



Wichita-Sedgwick County Metropolitan Area Planning Department

June 18, 2008

Clint Miller Properties
1907 S. Hydraulic
Wichita, KS 67211

Re: **VAC2008-00004** - Request to vacate a portion of platted public street right-of-way, generally located south of I-35, west of Greenwich Road in Fawn Grove.

Dear Mr. Miller:

At its regular meeting on Tuesday, June 17, 2008, 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
Ruggles & Bohm, P.A, c/o Chris Bohm, 924 N. Main, Wichita, KS 67203
Casa Bella Homeowners Association, P.O. Box 781974, Wichita, KS 67278



Sedgwick County
Register of Deeds - Bill Meek
DOC.#/FLM-PG: 28984931

Receipt #: 1690844
Pages Recorded: 2
Cashier Initials: AL

Authorized By:  Recording Fee: 01

Date Recorded: 6/19/2008 2:10:32 PM



CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

BEFORE THE CITY COUNCIL OF THE

Approved / Accepted By City Council

CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

6-17-08

**IN THE MATTER OF THE VACATION OF
A PORTION OF PLATTED STREET RIGHT-
OF-WAY**

**GENERALLY LOCATED
SOUTH OF I-35, EAST OF GREENWICH ROAD,
AT THE FAWN GROVE-GREENWICH ROAD
INTERSECTION**

Case No. VAC2008-00004

MORE FULLY DESCRIBED BELOW

VAC 2008-04

VACATION ORDER

NOW on this 17th day of June, 2008 comes on for hearing the petition for vacation filed by Clint Miller Properties, Inc., c/o Clint Miller praying for the vacation of the following described portion of a platted street right-of-way to-wit:

That part of Fawn Grove street right-of-way platted in Fawn Grove At Sunset Lakes, An Addition to Wichita, Sedgwick County, Kansas, described as beginning 34.00 feet south of the southeast corner of Lot 1, Block 2, in said addition; thence S00°00'00"W, 10.00 feet; thence S90°00'00"W, 80.00 feet; thence N00°00'00"E, 5.00 feet; thence N78°13'54"E, 24.52 feet; thence N90°00'00"E, 56.00 feet to the place 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 The Wichita Eagle and the Derby Reporter on February 21, 2008, 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 portion of the platted street right-of-way, and the public will suffer no loss or inconvenience thereby.

3. A reserve dedicated by separate instrument and a restrictive covenant dedicated by separate instrument will be recorded with Vacation Order with the Sedgwick County Register of Deeds.

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.

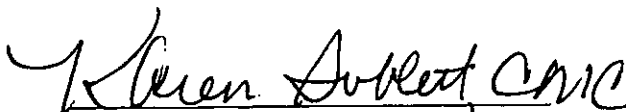
6. The vacation of the portion of the platted street right-of-way described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 17th day of June 2008 ordered that the above described portion of the platted street right-of-way 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.



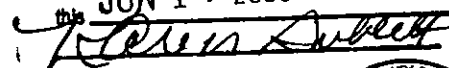

Carl Brewer, Mayor

ATTEST:

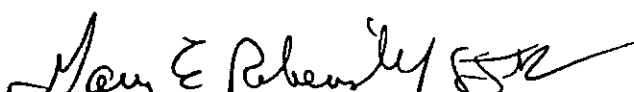

Karen Sublett, City Clerk

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 17 2008

 City Clerk

Approved as to Form:


Gary Rehenstorf, Director of Law



STAFF REPORT

CASE NUMBER: VAC2008-00004 Request to vacate a portion of a platted street right-of-way.

APPLICANTS: Clint Miller Properties, Inc, c/o Clint Miller

AGENTS: Ruggles & Bohm, PA, c/o Chris Bohm

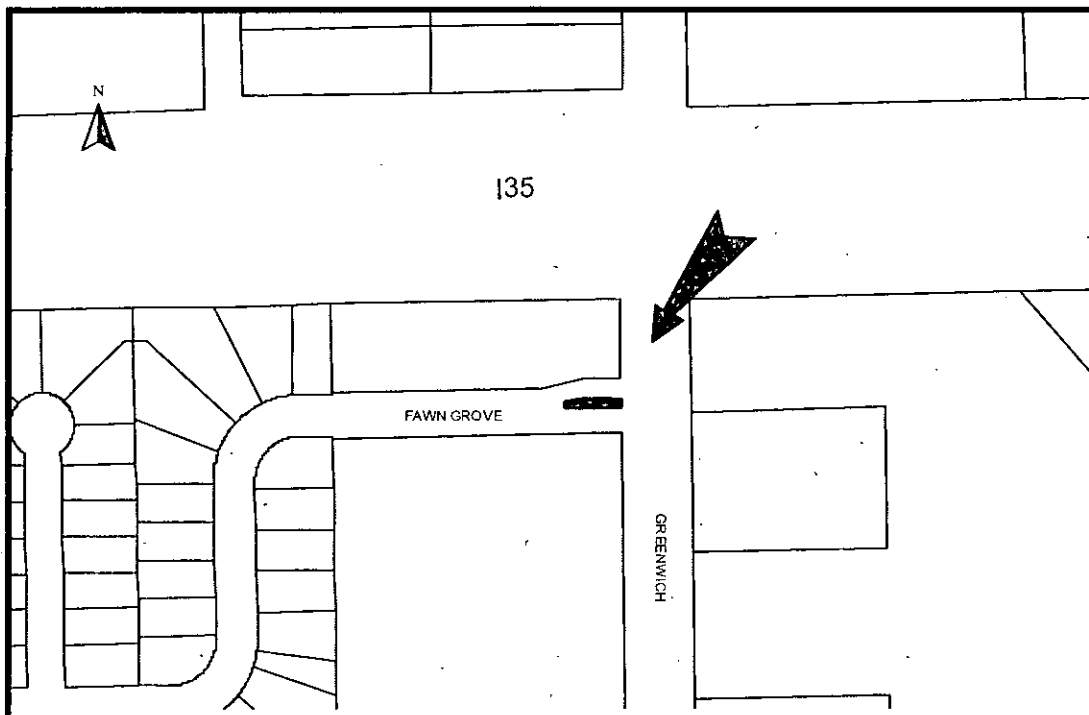
LEGAL DESCRIPTION: Generally described as the middle 11-feet of the platted 84-foot Fawn Grove Street right-of-way (ROW) with its east (beginning) end extending beyond the northeast corner of Lot 1, Block 1, all in the Fawn Grove at Sunset Lakes Addition, Wichita, Sedgwick County, Kansas, into the Greenwich Road ROW (see attached exhibit as opposed to the attached legal).

LOCATION: Generally located south of I-35, east of Greenwich Road, at the Fawn Grove – Greenwich Road intersection (WCC #II).

REASON FOR REQUEST: Existing entry monument located in public street ROW.

CURRENT ZONING: The site is a platted, developed public street ROW. All abutting northern, southern and western properties are zoned "GO" General Office. "SF-5" Single-family Residential zoned properties are located east of the site, across Greenwich Road.

VICINITY MAP:



The applicant is requesting the vacation of the described portion (see attached legal and the exhibit) of the platted Fawn Grove public street ROW and per the attached exhibit into the Greenwich Road ROW. The application states that an entry monument (considered a permanent subdivision sign by OCI, see attached photo) has been built in the in the platted ROW. The applicant proposes to create a reserve around the entry monument. As proposed on the exhibit, the reserve appears to extend into the Greenwich - Fawn Grove intersection. As shown on the exhibit there is 26-feet of paved ROW on the south side of the proposed 11-foot wide reserve and 20-feet of paved ROW on its west side. The exhibit shows 13.5-feet of ROW from the back of the curb; the standard is 14.5-feet. There are 73-feet of total ROW remaining. Fawn Grove is the collector street for the Fawn Grove at Sunset Lakes single-family subdivision, and it is also the only way in or out of the subdivision. There are no utilities, manholes, water or sewer lines within the proposed reserve. The Fawn Grove at Sunset Lakes Addition was recorded with the Register of Deeds April 20, 2004.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works, the Traffic Engineer, Fire, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate a portion of the platted street ROW, 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, in the Wichita Eagle and the Derby Reporter, of notice of this vacation proceeding one time February 21, 2008 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 street right-of-way 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.

Therefore, the vacation of the portion of the platted street right-of-way described in the petition should be approved with conditions;

- (1) As approved by the Traffic Engineer and Fire, provide Planning staff with an accurate legal description of the approved vacated ROW on a word document via e-mail.
- (2) Dedicate a reserve by separate instrument (with the original signatures), to be provide to Planning Staff to go with the Vacation Order to City Council, for final action and subsequent recording with the Register of Deeds. The reserve will be only for the entry monument, landscaping and utilities confined to easements.
- (3) Provide Planning Staff with a covenant (with the original signatures), that states that the ownership and maintenance of the reserve will be the responsibility of the homeowners association; apply the language in section 7-207. Reserves (E) of the Subdivision Regulations to the covenant. To be provide to Planning Staff to go with the Vacation Order to City Council, for final action and

subsequent recording with the Register of Deeds.

- (4) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicants.
- (5) All improvements shall be according to City Standards, including certification/verification that the entry monument has been approved by OCI.
- (6) 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

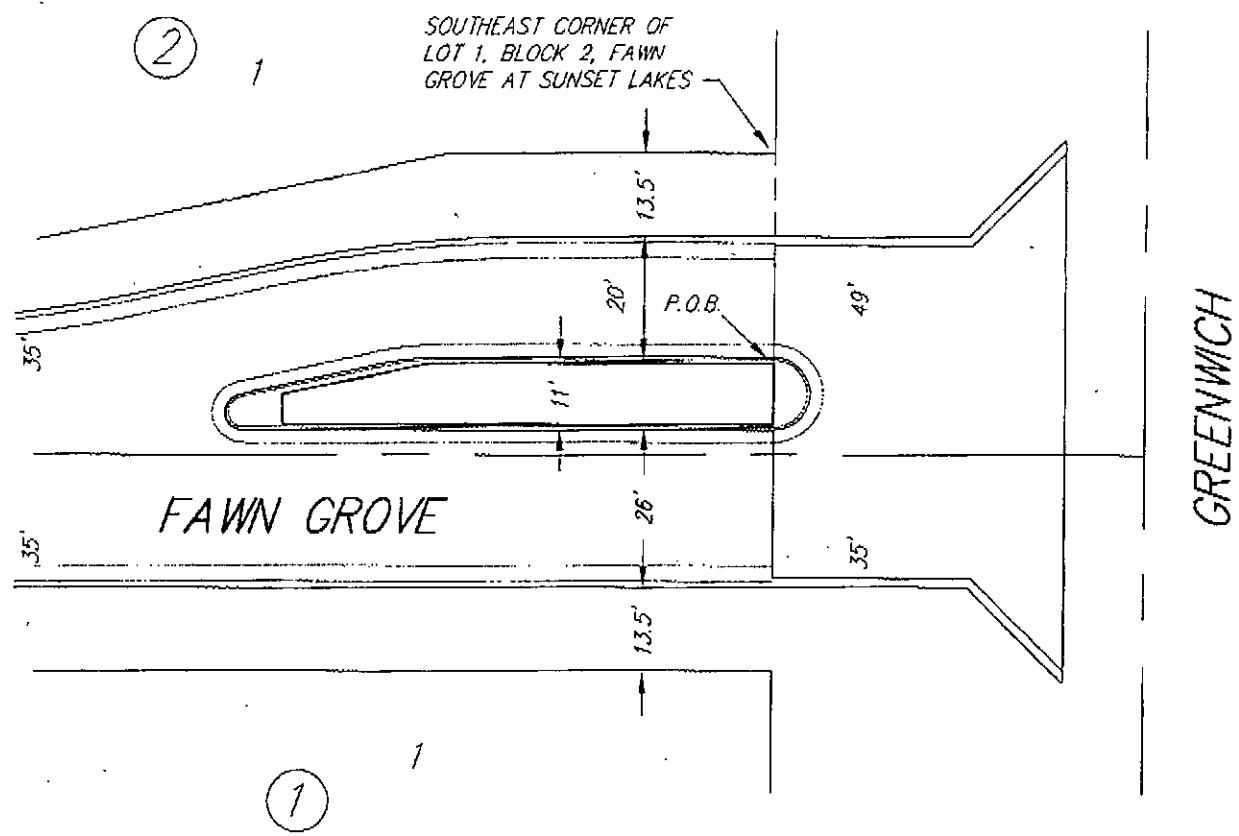
SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) As approved by the Traffic Engineer and Fire, provide Planning staff with an accurate legal description of the approved vacated ROW on a word document via e-mail.
- (2) Dedicate a reserve by separate instrument (with the original signatures), to be provide to Planning Staff to go with the Vacation Order to City Council, for final action and subsequent recording with the Register of Deeds. The reserve will be only for the entry monument, landscaping and utilities confined to easements.
- (3) Provide Planning Staff with a covenant (with the original signatures), that states that the ownership and maintenance of the reserve will be the responsibility of the homeowners association; apply the language in section 7-207. Reserves (E) of the Subdivision Regulations to the covenant. To be provide to Planning Staff to go with the Vacation Order to City Council, for final action and subsequent recording with the Register of Deeds.
- (4) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicants.
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- (6) 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

VAC2008-04

SITE PLAN



1" = 30'