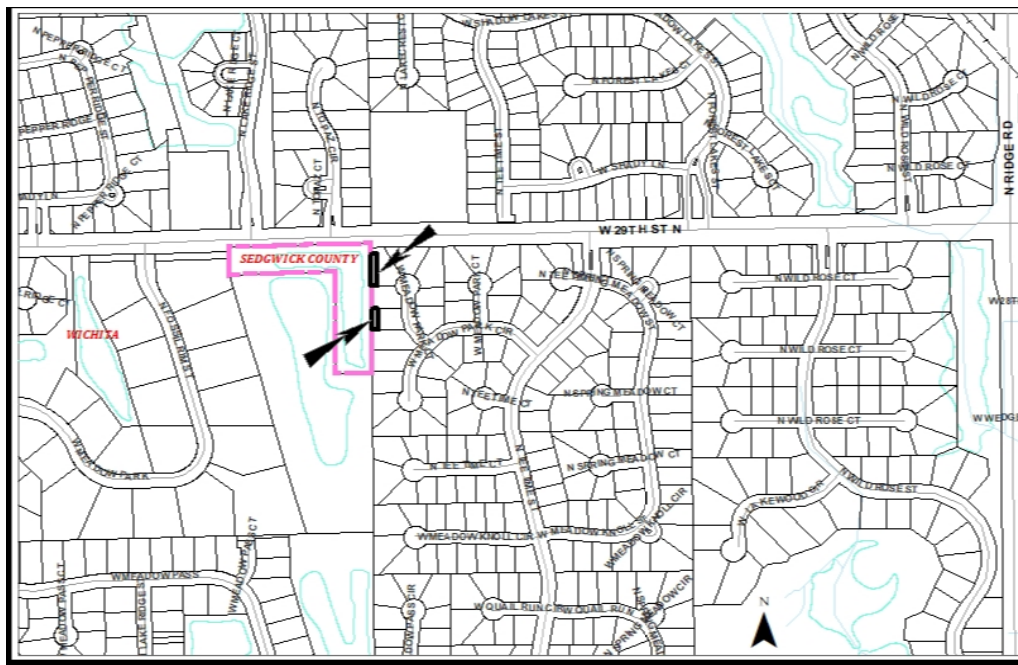


STAFF REPORT

- CASE NUMBER:** VAC2021-00025 - Request to vacate portions of a platted utility easement, a platted wall easement and a drainage easement dedicated by separate instrument
- OWNER/APPLICANT:** Kelly G. & Jennifer L. Arnold (owners/applicants) and David Louis & Melissa D. Nelson (owners/applicants)
- LEGAL DESCRIPTION:** Generally described as vacating a portion of the platted 10-foot utility easement, the platted 5-foot wall easement and the drainage easement dedicated by separate instrument located on Lots 18 & 20 and the north 26 feet of Lot 21, all in Block 1, The Reflection Ridge 8th Addition, Wichita, Sedgwick County, Kansas (see attached legal).
- LOCATION:** Generally located southwest of West 29th Street North and North Ridge Road on the northwest side of West Meadow Park Court (7918 and 7926 West Meadow Park Court, WCC# V)
- REASON FOR REQUEST:** Swimming pools
- CURRENT ZONING:** The sites, abutting south and east properties are zoned SF-5 Single-Family Residential (SF-5). Abutting and adjacent north properties are zoned SF-5 and Limited Industrial (LI). The abutting west County property is zoned SF-20 Single-Family Residential (SF-20).
- VICINITY MAP:**



VAC2021-00025 - Request to vacate portions of a platted utility easement, a platted wall easement and a drainage easement dedicated by separate instrument on SF-5 zoned properties generally located southwest of West 29th Street North and North Ridge Road on the northwest side of West Meadow Park Court (7918 and 7926 West Meadow Park Court, WCC# V)

July 22, 2021

Page 2

The Single-Family Residential (SF-5) zoned subject properties are located southwest of West 29th Street North and North Ridge Road on the northwest side of West Meadow Park Court, 7918 and 7926 West Meadow Park Court. The applicants propose to vacate portions of a platted five-foot wall easement and a platted 10-foot utility easement running parallel to the rear, west, lot lines of the SF-5 zoned subject properties; Lot 20 plus the north 26 feet of Lot 21 (one property) & Lot 18, all in Block 1, The Reflection Ridge 8th Addition. The Reflection Ridge 8th Addition was recorded with the Register of Deeds on July 20, 1992.

In addition the applicants propose to vacate a portion of a 10-foot wide drainage easement that runs parallel to the east side of the platted utility easement in the rear yard. The drainage easement was dedicated by separate instrument, Film 546, Page 1101. The purpose for the requests is to construct in-ground swimming pools near the rear, west, property line.

The purpose of the platted five-foot wall easement was to provide the Home Owners Association (HOA) with land to construct a private wall should they see fit to do so. The Reflection Ridge 8th Addition was platted in 1992 and a wall has never been constructed. The applicant will need to receive written permission from the Reflection Ridge HOA, to complete the vacation of the platted five-foot wall easement.

There are no water nor sewer lines nor storm water lines located in the subject platted 10-foot utility easement. Sewer and water are located in either a platted 15-foot utility easement located in the east, front yards of the subject properties or the West Meadow Park Court right-of-way and in a platted 20-foot utility easement running parallel to the north line of Lot 18.

NOTE: VAC2019-00033 was a similar past request on the SF-5 zoned property located in between, abutting, the two subject properties; Lot 19, Block 1, The Reflection Ridge 8th Addition. Encroachment into the 10-foot drainage easement, dedicated by separate instrument was denied during the review of VAC2019-00033.

There is no platted rear yard setback on the subject properties, therefore the SF-5 zoning district's 20-foot rear yard setback is the standard. BZA2019-00038 (associated with VAC2019-00033) was a variance that reduced the rear yard setback to zero feet on the abutting, sandwiched SF-5 zoned Lot 19, Block 1, The Reflection Ridge 8th Addition. However Storm Water is requesting that a 5-foot rear yard setback is established by the vacation request, to help ensure that there is no encroachment into the west abutting, unplatted Single-Family Residential (SF-20) zoned isolated County property. The undeveloped SF-20 zoned property appears to be a spent sand pit or a detention pond that is abutting a reserve that has been reserved for drainage and other uses; Reserve D, Fossil Rim Estates. The vacation process will establish a rear yard setback of five (5) feet.

Storm Water has no objections to the vacation of the 10-foot drainage easement dedicated by separate instrument, (Film 546, Page 1101), the platted 10-foot utility easement or the platted 5-foot wall easement. Storm Water has noted that the existing pool located on the abutting, sandwiched Lot 19, Block 1, The Reflection Ridge 8th Addition, may have encroached into the 10-foot drainage easement dedicated by separate instrument. Storm Water would consent to vacating that easement located on Lot 19 to clear up any encroachment into it. Lot 19, Block 1, The Reflection Ridge 8th Addition is not a participant on VAC2021-00025. Every has no objection to this request but if the property owners have questions they can contact Richard Aitken at 316-261-6334. There are no objections from utilities to the vacation request. Conditions #2 and #6 cover all utilities.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Storm water, 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 portions of the platted five-foot wall easement, the platted 10-foot utility easement and the 10-foot drainage easement dedicated by separate instrument, Film 546, Page 1101 .

- 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 June 17, 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 portions of the platted five-foot wall easement, the platted 10-foot utility easement and the 10-foot drainage easement dedicated by separate instrument, Film 546, Page 1101, 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) Provide Planning staff with an approved legal descriptions, prepared by a licensed surveyor, of the vacated portions of the platted utility easement, wall easement and the drainage easement dedicated by separate instrument on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to Council for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. All improvements shall be according to City Standards and will be at the applicant's expense. Approval of plans for the relocation of any and all utilities by Public Works and/or franchised utilities must be completed prior to the case going to City Council for final action. Provide Planning with letters of approval or E-mails of approval.
- (3) Contact Stormwater's Joe Hickle, to resolve possible drainage issues onto the unplatted, west abutting SF-20 zoned property, which has a detention pond located on it. Any issues must be resolved prior to the vacation request proceeds to City Council for final action.
- (4) Provide Planning with a letter from the HOA giving their approval of the vacation of the platted wall easement prior to the case going to City Council for final action.
- (5) A five (5) foot rear yard setback will be established on Lot 20 plus the north 26 feet of Lot 21 (one property) & Lot 18, all in Block 1, The Reflection Ridge 8th Addition.
- (6) Provide Planning with an approved site plan showing the location of the proposed pools.
- (7) Provide Planning with any required easement(s) dedicated by separate instrument(s) with original signatures for recording with the Register of Deeds. All original dedications will go with the Vacation Order to City Council for final action and filling with the Sedgwick County Register of Deeds.
- (8) Per MAPC Policy Statement #7, all conditions shall 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 (but not limited to) conditions :

- (1) Provide Planning staff with an approved legal descriptions, prepared by a licensed surveyor, of the vacated portions of the platted utility easement, wall easement and the drainage easement dedicated by separate instrument on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to Council for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. All improvements shall be according to City Standards and will be at the applicant's expense. Approval of plans for the relocation of any and all utilities by Public Works and/or franchised utilities must be completed prior to the case going to City Council for final action. Provide Planning with letters of approval or E-mails of approval.
- (3) Contact Stormwater's Joe Hickle, to resolve possible drainage issues onto the unplatted, west abutting SF-20 zoned property, which has a detention pond located on it. Any issues must be resolved prior to the vacation request proceeds to City Council for final action.
- (4) Provide Planning with a letter from the HOA giving their approval of the vacation of the platted wall easement prior to the case going to City Council for final action.
- (5) A five (5) foot rear yard setback will be established on Lot 20 plus the north 26 feet of Lot 21 (one property) & Lot 18, all in Block 1, The Reflection Ridge 8th Addition.
- (6) Provide Planning with an approved site plan showing the location of the proposed pools.
- (7) Provide Planning with any required easement(s) dedicated by separate instrument(s) with original signatures for recording with the Register of Deeds. All original dedications will go with the Vacation Order to City Council for final action and filling with the Sedgwick County Register of Deeds.
- (8) Per MAPC Policy Statement #7, all conditions shall 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.

VAC2021-00025 - Request to vacate portions of a platted utility easement, a platted wall easement and a drainage easement dedicated by separate instrument on SF-5 zoned properties generally located southwest of West 29th Street North and North Ridge Road on the northwest side of West Meadow Park Court (7918 and 7926 West Meadow Park Court, WCC# V)
July 22, 2021
Page 5



SUPPLEMENTAL PAGE OF VACATION PETITION

1. The application area is legally described as Lot 20, except the north 17 feet thereof, together with the north 26 feet of Lot 21, Block 1, Reflection Ridge 8th Addition, Wichita Sedgwick County Kansas.
 - a. *Vacate the platted 5-foot wall easement and the platted 10-foot utility easement along and running parallel to the west property line of described portion of Lots 20 and 21, TOGETHER WITH a drainage easement by separate instrument as recorded with the Sedgwick County Register of Deeds on Film 546, Page 1101, described as the east 10 feet of the west 25 feet of said portions of Lots 20 and 21, Reflection Ridge 8th Addition, Wichita, Sedgwick County, Kansas.*
2. The application area is legally described as Lot(s) 18; Block(s) 1, Reflection Ridge 8th Addition, (Wichita) Sedgwick County, KS.
Vacate the platted 5-foot wall easement and the platted 10-foot utility easement along and running parallel to the west property line of the described Lot 18, except for the north 25 feet thereof. TOGETHER WITH a drainage easement by separate instrument as recorded with the Sedgwick County Register of Deeds on Film 546, Page 1101, described as the east 10 feet of the west 25 feet of said portion of Lot 18, Reflection Ridge 8th Addition, Wichita, Sedgwick County, Kansas.

VAC2021-00025 - Request to vacate portions of a platted utility easement, a platted wall easement and a drainage easement dedicated by separate instrument on SF-5 zoned properties generally located southwest of West 29th Street North and North Ridge Road on the northwest side of West Meadow Park Court (7918 and 7926 West Meadow Park Court, WCC# V)
July 22, 2021
Page 8

