



Wichita-Sedgwick County Metropolitan Area Planning Department

August 22, 2005

Shadow Lakes Master Association
c/o Nick Nichols, President
P. O. Box 12057
Wichita, KS 67277

Re: **VAC2005-00024** - Request to vacate the use restrictions of a platted reserve to allow a community pool and its associated facilities, generally located north of 29th Street North & east of Tyler Road, on the northeast corner of Pepper Ridge & Forest Park streets.

Dear Mr. Nichols:

At its regular meeting on Tuesday, August 16, 2005, the Wichita City Council considered the request. The action of the City Council was to APPROVE subject to the recommendation by the MAPC.

If you have any questions about this matter, please call 268-4494.

Sincerely,

Bill Longnecker
Senior Planner

BL:le

RECEIVED

AUG 23 2005

METROPOLITAN PLANNING
ROUTE _____

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

**IN THE MATTER OF THE VACATION OF)
THE USE RESTRICTIONS AS LISTED IN THE)
PLAT'S TEXT OF A PLATTED RESERVE)**

**GENERALLY LOCATED)
NORTH OF 29TH STREET NORTH AND EAST)
OF TYLER ROAD, ON THE NORTHEAST)
CORNER OF PEPPER RIDGE AND FOREST)
PARK STREET)**

Case No. VAC2005-00024

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

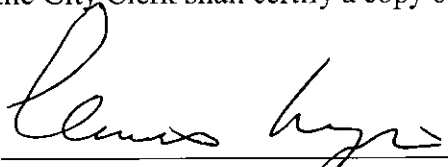
NOW on this 16th day of August, 2005 comes on for hearing the petition for vacation filed by Shadow Masters Association, c/o Nick Nicholas, President praying for the vacation of the restriction of uses of a platted reserve to allow the following additional uses, to-wit:

Vacate the use restrictions as listed in the plat's text for Reserve E, Forest Lakes West Addition to allow the additional uses of a swimming pool and related facilities, a parking lot, a club house and recreational uses, while retain the original uses allowed in Reserve E, Forest Lakes West Addition, Wichita, Sedgwick County, Kansas.

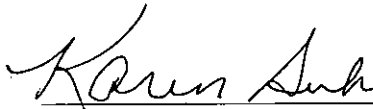
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in The Wichita Eagle on June 23, 2005, 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 use restrictions in the plat's text of the platted reserve to allow the additional uses, described herein, and that the public will suffer no loss or inconvenience thereby.
3. Retain all of the existing uses of Reserve E, Forest Lakes West Addition.
4. Retain the Westar/KG&E easement within Reserve E, Forest Lakes West Addition. Uses allowed within the easement are a parking lot, screening and landscape as required for a community pool.
5. In justice to the petitioner(s), the prayer of the petition ought to be granted.
6. 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.
7. The vacation of the use restrictions in the plat's text of the platted reserve to allow the additional uses described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 16th day of August 2005 ordered that the use restrictions in the plat's text of the platted reserve are hereby vacated to allow the above described additional uses. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

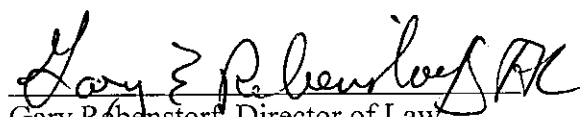

Carlos Mayans, Mayor

ATTEST:


Karen Sublett, City Clerk



Approved as to Form:


Gary Rebenstorf, Director of Law

STAFF REPORT

CASE NUMBER: VAC2005-00024: Request to vacate the plat's text to allow additional uses in a platted reserve

OWNER/APPLICANT: Shadow Lakes Masters Association, c/o Nick Nicholas, President

AGENT: PEC, c/o Ryan Hennes

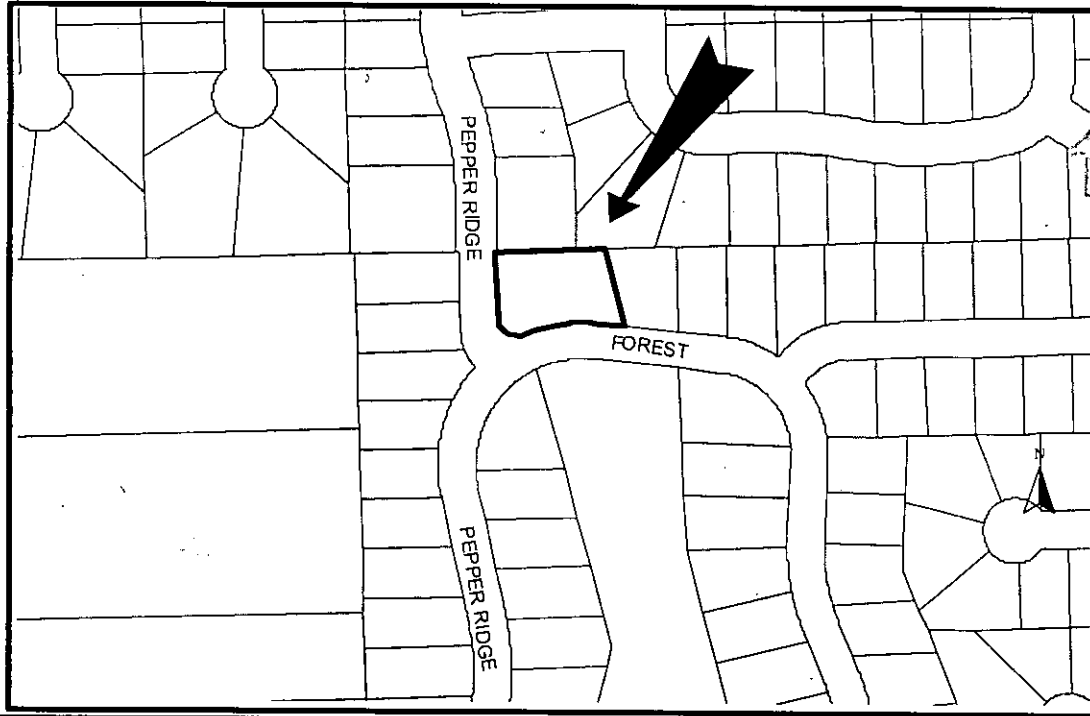
LEGAL DESCRIPTION: Vacate the plat's restriction of uses in regards to uses allowed in Reserve E, Block 3, Forest Lakes West Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located east of Tyler Road and north of 29th Street North, more specifically northeast of the Pepper Ridge Street and Forest Park Street intersection

REASON FOR REQUEST: To allow a neighborhood swimming pool

CURRENT ZONING: Subject property and all abutting and adjacent properties are zoned "SF-5" Single-family Residential.

VICINITY MAP:



The applicant is requesting consideration for the vacation of the restriction of uses in the plat's text for platted Reserve E, Forest Lakes West Addition. The uses that Reserve E has been set aside for include drainage purposes, landscaping, irrigation systems, entry monuments, pedestrian improvements and utilities confined to easements. The applicant requests the vacation to allow the additional uses of a neighborhood pool, parking and a pool house while retaining the existing allowed uses in Reserve E. There is an associated Conditional Use, CON2005-25, which will be considered by the MAPC at their July 14, 2005 meeting. There are no manholes or sewer and water lines in the reserve. There is a 150-foot KG & E easement in Reserve E. Comments from franchised utilities have not been received and are needed to determine if they have utilities, besides the noted KG & E easement, in the reserve. The Forest Lakes West Addition was recorded with the Register of Deeds October 16, 1997.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works, franchised utility representatives, and other interested parties, Planning Staff recommends approval to vacate the uses of that portion of Reserve E as described in the legal description to allow additional uses with conditions.



- (1) Vacate the use restrictions as listed in Reserve E to allow the additional uses of a swimming pool and related facilities, a parking lot, a club house and recreational uses. Retain the original uses allowed in Reserve E.
- (2) Drainage and site plans must be provided to the Public Works Engineer for review and approval prior to the request going to the WCC for final action and prior to the issuance of building permits.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
- (4) All improvements shall be according to City Standards.
- (5) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request 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

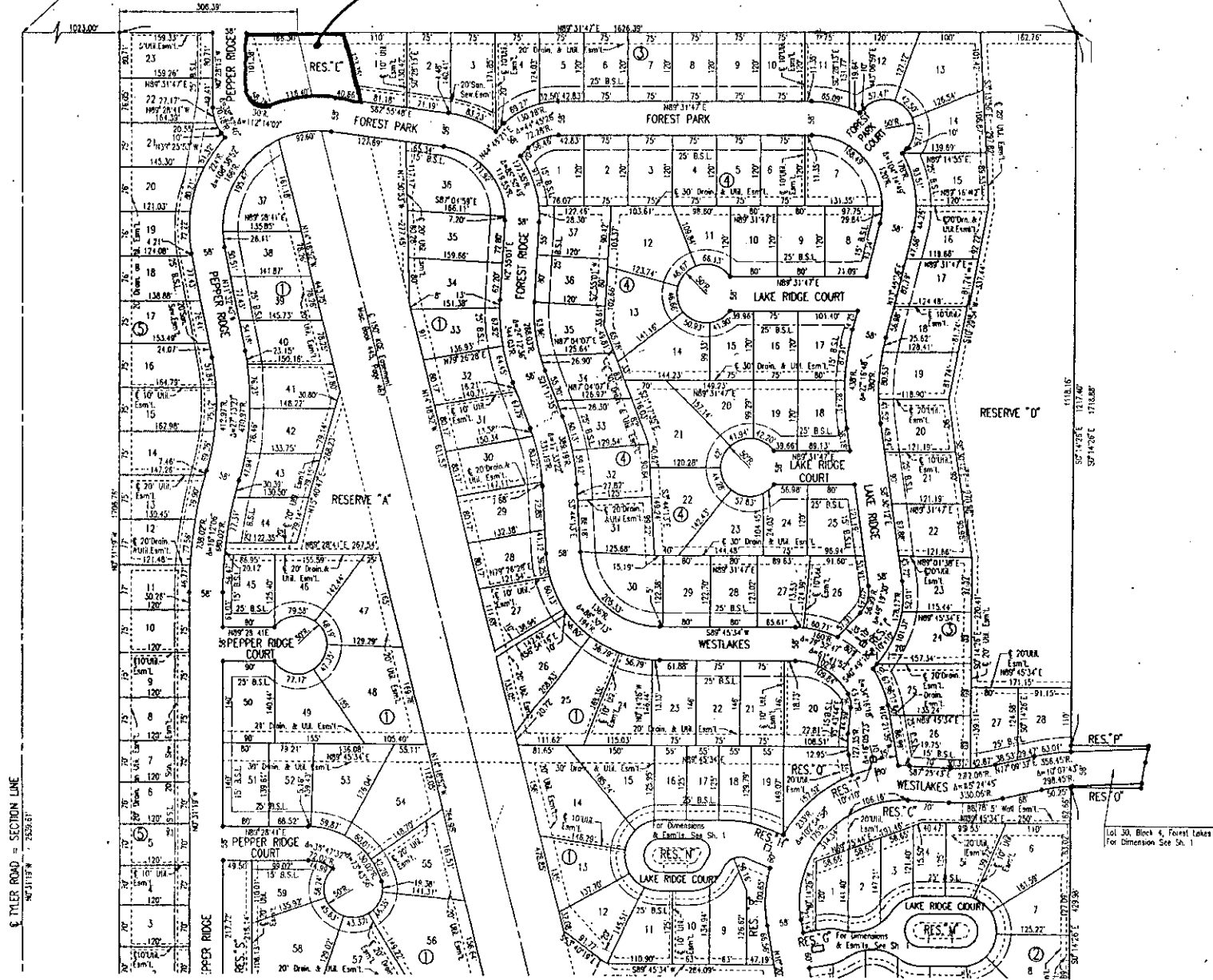
FOREST LAKES WEST

AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS

VAC2005-24

N.W. Corner S.W. 1/4
Sec. 33, T28S, R1W
of the 6th P.M.
Found Limestone w/
40d Nail in Center

N.E. Corner S.W. 1/4
Sec. 33, T28S, R1W
of the 6th P.M.
Set 3/4" Iron Pipe



PC 80-7B

(Lot 30, Block 4, Forest Lakes
For Dimension See Sh. 1)

Vacation Request for Reserve 'E' and Lot 1, Block 3, Forest Lakes West Addition to allow construction of a neighborhood pool.

