



Wichita-Sedgwick County Metropolitan Area Planning Department

May 6, 2008

Re: **VAC2008-00007** - Request to vacate the platfor's text to amend the uses allowed in a platted easement, generally located south of Central Avenue, east of Rock Road, between Overbrook and Stone Ridge Lanes.

Dear Ladies and Gentlemen:

At its regular meeting on Tuesday, May 6, 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 Longhecker
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
Mark J & April A Raccuglia, 8609 Overbrook, Wichita, KS 67206
R Kent & Elaine M Power, 8419 Overbrook, Wichita, KS 67206
Billie J & Yoshie K Sagerty, 8420 Stoneridge, Wichita, KS 67206
Robert R & Denise Denny, 8450 Overbrook, Wichita, KS 67206
Kay R Womack, 8455 Stroneridge, Wichita, KS 67206
James F Rosenoover & Suzanne M Seaman, 8509 Stoneridge, Wichita, KS 67206
Jerry & Lori Primm, 8604 Stoneridge, Wichita KS 67206
Anthony J Taravella, Rev Trust, 8520 Overbrook, Wichita, KS 67206
Dragan Djuric, 8510 E Overbrook, Wichita, KS 67206



Sedgwick County
Register of Deeds - Bill Meek
DOC #/FLM-PG: 28974152

Receipt #: 1687253
Pages Recorded: 2
Cashier Initials: KL

Recording Fee: 00H
Authorized By:

Date Recorded: 5/9/2008 8:15:20 AM



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

5-6-08 #22

IN THE MATTER OF THE VACATION OF
THE PLATTOR'S TEXT TO AMEND THE USES
ALLOWED IN A PLATTED EASEMENT

GENERALLY LOCATED
SOUTH OF CENTRAL AVENUE, EAST OF
ROCK ROAD, BETWEEN OVERBROOK AND
STONE RIDGE LANES

Case No. VAC2008-00007

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 6th day of May, 2008 comes on for hearing the petition for vacation filed by Jim F. Rosenhoover & Suzanne M. Seaman, Kay R. Womack, Dragan Djuric and Robert R. & Denise Denny praying for the vacation of the plattor's text to amend the uses allowed in a platted walk and utility easement, to wit:

Remove the use of a walk in the platted walk and utility easement located between Lots 10, 11, 28 & 29, all in Block 2, all in the Brookhollow Third Addition, Wichita, Sedgwick County, Kansas.

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 March 6, 2008, which was at least 20 days prior to the public hearing.

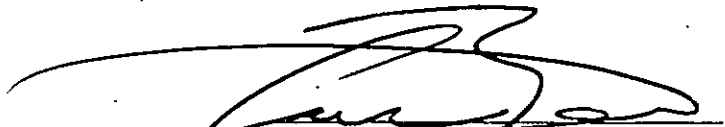
2. No private rights will be injured or endangered by the vacation of the above described use in the plattor's text in the described platted easement, and the public will suffer no loss or inconvenience thereby.
3. Retain the platted easement, located between Lots 10, 11, 28 & 29, all in Block 2, all in the Brookhollow Third Addition, for utilities.
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 described use in the plattor's text in the platted easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 6th day of May 2008 ordered that the above described use in the plattor's text in the described platted easement 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.



ATTEST:


Karen Sublett, City Clerk


Carl Brewer, Mayor

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 MAY 06 2008


City Clerk

Approved as to Form:


Gary Rebenstorf, Director of Law

STAFF REPORT

CASE NUMBER: VAC2008-00007: Request to vacate the platlor's text to amend the uses allowed in a platted easement

OWNERS/APPLICANTS: Jim F Rosenhoover & Suzanne M Seaman Dragan Djuric
Kay R Womack Robert R & Denise Denny

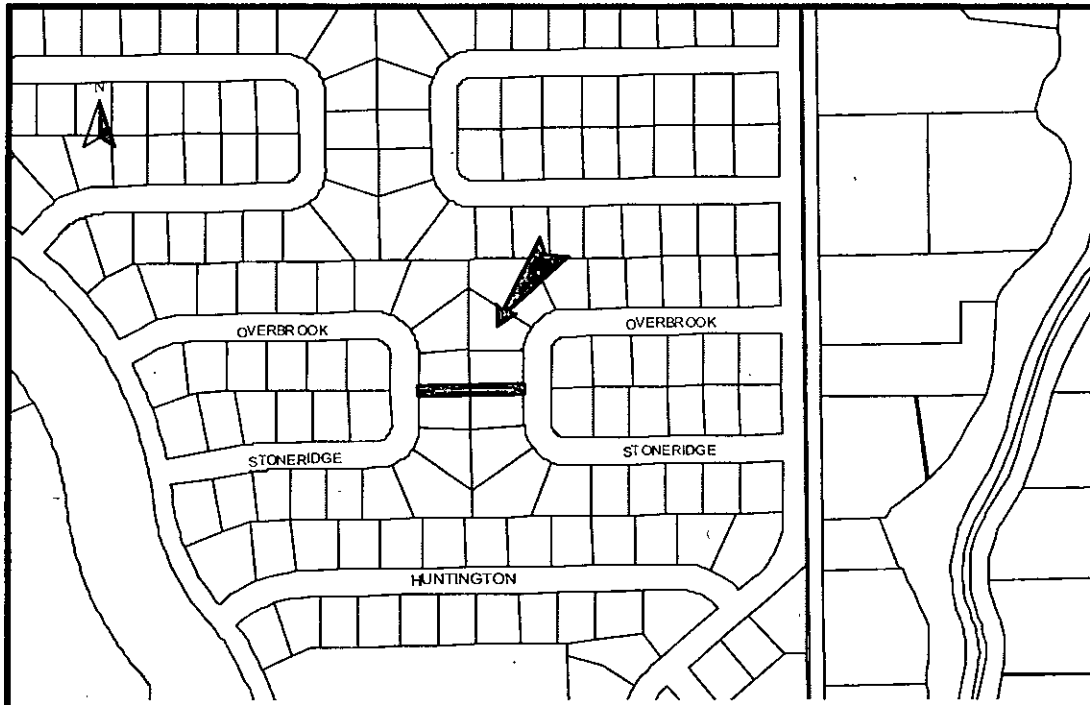
LEGAL DESCRIPTION: The uses allowed in the platted 20-foot utility - walk easement located between Lots 10, 28 (north side), 11 & 29 (south side), all in Block 2, Brookhollow Third Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located south of Central Avenue, east of Rock Road, between Overbrook and Stone Ridge Lanes (WCC #11)

REASON FOR REQUEST: Remove the walk for security reasons

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

VICINITY MAP:



The applicants are requesting that the uses allowed in the described platted easement be vacated and amended. Currently the plat's text (and the plat) identifies that this easement is to be used for utilities and a walk. The applicants request the vacation to remove the walk use and thus allow fences and gates over the easement for security reasons. Currently there is a sidewalk in the easement, which runs between the applicants' residences, in their interior side yards. There are sewer lines in the platted easement. The Brookhollow Third Addition was recorded with the Register of Deeds June 29, 1973.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works, Water and Sewer, Storm Water, franchised utility representatives, and other interested parties, Planning Staff recommends approval to vacate the plat's text to amend the uses allowed in the described platted easement 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 March 6, 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 plat's text to amend the uses allowed in the described platted easement 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 plat's text to amend the uses allowed in the platted easement described in the petition should be approved with conditions;

- (1) Vacate the plat's text, amending it by removing the use of a walk in the platted easement located between Lots 10, 11, 28 & 29, Block 2, Brookhollow Third Addition. The described platted easement will remain a utility easement.
- (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, including the removal of the sidewalk.
- (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:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the platlor's text, amending it by removing the use of a walk in the platted easement located between Lots 10, 11, 28 & 29, Block 2, Brokkhollow Third Addition. The described platted easement will remain a utility easement.
- (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, including the removal of the sidewalk.
- (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

VA-2000-07

BROOKHOLLOW THIRD ADDITION

WICHITA, SEDGWICK COUNTY, KANSAS

THIS PLAY APPROX-
CITY COMMISSION

