



Wichita-Sedgwick County Metropolitan Area Planning Department

October 21, 2008

Shadybrook Homeowner Association
c/o Norma Safely, President
14 Stagecoach
Wichita, KS, 67230

Re: **VAC2008-00021** – City request to vacate portions of platted reserves, generally located south of Central Avenue, east of 143rd Street East, on the northeast corner of Stagecoach Street and Central Avenue and the northwest corner of Sagebrush Street and Central Avenue.

Dear Ms. Safely:

At its regular meeting on Tuesday, October 21, 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
Julianne Kallman, Public Works Engineering, Mailstop 1-71
Blair Construction, Inc., P.O. Box 276, Andover, KS 67002
John T. & Susan G. Wagle, 4 N. Sagebrush, Wichita, KS 67230
Sean C. & Patricia G. McEnulty, 6 N. Sagebrush, Wichita, KS 67230
Cary H. & Susan M. Humphries, 8 Sagebrush, Wichita, KS 67230
Larry & Gwen Toomey Trust, 2 N. Stagecoach, Wichita, KS 67230
David A. & Deborah S. Grainger, 3 Sandalwood, Wichita KS 67230
Sally M. Alberg & Daniel Estrada, Jr., 2 N. Sandalwood, Wichita, KS 67230
Robert & Susan I. McKay, 5 Sagebrush, Wichita, KS 67230
Bryan S. & Cindy M. Hanning, 1 Sandpiper, Wichita, KS 67230
Valerie Boll, 1 Scottsdale, Wichita, KS 67230

City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

T 316.268.4421 F 316.268.4390

www.wichita.gov

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

**IN THE MATTER OF THE VACATION OF)
THE RESTRICTION OF USES IN THE)
PLATTOR'S TEXT TO ALLOW ADDITIONAL)
USES IN PORTIONS OF PLATTED RESERVES)**

**MAPD CASE NO.
VAC2008-00021**

**GENERALLY LOCATED)
SOUTH OF CENTRAL AVENUE, EAST OF 143RD)
STREET EAST, ON THE SOUTHEAST CORNER OF)
STAGECOACH STREET & CENTRAL AVENUE & THE)
SOUTHWEST CORNER OF SAGEBRUSH STREET &)
CENTRAL AVENUE)**

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

COMES NOW your petitioner(s), the Shadybrook Homeowner Association, c/o Norma Safely, President, and pray(s) for the vacation of the restriction of uses in the plattor's text to allow the additional use of entry signs in the following described portions of platted reserves, to wit:

Area of Easements Descriptions

That part of Reserve "A", Block 1, Shadybrook Farm Addition, Sedgwick County, Kansas, Wichita, Kansas, described as beginning at the N.W. Corner thereof; thence S00°W, along the west line of said Reserve "A", 18.50 feet; thence N90°E, 3.36 feet; thence N45°E, 21.41

feet; thence N00°E, 3.36 feet to the north line of said Reserve "A"; thence S90°W, along the north line of said Reserve "A", 18.50 feet to the place of beginning.

&

That part of Reserve "A", Block 2, Shadybrook Farm Addition, Sedgwick County, Kansas, Wichita, Kansas, described as beginning at the N.E. Corner thereof; thence S90°W, along the north line of said Reserve "A", 18.50 feet; thence S00°W, 3.34 feet; thence S45°E, 21.43 feet; thence S89°50'30"E, 3.30 feet to the east line of said Reserve "A"; thence N00°09'30"E, along the east line of said Reserve "A", 18.50 feet to 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 Wichita Eagle and the Derby Reporter on July 17, 2008, 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 of the restriction of uses in the plattor's text to allow the additional use of entry signs in the above described portions of the platted reserves, and the public will suffer no loss or inconvenience thereby. Retain the uses of open space, drainage easements and utility easements in the above described platted reserves.

3. Construction cost and maintenance of the entry signs are at the expense and the responsibility of the home owners association.

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 restriction of uses in the plattor's text to allow the additional use of entry signs in the above described portions of platted reserves should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 21st day of October, 2008 ordered that the above described restriction of uses in the plattor's text to allow the additional use of entry signs in the above described portions of platted reserves 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.

Vacation Order
VAC2008-00021

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Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary Rebenstorf, Director of Law

STAFF REPORT

CASE NUMBER: VAC2008-00021: Request to vacate a portion of platted reserve and the restriction of uses to allow signs.

OWNER/APPLICANT: Shadybrook Homeowner Association c/o Norma Safely, President

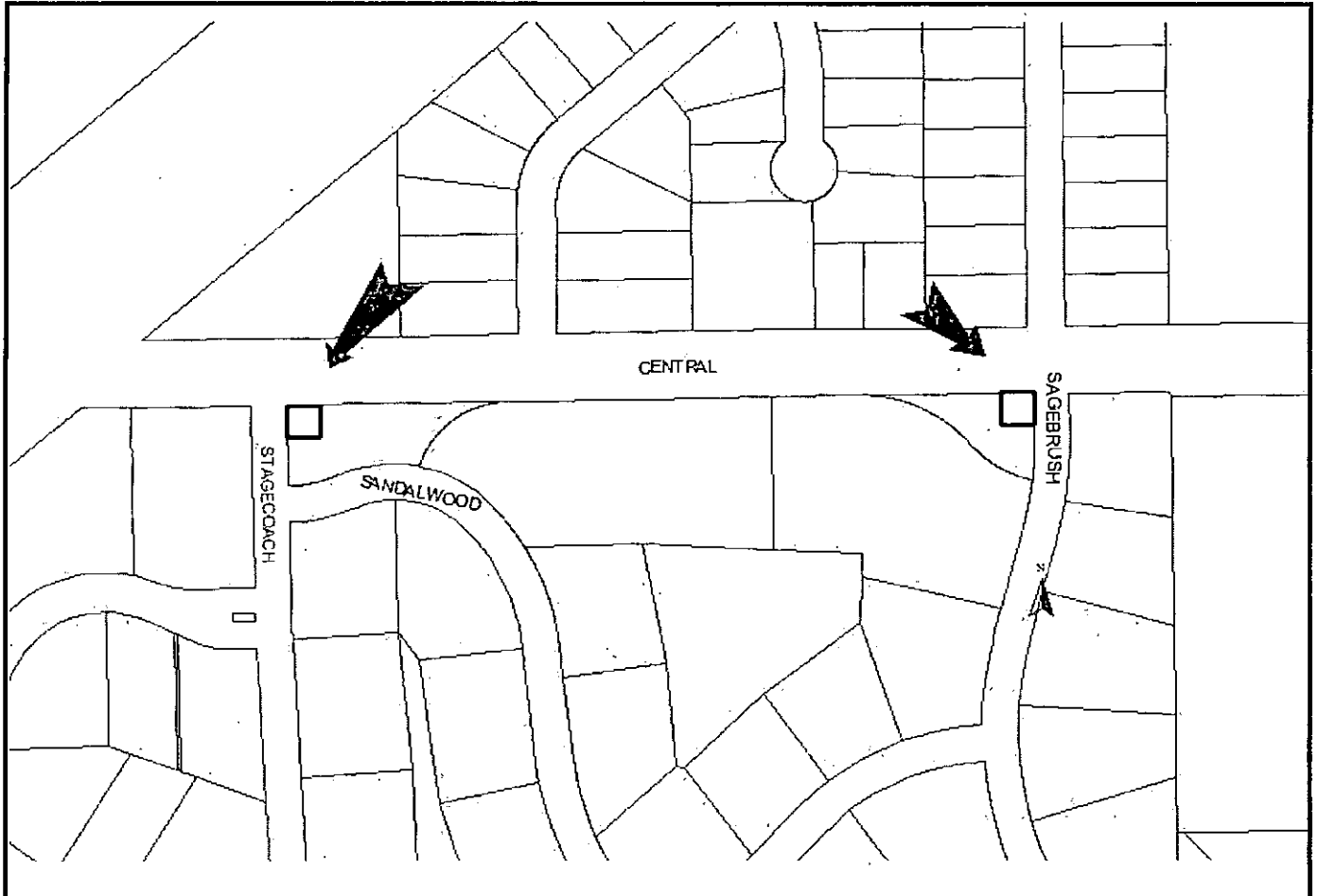
LEGAL DESCRIPTION: Reserves A, Blocks 1 & 2, Shadybrook Farm Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located south of Central Avenue, east of 143rd Street East, on the northeast corner of Stagecoach Street and Central Avenue and the northwest corner of Sagebrush Street and Central Avenue (WCC #II)

REASON FOR REQUEST: Two entry signs

CURRENT ZONING: Subject properties, abutting and adjacent southern, eastern and western stern properties are zoned SF-5 Single-family Residential ("SF-5"). Adjacent northern properties are zoned.

VICINITY MAP:



The applicant is requesting consideration for the vacation of the restriction of uses in the plattor's text to allow entry signs in a portion of the platted Reserves A, Blocks 1 and 2, Shadybrook Farm Addition. The proposed solid masonry signs are 9 feet, 10.5 inches tall (highest point) and 24 feet, 4 inches long. The proposed signs will replace signs already located in the reserves. Per the plattor's text, the uses that the reserves have been set aside for include open space, drainage easements and utility easements. The plattor's text does not allow signage in the reserves, thus if the existing signs are torn down, they could not be replaced unless the plattor's text was amended, via the vacation process, to allow signage. There are no platted utility or drainage easements in the reserve. Water is located in the street right-of-ways. A sewer line and manhole appear to be located in a portion of Reserve A, Block 1, but are outside of the area where the proposed signs are to be located. The applicant needs approval, permits and inspection by OCI for the signs. The Shadybrook Farm Addition was recorded with the Register of Deeds November 2, 1972.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City approval to vacate the portion of the platted Reserves A, Blocks 1 & 2, Shadybrook Farm Addition and the uses of that portion of the platted reserves as described in the approved legal description to allow that portion of the platted reserve to allow signs 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, by publication in Wichita Eagle and the Derby Reporter of notice of this vacation proceeding one time July 17, 2008 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 proposed uses allowed in vacated 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.
- B. Therefore, the vacation of a portion of the platted reserves and the uses allowed in the vacated portion of the platted reserve described in the petition should be approved subject to the following conditions:
- (1) Vacate the approved portion of the platted Reserves A, Blocks 1 & 2, the Shadybrook Farm Addition, subject to comments from Utilities, the Traffic Engineer and Storm Water in regards to location of the proposed entry signs. Provide Staff with a copy of the approved legal of the location of the signs in the reserves, via e-mail on a Word document.
 - (2) Vacate the use restrictions as listed in the approved vacated portion of the platted Reserves to also allow the additional use of signs as allowed per the zoning district and the sign code.
 - (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Provide any needed utility

easements (with original signatures) to cover any utilities within the area of the signs. Provide any needed hold harmless agreements to cover any utilities within the area of the signs. All to be provide to Planning Staff to go with the Vacation Order to City Council, for final action and subsequent recording with the Register of Deeds.

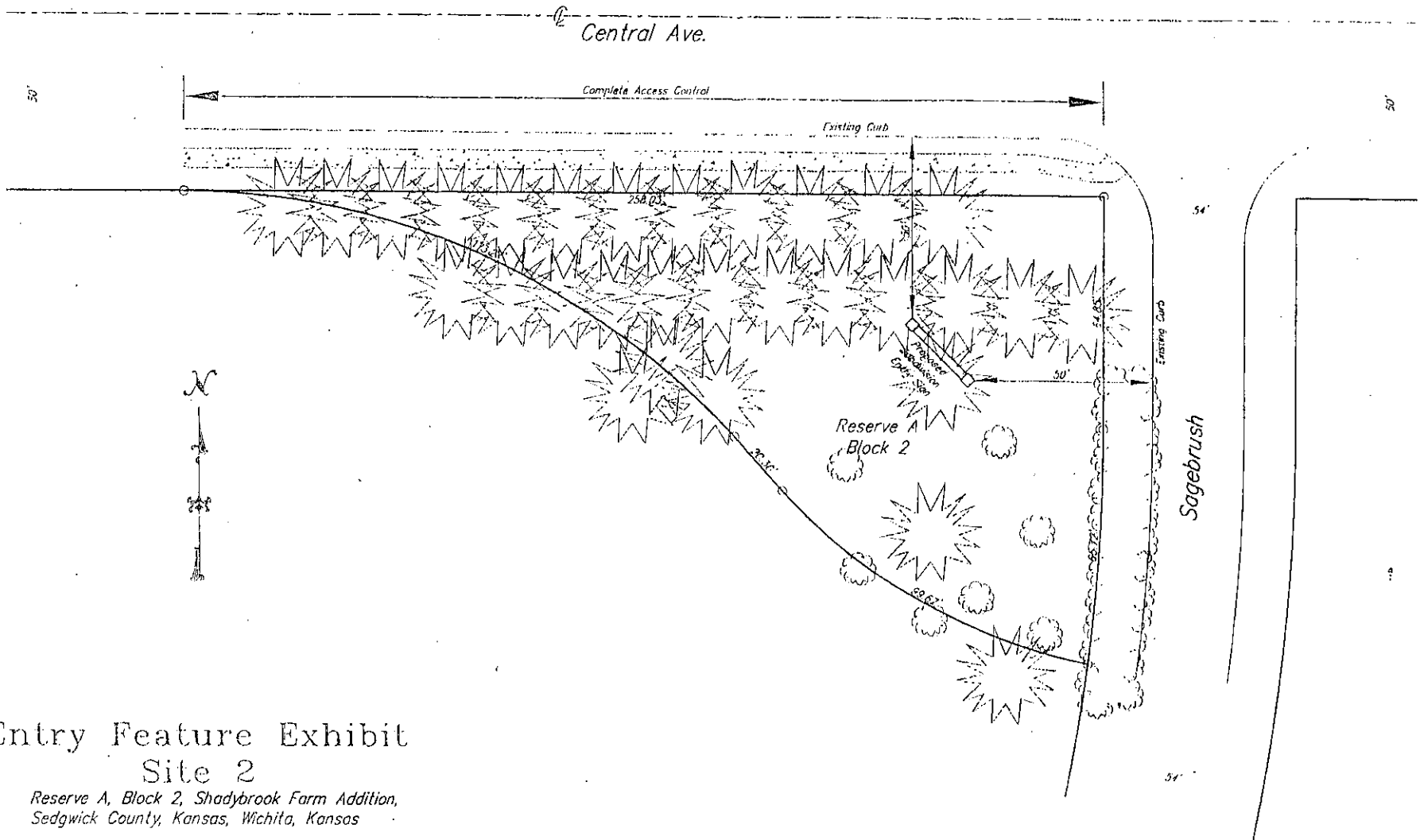
- (4) All improvements shall be according to City Standards and at the applicants' expense.
- (5) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until 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

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the approved portion of the platted Reserves A, Blocks 1 & 2, the Shadybrook Farm Addition, subject to comments from Utilities, the Traffic Engineer and Storm Water in regards to location of the proposed entry signs. Provide Staff with a copy of the approved legal of the location of the signs in the reserves, via e-mail on a Word document.
- (2) Vacate the use restrictions as listed in the approved vacated portion of the platted Reserves to also allow the additional use of signs as allowed per the zoning district and the sign code.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Provide any needed utility easements (with original signatures) to cover any utilities within the area of the signs. Provide any needed hold harmless agreements to cover any utilities within the area of the signs. All to be provide to Planning Staff to go with the Vacation Order to City Council, for final action and subsequent recording with the Register of Deeds.
- (4) All improvements shall be according to City Standards and at the applicants' expense.
- (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

VAC2008-21

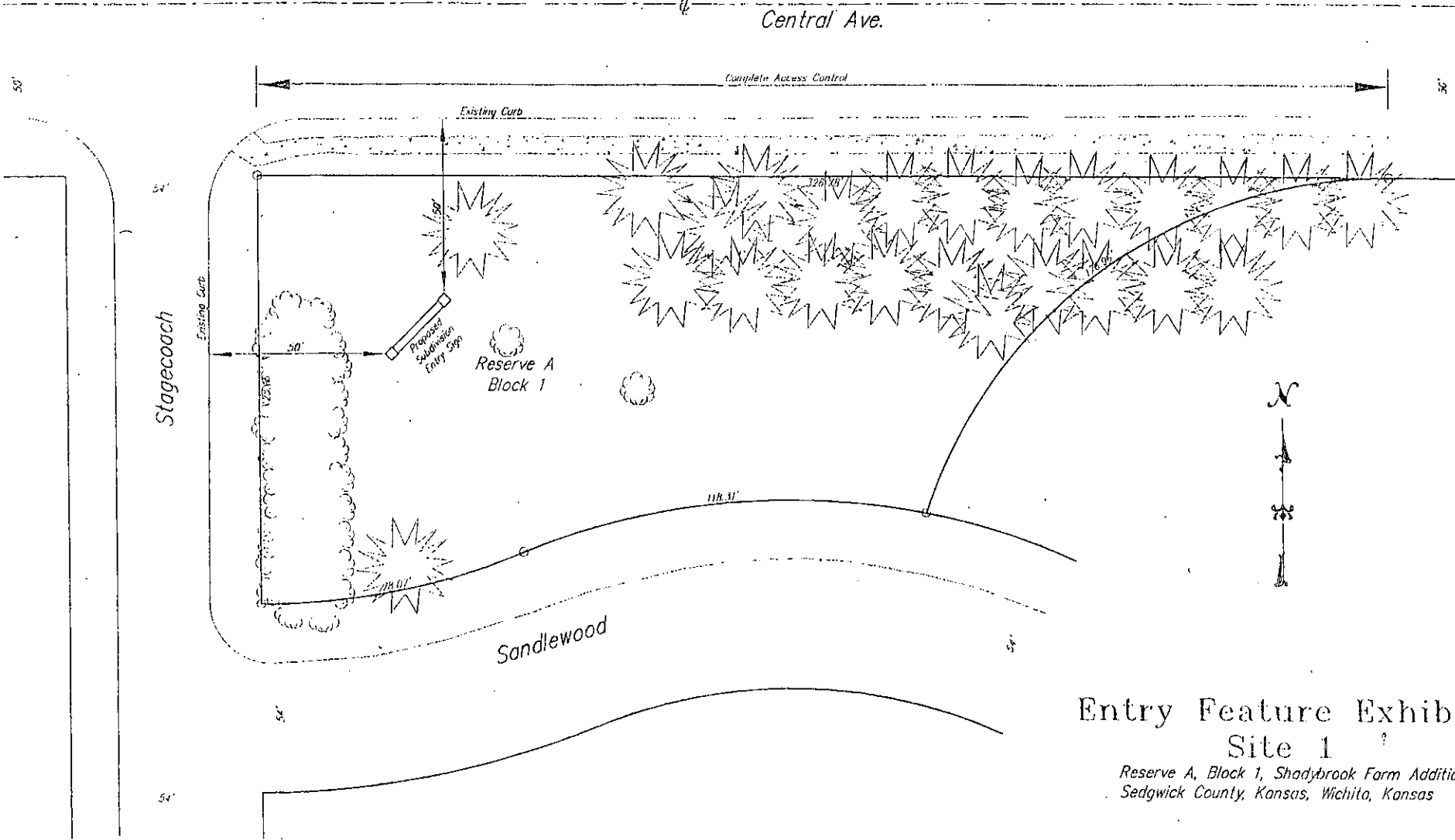


Entry Feature Exhibit Site 2

Reserve A, Block 2, Shadybrook Farm Addition,
Sedgwick County, Kansas, Wichita, Kansas



Savoy Company, P.A.
Land Development
Architectural Services



Central Ave.

Stagecoach

Reserve A
Block 1

Sandlewood

Entry Feature Exhibit
Site 1
Reserve A, Block 1, Shadybrook Farm Addition,
Sedgwick County, Kansas, Wichita, Kansas

VAC 2008-21

SHADYBROOK FARM ADDITION

SEDGWICK COUNTY, KANSAS
(SHEET 1 OF 2 SHEETS)

