



Wichita-Sedgwick County Metropolitan Area Planning Department

May 6, 2008

Greenwich 13, LLC
Attn: Cindy Erickson
150 N. Market
Wichita, KS 67202

Dear Ms. Erickson:

At its regular meeting on Tuesday, May 6, 2008, 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,

A handwritten signature in black ink, appearing to read 'Bill Longnecker'.

Bill Longnecker
Senior Planner

BL:le

cc: Jim Armour, City Engineer, Public Works Department, Mail Stop 1-71
Paul Gunzelman/Carla Jones, Public Works Engineering, Mail Stop 1-71
MKEC Engineering/Consultants Inc., Attn: Brian Lindebak, 411 N. Webb Road,
Wichita, KS 67206
Mike Kollmeyer, GIS office 1-04
Dennis Rooney, DIO - IT Development
George Laham, Laham Development, 150 N. Market, Wichita, KS 67203

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

**IN THE MATTER OF THE VACATION OF)
A PLATTED RESERVE AND THE)
USES IT IS RESTRICTED TO PER THE)
PLATTOR'S TEXT)**

**GENERALLY LOCATED)
ON THE NORTH SIDE OF 13TH STREET NORTH)
WEST OF GREENWICH ROAD)**

Case No. VAC2007-00040

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 12th day of February 2008 comes on for hearing the petition for vacation filed by Greenwich 13, LLC, c/o Cathy Erickson praying for the vacation of the following described platted reserved and the uses it is restricted to per the plattor's text to-wit:

All of Réserve "B" and the uses it is restricted to per the plattor's text (landscaping, irrigation, berming, monument signs, private drives and utilities confined to easements), all in the Greenwich Office Park Addition, an addition to 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 and the Derby Reporter on November 29, 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 platted reserved and the uses it is restricted to per the plattor's text, and the public will suffer no loss or inconvenience thereby.

3. Dedication by separate instrument for public street right-of-way, dedication by separate instrument for contingent street right-of-way and dedication by separate instrument for street, drainage and utility easement and a restrictive covenant will be recorded with the Register of Deeds, with the Vacation Order.

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 the platted reserved and the uses it is restricted to per the plattor's text, described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 12th day of February 2008 ordered that the above-described platted reserved and the uses it is restricted to per the plattor's text 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

Approved as to Form:

Gary Rebenstorf, Director of Law

STAFF REPORT

CASE NUMBER: VAC2007-00040: Request to vacate a portion of a platted reserve and the restriction of uses.

OWNER/AGENT: Greenwich 13, LLC, c/o Cathy Erickson
MKEC Engineering Consultants Inc, c/o Brian Lindebak

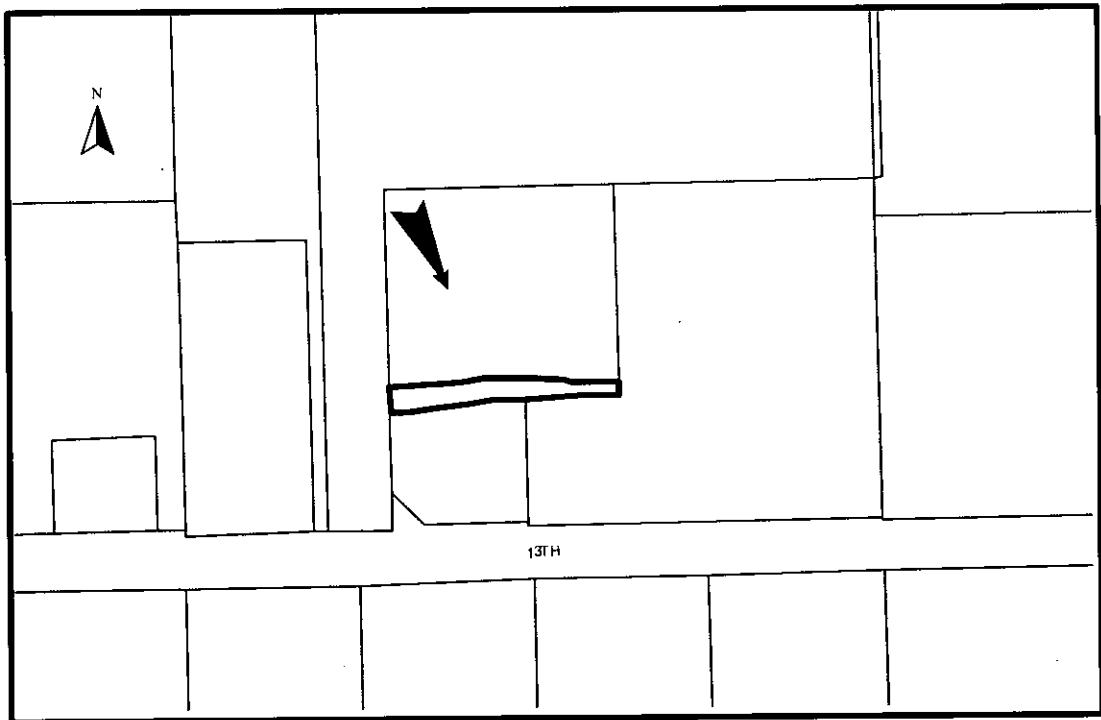
LEGAL DESCRIPTION: Reservé "B," the Greenwich Office Park Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located on the north side of 13th Street North, west of Greenwich Road (WCC #II)

REASON FOR REQUEST: Revert to street right-of-way (ROW)

CURRENT ZONING: Subject property, abutting and adjacent (across 13th) northern, western and southern properties are zoned "LI" Limited Industrial. Abutting eastern properties are zoned "GI" General Industrial and "SF-5" Single-family Residential. Other adjacent southern property (across 13th) is zoned "SF-20" Single-family Residential

VICINITY MAP:



The applicants are requesting consideration for the vacation of platted Reserve "B," Greenwich Office Park Addition. The applicant proposes to dedicate the reserve as public street ROW. Reserve "B" has been set aside for landscaping, irrigation, berming, monument signs, private drives and utilities confined to easements. The reserve appears to have direct access (west side) onto a public street, which in turn intersects 13th, an arterial: SUB2007-36, The Waterfront Residential Addition, approved by WCC 11-06-2007, but at this time staff no record of it being recorded. Reserve "B" dead-ends on its east side. The reserve has an irregular width, being 50-foot wide on its west side and 32-feet wide on its east side. There are a 10-foot and a 15-foot drainage easements running parallel to the reserve's north and south sides. The Subdivision design standards for a commercial street include a 70-foot wide ROW. There are no narrow street standards for commercial streets in the Subdivision Regulations. Per the Subdivision Regulations, 10-104, Modification of Design Criteria, the MAPC may modify design criteria. In the past staff has recommended modified design criteria, which has been approved by the MAPC. There appears to be no utilities, water, sewer or manholes in the reserve. Per the plat's text, Reserve "B" shall be owned and maintained by the owner of Lot 3, Block 1, the Greenwich Office Park Addition. The Greenwich Office Park Addition was recorded November 13, 2007.

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, Traffic Engineer, franchised utility representatives, and other interested parties, Staff recommends approval of the request to vacate platted Reserve "B," with conditions.

- 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 and the Derby Reporter, of notice of this vacation proceeding one time November 29, 2007 which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by the vacation of the above-described portion of the platted reserve and the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

Therefore, the vacation of the portion of the platted reserve described in the petition should be approved with conditions;

- (1) The reserve/proposed public ROW's width will remain the same as it is platted on the Greenwich Office Park Addition, but it will have 29-feet of paving, back to back. Provide a guarantee for the paving, per the standards for materials and depth for a commercial road. The guarantee must be provided prior to the case going to WCC for final action.

- (2) The west side of the reserve/proposed public ROW is an entrance/exit point onto the site. Provide Fire with 20-feet of paved access ingress (entrance) and 24-feet of paved egress (exit) from the reserve/proposed public ROW onto the public ROW it intersects on its west side: SUB2007-36, The Waterfront Residential Addition, approved by WCC 11-06-2007: the 'Veranda' ROW intersection on the site plan. Provide a 24-foot radius on the ingress/egress onto of the proposed public ROW, 'Veranda'. If the applicant provides 20-foot of ingress and 20-feet of egress at this point, the radius of the median strip in the proposed public ROW must be 24-feet and must have a roll over curb. The city will not be responsible for the maintenance and repair of the median strip and any uses located on it. Provide Fire with a survey of the 'Veranda' and 13th ROWs where they are adjacent to the subject site, showing all proposed and existing median strips, curb cuts, turn in radius, etc.
- (3) The east side of the reserve/proposed public ROW is a dead-end. Provide Fire with a 96-foot diameter cul-de-sac, or a 120-foot alternative hammerhead, or a 120-foot hammerhead, at the east end of the reserve/proposed public ROW; turn around. The turn around may be dedicated temporary, contingent on the extension (dedication of additional ROW) of the reserve/proposed public ROW to the east. For the first year after the vacation request's approval by the WCC, a cul-de-sac/hammerhead will have an approved gravel/surface, per Fire's recommendation; provide a guarantee for the approved gravel surface. Provide a guarantee for the paving of the permanent cul-de-sac, per commercial standards for design, materials and depth, to be used/in effect after one-year of the vacation requests approval by the WCC. The guarantee must be provided prior to the case going to WCC for final action.
- (4) Dedicate 15-foot street, drainage and utility easements, to run parallel to the north and south sides of the reserve/proposed public ROW. Provide to staff prior to the request going to the WCC for final action.
- (5) Provide staff with a restrictive covenant, which prohibits parking within the reserve/proposed public ROW and the 15-foot street, drainage and utility easements, that run parallel to the north and south sides of the reserve/proposed public ROW. Provide to staff prior to the request going to the WCC for final action.
- (6) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicants. If utilities are to be relocated retain the easement, until they are relocated and a replacement easement is recorded with the Register of Deeds to cover the relocated utilities. Provide Planning Staff with the original dedication of easement for relocated public utilities to be recorded with the Register of Deeds.
- (7) All improvements shall be according to City Standards, at the applicant's expense.
- (8) 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.

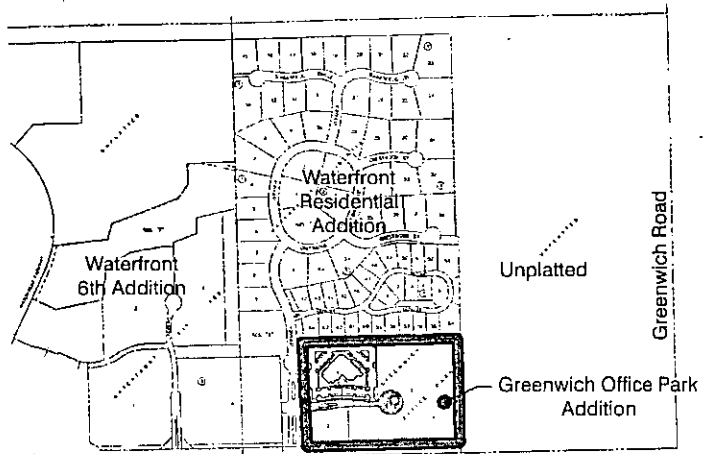
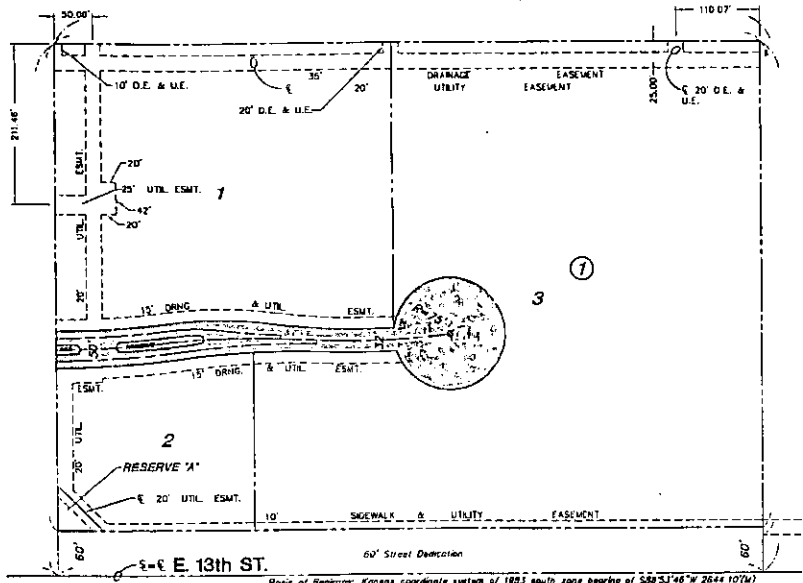
SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

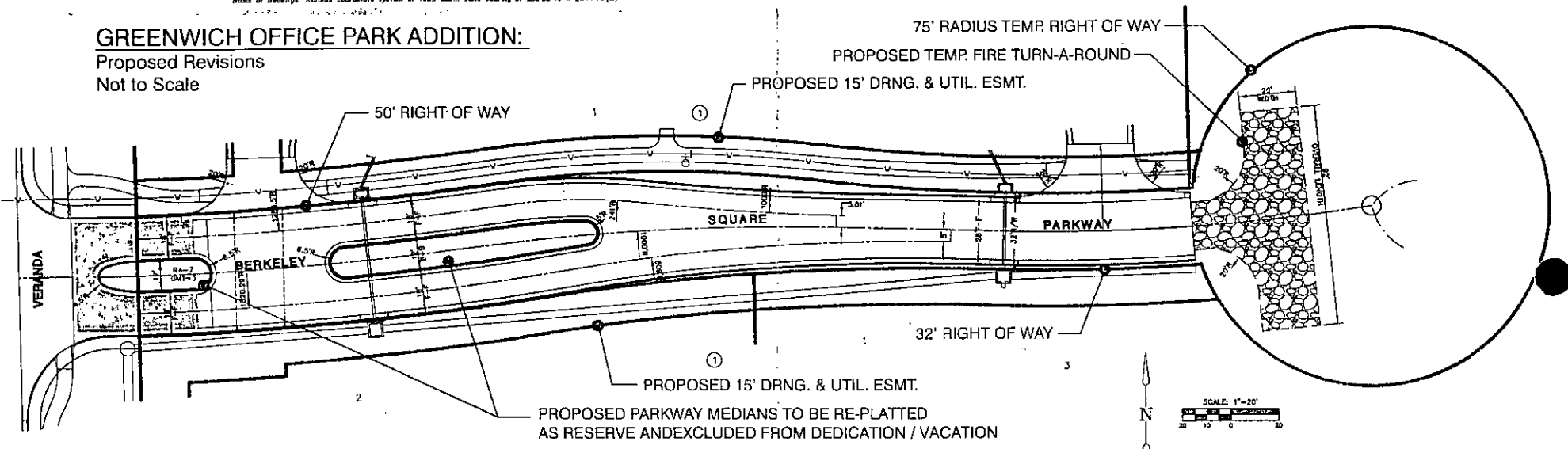
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- (5) Provide staff with a restrictive covenant, which prohibits parking within the reserve/proposed public ROW and the 15-foot street, drainage and utility easements, that run parallel to the north and south sides of the reserve/proposed public ROW. . Provide to staff prior to the request going to the WCC for final action.
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been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

VAC 2001-40



GREENWICH OFFICE PARK ADDITION:
Proposed Revisions
Not to Scale



BERKELEY SQUARE PARKWAY: Pavement Dimensioning Plan
SCALE: 1"=40'