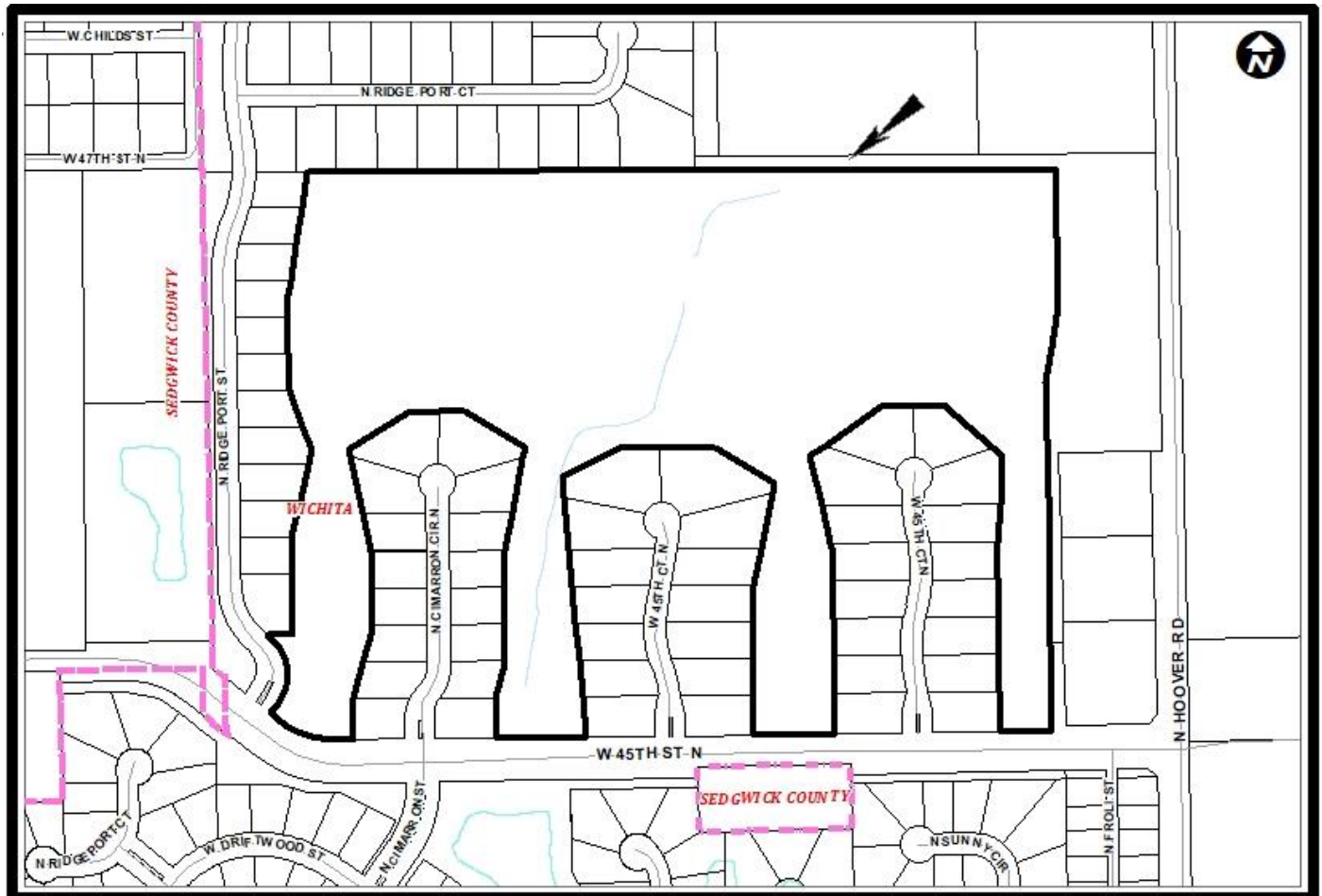


**STAFF REPORT**

- CASE NUMBER:** VAC2022-00010 - Request to vacate platter's text.
- APPLICANT/AGENT:** Castaway, LLC (Jay W. Russell) (applicant) Baughman Company, P.A. (Philip Meyer, L.A.) (agent)
- LEGAL DESCRIPTION:** Generally described as vacating platter's text on Reserve F, Rennick Addition, Sedgwick County, Kansas.
- LOCATION:** Generally located on the north side of 45<sup>th</sup> Street North and approximately one-quarter mile west of North Hoover Road). (WCC #VI)
- REASON FOR REQUEST:** To allow development of a clubhouse and pool.
- CURRENT ZONING:** The site and properties to the north, south, and east are zoned SF-5 Single-Family. Properties to the west are zoned SF-20 Single-Family.
- VICINITY MAP:**



The applicant is requesting to vacate platter’s text for platted Reserve F of the Rennick Addition to allow for development of a clubhouse and pool and to establish a setback. The Rennick Addition was recorded with the Register of Deeds on April 6, 2021.

Reserve F is reserved “for open space, landscaping, berms, lakes, recreational water activities and related appurtenances, boat docks and ramps, drainage purposes, sidewalks, hike and bike trails, recreational areas, gazebos, and utilities as confined to easements”. As stated the revised platter’s text will allow a clubhouse, pool and related appurtenances in Reserve F will retaining the original text.

The area of the setback to be established is located along the north side of West 45<sup>th</sup> Street North. The new setback will be 15 feet and coincide with an existing 15-foot utility easement. There is public sewer in the subject reserve along 45<sup>th</sup> Street North. Everyg has no objection, but they are starting the installation of underground equipment and lines in this area of Rennick, specifically Lot 47, Block A, Rennick Addition. Conditions #1, #3 and #4 cover all utilities. Heide Bryan, is the Everyg Subdivision Representative for this area and can be reached at (316)-261-6354.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works, 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 platter’s text of the platted reserve.

- 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, of notice of this vacation proceeding one time April 28, 2022, which was 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 of the 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.

Conditions (but not limited to) associated with the request:

- (1) Vacate the platter’s text to allow development of a clubhouse and pool and related appurtenances along with a 15-foot building setback on Reserve F, Rennick Addition, while retaining that Reserve F will continue to be used “for open space, landscaping, berms, lakes, recreational water activities and related appurtenances, boat docks and ramps, drainage purposes, sidewalks, hike and bike trails, recreational areas, gazebos, and utilities as confined to easements”.
- (2) Provide Planning Staff with a legal description of the building setback and platter’s text on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. All provided to Planning prior to the case going to the Wichita City Council for final action.
- (3) Abandonment or relocation/reconstruction of any/all utilities made necessary by the development of the property shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (4) All improvements shall be according to City Standards and at the applicant’s expense.

- (5) 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.

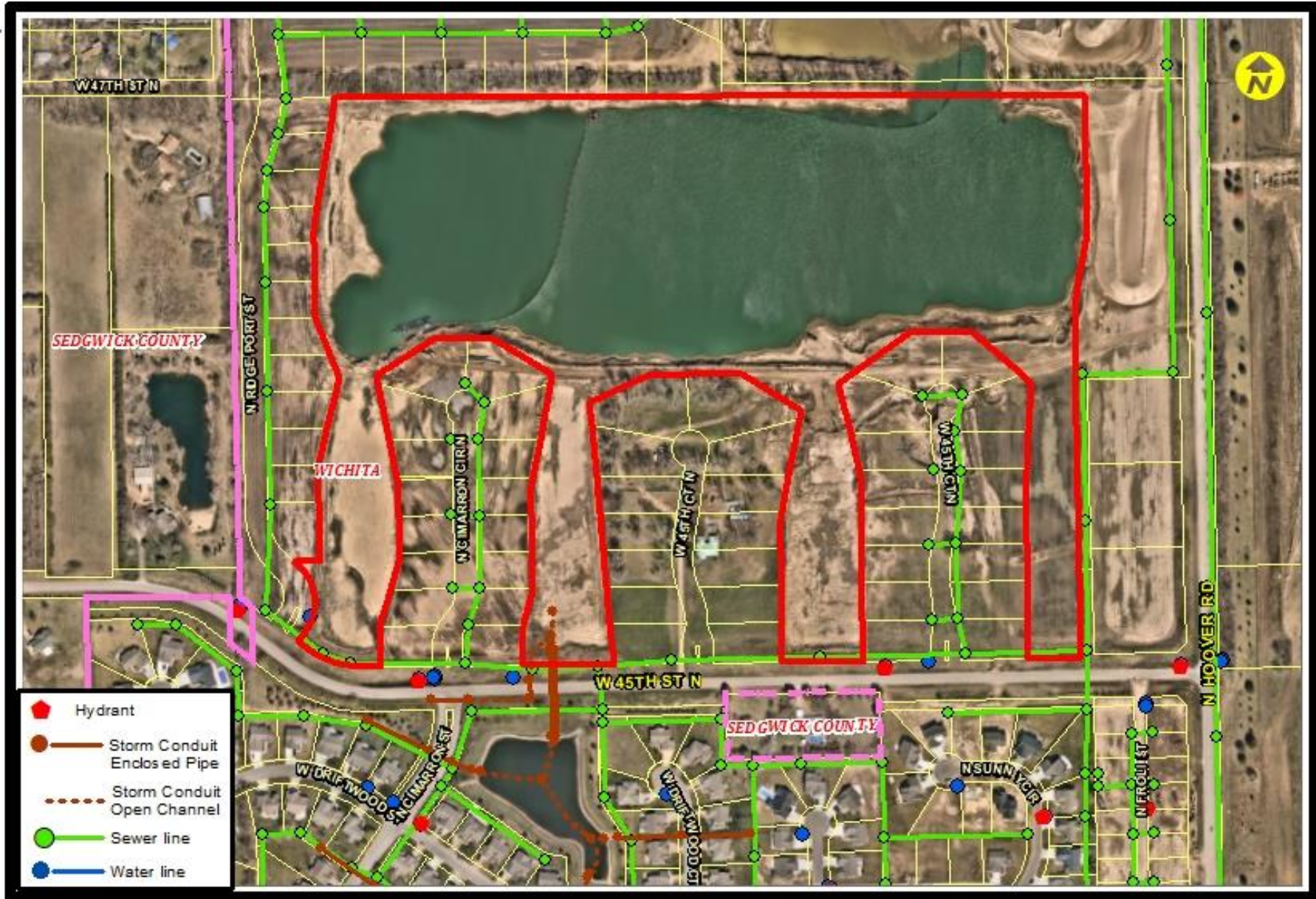
### **SUBDIVISION COMMITTEE’S RECOMMENDED ACTION**

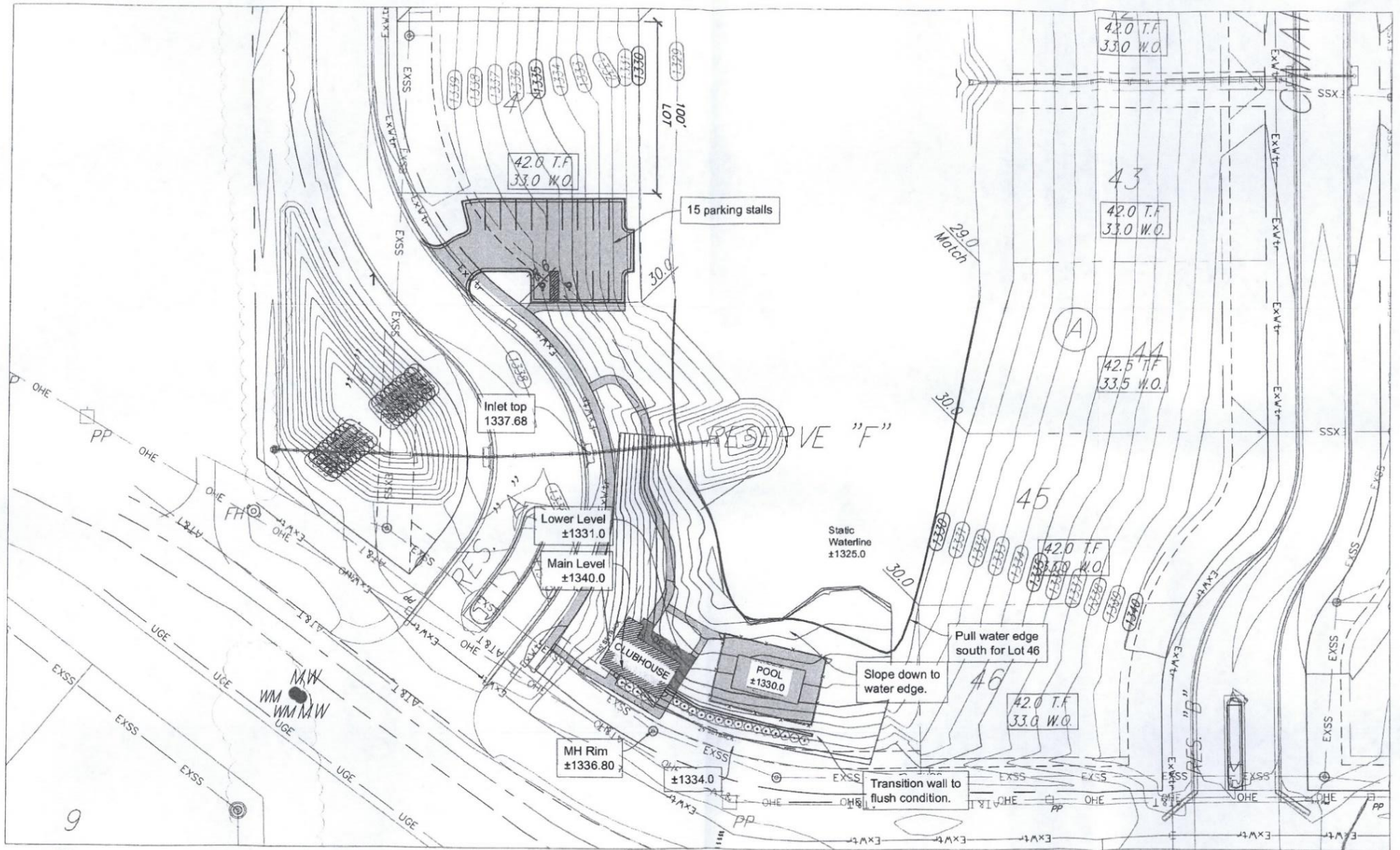
The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the plattor’s text to allow development of a clubhouse and pool and related appurtenances along with a 15-foot building setback on Reserve F, Rennick Addition, while retaining that Reserve F will continue to be used “for open space, landscaping, berms, lakes, recreational water activities and related appurtenances, boat docks and ramps, drainage purposes, sidewalks, hike and bike trails, recreational areas, gazebos, and utilities as confined to easements”.
- (2) Provide Planning Staff with a legal description of the building setback and platter’s text on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. All provided to Planning prior to the case going to the Wichita City Council for final action.
- (3) Abandonment or relocation/reconstruction of any/all utilities made necessary by the development of the property shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (4) All improvements shall be according to City Standards and at the applicant’s expense.
- (5) 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

#### Attachments:

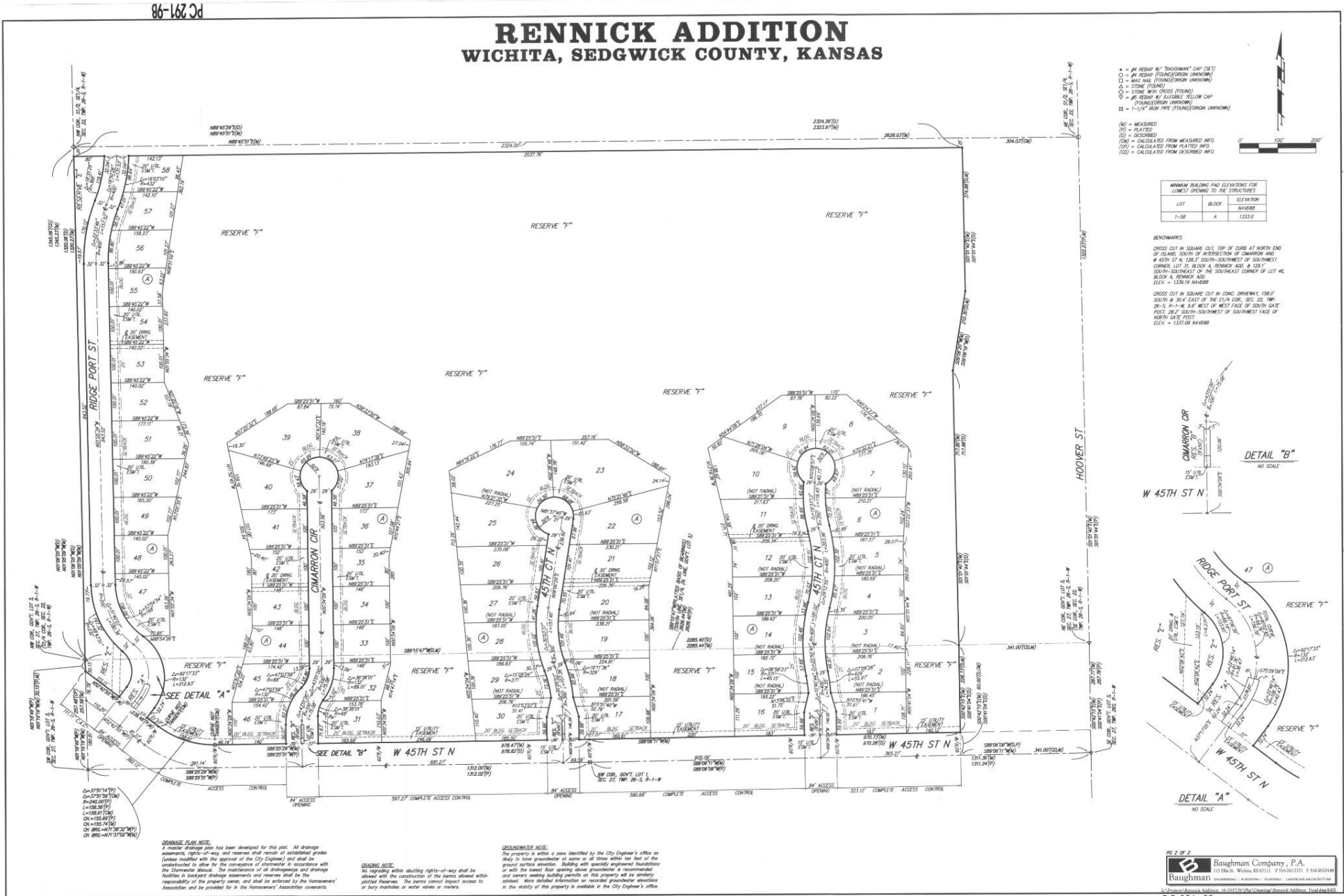
1. Aerial Map
2. Site Plan showing improvements submitted by applicant
3. Plat of Rennick Addition
4. Legal Descriptions





**CASTAWAYS ADDITION  
 POOL EXHIBIT**

SCALE: 1" = 50'



## LEGAL DESCRIPTIONS

### VACATED PLATTOR'S TEXT IN RESERVE "F"

Reserve "F" is hereby reserved for open space, landscaping, berms, lakes, recreational water activities and related appurtenances, boat docks and ramps, drainage purposes, sidewalks, hike and bike trails, recreational areas, gazebos, and utilities as confined to easements.

### RE-DEDICATED PLATTOR'S TEXT IN RESERVE "F"

Reserve "F" is hereby reserved for open space, landscaping, berms, lakes, recreational water activities and related appurtenances, boat docks and ramps, drainage purposes, sidewalks, hike and bike trails, recreational areas, a clubhouse and pool and related appurtenances, gazebos, and utilities as confined to easements.

### LEGAL DESCRIPTION FOR VACATION OF BUILDING SETBACK IN RESERVE "F" (along 45th St)

A portion of the 25.00 foot wide Building Setback lying within Reserve "F", Rennick Addition, Wichita, Sedgwick County, Kansas described as commencing at the southeast corner of said Reserve "F"; thence N00°34'09"W coincident with the east line of said Reserve "F", 15.00 feet to a point in the north line of a 15.00 foot wide Utility Easement as platted in said Reserve "F" and for a point of beginning; thence S89°25'29"W parallel with the south line of said Reserve "F" and coincident with the north line of said 15.00 foot wide Utility Easement, 46.14 feet to the Point of Curvature (PC) of a curve to the right; thence northwesterly parallel with the south line of said Reserve "F" and coincident with the north line of said 15.00 foot wide Utility Easement, an arc length of 148.70 feet, a radius of 225.00 feet, a chord length of 146.01 feet and a chord bearing of N71°37'01"W to the Point of Tangency (PT) of said curve; thence N52°42'55"W, parallel with the south line of said Reserve "F" and coincident with the north line of said 15.00 foot wide Utility Easement, 37.38 feet to a point in the west line of said Reserve "F"; thence N31°17'05"E coincident with the west line of said Reserve "F", 10.00 feet; thence S42°42'55"E, parallel with the south line of said Reserve "F", 37.38 feet to the PC of a curve to the left; thence southeasterly parallel with the south line of said Reserve "F", an arc length of 142.29 feet, a radius of 215.00, a chord length of 139.70 feet and a chord bearing of S71°38'33"E to the PT of said curve; thence N89°25'29"E parallel with the south line of said Reserve "F", 45.93 feet to a point in the east line of said Reserve "F"; thence S00°34'09"E coincident with the east line of said Reserve "F", 10.00 feet to the point of beginning.