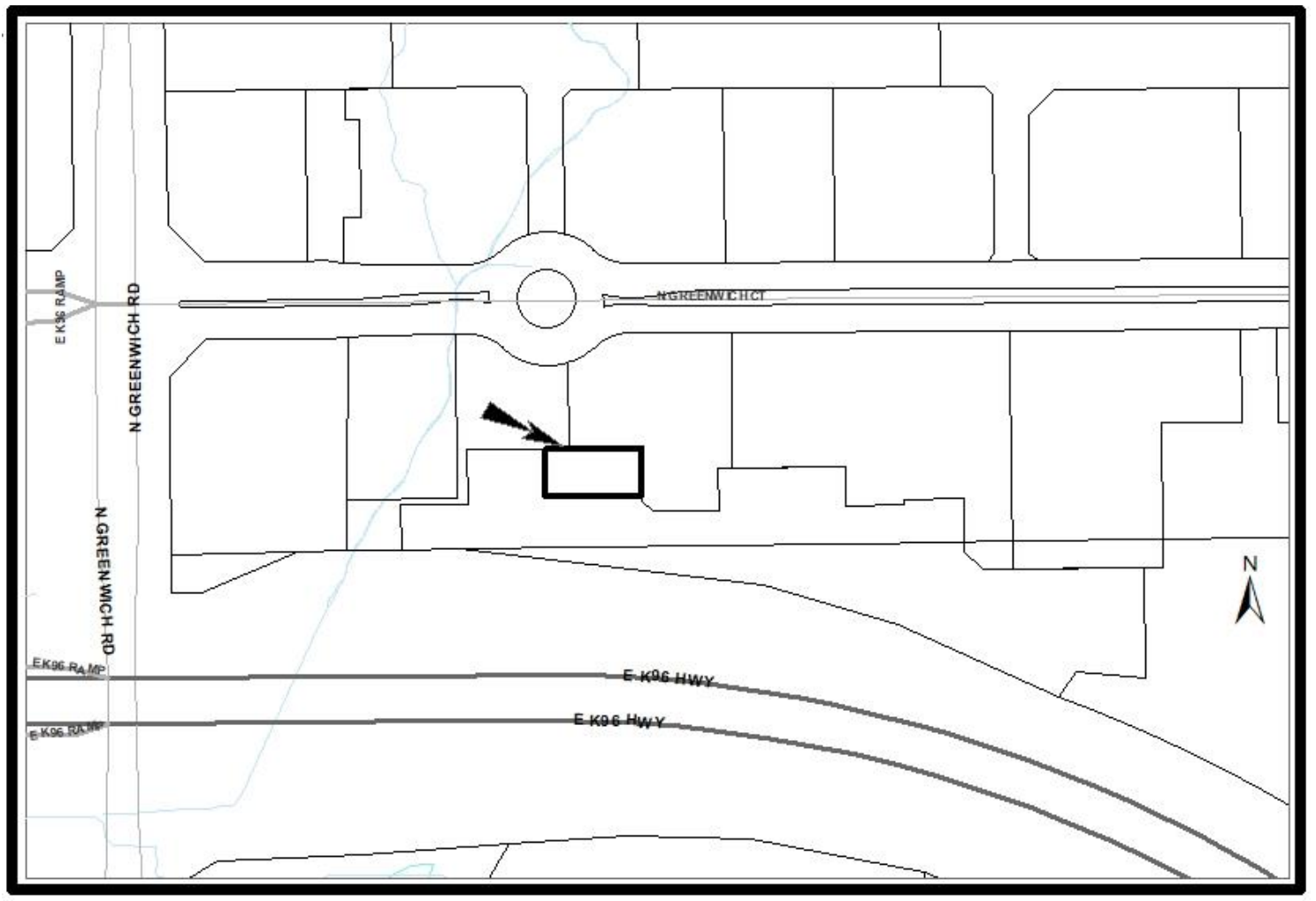


**STAFF REPORT**

- CASE NUMBER:** VAC2021-00035 - Request to vacate a portion of platted reserve.
- APPLICANT/AGENT:** WDDMBB, LLC (applicant) Kim Edgington (agent)
- LEGAL DESCRIPTION:** Generally described as vacating a portion of the platted Reserve C, Wichita Destination Development Addition, Sedgwick County, Kansas.
- LOCATION:** Generally located within one quarter mile East of North Greenwich Road and on the north side of K-96 Highway (2620 N Greenwich Court). (WCC #II)
- REASON FOR REQUEST:** To reflect current needs for on-site drainage detention.
- CURRENT ZONING:** The site is zoned LI Limited Industrial and is part of CUP DP-333. Abutting properties are all LI Limited Industrial and are part of CUP DP-333,
- VICINITY MAP:**



The applicant is requesting to vacate a portion of the platted Reserve C of the Wichita Destination Development Addition to allow for current needs for on-site detention. According to the plat, Reserve C is for “monuments, signs, landscaping, berming, sidewalks, irrigation, open space, pavement, utilities confined to easements, and walls provided that they do not inhibit the conveyance of surface drainage.” The platter’s text further states that Reserve C is for drainage, drives, and parking. Once vacated this tract will be used for surface drainage purposes only.

The area to be vacated is approximately 0.197 acres in size and is located along the north boundary of Reserve C. The detention ponds are being reconfigured within Reserve C to accommodate further development. As part of an agreement with the City of Wichita Stormwater Engineer a deeper detention structure will be constructed in the vacation area to assure that the capacity of the existing detention ponds is maintained. There are Stormwater conduits and other Stormwater elements within the proposed area to be vacated. Cox has no objection to this vacate. Cox has no plant in the requested area. Evergy has no equipment in the area and no objections to the vacancy, but will note that there is a transmission easement south of the described area. Any work that may be in or affect the transmission easement will need to be cleared with Evergy’s Transmission Department. The contact at Evergy’s Transmission Department is Greg Roy at 785-379-4476. The Wichita Destination Development Addition was recorded with the Register of Deeds on April 19, 2019.

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 described portion 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 July 29, 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 sewer easement dedicated by separate instrument, 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 that portion of platted Reserve C, as approved by City Stormwater Engineer. Provide Planning Staff with a legal description of the approved vacated portion of the platted reserve 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.
- (2) Provide a drainage volume calculation to the City of Wichita Stormwater Engineer showing that the original approved detention volume is being retained in the new on-site drainage detention facility. This must be provided prior to VAC2021-00035 proceeding to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.

- (3) Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the described utility easements 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 that portion of platted Reserve C, as approved by City Stormwater Engineer. Provide Planning Staff with a legal description of the approved vacated portion of the platted reserve 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.
- (2) Provide a drainage volume calculation to the City of Wichita Stormwater Engineer showing that the original approved detention volume is being retained in the new on-site drainage detention facility. This must be provided prior to VAC2021-00035 proceeding to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- (3) Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the described utility easements 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. Areal Map
2. Site Plan submitted by applicant



