



Wichita-Sedgwick County Metropolitan Area Planning Department

June 14, 2007

Andrew & Jane Blandford
8100 E. 22nd Street
Bldg 1000
Wichita, KS 67226

Re: **VAC2007-00010** - Request to vacate a portion of a platted reserve & its restriction of uses, generally located south of 21st Street North & west of Webb Road, southwest of Wilson Estates Parkway & Paddock Green Street.

Dear Mr. & Mrs. Blandford:

At its regular meeting on Tuesday, June 12, 2007, 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

cc: Jim Armour, City Engineer, Public Works Department, Mail Stop 1-71
Vicky Huang, Public Works Engineering, Mail Stop 1-71
MKEC Engineering Consultants, Inc., c/o Brian Lindebak, 411 N. Webb Road, Wichita, KS 67226
Jay & Ernie Stehley, 1814 N. Red Brush, Wichita, KS 67206
Matthew R. Madeksza & Cindy Ran, 10 Buckinham Way, Bedford, NH 03110
Eric R. & Roseanne Kaysen, 1809 N. Paddock Green St., Wichita, KS 67206
Phillip Ruffin Jr., & Courtney P. Ruffin, 1815 N. Paddock Green St., Wichita, KS 67206
Kelly D. & Laura J. Holloway, 1821 N. Paddock Green St., Wichita, KS 67206
Andrew P. & Jane Blandford, 1901 N. Paddock Green St., Wichita, KS 67206
Coleen Bailey Revocable Trust, 1907 N. Paddock Green St., Wichita, KS 67206
William G & Lisa M Mikulka, 1002 Preserve Ct., Wichita, KS 67206
City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

T 316.268.4421 F 316.268.4390

www.wichita.gov

RECEIVED
JUN 15 2007
METROPOLITAN PLANNING
ROUTE

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

**IN THE MATTER OF THE VACATION OF)
A PORTION OF A PLATTED RESERVE AND ITS)
RESTRICTION OF USES)
)
GENERALLY LOCATED SOUTH OF)
21ST STREET NORTH, WEST OF WEBB ROAD)
AND SOUTHWEST OF WILSON ESTATES)
PARKWAY AND PADDOCK GREEN STREET)
INTERSECTION)
)
)
)
MORE FULLY DESCRIBED BELOW)**

Case No. VAC2007-00010

VACATION ORDER

NOW on this 12th day of June, 2007 comes on for hearing the petition for vacation filed by Andrew and Jane Blandford praying for the vacation of the following described portion of a platted reserve and its restriction of uses, to-wit:

That portion of Reserve "T", Wilson Farms Addition, an addition to Wichita, Sedgwick County, Kansas, being described as follows: BEGINNING at the rear or westerly common Lot corner to Lots 7 and 8, Block 8, of said addition; thence on a platted bearing of N55°22'09"W, 13.85 feet; thence N02°00'32"E, 61.10 feet; thence N10°42'11"E, 81.25 feet; thence S55°22'09"E, 2.50 feet to the rear or westerly common Lot corner to Lot 8 and Lot 9, said Block 8, of said addition; thence along the common lines to said Lot 8 and Reserve "T" for the next four courses S01°53'18"W, 67.09 feet; thence S51°00'10"E, 118.75 feet; thence N82°21'56"W, 67.73 feet; thence S64°43'32"W, 34.11 feet to the POINT OF BEGINNING.

The vacation of the restriction of uses as stated in the plattor's text for Reserve "T" of the Wilson's Farm Addition, which are open space, landscaping, lighting, irrigation, and

construction and maintenance of public drainage and lakes, as described within the above described portion of the Reserve "T", the Wilson's Farm Addition. The new uses will be restricted to those allowed in the "SF-5" Single-family Residential-zoning district.

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 April 12, 2007, 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 above-described portion of the platted reserve and its restriction of uses, and the public will suffer no loss or inconvenience thereby.


3. A drainage easement dedicated by separate instrument will be recorded with the Register of Deeds.

4. In justice to the petitioner(s), the prayer of the petition ought to be granted.

5. 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.

6. The vacation of a portion of the platted reserve and its restriction of uses described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 12th day of June 2007 ordered that the above-described portion of the platted reserve and its restriction of uses is 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.


Carl Brewer, Mayor

ATTEST:


Karen Sublett, City Clerk



Vacation Order
VAC2007-00010

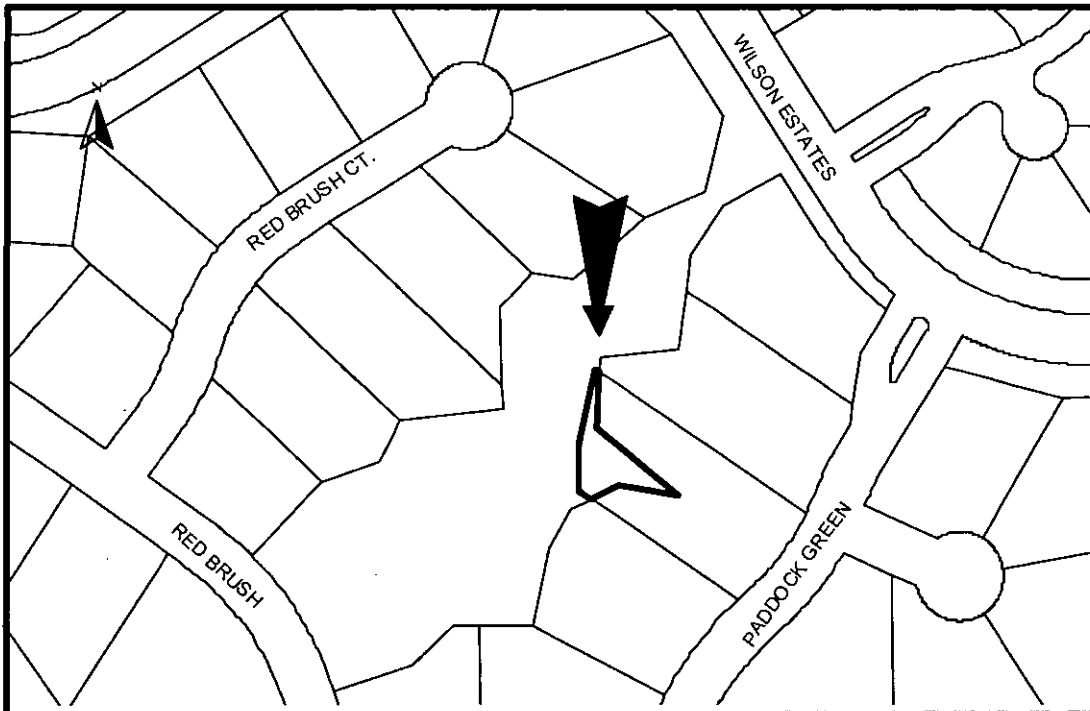
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Approved as to Form:


Gary Rebenstorf, Director of Law

STAFF REPORT

- CASE NUMBER:** VAC2007-00010: Request to vacate a portion of a platted reserve and the restriction of uses to allow only single-family uses in that portion of the vacated platted reserve.
- OWNER/AGENT:** Andrew & Jane Blandford
MKEC Engineering Consultants, c/o Brian Lindebak
- LEGAL DESCRIPTION:** See the attached exhibit and legal of the proposed vacated portion of Reserve T and apply that to the plat's list of permitted uses to include "SF5" Single-family uses, and attach to Lot 8, Block 8, all in the Wilson Farms Addition, Wichita, Sedgwick County, Kansas.
- LOCATION:** Generally located south of 21st Street North, west of Webb Road, and southwest of the Wilson Estates Parkway and Paddock Green Street intersection. (WCC #11)
- REASON FOR REQUEST:** Additional room to build
- CURRENT ZONING:** Subject property and all abutting and adjacent properties are zoned "SF-5" Single-family Residential and are in CUP DP-201.
- VICINITY MAP:**



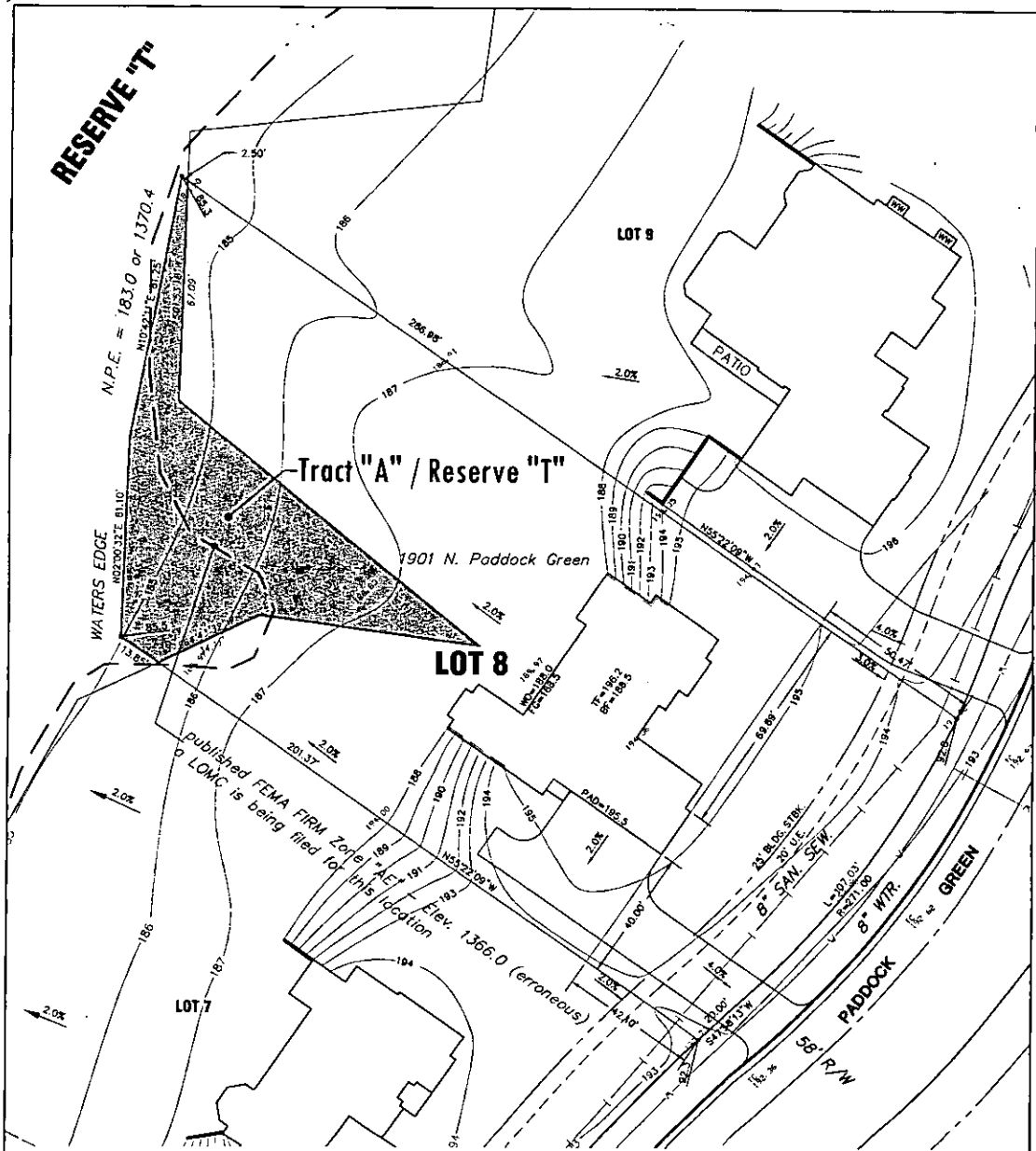
The applicants are requesting consideration for the vacation of the of the described portion of the platted Reserve T that abuts the west back yard lot line of Lot 8, Block 8, Wilson Farms Addition and the restriction of uses in the plattor's text for the platted reserve to allow only "SF-5" uses. The uses that Reserve T has been set aside for include open space, landscaping, lighting, irrigation, and construction and maintenance of public drainage and lakes. Per the plattor's text the Reserve shall be owned and maintained by the homeowner's association. The homeowner's association has already sold the described portions of the Reserve to the applicants. There are no manholes, sewer or water lines in the reserve. Comments from franchised utilities and Storm Water have not been received and are needed to determine if they have utilities in located within the described Reserve. The Wilson Farm Addition was recorded with the Register of Deeds July 15, 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, Storm Water, franchised utility representatives, and other interested parties, Planning Staff recommends approval to vacate the portion of the platted Reserve T and the uses of that portion of the platted Reserve T as described in the approved legal description to allow that portion of the platted reserve to revert into private property and to allow "SF-5" uses in that portion of the vacated reserve.

- (1) Vacate the approved portion of the platted Reserve T that abuts and runs parallel to the west back yard lot line of Lot 8, Block 8, the Wilson Farms Addition, subject to comments from franchised utilities and Storm Water in regards to possibly retaining a portion for equipment or construction and maintenance of public drainage and lakes. .
- (2) Vacate the use restrictions as listed in the approved vacated portion of the platted Reserve T to allow only "SF-5" zoning district uses and, if needed, utilities confined to easements.
- (3) Provide Planning Staff with a restrictive covenant binding and tying the vacated portion of Reserve T to Lot 8, Block 8, all in the Wilson Farms Addition, to be sent with the Vacation Order to be recorded wit the Register of Deeds.
- (4) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
- (5) All improvements shall be according to City Standards and at the applicants' expense.
- (6) 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

*Warrant Deed
Shaw 19 Sept*

*Show in map
Term 6/30/2007
Pre note on my
Plan*

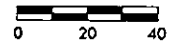


DESCRIPTION of Tract "A" and a portion of Reserve "T" to be Vacated

That portion of Reserve "T", Wilson Farms Addition, an addition to Wichita, Sedgwick County, Kansas, being described as follows:
 BEGINNING at the rear or westerly common Lot corner to Lots 7 and 8, Block 8, of said addition; thence on a platted bearing of N55°22'09"W, 13.85 feet; thence N02°00'32"E, 61.10 feet; thence N10°42'11"E, 81.25 feet; thence S55°22'09"E, 2.50 feet to the rear or westerly common Lot corner to Lot 8 and Lot 9, said Block 8, of said addition; thence along the common lines to said Lot 8 and Reserve "T" for the next four courses S01°53'18"W, 67.09 feet; thence S51°00'10"E, 118.75 feet; thence N82°21'56"W, 67.73 feet; thence S64°43'32"W, 34.11 feet to the POINT OF BEGINNING.



NORTH



NOTES:

1. We are requesting the vacation of the platted uses for a portion of Reserve "T", Wilson Farms Addition.
2. Tract "A" has been deeded to the owners of Lot 8, Block 8, Wilson Farms Addition (the applicant).
3. Utility locations are shown from records; actual locations may differ.

MKEC
 ENGINEERING
 CONSULTANTS, INC.

A portion of Reserve "T"
 abutting Lot 8, Block 8
WILSON FARMS ADDITION

PROJECT NAME
MAPC VAC2007 - 00010
 SHEET TITLE

411 N. WEBB ROAD
 WICHITA, K.S. 67106
 316 - 684 - 9600

BDL DESIGN BY	BDL DRAWN BY	GJA CHECKED BY
March 26th, 2007 DATE	06825 JOB NO.	1 / 1 SHEET/OF