CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

July 2, 2008

Ritchie Development Corporation
Attn: Rob Ramseyer
8100 E. 22nd Street North
Bldg. #1000
Wichita, KS 67226

Re: **VAC2008-00014** - Request to vacate portions and all of platted reserves, generally located east of Rock Road, south of 21st Street North, on the southeast side of Bradley Fair & Wilson Estates Parkways.

Dear Mr. Ramseyer:

At its regular meeting on Tuesday, July 1, 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
Juliane Kallman Public Works Engineering, Mailstop 1-71
MKEC Engineering Consultants, Inc., Attn: Greg Allison, 411 N. Webb Road, Wichita, KS 67206
Wilson Farms Residential Association, 8100 E. 22nd St. North, Suite 1000, Wichita, KS 67226
Wilson Homestead LLC, 150 N. Market, Wichita, KS 67202
Belmont Owners' Association, 8100 E. 22nd Street North, Suite 1000, Wichita, KS 67226
Saddlecreek Court, LLC, 150 N. Market, Wichita, KS 67202
Robert A. & Joan M. Difulgentiz, 1955 Saddle Creek Ct., Wichita, KS 67206

Sedgwick County
Register of Deeds - Bill Meek
DOC.#/FLM-PG: 28989172
Receipt #: 1692402
Pages Recorded: 1
Cashier Initials: LAS
Authorized By:
Recording Fee: 00
Date Recorded: 7/7/2008 3:44:07 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
This 7-1-08 #25

IN THE MATTER OF THE VACATION OF PORTIONS AND ALL OF PLATTED RESERVES AND VACATE THE PLATTOR'S TEXT TO AMEND THE USES ALLOWED IN THE DESCRIBED PLATTED RESERVES	)	
GENERALLY LOCATED EAST OF ROCK ROAD, SOUTH OF 21ST STREET NORTH, ON THE SOUTHEAST SIDE OF BRADLEY FAIR & WILSON ESTATES PARKWAYS	)	**Case No. VAC2008-00014**
MORE FULLY DESCRIBED BELOW	)	

VACATION ORDER

NOW on this 1st day of July 2008 comes on for hearing the petition for vacation filed by Ritchie Development Corporation, c/o Rob Ramseyer, Mark Camden & Heather B. Whitaker, Charles W. & Nancy K. McGuire, Billy E. & Renee G. Shelton praying for the vacation of the following described portions and all of platted reserves and vacate the plattor's text to amend the uses allowed in the described platted reserves to-wit:

Tract "RES. F-1"
A tract of land lying within a portion of Reserve "F", Wilson Farms Addition, an Addition to Wichita, Sedgwick County, Kansas described as:
BEGINNING at the Southwest corner of Lot 19, Block 1, Wilson Farms Addition; thence bearing N51°0004"W, along the North line of Lot 5, Block 1, Wilson Farms Addition, a distance of 115.93 feet; thence bearing N38°52'36"E, a distance of 160.07 feet to the West line of said Lot 19; thence bearing S03°00'00"W, along the West line of said Lot 19, a distance of 197.85 feet to the POINT OF BEGINNING. Said tract of land contains 0.21

acres more or less. TO ALLOW SF-5 Single-family Residential ("SF-5") uses, shared accesses from Lots 19-1 and 19-2 (residential lot split, SUB2008-30), Block 1, Wilson Farms Addition to Bradley Fair Parkway, a private gate not confined to an easement and a call box, mail box, drainage and utilities confined to easements.

Tract "RES. F-2"
A tract of land lying in a portion of Reserve "F", Wilson Farms Addition, an addition to Wichita, Sedgwick County, Kansas, said tract of land being more particularly described as follows: COMMENCING at the southeast most corner of said Reserve "F", being coincident with the northwest corner of Lot 5, Block 1, said Wilson Farms Addition, thence on a platted bearing of N38°59'56"E, 100.00 feet to the POINT OF BEGINNING, thence N38°59'56"E, 58.09 feet to a point on an easterly line of said Reserve "F"; thence along said easterly line, S03°00'00"W, 71.80 feet; thence N51°00'04"W, 42.20 feet to the POINT OF BEGINNING. Said tract CONTAINS: 1,226 square feet or 0.028 acres of land, more or less. TO ALLOW SF-5 Single-family Residential ("SF-5") uses and open space only.

Tract "RES. F-3"
A tract of land lying in a portion of Reserve "F", Wilson Farms Addition, an addition to Wichita, Sedgwick County, Kansas, said tract of land being more particularly described as follows: COMMENCING at the southeast most corner of said Reserve "F", being coincident with the northwest corner of Lot 5, Block 1, said Wilson Farms Addition, thence on a platted bearing of N38°59'56"E, 100.00 feet; thence S51°00'04"E, 42.20 feet to an easterly line of said Reserve "F"; thence along said easterly line, S03°00'00"W, 123.61 feet to the southeast most corner of said Reserve "F", said corner being coincident with the north line of said Lot 5; thence along a southerly line of said Reserve "F", N51°00'04"W, 114.85 feet to the POINT OF BEGINNING. Said tract CONTAINS: 7,853 square feet or 0.18 acres of land, more or less. TO ALLOW SF-5 Single-family Residential ("SF-5") uses and open space only.

Tract "RES. F-4"
A tract of land lying in a portion of Reserve "F", Wilson Farms Addition, an addition to Wichita, Sedgwick County, Kansas, said tract of land being more particularly described as follows: BEGINNING at the northwest corner of Lot 16, Block 1, said Wilson Farms Addition, thence along the west line of said Lot 16 being common to Reserve "F" on a platted bearing of S00°33'40"E, 63.73 feet to a platted corner of said Reserve "F" being coincident with the northeast corner of Lot 19, said Block 1; thence along a line common to said Lot 19, and said Reserve "F", S89°26'20"W, 60.00 feet; thence N42°42'46"E, 87.53 feet to the POINT OF BEGINNING. Said tract CONTAINS: 1,912 square feet or 0.04 acres of land, more or less. TO ALLOW SF-5 Single-family Residential ("SF-5") uses and open space only.

Tract "RES. D-1"

All of Reserve "D", Wilson Farms Addition, an addition to Wichita, Sedgwick County, Kansas, EXCEPT, BEGINNING at the northwest most corner of said Reserve "D", being

common to the southwest corner of Lot 16, Block 1, said addition, thence along a line common to said Lot 16, and said Reserve "D", N89°26'20"E, 59.80 feet; thence S46°18'03"W, 81.95 feet to the west line of said Reserve "D"; thence along said west line, N00°33'40"W, 56.03 feet to the POINT OF BEGINNING. Said tract CONTAINS: 2,814 square feet or 0.065 acres of land, more or less. TO ALLOW SF-5 Single-family Residential ("SF-5") uses and open space only.

Tract "RES. D-2"
A tract of land lying in a portion of Reserve "D", Wilson Farms Addition, an addition to Wichita, Sedgwick County, Kansas, said tract of land being more particularly described as follows: BEGINNING at the northwest most corner of said Reserve "D", being common to the southwest corner of Lot 16, Block 1, said addition, thence along a line common to said Lot 16, and said Reserve "D", N89°26'20"E, 59.80 feet; thence S46°18'03"W, 81.95 feet to the west line of said Reserve "D"; thence along said west line, N00°33'40"W, 56.03 feet to the POINT OF BEGINNING.
Said tract CONTAINS: 1,675 square feet or 0.04 acres of land, more or less. TO ALLOW SF-5 Single-family Residential ("SF-5") uses and open space only.

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 1, 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 portions and all of platted reserves and vacate to amend their restriction of uses, and the public will suffer no loss or inconvenience thereby.

3. Per the plattor's text, all reserves in the Wilson Farms Addition shall be owned and maintained by the homeowners association for the addition. Remove Reserves F-2, F-3, F4, D-1 and D-2, from that restriction and attached to abutting tracts/lots created by boundary shifts and/or residential Lot Split, SUB2008-30.

4. Covenants will be recorded with the Sedgwick County Register of Deeds, which will bind and tie the described portions of the reserves to portions of reconfigured lots created by residential boundary shifts, or lots created by residential lot split SUB2008-30, all in the Wilson Farms Addition.

5. Dedication by separate instrument of a drainage easement, FILM-PAGE #28965358 & of a drainage and utility easement, FILM-PAGE #28966820 have been recorded with the Sedgwick County Register of Deeds.

6. Residential Lot Split SUB2008-30 will be approved concurrently with this vacation request.

7. In justice to the petitioner(s), the prayer of the petition ought to be granted.

8. 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.

9. The vacation of the portions and all of platted reserves and the vacation of the plattor's text to amend the uses allowed in the platted reserves described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 1st day of July 2008 ordered that the above described portions and all of platted reserves and the vacation of the plattor's text to amend the uses allowed in the platted reserves 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

METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 3-2
May 22, 2008

STAFF REPORT

CASE NUMBER: **VAC2008-00014:** Request to vacate portions and all of platted reserves and vacate to amend their restriction of uses

OWNER/AGENT: Ritchie Development Corp., c/o Jay Russell
MKEC Engineering Consultants, c/o Greg Allison

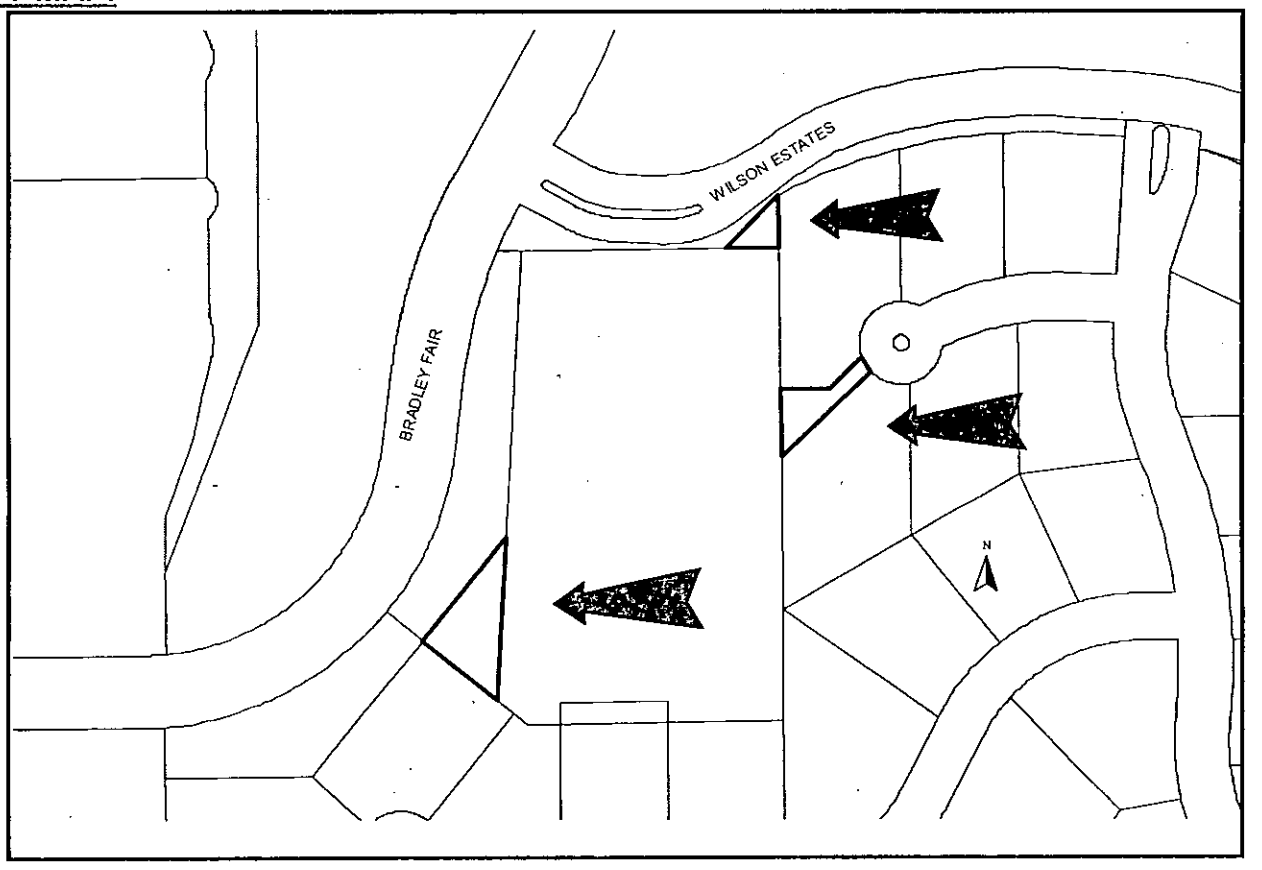
LEGAL DESCRIPTION: Vacate portions of Reserve F and all of Reserve D, all in the Wilson Farms Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located east of Rock Road, south of 21st Street North, on the southeast side of Bradley Fair & Wilson Estates Parkways. (WCC #V)

REASON FOR REQUEST: Associated with lot split (SUB2008-30) & boundary shifts

CURRENT ZONING: Subject properties and all abutting and adjacent properties are zoned SF-5 Single-family Residential ("SF-5"). All in CUP DP-201

VICINITY MAP:



The applicant is requesting consideration for the vacation of a portion of platted Reserves F and all of platted Reserve D, all in the Wilson Farms Addition; see attached exhibit. The physical vacation of the described platted reserves triggers the vacation of the plattor's text, amending the uses permitted in the described reserves. Currently Reserve F's uses are uses are restricted to open space, landscaping, lighting, irrigation, entry monuments and entry gates as confined in easements as indicated on the plat. (a) The applicant requests, per Exhibit Reserve F-1, (associated with Lot Split SUB2008-30) that this portion of Reserve F's uses be amended to allow SF-5 uses, to allow shared accesses from Lots 19-1 and 19-2 (residential lot split, SUB2008-30) to Bradley Fair Parkway, to allow a private gate not confined to an easement and to allow a call box, mail box, drainage and utilities confined to easements. (b) The applicant requests, per Exhibit Reserve F-2, F-3, and F-4, that this portion of Reserve F's uses be amended to allow SF-5 uses and open space only.

Currently Reserve D's uses are uses are restricted to open space, landscaping, lighting, irrigation, and as an access drive to Lot 19, Block 1, the Wilson Farms Addition. The applicant requests, per Exhibit Reserve D-1 and D-2, that this portion of Reserve D's uses be amended to allow SF-5 uses and open space only.

Per the plattor's text, all reserves in the Wilson Farms Addition shall be owned and maintained by the homeowners association for the addition. Remove Reserves F-2, F-3, F4, D-1 and D-2, from that restriction and attached to abutting tracts/lots created by boundary shifts and/or residential Lot Split.

Comments from franchised utilities & Storm Water have not been received and are needed to determine if they have utilities located within the reserve. The Wilson Farms Addition was recorded with the Register of Deeds July 15, 1997.

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 described portions of Reserves D & F, all in the Wilson Farms Addition and the uses of those described portions of the platted reserves with the following 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 May 1, 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 platted Reserves F and all of platted Reserve D 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 platted Reserves F and all of platted Reserve D described in the petition should be approved with conditions;

(1) Vacate the plattor text's uses in Reserve F-1 (per exhibit and associated with Lot Split SUB2008-30) to be amended to allow SF-5 uses, to allow shared accesses from Lots 19-1 and 19-2 (residential Lot Split, SUB2008-30) to Bradley Fair Parkway, to allow a private gate not confined to an easement and to allow a call box, mail box, drainage and utilities confined to easements. Provide Fire and Water & Sewer with access to/through the private gate. Provide Staff with a copy of the approved legal of Reserve F-1 via e-mail on a Word document.

(2) Vacate the plattor text's uses in Reserves F-2, F-3 and F-4 (per exhibit and associated with Lot Split SUB2008-30 and proposed boundary shifts) to be amended to allow SF-5 uses and open space only. Provide Staff with a copy of the approved legal of Reserves F-2, F-3 and F-4 via e-mail on a Word document.

(3) Vacate the plattor text's uses in Reserves D-1 and D-2 (per exhibit) to be amended to allow SF-5 uses and open space only. Provide Staff with a copy of the approved legal of Reserves D-1 and D-2 via e-mail on a Word document.

(4) Remove Reserves F-2, F-3, F4, D-1 and D-2, from the list of reserves owned and maintained by the homeowner's association(s) in the Wilson Farms Addition. Attached described reserves to abutting tracts/lots created by boundary shifts and/or residential Lot Split by restrictive covenants, originals to be provided to Planning Staff to go with the Vacation Order to be recorded with the Vacation Order.

(5) Dedicate by separate instrument a 20-foot utility easement to provide sewer to Lots 19-1 and 19-2, as created by residential Lot Split SUB2008-30. Originals to be provided to Planning Staff to go with the Vacation Order to be recorded with the Register of Deeds.

(6) Provide a copy of the recorded Lot Split and boundary shifts, to be placed in the vacation case file.

(7) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Provide guarantees as needed.

(8) All improvements shall be according to City Standards and at the applicants' expense.

(9) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation requests 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 plattor text's uses in Reserve F-1 (per exhibit and associated with Lot Split SUB2008-30) to be amended to allow SF-5 uses, to allow shared accesses from Lots 19-1 and 19-2 (residential Lot Split, SUB2008-30) to Bradley Fair Parkway, to allow a private gate not confined to an easement and to allow a call box, mail box, drainage and utilities confined to easements. Provide Fire and Water & Sewer with access to/through the private gate. Provide Staff with a copy of the approved legal of Reserve F-1 via e-mail on a Word document.

(2) Vacate the plattor text's uses in Reserves F-2, F-3 and F-4 (per exhibit and associated with Lot Split SUB2008-30 and proposed boundary shifts) to be amended to allow SF-5 uses and open space only. Provide Staff with a copy of the approved legal of Reserves F-2, F-3 and F-4 via e-mail on a Word document.

(3) Vacate the plattor text's uses in Reserves D-1 and D-2 (per exhibit) to be amended to allow SF-5 uses and open space only. Provide Staff with a copy of the approved legal of Reserves D-1 and D-2 via e-mail on a Word document.

(4) Remove Reserves F-2, F-3, F4, D-1 and D-2, from the list of reserves owned and maintained by the homeowner's association(s) in the Wilson Farms Addition. Attached described reserves to abutting tracts/lots created by boundary shifts and/or residential Lot Split by restrictive covenants, originals to be provided to Planning Staff to go with the Vacation Order to be recorded with the Vacation Order.

(5) Dedicate by separate instrument a 20-foot utility easement to provide sewer to Lots 19-1 and 19-2, as created by residential Lot Split SUB2008-30. Originals to be provided to Planning Staff to go with the Vacation Order to be recorded with the Register of Deeds.

(6) Provide a copy of the recorded Lot Split and boundary shifts, to be placed in the vacation case file.

(7) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Provide guarantees as needed.

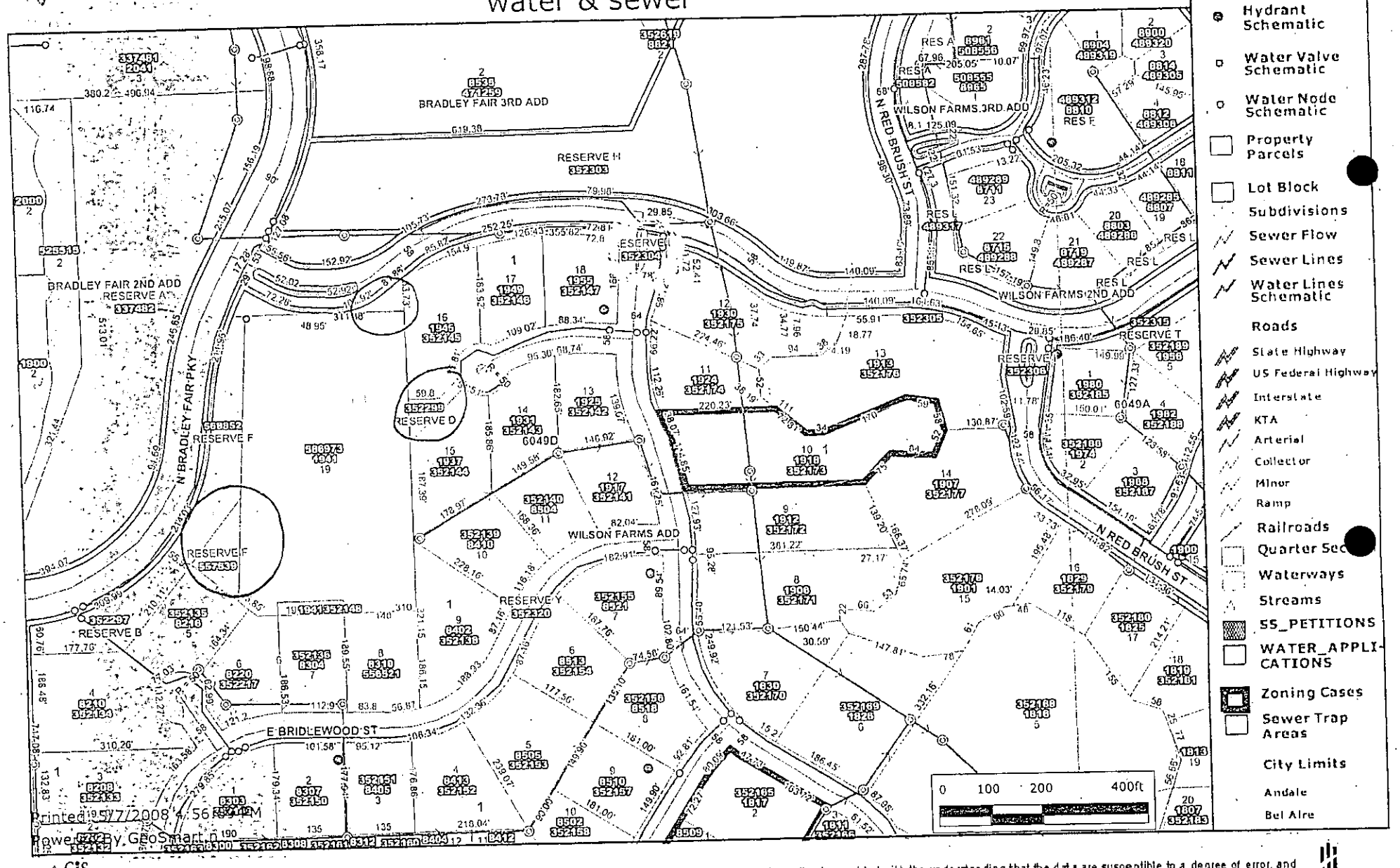
(8) All improvements shall be according to City Standards and at the applicants' expense.

(9) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation requests 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

vac2008-14

water & sewer

0 = Areas of vacation



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