



Wichita-Sedgwick County Metropolitan Area Planning Department

August 7, 2007

Brighton Courts LLC
C/o Rob Ramseyer
8100 E. 22nd Street
Bldg. #1000
Wichita, KS 67226

Re: **VAC2007-00019** - Request to vacate a platted parking easement, generally located south of 21st Street North, west of Webb Road and northwest of Wilson Estates Parkway and Paddock Green Circle.

Dear Mr. Ramseyer:

At its regular meeting on Tuesday, August 7, 2006, 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
Paul Gunzelman/ Carla Jones, Public Works Engineering, Mailstop 1-71
MKEC Engineering Consultants, Inc., c/o Brian Lindebak, 411 N. Webb Rd., Wichita, KS 67206
David Lawrence, 4316 N. Spyglass Ct., Wichita, KS 67226-3558



Register of Deeds - Bill Meek
DOC.#/FLM-PG: 28907349

Receipt #: 1664008
Pages Recorded: 3
Cashier Initials: PJ

Authorized By:  Recording Fee: 0.11

Date Recorded: 8/10/2007 3:29:37 PM



CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

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

Approved / Accepted By City Council:

8-7-07

IN THE MATTER OF THE VACATION OF
A PLATTED PARKING EASEMENT AND A
PLATTED RESERVE'S RESTRICTION OF USES

GENERALLY LOCATED
SOUTH OF 21ST STREET NORTH, WEST OF
WEBB ROAD AND NORTHWEST OF THE
WILSON ESTATES PARKWAY AND
PADDOCK GREEN CIRCLE INTERSECTION

MORE FULLY DESCRIBED BELOW

MAPD CASE NO.
VAC2007-00019

VACATION ORDER

NOW on this 7th day of August comes on for hearing the petition for vacation filed by Brighton Courts LLC, c/o Brian Lindebak, MKEC and David Lawrence, praying for the vacation of the following described platted parking easement a platted reserve's restriction of uses, to-wit:

A platted nonexclusive parking easement:

A tract of land lying within a portion of Lot 9, Block 1, Brighton Courts Addition, an addition to Wichita, Sedgwick County, Kansas, being more particularly described as follows: BEGINNING at the northeast most corner of said Lot 9, thence along the east line of said Lot 9 on curve to the left 29.47 feet to a reverse curve, said curve to the left having a central angle of 03°37'22", a radius of 466.00 feet, and a long chord distance of 29.46 feet, bearing S18°03'19"E; thence along said reverse curve and along said east line 20.16 feet, said curve having a central angle of 01°18'24", a radius of 884.00 feet, and a long chord distance of 20.16 feet, bearing S19°12'48"E; thence S71°26'23"W, 20.00 feet to a point curve to the left; thence along said curve and along the east line of a platted non-exclusive parking easement, 19.70 feet to a reverse curve, said curve having a central angle of 01°18'24", a radius of

864.00 feet, and a long chord distance of 19.70 feet, bearing N19°12'48"W; thence along said reverse curve and said platted non-exclusive parking easement 30.73 feet, said curve having a central angle of 03°37'22", a radius of 486.00 feet, and a long chord distance of 30.73 feet, bearing N18°03'19"W; thence N73°45'22"E, 20.00 feet to the POINT OF BEGINNING. Said tract CONTAINS: 1,001 square feet or 0.02 acres of land, more or less.

Reserve "D"

The vacation of the restriction of uses as stated in the plattor's text for all of Reserve "D", Brighton Courts Addition, Wichita, Sedgwick County, Kansas, which are berming, open space, landscaping, monuments, irrigation, drainage, and utilities as designated, as described within the new use allowed will be nonexclusive parking, while retaining the previously described uses allowed in Reserve "D".

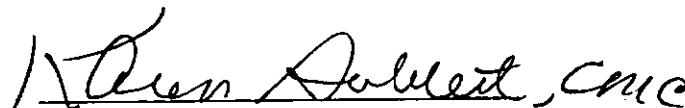
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in The Wichita Eagle and The Derby Reporter on May 31, 2007, 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 above-described platted parking easement and the platted reserve's restriction of uses, and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner(s), the prayer of the petition ought to be granted.
4. 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.
5. The vacation of the platted parking easement and the platted reserve's restriction of uses described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 7th day of August 2007 ordered that the above-described portion of the platted parking easement and the platted reserve's restriction of uses are 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.

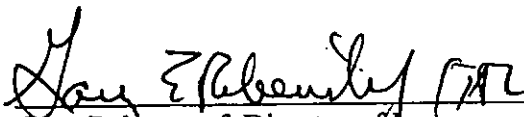

Carl Brewer, Mayor

ATTEST:


Karen Sublett, City Clerk



Approved as to Form:


Gary Rebenstorf, Director of Law

State of Kansas
Sedgwick County
City of Wichita

I, **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 AUG 07 2007


City Clerk

STAFF REPORT

CASE NUMBER: VAC2007-00019: Request to vacate a platted parking easement.

OWNER/AGENT: Brighton Courts LLC, c/o Rob Ramseyer
MKEC Engineering Consultants, c/o Brian Lindebak

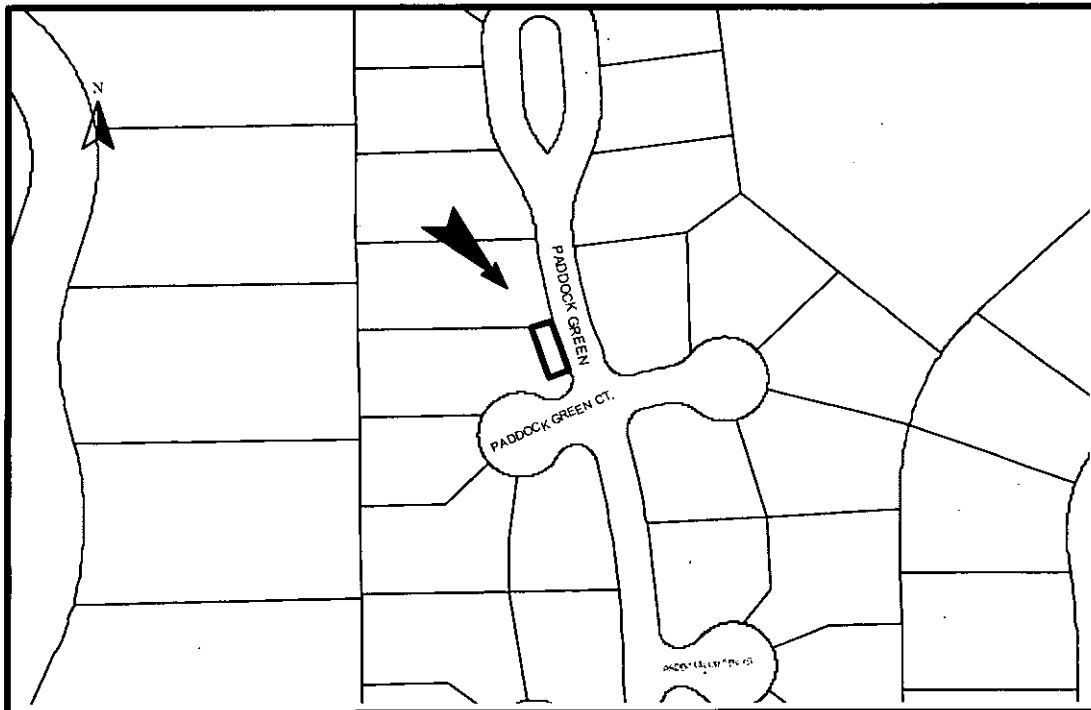
LEGAL DESCRIPTION: See the attached exhibit and legal: generally described as the platted non-exclusive residential parking easement located mostly in Lot 9 and some in Lot 10, Block 1, and Reserve D, all in the Brighton Courts Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located south of 21st Street North, west of Webb Road, and northwest of the Wilson Estates Parkway and Paddock Green Circle.
(WCC #II)

REASON FOR REQUEST: Parking has been relocated to a reserve, parking easement no longer needed

CURRENT ZONING: Subject properties are zoned "SF-5" Single-family Residential and "GO" General Office. Abutting and adjacent properties are zoned "SF-5" or "GO." All are in CUP DP-201.

VICINITY MAP:



The applicants are requesting consideration for the vacation of the described parking easement. There are no manholes, sewer or water lines in the parking easement. The applicant has identified Reserve D as the area where the parking will be relocated. Per the plat's text Reserve D is to be used for "berming, open space, landscaping, monuments, irrigation, drainage, and utilities as designated." There are no manholes, sewer or waterlines in Reserve D. The reserve shall be owned and maintained by the homeowners association. Comments from the franchised utilities and Storm Water have not been received and are needed to determine if they have utilities located within Reserve D. The Brighton Courts Addition was recorded with the Register of Deeds September 11, 2003.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works, Storm Water, franchised utility representatives, and other interested parties, Planning Staff recommends approval to vacate the platted non-exclusive residential parking easement and a portion of Reserve D as described with conditions.

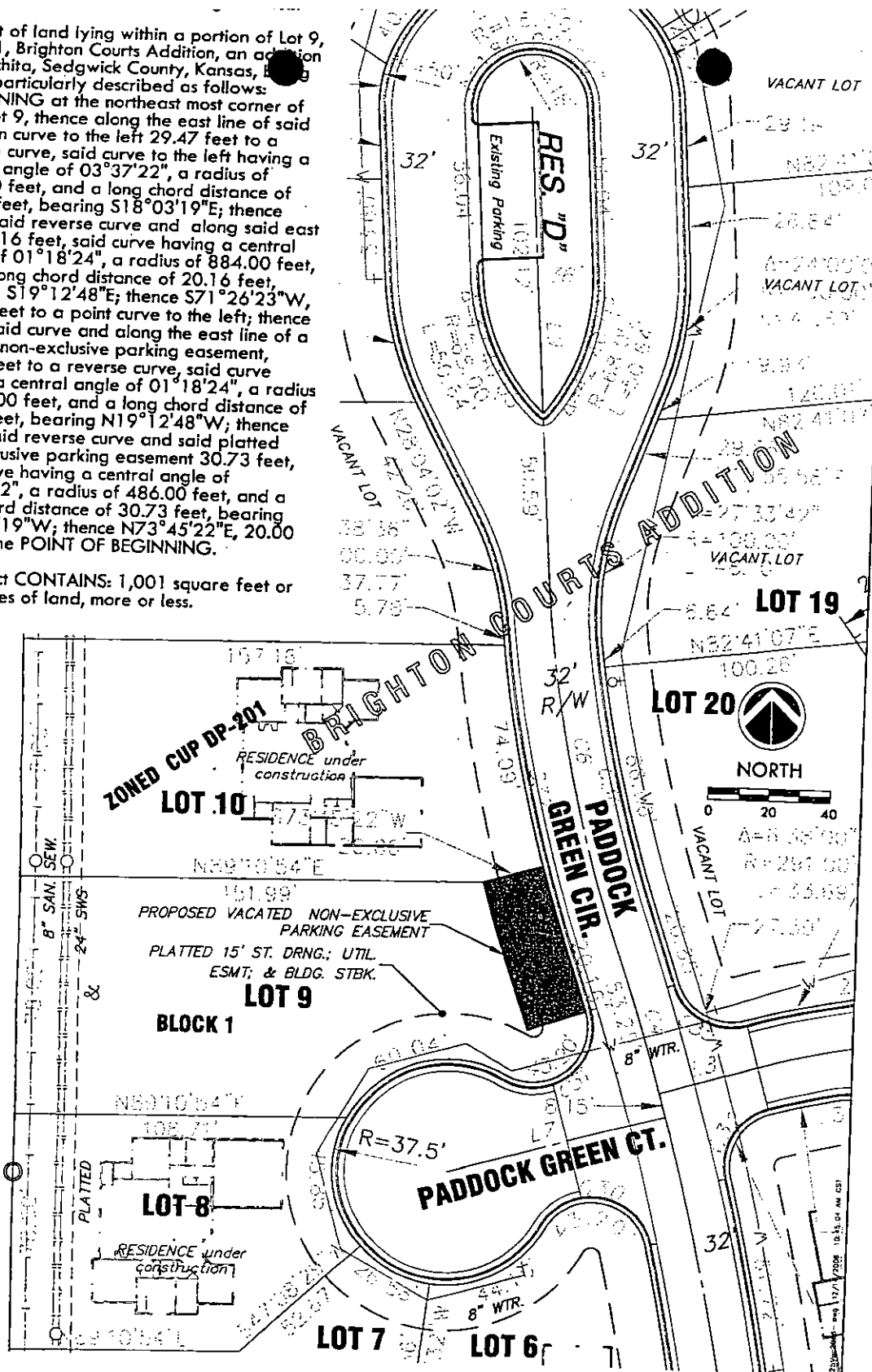
- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time April 12, 2007 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 portion of the platted easement & reserve and the proposed uses allowed in vacated portion 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 a portion of the platted easement and reserve and the uses allowed in the vacated 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 the plat's text of Reserve D, to allow the additional use of common non-exclusive parking. Provide staff with comments from the franchised utilities in regards to possible location of their equipment in the reserve.
 - (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
 - (3) All improvements shall be according to City Standards and at the applicants' expense.
 - (4) 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:

- (1) Vacate the use restrictions as listed in the plat's text of Reserve D, to allow the additional use of common non-exclusive parking. Provide staff with comments from the franchised utilities in regards to possible location of their equipment in the reserve.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
- (3) All improvements shall be according to City Standards and at the applicants' expense.
- (4) 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

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Said tract CONTAINS: 1,001 square feet or 0.02 acres of land, more or less.



VAC 2007-19

NOTES:

1. We are requesting the vacation all of the platted non-exclusive 20' parking easement as located hereon.
2. It is not intended to vacate the 15' street drainage, utility easement, and building setback.
3. Utility location are shown from records and field locate; actual locations differs.

MKEC

ENGINEERING
CONSULTANTS, INC.

**LOT 8, BLOCK 1
BRIGHTON COURTS ADDITION**

PROJECT NAME
MAPC VAC2007 -

SHEET TITLE

411 N. WEBB ROAD
WICHITA, KS. 67206
316-684-9600

BOL
DESIGN BY:

May 2007
DATE

BOL
DRAWN BY:

07270
JOB NO.

GJA
CHECKED BY:

1 / 1
SHEET/OF

K:\MAPS\2007\19\2007-19.dwg 12/1/2006 10:55:01 AM CDT