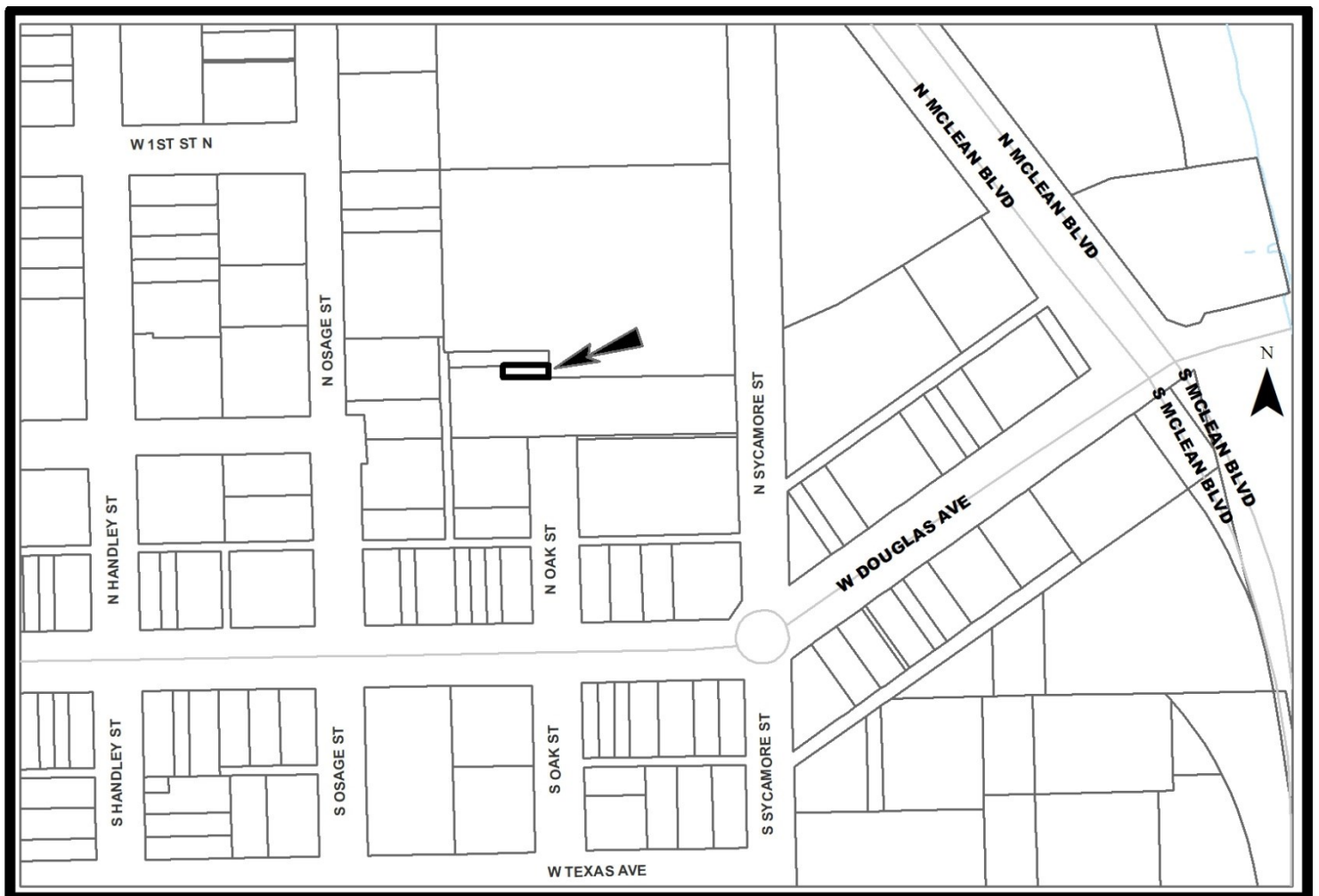


STAFF REPORT

- CASE NUMBER:** VAC2019-00018 - Request to vacate a portion of platted reserve.
- APPLICANT/AGENT:** EPC Real Estate Group, LLC (applicant) PEC c/o Charlie Brown (agent)
- LEGAL DESCRIPTION:** Generally described as vacating a portion of the platted Reserve A, block 1, EPC Real Estate Group, LLC Addition, Sedgwick County, Kansas.
- LOCATION:** Generally located approximately 450 feet north of West Douglas Avenue and approximately 1,000 feet west of North McLean Boulevard. (WCC #VI)
- REASON FOR REQUEST:** To allow for additional development.
- CURRENT ZONING:** The site is zoned CBD Central Business District. Abutting properties are a mix of CBD and LI Limited Industrial,

VICINITY MAP:



The applicant is requesting to vacate a portion of the platted Reserve A of the EPC Real Estate Group, LLC Addition to allow for future development. According to the plat, Reserve A is tied to the ownership of Lot 1, Block 1 of said addition, but a developer's agreement was signed requiring the City of Wichita to maintain Reserve A. The plattor's text states that reserves shall remain at established grades or as modified with the approval of the applicable City Engineer, and unobstructed to allow for the conveyance of storm water as approved by the drainage plan that was developed. The plattor's text continues by stating the platted drainage reserve is for "open space, drainage, landscaping, berms, entry monuments, signage, pedestrian trails, public access, and utilities confined to easements."

The area to be vacated is 0.035 acres in size and is located along the north boundary between Reserve A and Lot 1. The portion of Reserve A and adjoining Lot 1 are currently vacant. The site is served by all municipal water and sewer services. Services may need to be extended to serve new construction. There are no public utilities within the proposed area to be vacated. Westar has no objection to this vacation. Richard Aitken is the area representative and can be contacted at 261-6334 for this item. The EPC Real Estate Group, LLC 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 drainage 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 4, 2019, 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 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 that portion of platted reserve A, as approved by City 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 Provide to Planning prior to the case going to the Wichita City Council for final action.
- (2) Provide a restrictive covenant, with original signatures, binding and tying the described vacated portion of Reserve A to the applicant's abutting property. This must be provided to Planning prior to VAC2019-00018 proceeding to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- (3) All improvements shall be according to City Standards and at the applicant's 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.

SUBDIVISION COMMITTEE’S RECOMMENDED ACTION

The Subdivision Committee recommends approval per staff recommendations.

Attachments:

1. Areal Map
2. Vacation Exhibit submitted by applicant
3. Site Plan submitted by applicant

