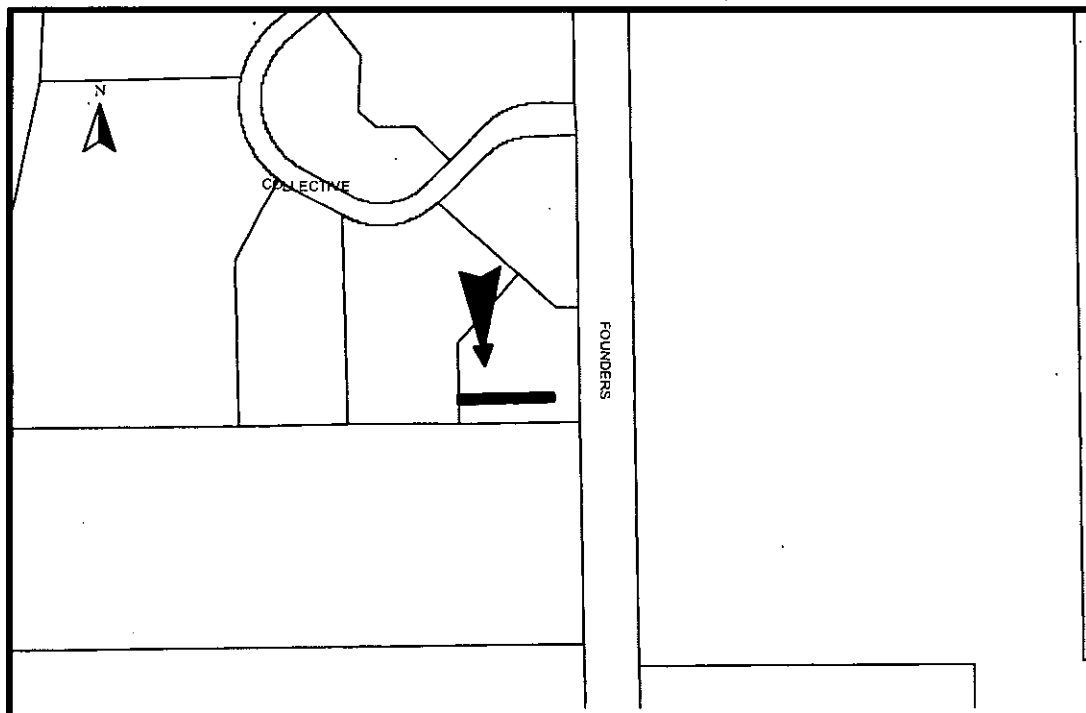
LEGAL DESCRIPTION: See the attached legal: Generally described as that portion of the 10-foot wide drainage easement dedicated by separate instrument (FILM 2772/PAGE 0006, recorded 2003), that is located 25-feet north of the south lot line of Lot 3 and runs parallel to said lot's south lot line and a platted 5-foot wall easement and a platted 20-foot utility easement all in Block 1, the Collective Addition, owned by the applicant, all in Wichita, Sedgwick County, Kansas.

LOCATION: Generally located east of K-96, south of 21st Street North, and west of Founders Circle. (WCC #II)

REASON FOR REQUEST: Additional room to build

CURRENT ZONING: Subject property and abutting northern and western properties are zoned "LC" Limited Commercial. The abutting southern property is zoned "GO" General Office. The adjacent properties, across Founders Street, are zoned "SF-5" Single-family Residential. The site is part of CUP DP-256.

VICINITY MAP:



The applicant is requesting consideration for the vacation of the described portion of the 10-foot wide drainage easement dedicated by separate instrument. The drainage easement runs the length of the south lot line of Lot 3, Block 1, and into Reserve "C," all in the Collective. Reserve "C" has been platted for pedestrian improvements, drainage, landscaping, and utilities confined to easements. The Reserve is owned and maintained by the owner's association. The Collective was recorded with the Register of Deeds January 9, 2002. A commercial Lot Split (SUB2005-69, recorded 08-22-2005) of Lot 3, Block 1, the Collective created the subject site, Parcel A. and the abutting (north and west sides) Parcel B. The Lot Split does not show the drainage easement dedicated by separate instrument, which was recorded in 2003. There are no utilities, manholes, storm water equipment, sewer or water lines in the drainage easement dedicated by separate instrument.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works, Storm Water, franchised utility representatives, and other interested parties, Planning Staff recommends approval to vacate the portion of the described drainage easement dedicated by separate instrument 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 and the Derby Reporter of notice of this vacation proceeding one time May 31, 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 portion of the drainage easement dedicated by separate instrument 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.
- B. Therefore, the vacation of a portion of the easement dedicated by separate instrument described in the petition should be approved subject to the following conditions:
- (1) Provide Storm Water with a drainage plan for review and approval.
 - (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
 - (3) All improvements shall be according to City Standards and at the applicants' 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:

- (1) Provide Storm Water with a drainage plan for review and approval.
- (2) Any relocation or reconstruction of utilities, including public drainage improvements, made necessary by this vacation shall be the responsibility of the applicant and at the applicants' expense.
- (3) All improvements shall be according to City Standards and at the applicants' expense.
- (4) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests 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.



THE COLLECTIVE
AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS

• = 3/4" SCH PIPE W/PTC CAP UNLESS OTHERWISE NOTED

STATE OF NEW YORK }
COUNTY OF SECONICK }

THE SIGNATURE WAS ACKNOWLEDGED BEFORE ME ON THE 24th
DAY OF February, 1964, BY J. R. JOHNSON, PRESIDENT OF JOJO, U.S.A.

Cherry #1000 BIRMINGHAM

BY APPROVED OFFICE: 4/15/05

THE PLAT OF THE COLLEGE HAS BEEN SUBMITTED TO AND APPROVED BY THE HOWA-WESCOCK COUNTY SHERIFFS AND PLANNING COMMISSIONS, TOWNS, ETC.

TABLE 1005 (101) MAY 07 OF SEPTEMBER, 2004

WORTH-BENNETT COUNTY MEMORIAL AND PLANNING COMMISSION

APR 20 1968, ACTING CHIEF
MARVIN S. KATZ, SECRETARY

INDEXED IN ACCORDANCE WITH G.S.A. 20-202 ON THE 20-06 OF December, 2001.

THOMAS L. ADWELL, 15 /1248
SEAFORD COUNTY SHERIFF

THIS PLAN IS APPROVED AND ALL REQUIREMENTS THEREIN, IF ANY, ARE
ACCEPTED BY THE CITY COUNCIL OF THE CITY OF WICHITA, KANSAS, THIS
11th DAY OF December, 1961.

at the direction of the City Council.

[Signature] CITY MANAGER
[Signature] CITY CLERK
PUE BLANCKE

SWORN IN FRONT OF ME THIS 9th DAY OF January, 1967.
 _____ COUNTY CLERK
 (BY SPACE)

THIS IS TO CERTIFY THAT THE INCLOSURE WAS FILED FOR RECORD IN THE CHIEF OF POLICE OFFICE AT 2:00 P.M. ON THE TWENTY-NINTH DAY OF JANUARY, 1942.

Bill Mack
Bill Mack Dr. Charles H. Mack
Charles H. Mack

— — —

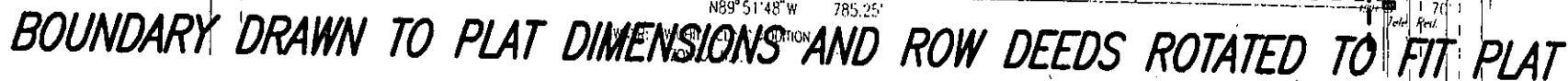
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PC 132

VPC 2007-16



SCALE:

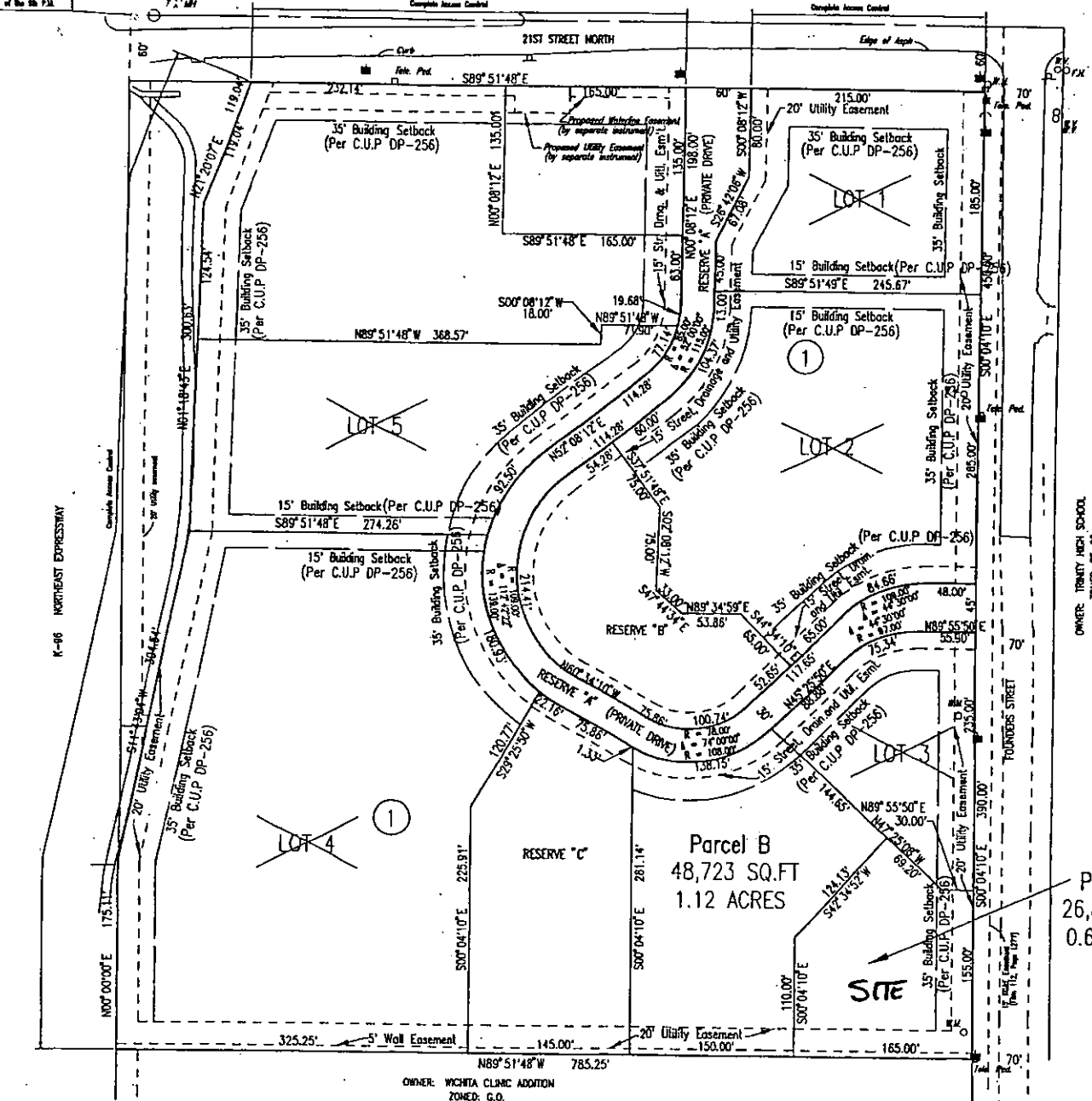
Part of Lot 3 Block 1 The Collective an Addition to Wichita Sedawick County

LOT SPLIT

LOT 3, BLOCK 1, THE COLLECTIVE, AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS.

OWNER: MESSIAH BAPTIST CHURCH
ZONE: S-20

88' Corner NE 1/4 Sec. 16, T25S, R2E of the 28 73A

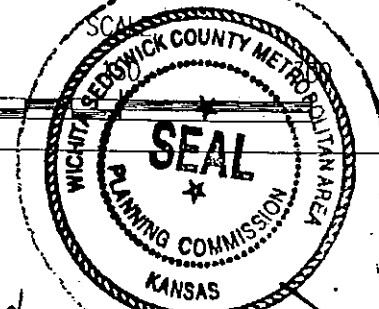


OWNER: TRINITY HIGH SCHOOL
ZONE: S-20

Parcel A
26,824 SQ.FT
0.61 ACRES

Parcel B
48,723 SQ.FT
1.12 ACRES

PEC PROJ. NO. 38-05365-5479



Wichita-Sedgewick
I, do hereby certify
that the Rules and Regulations
have been approved.
1/14/2005 day of
Jan L. Schlegel

LEGAL DESCRIPTION

For Parcel A:

Part of Lot 3, Block 1, The Collective, an Addition to Wichita, Sedgewick County, Kansas described as: Beginning at the Southeast corner of said Lot 3; thence bearing N89°51'48"W along the South line of said Lot 3, a distance of 165.00 feet; thence N00°04'10"W, a distance of 110.00 feet; thence bearing N42°34'52"E, a distance of 124.13 feet; thence bearing S47°25'08"E, a distance of 69.20 feet; thence bearing N89°55'50"E, a distance of 30.00 feet; thence bearing S00°04'10"E along the East Line of said Lot 3, a distance of 155.00 feet to the point of beginning.

Encompassing 26,824 square feet or 0.61 acres more or less.

DSNR: RMH OPER: IDX SCALE: 1"=150.00
Q:\2005\05365\05365-LotSplit 06-28-2005 08:55:36 am

55055

VAC 2007-10