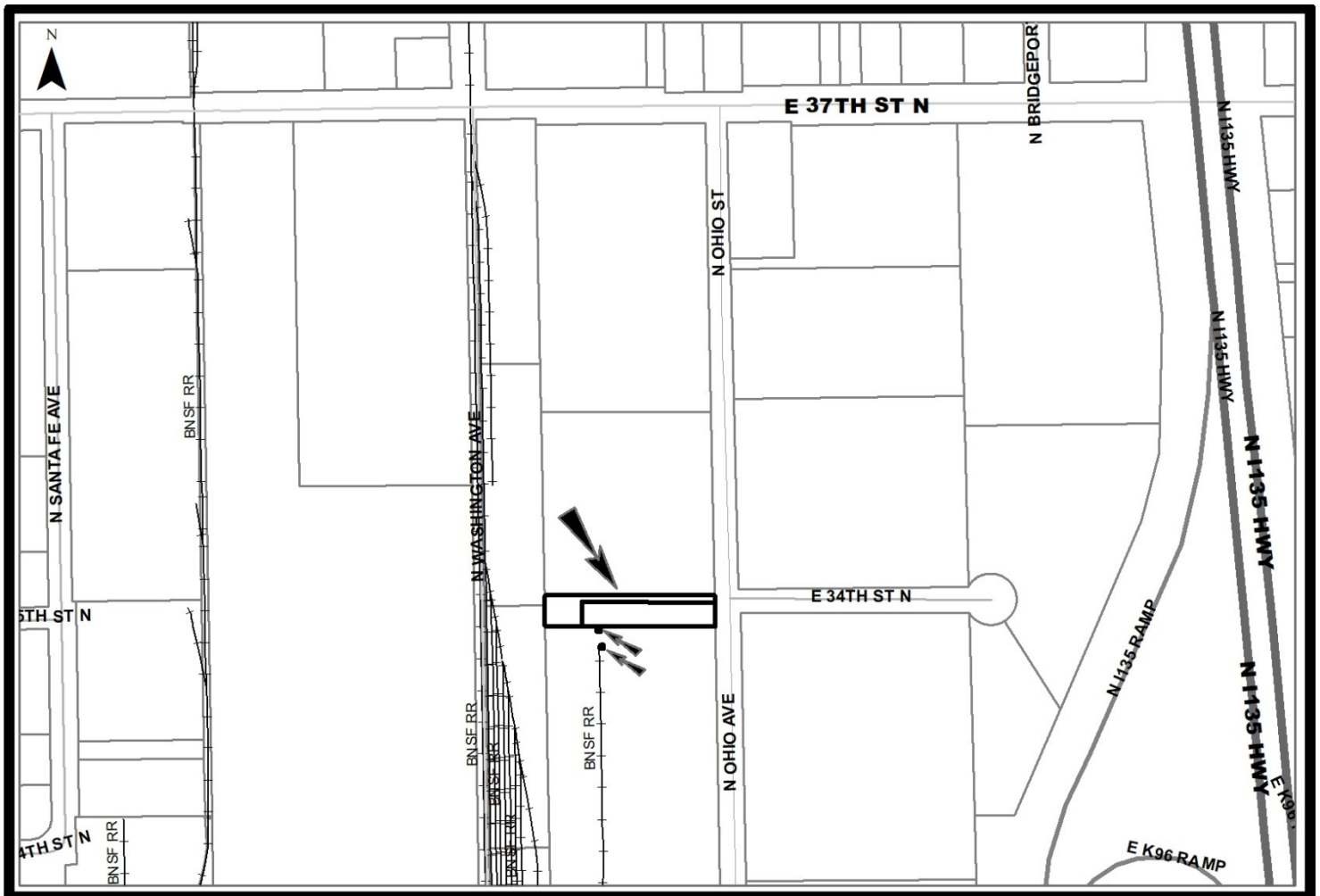


STAFF REPORT

- CASE NUMBER:** VAC2019-00023 - City Vacation of platted drainage easement and easements dedicated by separate instrument.
- OWNER/APPLICANT:** William R Nath (Applicant) MKEC Engineering, Inc. (Agent)
- LEGAL DESCRIPTION:** See Attached
- LOCATION:** Generally located east of North Washington Avenue and south of East 37th Street North (3511 North Ohio Avenue). (WCC VI)
- REASON FOR REQUEST:** To allow for future construction
- CURRENT ZONING:** GI General Industrial
- VICINITY MAP:**



The applicant has requested the vacation of a 65-foot platted drainage easement and two easements dedicated by separate instrument on property addressed 3511 North Ohio Avenue. The applicant is requesting the vacation to allow for future construction. The platted 65-foot drainage easement is currently an open ditch. The two additional easements are described in detail in the attachments. Generally, their stated purposes are to allow for the construction, maintaining, and repairing of sewer and other public utilities. A platted 15-foot maintenance and access easement on the site has been previously vacated.

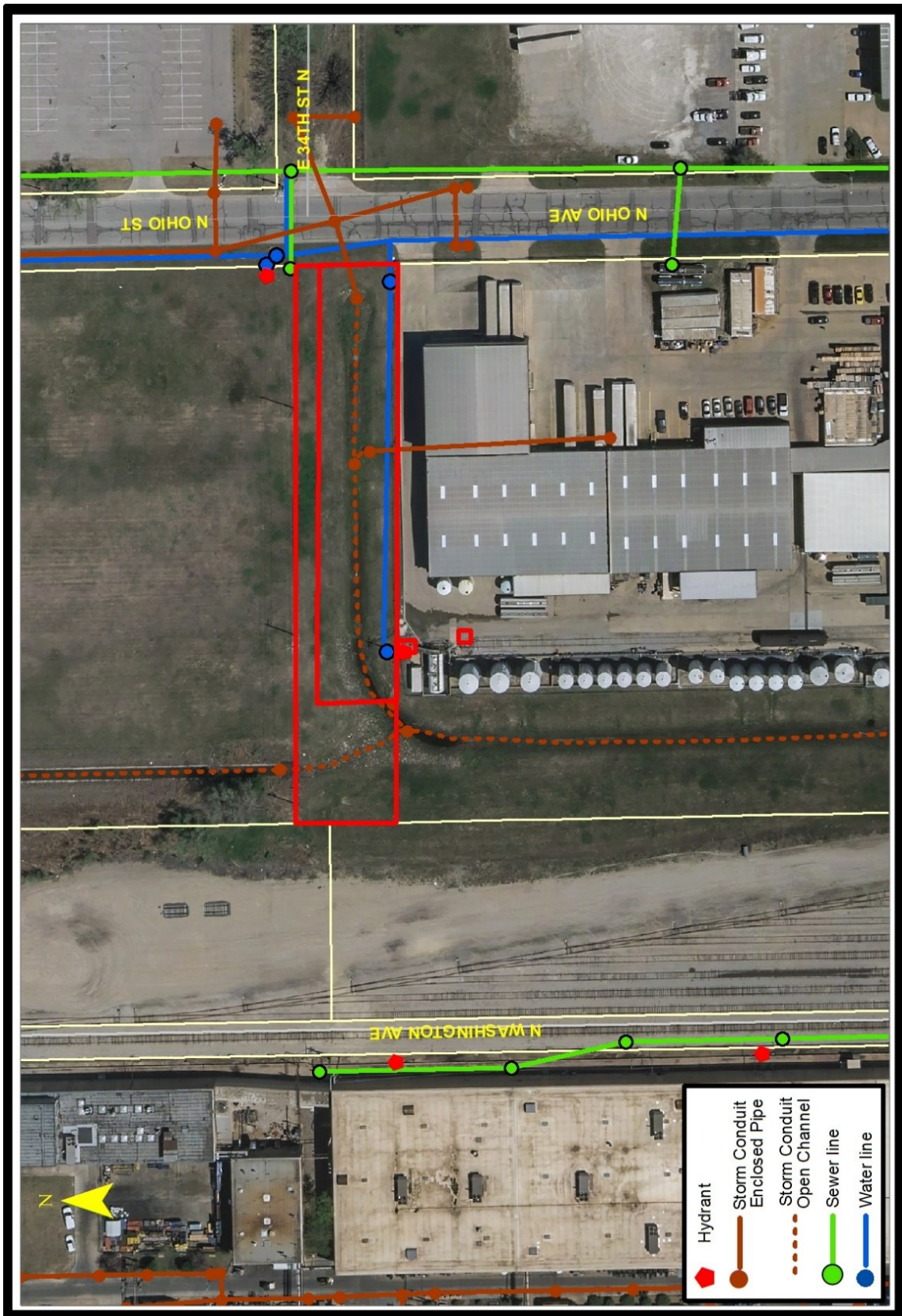
There is a water line running east-west located near the 65-foot drainage easement. There are drainage facilities in the easement that would need to be relocated at the owner's expense. Westar has no objections. However they do have lines in the easement that will need to be relocated and an easement dedicated if the building expands to the north. Shane Price is the area representative and can be contacted at 261-6315. The Bridgeport 3rd Industrial Addition was recorded March 19, 1980.

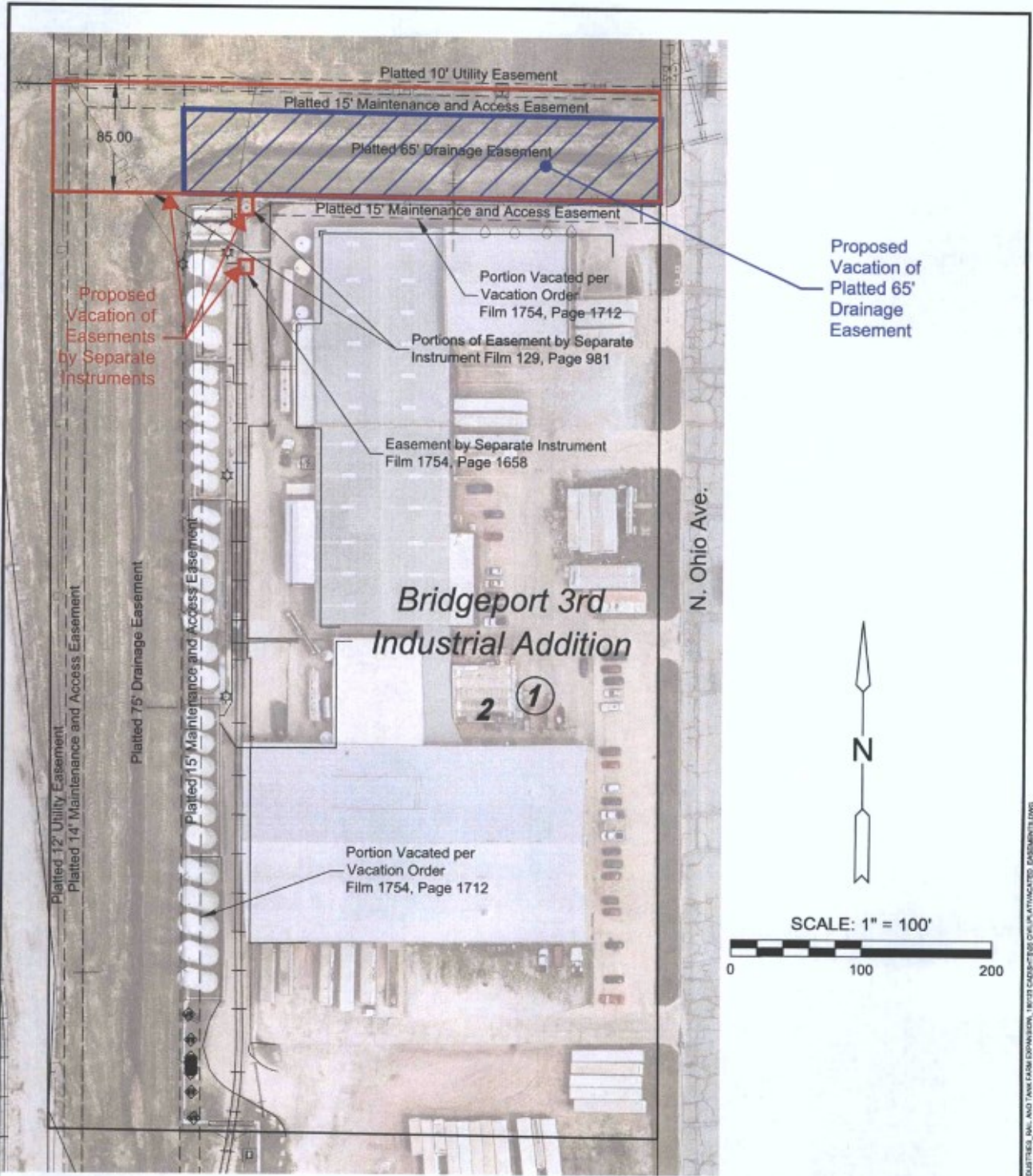
Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Stormwater, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following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

- 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, in the Wichita Eagle, of notice of this vacation proceeding one time July 18, 2019, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the described portion of the platted drainage easement and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) If any utility services are found to be located within the area of the proposed Vacation, these services shall be relocated at the owner's expense, to city standards, and the applicant shall provide Planning with the dedication of utility easements by separate instruments to go with the Vacation Order to be filed with the Register of Deeds. If relocation is not possible then this Vacation shall be rendered void as the current easement must remain in place.
- (2) Relocation of the drainage improvements shall be at the owner's expense, to city standards, and the applicant shall provide Planning with the dedication of utility easements by separate instruments to go with the Vacation Order to be filed with the Register of Deeds. If relocation is not possible then this Vacation shall be rendered void as the current easement must remain in place.
- (3) 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.





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**PROPOSED VACATED EASEMENTS
 LOT 2, BLOCK 1
 BRIDGEPORT 3RD INDUSTRIAL ADDITION**

PROJECT NO. 1901010123	DATE: JUNE 2019	SHEET NO.
DRAWN BY: JGD	DESIGNED BY: JGD	APPROVED BY: BDL
		1 OF 1

MCT\MSA\DATA\PROJECTS\1901010123_LDC INDUSTRIAL ADD AND TRAIL EASEM EXPANSION\1901010123_VACATED EASEMENTS.DWG

FM 1229 PAGE 0981

12-30-91

EASEMENT

THIS EASEMENT made this 30th day of December, 1991
by and between William R. Nath
of the first part and the City of Wichita of the second part.

WITNESSETH: That the said first parties, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey unto the said second party perpetual right-of-way and easement for the purpose of constructing, maintaining, and repairing sewer and all other public utilities, over, along and under the following described real estate situated in Sedgwick, County, Kansas, to wit:

- The south ten (10) feet of the north 730 feet of Lot 1, Block 3
and also: affects Lot to the east
- the north five (5) feet of the south fifteen (15) feet of the north 730 feet of the east ten (10) feet of the west 445 feet of Lot 1, Block 3
and also: affects Lot to the east
- the north eighty-five (85) feet of Lot 2, Block 1 affects subject property
and also:
- the south fifteen (15) feet of the north 100 feet of the west ten (10) feet of the east 323 feet of Lot 2, Block 1 affects subject property

All in Bridgeport 3rd Industrial Park Addition

And said second party is hereby granted the right to enter upon said premises at any time for the purpose of constructing, operating, maintaining, and repairing such sewer and all other public utilities.

IN WITNESS WHEREOF: The said first parties have signed these presents the day and year first written.

Attest:

Pat Burnett
Deputy City Clerk
Pat Burnett Deputy City Clerk

W.R. Nath
TOB KNIGHT TRUSTEE

STATE OF KANSAS)
SEDGWICK COUNTY) SS

Personally appeared before me a notary public in and for the County and State aforesaid W.R. Nath

to me personally known to be the same person who executed the foregoing instrument of writing and said person duly acknowledged the execution thereof.

Dated at Wichita, Kansas, this 10th day of January, 1992.

CHRISTINE COOKE SPAHR
Notary Public
My Comm. Exp. 5-12-92

Christine Cooke Spahr
Notary Public

(My Commission expires 5-12-92)

V-2032
1662626 429
Page 1 of 2
CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK
EASEMENT

1754 PAGE 1658
Approved / Accepted By City Council
Title DEC 9 1997

THIS EASEMENT made this 23rd day of July, 1997,
by and between Homer Oil Company, Inc., William R. Nath, President
of the first part and the City of Wichita of the second part.

WITNESSETH: That the said first party, in consideration of
the sum of One Dollar (\$1.00) and other valuable consideration,
the receipt whereof is hereby acknowledged, does hereby grant and
convey unto the said second party a perpetual right-of-way and
easement for the purpose of constructing, maintaining, and
repairing sewer and all other public utilities, over, along and
under the following described real estate situated in Sedgwick
County, Kansas; to wit:

TRACT 1

The easement area is from the southeast corner iron of Tract 1 to a
point 666.06' North 0° 29' 58" West, then to a point of beginning of
the easement 312.5' North 89° 37' West, then 10.0' South 0° 23' West,
then 10.0' North 89° 37' West, then 10.0' North 0° 23' East, then
10.0' South 89° 37' East to the point of beginning. Tract 1 legally
described as the north 801.06 feet of Lot 2; Block 1, Bridgeport 3rd Industrial
Addition, Wichita, Sedgwick County, Kansas.

STATE OF KANSAS } SS
SEDGWICK COUNTY }

JAN 29 9 46 AM '98

REGISTER OF DEEDS
LARRY CONSOLVER

S. Christian
Deputy



800
150629

f. o. ck

RETURN ABOVE

FILE 754 PAGE 1659

Easement
Page 2 of 2

And said second party is hereby granted the right to enter upon said premises at any time for the purpose of constructing, operating, maintaining, and repairing such sewer and all other public utilities.

IN WITNESS WHEREOF: The said first party has signed these presents the day and year first written.

William R. Nath
President
HOME OIL COMPANY, INC.

City of Wichita)
Sedgwick County) SS
State of Kansas)

The foregoing instrument was acknowledged before me this
July 23, 1997
(Date)

by William R. Nath
President, Home Oil Company, Inc.

Seal or Stamp



Linda Yutzy, Notary Public
(signature of notary officer)

My appointment expires: 7/24, 1999