



Wichita-Sedgwick County Metropolitan Area Planning Department

July 23, 2019

K.E. Miller Engineering P.A.
Attn: Kirk Miller
117 E. Lewis St
Wichita, KS 67202

Ref: VAC2017-00044 - City Vacation of portion of access control and use restriction concerning Reserve E in the Bradford North 3rd Addition, and concerning Lot 15, Block 2, in said Addition, on property zoned TF-3; generally located at the southwest corner of West Tyler Road and North 29th Street West.

Dear Kirk,

At its regular meeting on Tuesday, July 16, 2019, the Wichita City Council considered the above-referenced 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 268-4421.

Sincerely,

Philip Zevenbergen
Associate Planner

PZ:kw

cc: Homestead Holdings LLC, Jerrome Castillo, 906 N Main St, Ste 3, Wichita KS 67203



Sedgwick County
Recorder of Deeds - Tonya Buckingham
C.#/Flm-Pg: 29864308

Receipt #: 2121955
Pages Recorded: 2

Recording Fee: \$0.00

Cashier: KVENATOR

Authorized By: *Tonya Buckingham*

Date Recorded: 07/23/2019 04:19:49 PM



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

**IN THE MATTER OF THE VACATION OF A PORTION OF)
PLATTED ACCESS CONTROL AND USE RESTRICTION)**

**GENERALLY LOCATED AT THE SOUTHWEST CORNER)
OF WEST TYLER ROAD AND NORTH 29TH STREET)
WEST)**

VAC2017-00044

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 16th day of July, 2019, comes on for hearing the petition for vacation filed by Kirk Miller of KE Miller Engineering on behalf of Homestead Holdings LLC, praying for the vacation of the described platted access control and use restriction, to-wit:

Vacation of the Access Control, and the platted restriction on part of Reserve "E", Block 2, Bradford North 3rd Addition of Wichita, Sedgwick County, Kansas, being more particularly described as:

Commencing at the Southeast corner of said Reserve "E"; thence N01°21'34"W, on the East line of said Reserve "E", a distance of 30.00 feet; thence N89°38'26"W, a distance of 35.00 feet, to the Point of Beginning, thence N89°38'26"W, a distance of 78.73 feet; thence N57°13'30"W, a distance of 161.43 feet; thence S00°21'34"E, a distance of 17.77 feet; thence S57°13'30"E, a distance of 136.32 feet; the PC, of a curve to the right, thence along said curve having a radius of 187.37 feet, a delta of 11°57'15", and a length of 39.09 feet; thence N48°5'36"E, a distance of 12.6 feet; thence S89°38'26"E, a distance of 65.00 feet; thence N00°21'34"E, a distance of 8.00 feet, 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, in The

Wichita Eagle on November 16, 2017, which was at least 20 days prior to the public hearing.

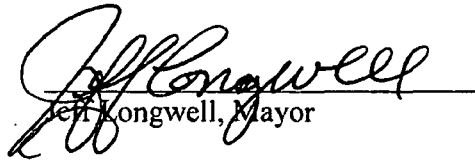
2. No private rights will be injured or endangered by the vacation of the described platted access control and use restrictions, and the public will suffer no loss or inconvenience thereby.

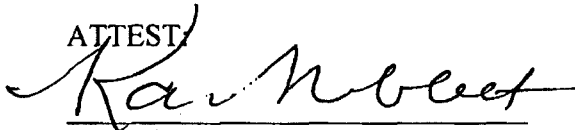
3. In justice to the petitioner(s), the prayer of the petition ought to be granted.

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 described platted access control and use restrictions should be approved.

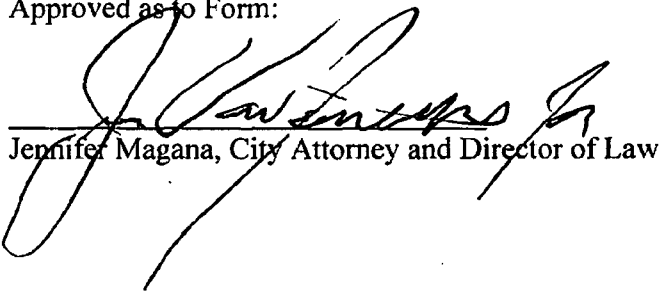
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 16th day of July, 2019, ordered that the described platted access control and use restrictions are hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Register of Deeds of Sedgwick County.


Jeff Kongwell, Mayor

ATTEST

Karen Sublett, City Clerk

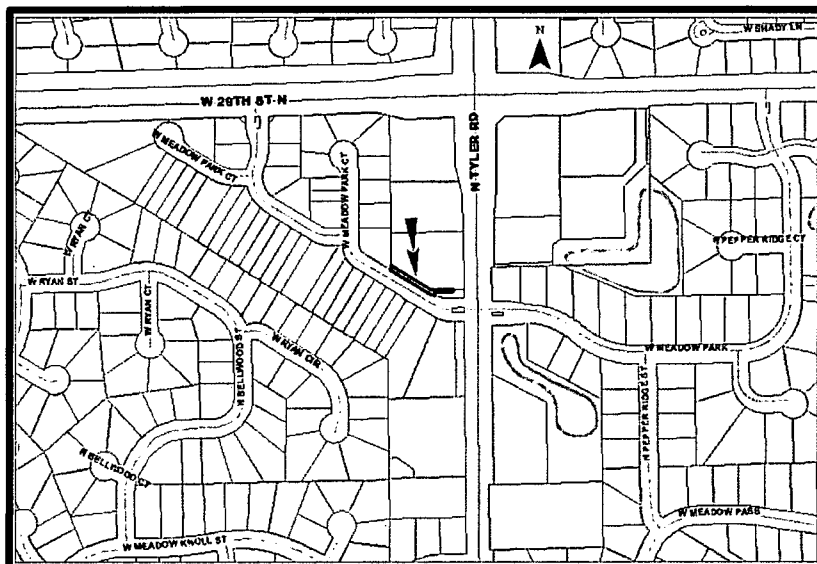


Approved as to Form:


Jennifer Magana, City Attorney and Director of Law

STAFF REPORT

- CASE NUMBER:** VAC2017-00044 – City Vacation of portion of access control and use restriction concerning Reserve E in the Bradford North 3rd Addition, and concerning Lot 15, Block 2, in said Addition
- APPLICANT:** Kirk Miller with KE Miller Engineering (agent) / Jerrome Castillo with Homestead Holdings LLC
- LEGAL DESCRIPTION:** Vacation of the Access Control, and the platted restriction on part of Reserve “E”, Block 2, Bradford North 3rd Addition of Wichita, Sedgwick County, Kansas, being more particularly described as:
Commencing at the Southeast corner of said Reserve “E”; thence N01°21’34”W, on the East line of said Reserve “E”, a distance of 30.00 feet; thence N89°38’26”W, a distance of 35.00 feet, to the Point of Beginning, thence N89°38’26”W, a distance of 78.73 feet; thence N57°13’30”W, a distance of 161.43 feet; thence S00°21’34”E, a distance of 17.77 feet; thence S57°13’30”E, a distance of 136.32 feet; the PC, of a curve to the right, thence along said curve having a radius of 187.37 feet, a delta of 11°57’15”, and a length of 39.09 feet; thence N48°5’36”E, a distance of 12.6 feet; thence S89°38’26”E, a distance of 65.00 feet; thence N00°21’34”E, a distance of 8.00 feet, to the Point of Beginning.
- LOCATION:** Generally located at the southwest corner of West Tyler Road and North 29th Street West.
- REASON FOR REQUEST:** To provide access for a duplex development.
- CURRENT ZONING:** TF-3 Two Family Residential and LC Limited Commercial
- VICINITY MAP:**



The applicant is requesting the vacation of the platted access controls at the indicated site to allow for access to a duplex style development on the parcel to the north. Access to the site would be from West Meadow Park, via one access point, with no access off of North Tyler Road. The access controls were put in place when the property was platted as a part of the Bradford North 3rd Addition on 27 August 1997.

The surrounding developments along West Meadow Park are also duplex, so this proposal would facilitate development that was compatible with the surrounding uses. There are no public utilities in the area to be vacated. Westar has indicated they do not have utilities in the area to be vacated. Cox Communication has indicated that they have lines in the area being vacated. The applicant has indicated that they will provide an easement for these lines, or relocated the services if necessary. Comments from other franchised utilities have not been received and are needed to determine if they also have utilities located within the described right-of-way that are unknown at this time.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works, Water & Sewer, Stormwater, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described alley right-of-way.

- A. That after being duly and fully informed as to fully understanding 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, of notice of this vacation at least 20 days prior to this public hearing.
 - 2. That no private rights will be injured or endangered by vacating the platter's text to amend the uses allowed in a platted reserve and that the public will suffer no loss or inconvenience thereby.
 - 3. In justice to the petitioner, the prayer of the petition ought to be granted.

The Subdivision Committee Recommends approval subject to the following conditions:

- (1) If needed, provide a documentation for the dedication of a utility easement on this site for franchised utilities located within the area being vacated. This must be provided prior to the case going to the City Council for final action.
- (2) As needed, provide Public Works with any needed project plans for the relocation of utilities for review and approval. Any relocation/reconstruction of utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide approved project number(s) to Planning prior to the case going to City Council for final action.
- (3) All improvements and maintenance shall be to City Standards and at the applicants' expense.
- (4) 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.

Site plan showing a residential development layout. The plan includes a curved boundary on the left side, a 24.0' Drive, and various easements (10' Accessible Utility Easement, 10' Utility Easement). The lot is bounded by Tyler Road to the north and Meadow Park to the south. The lot area is 158.0' x 223.0'.

