



Wichita-Sedgwick County Metropolitan Area Planning Department

May 9, 2019

Kirk Miller
K.E. Miller Engineering
117 East Lewis Street
Wichita, KS 67202

Ref: VAC2017-00034: City request to vacate a drainage easement dedicated by separate instrument, generally located north of East 32nd Street North and west of Rock Road at Gouverneur Circle.

Dear Kirk:

At its regular meeting on Tuesday, April 23, 2019, the Wichita City Council considered the above-referenced 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 268-4421.

Sincerely,

Philip Zevenbergen
Associate Planner

PZ:kw

cc: Kansas Elks Training Center, 1006 E Waterman, Wichita KS 67211
Rushpointe Apts LLC, 1006 E Waterman, Wichita KS 67211
YMCA of Wichita, Kansas, 3330 N Woodlawn, Wichita KS 67220



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

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

**GENERALLY LOCATED NORTH OF EAST)
32ND STREET NORTH AND WEST OF ROCK ROAD AT)
GOVERNEOUR CIRCLE)**

VAC2017-00034

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 23rd day of April 2019, comes on for hearing the petition for vacation filed by Kansas Elks Training Center (owner), praying for the vacation of described drainage easement dedicated by separate instrument, to-wit:

A Drainage Easement dedicated by separate instrument:

The centerline of a 30 foot Drainage Easement being 15 feet each side of a line located in Fantasea II Addition, Wichita, Sedgwick County, Kansas, being described as:

Commencing at the Southeast corner of Lot 2, Block 1, Fantasea II Addition, Wichita, Sedgwick County, Kansas; thence N 00° 58' 40" W, a distance of 148.12 feet, to the Point of Beginning; thence N 78° 46' 48" W, a distance of 143.23 feet; thence N 00° 58' 40" W, a distance of 136.34 feet, to the end of said easement.

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, in The Wichita Eagle on September 28, 2017, 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 described drainage easement dedicated by separate instrument, and the public will suffer no loss or inconvenience thereby.

3. A recorded Drainage Easement, Doc/Flm-Pg: 29761717, recorded April 12, 2018 will be recorded with the Vacation Order at the Register of Deeds of Sedgwick County.

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 drainage easement dedicated by separate instrument, should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 23rd day of April, 2019, ordered that the described portions of the platted alley way , platted landscape reserves, platted street right-of-ways, and utility easement dedicated by separate instrument are hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Register of Deeds of Sedgwick County.


Jeff Longwell, Mayor

ATTEST:


Karen Sublett, City Clerk

Approved as to Form:


Jennifer Magana, City Attorney and Director of Law

STAFF REPORT

CASE NUMBER: VAC2017-00034 - City request to vacate a drainage easement dedicated by separate instrument

OWNER/AGENT: Kansas Elks Training Center (owner) / K.E. Miller Engineering P.A., Kirk Miller (agent)

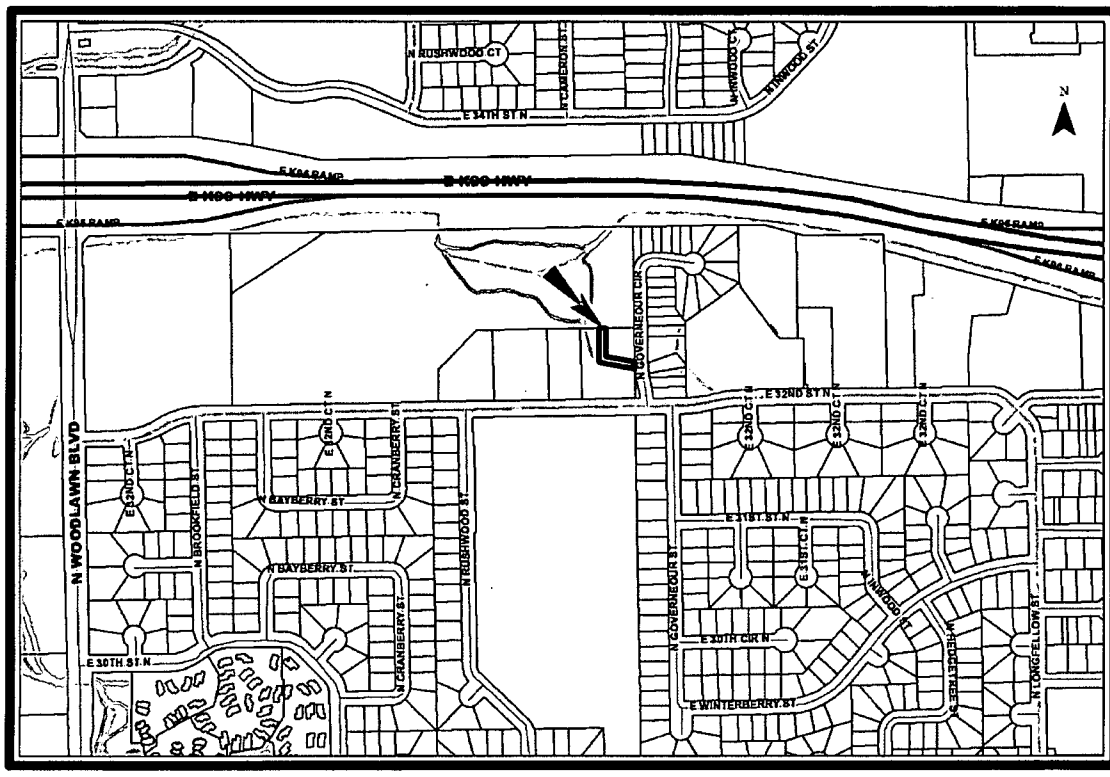
LEGAL DESCRIPTION: The centerline of a 30 foot Drainage Easement being 15 feet each side of a line located in Fantasea II Addition, Wichita, Sedgwick County, Kansas, being described as:
Commencing at the Southeast corner of Lot 2, Block 1, Fantasea II Addition, Wichita, Sedgwick County, Kansas; thence N 00° 58' 40" W, a distance of 148.12 feet, to the Point of Beginning; thence N 78° 46' 48" W, a distance of 143.23 feet; thence N 00° 58' 40" W, a distance of 136.34 feet, to the end of said easement.

LOCATION: Generally located north of East 32nd Street North and west of Rock Road at Gouverneur Circle

REASON FOR REQUEST: Increase the buildable lot area on this parcel

CURRENT ZONING: The site is zoned GO General Office.

VICINITY MAP:



The applicant proposes to vacate the currently existing drainage easement on this parcel and re dedicate a new easement slightly to the east to allow for an increase in buildable area on the western portion of this parcel. There is another easement, extending 125' from the eastern lot line, for the powerlines that run overhead on the site, which will not be modified. Approval of this application would allow for the applicant to develop along the western half of the parcel. The Fantasea II Addition was recorded on September 16, 1986.

Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the subject easement.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Stormwater, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described drainage easement dedicated by separate instrument.

- (1) Abandonment or relocation/reconstruction of any/all utilities, including Stormwater, made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide an approved private project plan number for the abandonment /relocation of public utilities. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) Provide Planning with any needed easements, with original signatures, for relocated utilities, prior to this case going to City Council for final action and subsequent recording with the Vacation Order at the register of Deeds.
- (3) Provide Planning with a legal description of the vacated portion of the public utility easement dedicated by separate instrument on a Word document via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Council for final action.
- (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.

