

January 9, 2009

Curtis Bowen  
1921 N. Siefkin  
Wichita, KS 67208

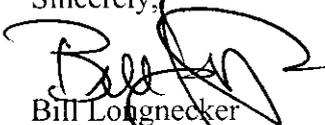
Re: **VAC2007-00048** - Request to vacate a portion of a platted easement, generally located west of Woodlawn Avenue, on the south side of 29th Street North.

Dear Mr. Bowen:

At its regular meeting on Tuesday, January 6, 2009, 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, Mailstop 1-71  
Julianne Kallman, Public Works Engineering, Mailstop 1-71  
Curtis Bowen, OCI Mailstop 1-72  
Central Congregation of Jehovah's Witnesses, 806 N. Volustia, Wichita, KS 67214  
Unified School District 259, 201 N. Water, Wichita, KS 67202  
East Wichita Mennonite Brethren Fellowship Southern District Conference of Mennonite  
Brethren Church, 7348 W. 21<sup>st</sup> Street, Wichita, KS 67205  
Timothy L. & Tiffany A. Cargill, 5937 Pepperwood Cr., Wichita, KS 67220  
Shawn R. Bryan & Nalini Johnson, 5933 Pepperwood Ct., Wichita, KS 67220  
David & Pamela L. Gunter, 5929 Pepperwood Ct., Wichita, Ks  
Board of Park Commissioners, 455 N. Main, 11<sup>th</sup> floor City Hall, Mailstop 1-111



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

3. Lot Split SUB2008-00057 dedicated 10-foot of right-of-way along Tracts A's and B's and 29th Street north frontage, as required by VAC2007-00048.

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

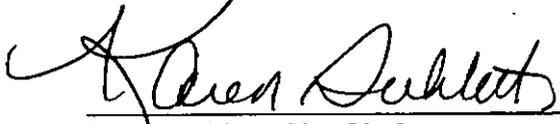
5. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

6. The vacation of the portion of the platted drainage and utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 6<sup>th</sup> day of January 2009 ordered that the above described portion of the platted drainage and utility 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.

  
Carl Brewer, Mayor

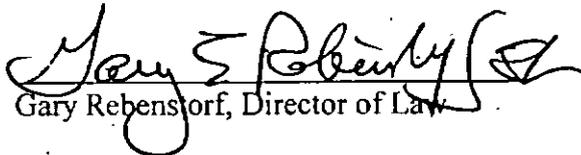
ATTEST:

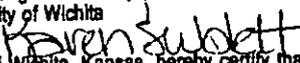


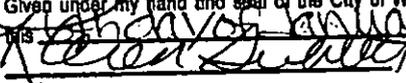
Karen Sublett, City Clerk



Approved as to Form:

  
Gary Rebenstorf, Director of Law

State of Kansas  
Sedgwick County  
City of Wichita  
I,  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  2009  
City Clerk



STAFF REPORT

CASE NUMBER: VAC2007-00048: Request to vacate a portion of a platted easement

OWNER/APPLICANT: Central Congregation of Jehovah's Witnesses c/o Curtis Bowen

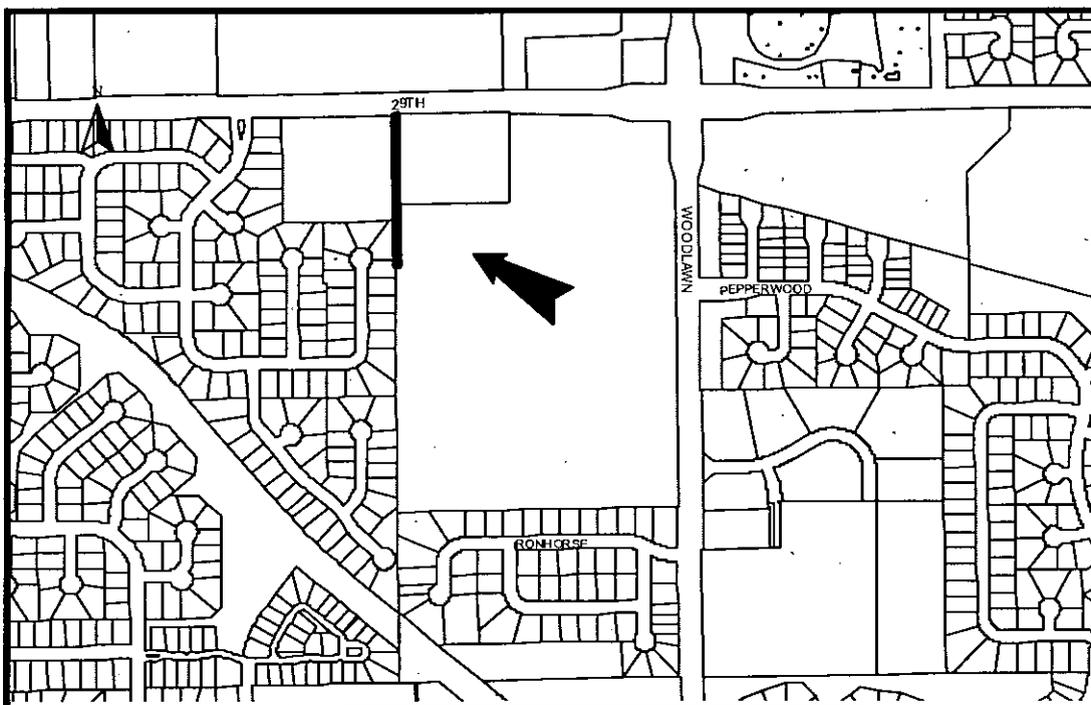
LEGAL DESCRIPTION: Generally described as the north 416.64-feet of the platted 60-foot drainage & utility easement, running parallel to the west lot line of Lot 1, Block 1, the Northeast Elementary School Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located west of Woodlawn Avenue, on the south side of 29<sup>th</sup> Street North (WCC #1)

REASON FOR REQUEST: Additional space for development as a future church site

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

VICINITY MAP:



The applicant is requesting consideration for the vacation of the described platted easement. The site is undeveloped and was owned by USD 259, subsequently the installation of water and sewer lines reflect what was planned to be a school site. The subject site has access to sewer along its 29<sup>th</sup> Street frontage. At this time the subject site has no direct access to water, which would have to be extended from property that the applicant does not own or bored under 29<sup>th</sup> Street North. There is 40-foot of half street right-of-way along the site's 29<sup>th</sup> frontage, which is substandard. Per the GIS map there are no manholes, sewer or water lines in the easement. Comments from Storm Water and franchised utilities have not been received and are needed to determine if they have utilities located within the easement. The Northeast Elementary School Addition was recorded with the Register of Deeds July 9, 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/Water & Sewer/Storm Water, Traffic, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate the portion of the platted drainage and utility easement as described in the legal description with the following conditions.

- (1) Vacate only that portion of the platted easement as described in an approved legal description, as approved by City Water & Sewer, Public Works, Storm Water and franchised utilities. Retain the easement until all comments from all utilities have been received. Provide Planning Staff the approved legal description of the vacated portion of easement, via e-mail on a Word document.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide City Public Works, Water & Sewer, Storm Water and franchised utilities with any needed plans for review for relocation of utilities. Provide any guarantees needed for the relocation of utilities. Provide any easements needed for the relocation of utilities. All must be completed prior to proceeding to Wichita City Council for final action.
- (3) Dedicate 20-feet of right-of-way along 29<sup>th</sup> Street North. Provide to Planning for recording with the Vacation Order at the Register of Deeds.
- (4) The applicant will have to complete a lot split, which will reflect their ownership of that portion of Lot 1, Block 1, Northeast Elementary School Addition, which they intend to build on, as separate from the USD 259 owned portion of the same lot.
- (5) All improvements shall be according to City Standards and at the applicant's expense.
- (6) 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 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.

# FINAL PLAT

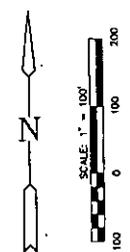
## NORTHEAST ELEMENTARY SCHOOL ADDITION

### AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS



**ACCESS CONTROL NOTE:**  
 From access points to Woodman Boulevard, the minimum distance between full turning movements shall be 400'. The minimum distance between a right-in/right-out drive and either another right-in/right-out drive or a full turning movement drive shall be 200'. The northern most full turning movement drive shall align with Pepperwood Road on the east side of Woodman as indicated on the face of plat.

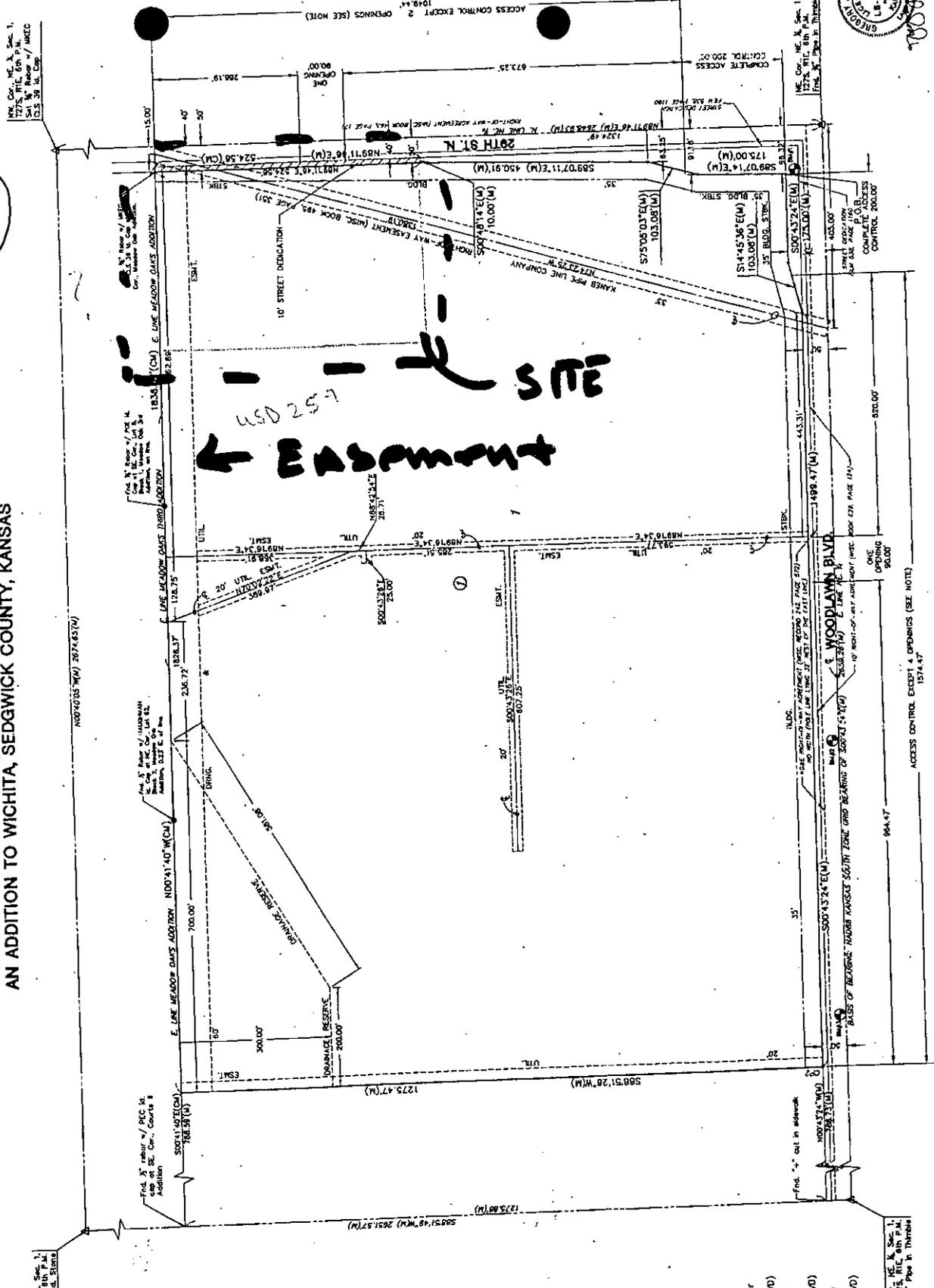
29th Street North - Two access points to 29th are allowed. The minimum distance between full turning movements shall be 400'. The minimum distance between a right-in/right-out drive and either another right-in/right-out drive or a full turning movement drive shall be 200'. The first opening with full turning movements shall be a minimum distance of 400' from Woodman. The second opening from the west side of 29th Street as indicated on the face of plat.



- LEGEND**
- △ - SECTION CORNER (LATEST DIMENSIONS)
  - - FOUND PROPERTY CORNER REBAR
  - - SET 5/8" REBAR W/ WKEC CLS FOR CAP
  - (M) - MEASURED DIMENSION
  - ▨ - 10' STREET DEDICATION

MINIMUM PAD ELEVATIONS (LOWEST DRAINAGE)		
LOT	BLOCK	ELEVATION (CITY DATUM) (NGVD)
1	1	1815
1	1	1370.8

- BENCHMARKS**
- BM1 - RR spike in NE face of SW Corner of 29th St. & Woodman. Elev. = 177.54 (City Datum) 1364.74 (NGVD)
  - BM2 - RR Spike in W face of 5th PP 5 of 29th Street. W side of Woodman. Elev. = 188.45 (City Datum) 1375.85 (NGVD)
  - BM3 - RR Spike in W face of 7th PP 5 of 29th Street. W side of Woodman. Elev. = 190.70 (City Datum) 1378.10 (NGVD)



SW. Cor. NE. 1/4, Sec. 1,  
 127S. R1E, 6th P.M.  
 S.D.S. No. 100-000

SW. Cor. NE. 1/4, Sec. 1,  
 127S. R1E, 6th P.M.  
 S.D.S. No. 100-000

N00°05'05"W (M) 2074.63(74)

127S.00'00" (M)  
 127S.00'00" (M)  
 127S.00'00" (M)

N00°41'40"W (CM)  
 127S.00'00" (M)



SE. Cor. NE. 1/4, Sec. 1,  
 127S. R1E, 6th P.M.  
 S.D.S. No. 100-000

ACCESS CONTROL EXCEPT 4 OPENINGS (SEE NOTE)  
 1514.47

964.47

964.47

964.47

964.47