

City of Wichita  
City Council Meeting  
October 7, 2003

Agenda Report No.

**TO:** Mayor and City Council

**SUBJECT:** VAC2003-00030 REQUEST TO VACATE THE USES OF A PORTION OF A PLATTED RESERVE LOCATED NORTHEAST OF THE 45TH STREET NORTH – ROCK ROAD INTERSECTION.  
(District II)

**INITIATED BY:** Metropolitan Area Planning Department *JLS*

**AGENDA:** Planning (Consent)

---

**Staff Recommendation:** Approve.

**MAPC Recommendation:** Approve. (unanimous)

**Background:** The applicant is requesting consideration for the vacation of the uses of a 0.06-acre portion of platted Reserve C, which abuts the east side of Lot 38, Block 7, Sawmill Creek Addition. The Sawmill Creek Addition was recorded with the Register of Deeds 01-25-01.

**Analysis** The uses that Reserve C has been set aside for include irrigation, walls, walks, lighting, drainage and drainage structures, and utilities confined to easements. The Reserve is owned and maintained by the Home Owners Association for the Addition. The applicant requests the vacation to allow for more building square footage; to build a garage, which is permitted accessory structure in the "SF-5" Single-family residential zoning district, which is where the site is located in. There are no sewer, water, or other utilities in this portion of the Reserve. Storm Water has not protested the vacation of the uses of the described portion of Reserve C. The applicant has provided a letter from the President of the Home Owners Association supporting the vacation request.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

**Financial Considerations:** None

**Legal Considerations:** A certified copy of the Vacation Order and a Restrictive Covenant will be recorded with the Register of Deeds

**Recommendation/Actions:** Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

Approved / Accepted By City Council  
**RECEIVED** OCT 7 2003  
 OCT 17 2003  
 METROPOLITAN PLANNING  
 ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

**BEFORE THE CITY COUNCIL OF THE  
 CITY OF WICHITA, SEDGWICK COUNTY, KANSAS**

**IN THE MATTER OF THE VACATION OF )  
 THE USES OF A PORTION OF A PLATTED )  
 RESERVE )**

**GENERALLY LOCATED )  
 NORTHEAST OF THE 45<sup>TH</sup> STREET NORTH - )  
 ROCK ROAD INTERSECTION )**

**Case No. VAC2003-00030**

**MORE FULLY DESCRIBED BELOW )**

**VACATION ORDER**

NOW on this 7<sup>th</sup> day of October 2003, comes on for hearing the petition for vacation filed by Sawmill Creek, LLC, praying for the vacation of the uses in the following described portion of a platted reserve to allow a building in the reserve as a use, to-wit:

That part of Reserve "C", Sawmill Creek Addition, Wichita, Sedgwick County, Kansas, described as beginning at the northeast corner of Lot 38, Block 7, in said Sawmill Creek Addition; thence east along the north line of said Lot 38 extended, 30.00 feet to the west right of way line of Bridgewood Street as platted in said Sawmill Creek Addition; thence south along said right of way line, 52.00 feet to the point of curvature of a curve to the right, said curve having a radius of 125.08 feet; thence southwesterly along said curve an arc length of 66.49 feet to the southeast corner of said Lot 38, 108.39 feet to the place of beginning.

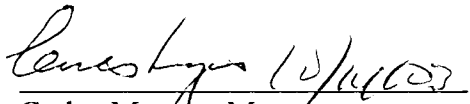
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:


1. That due and legal notice has been given by publication as required by law, by publication in the Derby Reporter on June 19, 2003, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the uses in the above-described portion of the platted reserve, and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner(s), the prayer of the petition ought to be granted.
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.
5. The vacation of the uses of a portion of the platted reserve described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 7<sup>th</sup> day of October, ordered that the uses of the portion of the above-described platted reserve are hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

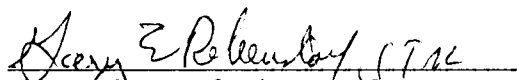


ATTEST:

  
Carlos Mayans, Mayor

  
Karen Schofield, City Clerk

Approved as to Form:

  
Gary Rebenstorf, Director of Law

