

**STAFF REPORT**

**CASE NUMBER:** VAC2021-00007 – City Vacation of plattor’s text to permit a portion to be transferred to an adjacent property.

**APPLICANT/OWNER:** Oak Creek Masters Association Inc. (Applicant)/ Professional Engineering Consultants (Agent)

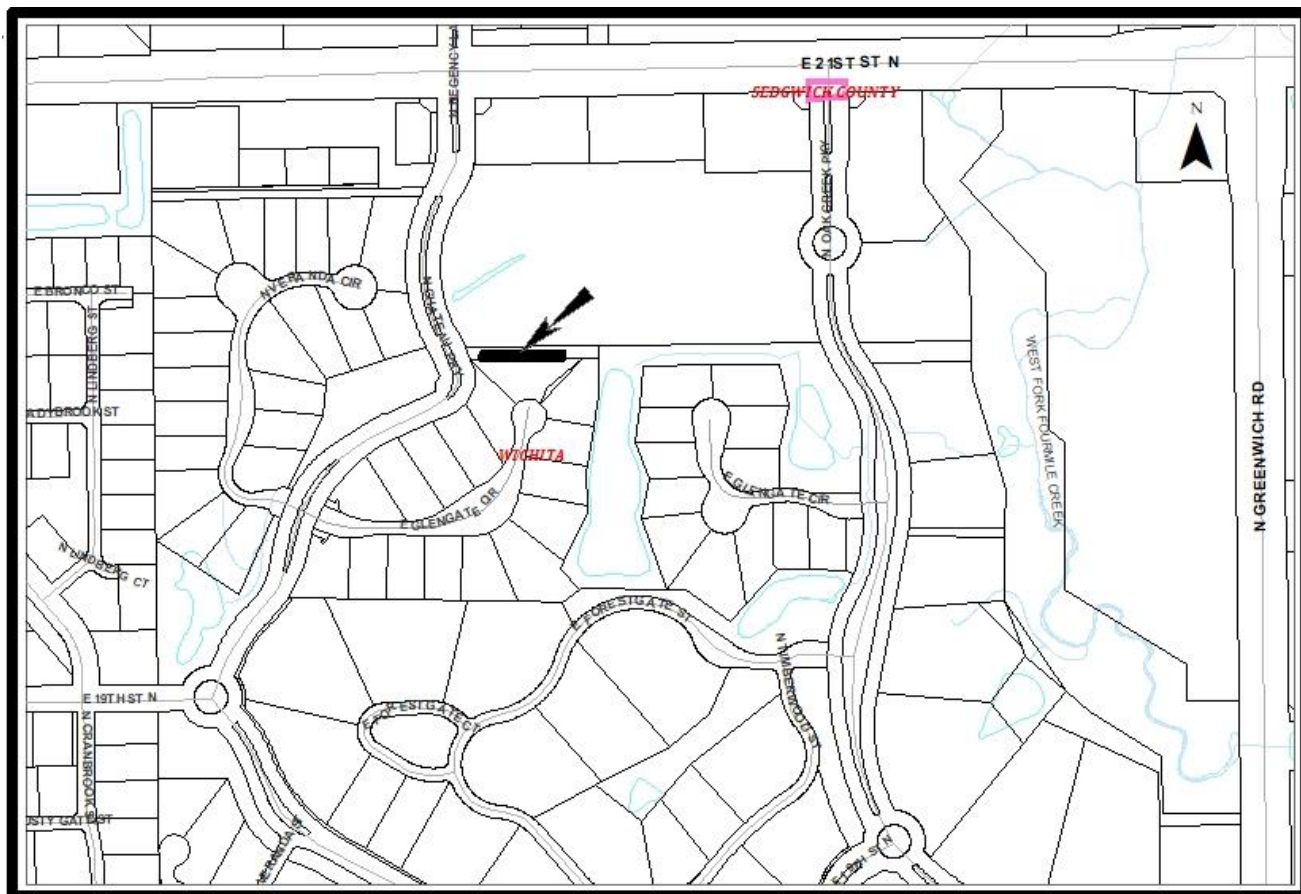
**LEGAL DESCRIPTION:** Generally described as vacating the plattor’s text to amend the uses allowed in the platted Reserve E, Glenview Addition, Wichita, Sedgwick County, Kansas

**LOCATION:** Generally located 600 South of West 21<sup>st</sup> Street North and One-Quarter Mile West of North Greenwich Road. (WCC II)

**REASON FOR REQUEST:** A portion of Reserve E will be transferred to the adjacent property owner and their proposed development will include an encumbrance not permitted within the platted uses.

**CURRENT ZONING:** The site and properties to the east, south, and west are zoned SF-5 Single Family Residential. Property to the north is zoned LC Limited Commercial.

**VICINITY MAP:**



The applicant has requested the vacation of the plattor’s text to amend the uses allowed in the platted Reserve E, Glenview Addition. The property is zoned SF-5 Single Family Residential and generally located 600 feet south of East 21<sup>st</sup> Street North and one-quarter mile west of North Greenwich Road. The property does not have an address, but it is located north and west of the property addressed 10639 East Glengate Circle. Reserve E directly abuts the north side of Lot 11, Block 1, Glenview Addition. The purpose of the vacation is to remove the plattor’s text from a portion of Reserve E so that it may be transferred to a different owner for development. The type of development was not specified. The application only stated that the type of development would not be allowed in Reserve because of the existing plattor’s text. The plattor’s text for Reserve E states that the reserve is “hereby platted for sidewalks, drainage, utilities, and landscaping.” There are multiple public utilities near the subject area.

There is a public sewer line that crosses this portion of Reserve E on the western side. Public Works and Utilities requires a 20-foot utility easement for this utility. There is also a stormwater drainage line roughly 20-feet north of Lot 11, and it is 10 feet deep. Public Works and Utilities will required the north five feet of this portion of Reserve E to be retained as a utility easement based on the depth of the storm water drainage line. Public Works and Utilities. Evergy has equipment near the area. **The applicant has agreed to reduce the request area by 15feet on the west end. They have come to an agreement with Evergy on the relocation of the existing primary line at the applicant’s expense. Evergy has no objection to the vacation.** LaDonna Vanderford, Area Representative, can be contacted at 261-6290 with any questions about this case. The Glenview Addition was recorded April 24, 2012.

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 plattor’s text.

- 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 February 25, 2021, which was at least 20 days prior to this public hearing.
  - 2. That no private rights will be injured or endangered by vacating the described portion of the plattor’s text 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 plattor’s text of the revised described portion of Reserve E, Glenview Addition. Provide Planning with a revised legal description of the vacation area reducing the width by 15 feet on the west end.**
- (2) Dedicate a 20-foot utility easement, by separate instrument, with the center line being the public sewer line that traverses the western side of the subject portion of Reserve E. This easement shall be provided to Planning prior to this case proceeding to City Council for final action.
- (3) Dedicate a 5-foot utility easement, by separate instrument, along the north line of the revised described portion of Reserve E. This easement shall be provided to Planning prior to this case proceeding to City Council for final action.
- (4) Provide City Stormwater with any development plans; and as needed, prepare and submit any new drainage plans for review and approval. These plans shall be reviewed and approved prior to the issuance of any building permits.

- (5) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide Planning with any needed easements dedicated by separate instrument with original signatures. These conditions must be completed prior to the case going to Council for final action.
- (6) All improvements shall be according to City Standards and at the applicants’ expense.
- (7) 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 per staff recommendations.

**Attachments:**

1. Vacation Exhibit
2. Aerial Map

