CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

April 19, 2007

Fairmount LLC
Attn: Rob Ramseyer
8100 E. 22nd Street North
Building 1000
Wichita, KS 67226

Re: **VAC2006-00037** - Request to vacate the restriction of uses in a platted reserve, generally located approximately ½-mile north of 21st Street North, on the southwest corner of Mainsgate Street and 127th Street East.

Dear Mr. Ramseyer:

At its regular meeting on Tuesday, April 18, 2007 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
Baughman Company, PA, Attn: Russ Ewy, 315 Ellis, Wichita, KS 67211

Sedgwick County
Register of Deeds - Bill Meek
DOC.#/FLM-PG: 28875387
Receipt #: 1653503
Pages Recorded: 2
Cashier Initials: DH
Authorized By:
Recording Fee: 0DH
Date Recorded: 4/19/2007 2:13:57 PM

Approved / Accepted By City Council
This 4-17-07

CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

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

IN THE MATTER OF THE VACATION OF THE PLATTOR'S TEXT TO ALLOW ADDITIONAL USES IN A PORTION OF A PLATTED RESERVE	)	
GENERALLY LOCATED ½ MILE NORTH OF 21ST STREET NORTH, ON THE SOUTHWEST CORNER OF MAINSGATE STREET AND 127TH STREET EAST	)	**Case No. VAC2006-00037**
MORE FULLY DESCRIBED BELOW	)	

VACATION ORDER

NOW on this 17th day of April, 2007 comes on for hearing the petition for vacation filed by Fairmount, LLC, c/o Rob Ramseyer praying for the vacation of the plattor's text to allow additional uses (a neighborhood pool, parking and a pool house) in the following described portion of a platted reserve, to-wit:

That part of Reserve "B", The Fairmont, an Addition to Wichita, Sedgwick County, Kansas described as follows: Beginning at the most northerly corner common to said Reserve "B" and Reserve "F" in said The Fairmont; thence S00°52'37"E along the west line of said Reserve "B", 120.00 feet; thence N89°07'23"E, 170.00 feet; thence N00°52'37"W parallel with the west line of said Reserve "B", 136.61 feet to a point on the north line of said Reserve "B"; thence S89°07'23"W along the north line of said Reserve "B", 33.26 feet to the P.C. of a curve to the left in said north line; thence westerly along said curve, having a central angle of 11°55'39" and a radius of 468.00 feet, an arc distance of 97.43 feet, (having a chord length of 97.25 feet bearing S83°09'33"W), to the P.R.C. of a curve to the right in said north line; thence westerly along said curve, having a central angle of 05°22'44" and a radius of 432.00 feet, an arc distance of 40.55

07-0359

feet, (having a chord length of 40.54 feet bearing S79°53'06"W), to the point of beginning.

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 September on 28, 2006, 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 plattor's text, to allow additional uses in the above-described portion of the platted reserve, and the public will suffer no loss or inconvenience thereby.

3. Allow the additional uses of a neighborhood pool, parking and a pool house while retaining the uses described in the plattor's text in the above-described portion of Reserve B. Those retained uses in Reserve B include landscaping, sidewalks, open space, lakes, drainage purposes, utilities as confined to easements and pipelines as 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 plattor's text to allow additional uses in a portion of a platted reserve described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 17th day of April 2007 ordered that the plattor's text restriction of uses for the above described portion of the platted reserve is thereby vacated to allow the above described additional uses in the above described portion of the platted reserve. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

THE CITY OF WICHITA SEDGWICK COUNTY, KANSAS

Carl Brewer, Mayor

ATTEST:

Karen Sublett, CMC
Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf
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 April 17, 2007

Karen Sublett
City Clerk

THE CITY OF WICHITA SEDGWICK COUNTY, KANSAS

METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 3-3
October 19, 2006

STAFF REPORT

CASE NUMBER: **VAC2006-00037** Request to vacate the plat's text to allow additional uses in a portion of a platted reserve

OWNER/APPLICANT: Fairmont, LLC, c/o Rob Ramseyer

AGENT: Baughman Company, PA, c/o Russ Ewy

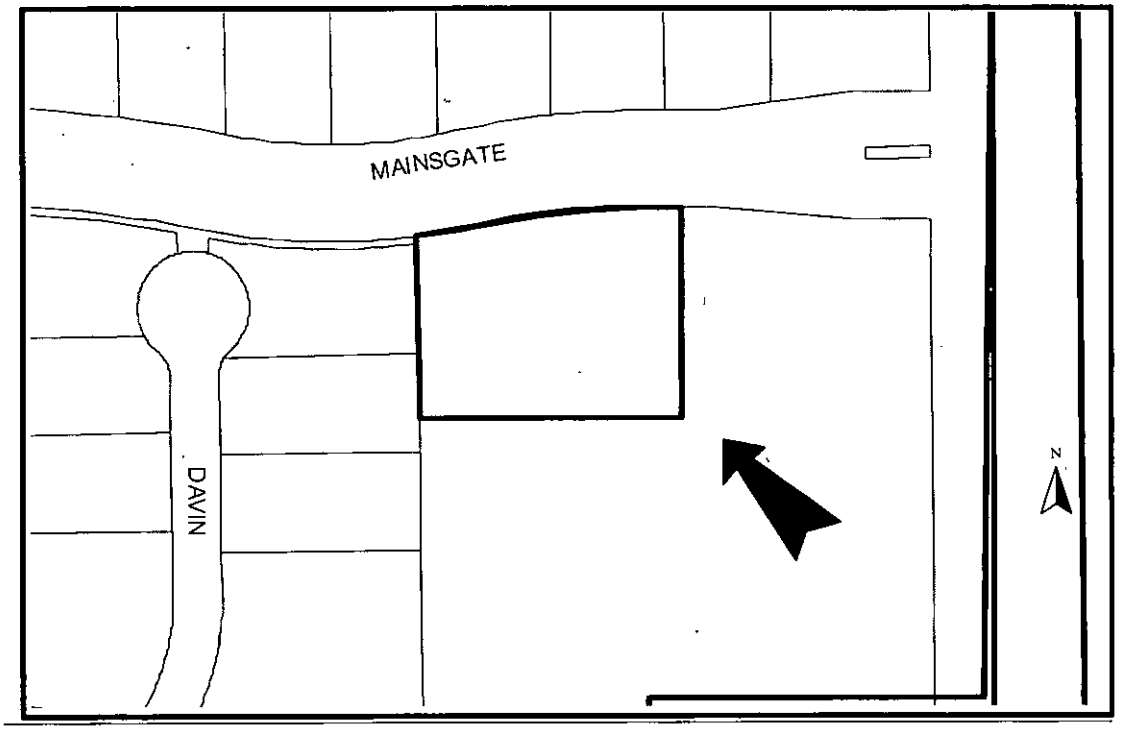
LEGAL DESCRIPTION: Vacate the plat text's restriction of uses in regards to uses allowed in Reserve B, the Fairmont Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located ½-mile north of 21st Street North, on the southwest corner of Mainsgate Street and 127th Street East

REASON FOR REQUEST: To allow a neighborhood swimming pool and its associated uses

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 a portion of platted Reserve B, Fairmont Addition. 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 B. The uses that Reserve B has been set aside for include landscaping, sidewalks, open space, lakes, drainage purposes, utilities as confined to easements and pipelines as confined to easements. There may be manholes and sewer line in the west portion of the reserve, confined to a platted utility and drainage easement located in the reserve, but there appears to be no water lines in the reserve. A large portion of the reserve is retaining water and drainage plans must be submitted to Storm Water for review and approval. Franchised utilities are confined to the platted drainage and utility easement located along the west side of the reserve. The plat also states that Reserve B shall be owned and maintained by the homeowners of the association for the addition. The Fairmont Addition was recorded with the Register of Deeds February 21, 2002. This case is also associated with BZA2006-00065, a variance on the parking, and CON2006-00033, a conditional use request for a neighborhood pool and its associated uses in "SF-5" zoning.

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 B as described in the legal description to allow a neighborhood pool and its associated 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 September 14, 2006 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 in a portion of the platted reserve described in the petition should be approved subject to the following conditions:

(1) Vacate the use restrictions as listed in a portion of Reserve B 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 B of landscaping, sidewalks, open space, lakes, drainage purposes, utilities as confined to easements and pipelines as confined to easements. Provide Planning with a legal description on a word document, via e-mail of the approved area of the pool site and its associated uses.

(2) Drainage and site plans must be provided to Storm Water for review and approval prior to the VAC2006-37 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 a portion of Reserve B 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 B of landscaping, sidewalks, open space, lakes, drainage purposes, utilities as confined to easements and pipelines as confined to easements. Provide Planning with a legal description on a word document, via e-mail of the approved area of the pool site and its associated uses.

(2) Drainage and site plans must be provided to Storm Water for review and approval prior to the VAC2006-37 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.

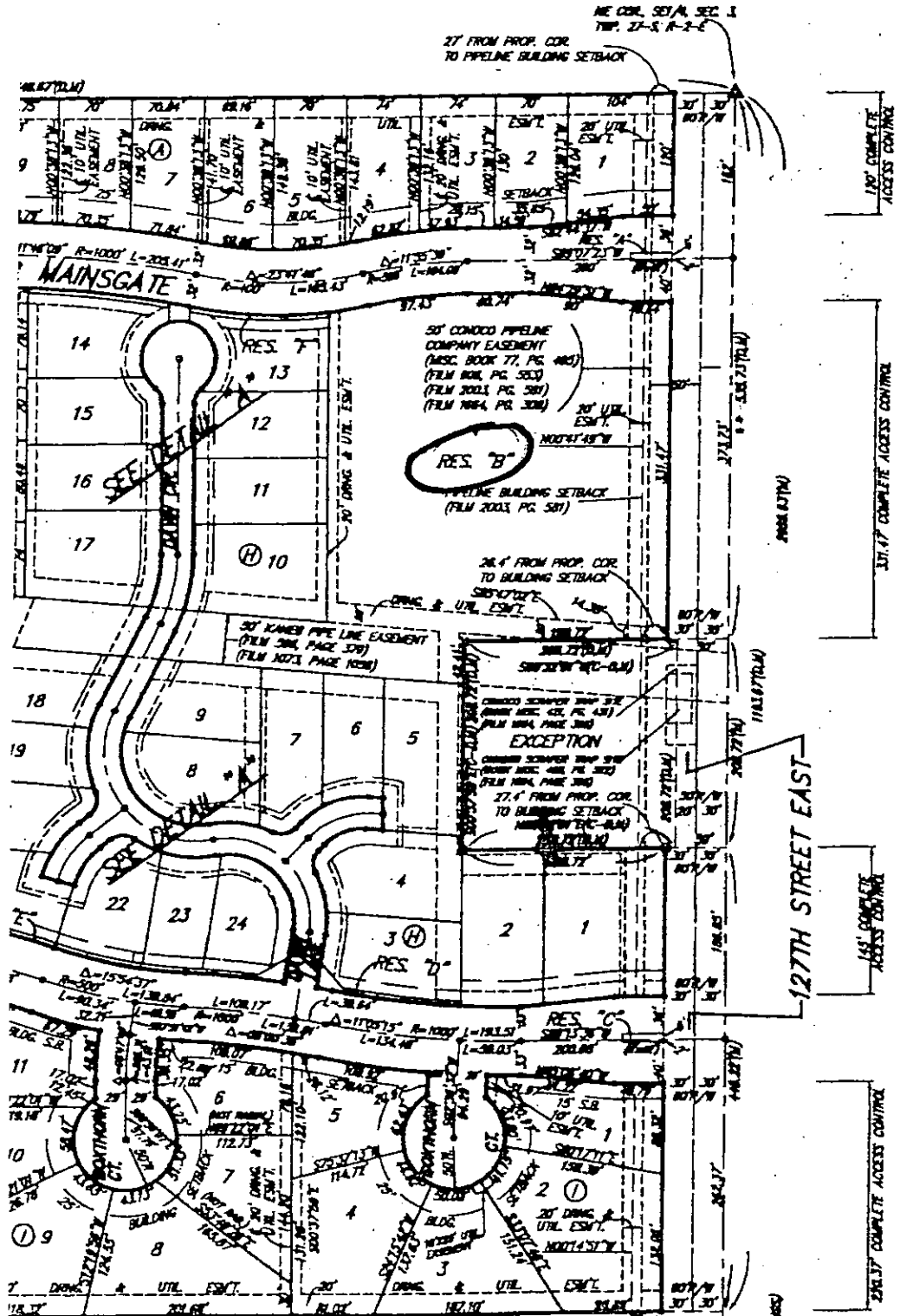
(4) All improvements shall be according to City Standards.

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provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds

OUNTY, KANSAS

VAC2006-37



- = #4 REBAR W/ "BAUGHMAN" CAP (SET)
- = #4 REBAR W/ "BAUGHMAN" CAP (FOUND)
- = 1/4" IRON (FOUND)
- = #5 REBAR W/ "FORIST" CAP (FOUND)
- = #4 REBAR OVER STONE (FOUND)
- = "X" NOTCH (SET)
- = 6" STEEL BRACE POST (FOUND)
- = #4 REBAR W/ "SMR" CAP (FOUND)

(M) = MEASURED
(P) = PLATTED
(D) = DESCRIBED
(C-D) = CALCULATED PER DESCRIBED INFO.
(C-P) = CALCULATED PER PLATTED INFO.

MINIMUM BUILDING PAD ELEVATIONS FOR LOWEST OPENING TO THE STRUCTURES			
LOT(S)	BLOCK	ELEVATION	
		CITY DATUM	NGVD1929
14,15,16,22,23	C	1181.5	1,361.9
5-10	F	1181.5	1,361.9
5-7, 9-13	H	1181.8	1,372.4

BENCHMARK:

GREENWICH AND 21ST NORTH
CITY OF WICHITA BENCHMARK 1856
41' SOUTH AND 38' WEST OF MAIN CTR. LINE 26TH
17.6' SW OF ASPHALT, 14.2' EAST OF FACE P.P.
17.6' WEST OF FACE P.P.
ELEVATION = 1,373.88 (CITY DATUM), 1,334.38 NGVD

COUNTY "D" CUT, SOUTH HEADWALL
1/2 MILE WEST OF 127TH ST. EAST
ON 37TH STREET NORTH