



**Wichita-Sedgwick County Metropolitan Area Planning Department**

March 20, 2008

RRGNL, LLC  
Attn: Jay W. Russell  
P.O. Box 75337  
Wichita, KS 67275-0337

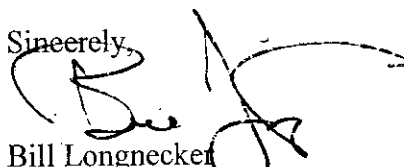
Re: **VAC2007-00043** - Request to vacate a platted reserve, generally located midway between 37th & 29th Streets North, west of Ridge Road, & southwest of Wild Rose Circle.

Dear Mr. Russell:

At its regular meeting on Tuesday, March 18, 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,

  
Bill Longnecker  
Senior Planner

BL:le

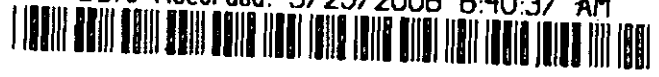
cc: Jim Armour, City Engineer, Public Works Department, Mail Stop 1-71  
Paul Gunzelman/Carla Jones, Public Works Engineering, Mail Stop 1-71  
Baughman Company, P.A., Attn: Phil Meyer, 315 Ellis, Wichita, KS 67211



Register of Deeds - Bill Meek  
 DOC.#/FLM-PG: 28961793  
 Receipt #: 1682978  
 Pages Recorded: 2  
 Cashier Initials: AL

Authorized By:  Recording Fee: 0.01

Date Recorded: 3/25/2008 8:40:37 AM



CITY CLERK'S ORIGINAL BEFORE THE CITY COUNCIL OF THE Approved / Accepted By City Council  
 RETURN TO CITY CLERK CITY OF WICHITA, SEDGWICK COUNTY, KANSAS 3-18-08

IN THE MATTER OF THE VACATION OF )  
 THE RESTRICTION OF USES IN A PLATTED )  
 RESERVE. )

GENERALLY LOCATED )  
 MIDWAY BETWEEN 29<sup>TH</sup> & 37<sup>TH</sup> STREETS )  
 NORTH, WEST OF RIDGE ROAD, & )  
 SOUTH OF WILD ROSE CIRCLE, )  
 A PRIVATE STREET )

Case No. VAC2007-00043

MORE FULLY DESCRIBED BELOW )

VAC 2007-43

**VACATION ORDER**

NOW on this 18<sup>th</sup> day of March comes on for hearing the petition for vacation filed by RRGNL, LLC, c/o Jay W. Russell praying for the vacation of the restriction of uses in a platted reserve, amended to allow the following use(s) to-wit:

Reserve "C," of the Pier 37 Addition is hereby reserved for private streets as confined to easements, open space, drainage purposes, landscaping, parking, berms, utilities as confined to easements, and storage buildings as permitted by the Wichita & Sedgwick County Unified Zoning Code's "LI" Limited Industrial 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 and the Derby Reporter on December 20, 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 restriction of uses in the described 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 restriction of uses in the platted reserve described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 18<sup>th</sup> day of March ordered that the above-described restriction of uses in the described platted reserve 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.



*[Handwritten signature of Carl Brewer]*  
Carl Brewer, Mayor

ATTEST:

*[Handwritten signature of Karen Sublett]*  
Karen Sublett, City Clerk

State of Kansas }  
Sedgwick County }  
City of Wichita }

I, **Karen Sublett** City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is affixed is a true and correct copy of the original on file in the office of the City Clerk.  
Given under my hand and seal of the City of Wichita, Kansas  
this **MAR 18 2008**

Approved as to Form:

*[Handwritten signature of Karen Sublett]* City Clerk

*[Handwritten signature of Gary Rebenstorf]*  
Gary Rebenstorf, Director of Law



STAFF REPORT

CASE NUMBER: VAC2007-00043: Request to vacate a portion of a platted reserve and its restriction of uses

OWNER/AGENT: RRGNL, LLC, c/o Jay Russell  
Baughman Company, PA, c/o Phil Meyer

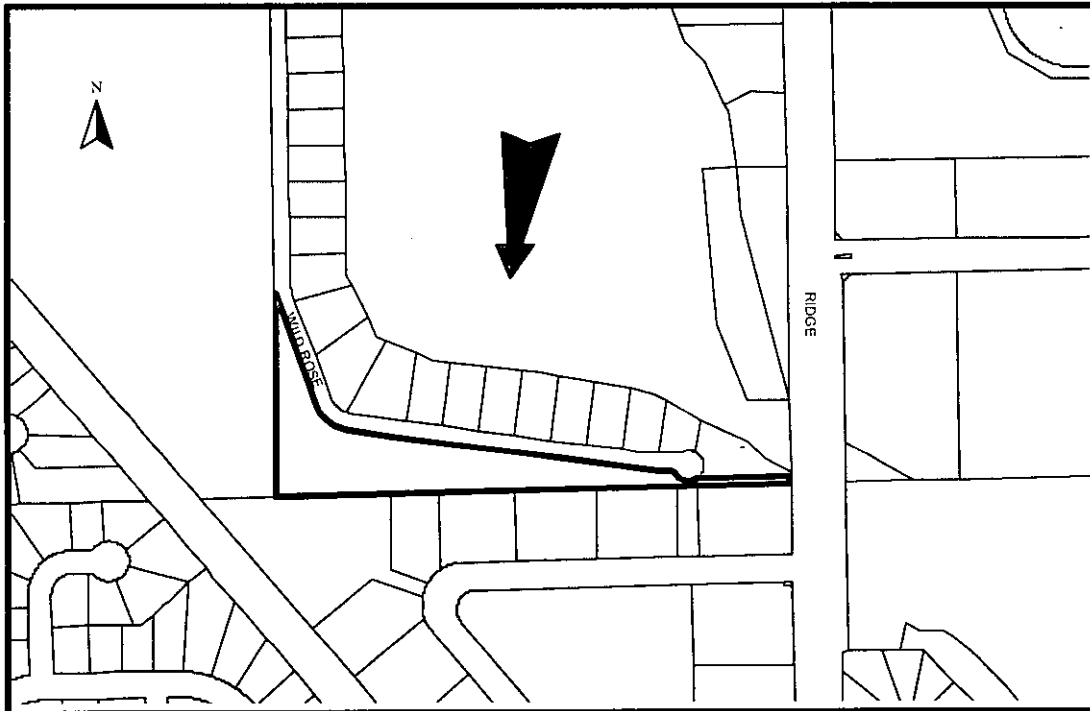
LEGAL DESCRIPTION: Reserve "C," Pier 37 Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located midway between 29<sup>th</sup> & 37<sup>th</sup> Streets North, west of Ridge Road, & southwest of Wild Rose Circle, a private street. (WCC #V)

REASON FOR REQUEST: Storage building(s)

CURRENT ZONING: Subject property is zoned "LI" Limited Industrial & "SF-5" Single-family Residential. Abutting northern and eastern properties are zoned "SF-5." Abutting southern property is zoned "LI." Abutting western property is zoned SF-20" Single-family Residential.

VICINITY MAP:



The applicant is requesting consideration for the vacation of a portion of the platted Reserve "C" and the restriction of uses listed in the plat's text, to allow a storage building or buildings. The storage building(s) will be for the use of the homeowners on Lots 1-30, Block A, Pier 37 Addition. If the vacation request is approved a storage building(s), (per the UZC a "warehouse, self storage") would be permitted in the "LI" zoned portion of Reserve "C," but not the "SF-5" zoned portion, per the UZC. Currently Reserve "C's" uses are restricted to private streets confined to easements, open space, drainage purposes, landscaping, parking, berms, and utilities as confined to easements. Per the plat's text, Reserve "C" shall be owned and maintained by the homeowners association for the addition. The applicant owns all of the Pier 37 Addition. Water, sewer and manholes are located in easements within the reserve. Comments from franchised utilities & Storm Water have not been received and are needed to determine if they have utilities located within the reserve. An eastern ("SF-5") portion of the reserve appears to be in the FEMA flood plain of the Big Slough North drainage area. The Pier 37 Addition was recorded with the Register of Deeds February 28, 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, franchised utility representatives, and other interested parties, Planning Staff recommends approval to vacate the portion of the platted Reserve "C" and the uses of that portion of the platted Reserve "C" as described in the approved legal description to allow that portion of the platted reserve to allow a storage building(s) and any required screening in that portion of the vacated 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 and the Derby Reporter, of notice of this vacation proceeding one time December 20, 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's plat's text, to amend it to allow additional uses within a 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 above-described portion of the platted reserve's plat's text, to amend it to allow additional uses within a portion of the platted reserve described in the petition should be approved with conditions;

- (1) Vacate the plat's text's restriction of uses in the "LI" zoned portion of the platted Reserve "C" the Pier 37 Addition, amending it to allow storage buildings as permitted in the "LI" Limited Industrial zoning district and any required screening. This is contingent on Storm Water and utilities approving. Retain the plat's text's listed uses for Reserve "C." Development of the storage-building site will comply with all screening, landscaping, compatibility setbacks and all other applicable UZC standards and codes. Provide Staff with a copy of the approved legal of the "LI" zoned portion of Reserve "C," via e-mail on a Word document.

- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
- (3) All improvements shall be according to City Standards and at the applicants' expense.
- (4) 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:

- (1) Vacate the plattors text's restriction of uses in the "LI" zoned portion of the platted Reserve "C" the Pier 37 Addition, to allow storage buildings as permitted in the "LI" Limited Industrial zoning district and any required screening. This is contingent on Storm Water and utilities approving. Retain the plattors text's listed uses for Reserve "C." Development of the storage-building site will comply with all screening, landscaping, compatibility setbacks and all other applicable UZC standards and codes. Provide Staff with a copy of the approved legal of the "LI" zoned portion of Reserve "C," via e-mail on a Word document.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
- (3) All improvements shall be according to City Standards and at the applicants' expense.
- (4) 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

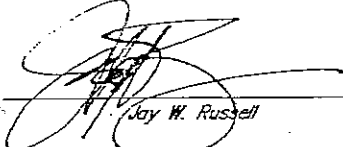
VAC 2007-43

# PIER 37 ADDITION WICHITA, SEDGWICK COUNTY, KANSAS

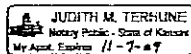
Know all men by these presents that we, the undersigned, have caused the land in the surveyors certificate to be platted into Lots, a Block, Streets, and Reserves to be known as "PIER 37 ADDITION", Wichita, Sedgwick County, Kansas. The utility easements are hereby granted as indicated for the construction and maintenance of all public utilities. The private drainage easements shall be located as indicated on the face of the plat and shall be for drainage purposes within said Pier 37 Addition. Each private drainage easement shall be owned by the respective underlying Lots and the drainage system lying within the private drainage easements shall be maintained by the homeowners association for the addition. The drainage and utility easements are hereby granted as indicated for drainage purposes and for the construction and maintenance of all public utilities. The street, drainage, and utility easements are hereby granted as indicated for street purposes, for drainage purposes, and for the construction and maintenance of all public utilities. The streets are hereby dedicated to and for the use of the public. Reserve "A" is hereby reserved for a private street, drainage purposes, entry monuments and features, screening walls, landscaping, signage, open space, and utilities. Reserve "A" shall provide access to or from Lots 1 through 29, inclusive, Block A. Reserves "B" and "D" are hereby reserved for lakes, open space, floodway, drainage purposes, landscaping, and utilities as confined to easements. No buildings or other obstructions shall be constructed or placed on or within said floodway, nor shall any fill, change of grade, creation of channel, or any other work be carried on without the permission of the Engineer for the City of Wichita, Kansas. (Reserve "C" is hereby reserved for private streets as confined to easements, open space, drainage purposes, landscaping, parking, berms, and utilities as confined to easements. Reserves "A", "B", and "C" shall be owned and maintained by the homeowners association for the addition.) Reserve "D" shall be owned and maintained by the owner of Lot 30, Block A. Access controls shall be as depicted on the face of the plat and are hereby granted to the City of Wichita, Kansas. The Minimum Building Pad Elevations for the lowest opening to the structures shall be as indicated on the face of the plat.

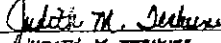
text on "C"

RRGNL, L.L.C.,  
a Kansas limited liability company

  
\_\_\_\_\_  
Jay W. Russell, Partner

State of Kansas) SS The foregoing instrument acknowledged before  
Sedgwick County) me, this 16<sup>TH</sup> day of JANUARY, 2007, by Jay W. Russell, Partner  
of RRGNL, L.L.C., a Kansas limited liability company, on behalf of the limited  
liability company.

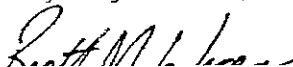


  
\_\_\_\_\_  
JUDITH M. TERHUNE, Notary Public

My App't. Exp. 11-7-07

We, the undersigned, holders of a mortgage on the above described property, do hereby consent to this plat of "PIER 37 ADDITION", Wichita, Sedgwick County, Kansas.

Security Savings Bank, F.S.B.





# EXHIBIT

## RESERVE "C", PIER 37 ADDITION

37TH ST. NORTH

