CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

June 20, 2005

Fouts Geller Development Co., LLC
Attention: Jim Fouts
716 N. 119th Street West
Suite 100
Wichita, KS 67235-1938

Re: **VAC2005-00013** Request to vacate plat text to allow additional uses in a platted reserve, generally located east of Tyler Road and south of 29th Street North, more specifically northeast of the Pepper Ridge Street and Meadow Park Street intersection.

Dear Mr. Fouts:

At its regular meeting on Tuesday, June 14, 2005, 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
Sedgwick County Electric Coop, Attention: Allen Henning & Wayne Voss, P.O. Box 220, Cheney, KS, 67205-0220
Baughman Company, P.A., Attention: Phil Meyer, 315 Ellis, Wichita, KS 67211
Stanley Roger & Christie L. Nelson, 3405 E. Gilbert, Wichita, KS 67218
William D. & Caroline M. Hayes, 2327 N. Forestview, Wichita, KS 67223
Randy Ketzner Construction, Inc., 12528 W. Central

Register of Deeds - Bill Meek
DOC.#/FLM-PG: 28684815
Receipt #: 1589152
Pages Recorded: 2
Recording Fee: 0[illegible]
Cashier Initials: DH
Authorized By:
Date Recorded: 6/21/2005 11:19:33 AM

TY CLERK'S ORIGINAL
ETURN TO CITY CLERK

Approved / Accepted by City Council
This 6-14-05

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

IN THE MATTER OF THE VACATION OF THE RESTRICTION OF USES IN A PLATTED RESERVE TO ALLOW ADDITIONAL USES IN THE PLATTED RESERVE	)	
GENERALLY LOCATED EAST OF TYLER ROAD AND SOUTH OF 29th STREET NORTH, MORE SPECIFICALLY NORTHEAST OF THE PEPPER RIDGE STREET AND MEADOW PARK STREET INTERSECTION	)	**Case No. VAC2005-00013**
MORE FULLY DESCRIBED BELOW	)	

VACATION ORDER

NOW on this 14th day of June, 2005 comes on for hearing the petition for vacation filed by Fouts Geller Development Co., LLC, c/o Jim Fouts praying for the vacation of the following described plats text to allow additional uses in a platted reserve, to-wit:

> Vacate the restriction of uses listed on the plat for Reserve "E", Fossil Rim Estates Addition, Wichita, Sedgwick County, Kansas, to allow the additional uses of a neighborhood swimming pool, a parking lot, a club house and related facilities and recreational uses.

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 on March 24, 2005, which was at least 20 days prior to the public hearing.

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2. No private rights will be injured or endangered by the vacation of the plat's list of restricted uses in the above-described platted reserve to allow the above-described additional uses in the above-described platted reserve, and the public will suffer no loss or inconvenience thereby.

3. Retain the original uses allowed in Reserve "E", Fossil Rim Estates Addition, of drainage purposes, landscaping, sidewalks, lakes, open spaces, berms and utilities confined to easements

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 plat's list of restricted uses in the above-described platted reserve to allow the above-described additional uses described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 14th day of June 2005 ordered that the plat's list of restricted uses in the above-described platted reserve to allow the above-described additional uses in the above-described platted reserve 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.

Carlos Mayans, 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 JUN 14 2005

City Clerk

METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 3-8
April 14, 2005

STAFF REPORT

CASE NUMBER: **VAC2005-00013:** Request to vacate the plat's text to allow additional uses in a platted reserve

OWNER/APPLICANT: Fouts Geller Development Co, LLC, c/o Jim Fouts

AGENT: Baughman Company, PA, c/o Phil Meyer

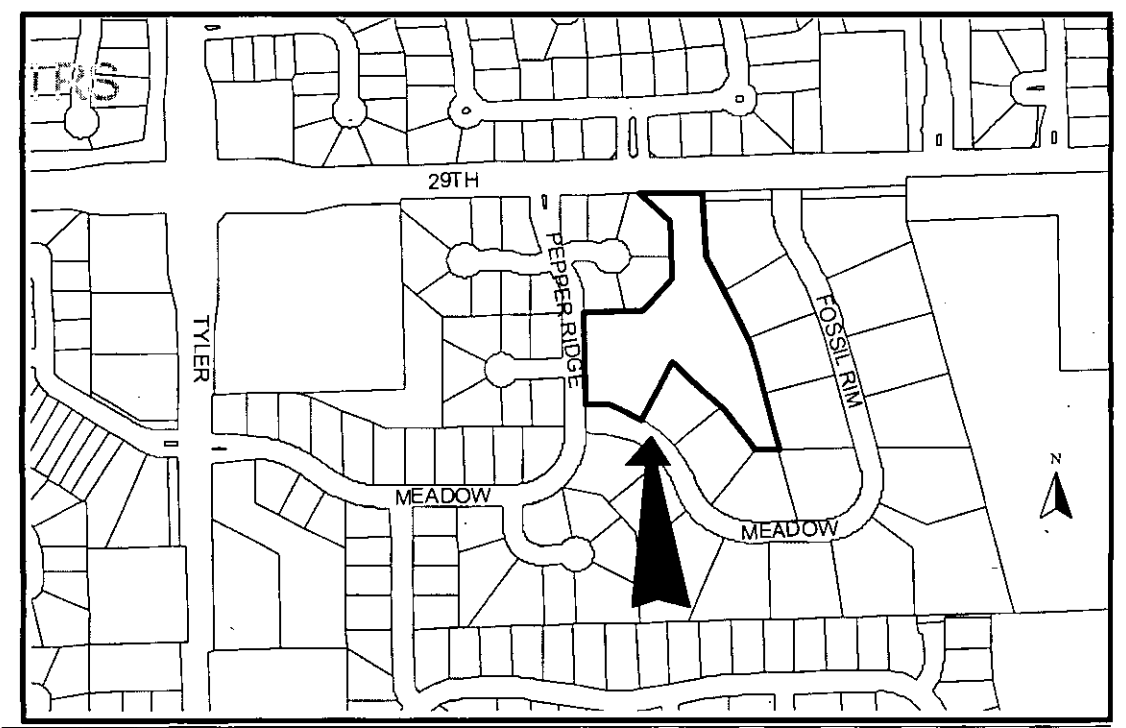
LEGAL DESCRIPTION: Vacate the plat text's restriction of uses in regards to uses allowed in Reserve E, Fossil Rim Estates Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located east of Tyler Road and south of 29th Street North, more specifically northeast of Pepper Ridge and Meadow Park Streets

REASON FOR REQUEST: To allow a neighborhood swimming pool

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

VICINITY MAP:



The applicant is requesting consideration for the vacation of the restriction of uses in the plat's text for platted Reserve E, Fossil Rim Estates Addition. The uses that Reserve E has been set aside for include drainage purposes, landscaping, sidewalks, lakes, open spaces, berms and utilities confined to easements. The applicant requests the vacation to allow the additional uses of a neighborhood pool, parking and a pool house while retaining the existing allowed uses in Reserve E. There are no manholes or sewer and water lines in the reserve. The Fossil Rim Estates Addition was recorded with the Register of Deeds May 31, 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, franchised utility representatives, and other interested parties, Planning Staff recommends approval to vacate the uses of that portion of Reserve E as described in the legal description to allow additional uses 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 March 24, 2005 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 uses of the platted reserve 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 the uses of the platted reserve described in the petition should be approved subject to the following conditions:

(1) Vacate the use restrictions as listed in Reserve E to allow the additional uses of a swimming pool and related facilities, a parking lot, a club house and recreational uses. Retain the original uses allowed in Reserve E of drainage purposes, landscaping, sidewalks, lakes, open spaces, berms and utilities confined to easements.

(2) Drainage and site plans must be provided to the Public Works Engineer for review and approval prior to the VAC2005-13 going to the WCC for final action and prior to the issuance of building permits.

(3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.

(4) All improvements shall be according to City Standards.

(5) 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) Vacate the use restrictions as listed in Reserve E to allow the additional uses of a swimming pool and related facilities, a parking lot, a club house and recreational uses. Retain the original uses allowed in Reserve E of drainage purposes, landscaping, sidewalks, lakes, open spaces, berms and utilities confined to easements.

(2) Drainage and site plans must be provided to the Public Works Engineer for review and approval prior to the VAC2005-13 going to the WCC for final action and prior to the issuance of building permits.

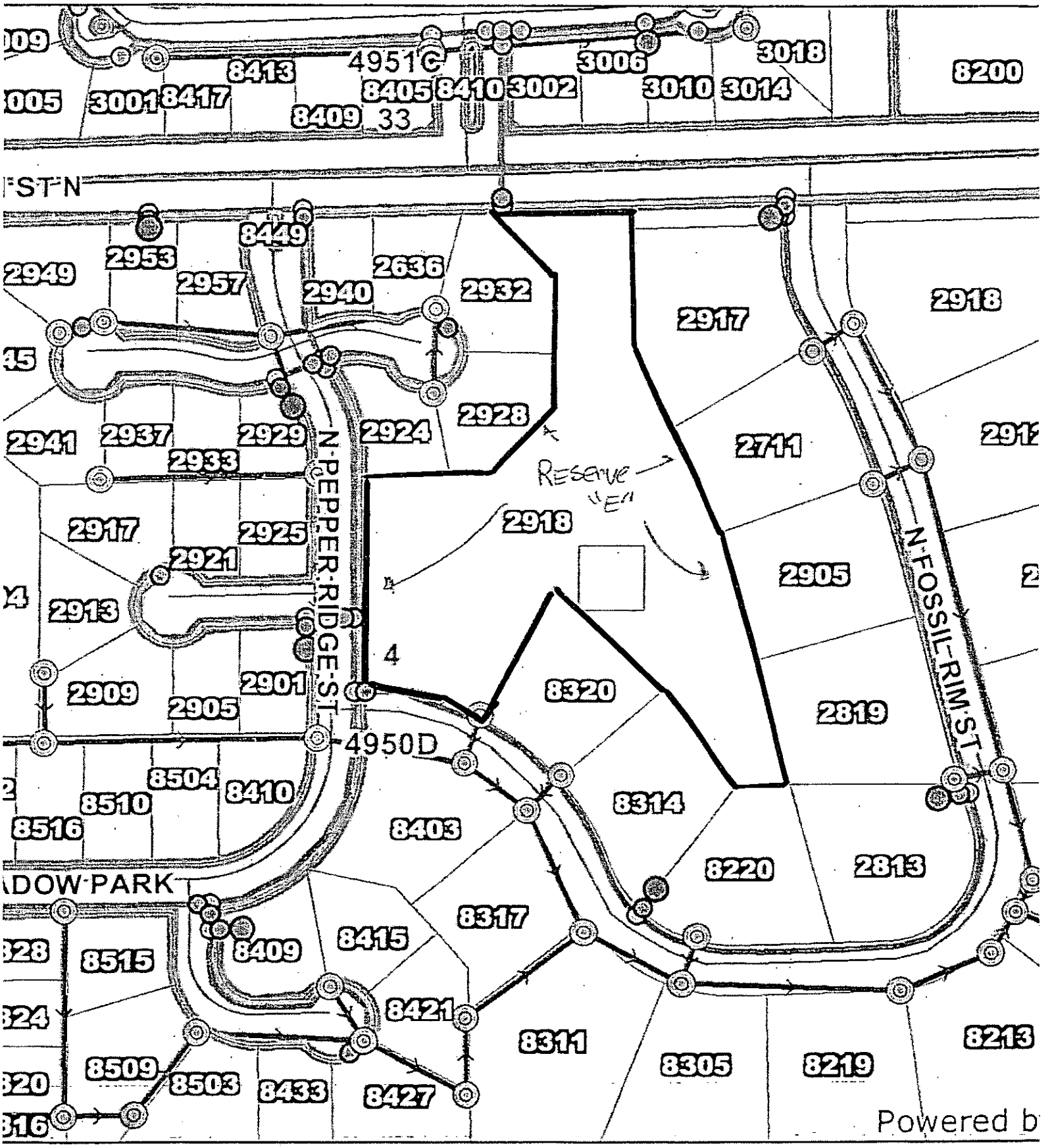
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vac2005-13

water & sewer



This information is provided with the understanding that the data are susceptible to a degree of error, and nty, representation or guaranty as to the content, accuracy, timeliness or completeness of any of the data ublic records not created or maintained by the City of Wichita. The City of Wichita shall assume no liability ied hereunder. The user should consult with the appropriate departmental staff member, e.g. Planning, rough these web pages.

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