



Wichita-Sedgwick County Metropolitan Area Planning Department

September 10, 2021

K.E. Miller Engineering, P.A.
Attn: Kirk Miller
117 E. Lewis St.
Wichita, KS 67202

Ref: VAC2021-00029: City request to vacate a portion of a contingent dedication of East Kellogg Drive and a portion of a platted front setback on SF-5 Single-Family Residential zoned property generally located Northwest of the East Kellogg (US 54) –South 159th Street East intersection, on the south side of Willowbrook Circle (District II).

Kirk,

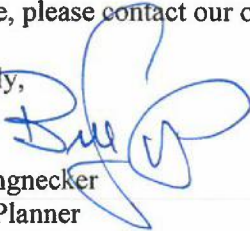
At the **Thursday, September 9, 2021**, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

- (1) Dedicate utility easements by separate instrument, with original signatures, to cover the two sewer lines and manhole. Dedicated any other needed easement(s) to cover utilities located in the subject vacated East Kellogg Drive public street right-of-way. These must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (2) Provide a restrictive covenant, with original signatures, binding and tying the described vacated portion of East Kellogg Drive public street right-of-way to the abutting property(s). This must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (3) As needed provide utilities with any needed project plans for the relocation of utilities for review and approval. Any relocation/reconstruction of utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number(s) to Planning prior to the case going to City Council for final action.
- (4) Provide Planning with an approved legal description of the vacated portion of East Kellogg Drive and of the vacated portion of the front yard building setback on a Word document by E-mail that can be copied and used on the Vacation Order. The vacation order will not leave half street right-of-way. The applicant, Lot 2, Block 2 and the owner of Reserve B, all in the Belle Terre South Addition must agree that the reversion of the subject right-of-way will go to both the abutting applicant's property and the owner of the abutting Reserve B or all of the vacated ROW will go to the applicant. Provide Planning with a letter from the owner of Reserve B stating their intentions on reversion. This must be provided to Planning prior to the vacation case going to City Council for final action.
- (5) The vacation will establish a 25-foot front yard setback contingent on approval of a Lot Split establishing a new lot on the northwest corner of the LC Limited Commercial zoned Lot 2, Block 2, Belle Terre South Addition and where said lot abuts the vacated portion of East Kellogg Drive public street right-of-way and approval of an Administrative Adjustment to CUP-226 to allow single-family residential development on the lot established by the Lot Split.
- (6) All improvements shall be according to City Standards and at the applicants' expense.

- (7) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests 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.

When all of the above conditions have been completed and there are no other documents requested; this case will be scheduled for final action by the Wichita City Council at the first appropriate date after **September 23, 2021** (end of the two-week protest period). This letter also serves as a reminder that the vacation notification signs should now be removed from the property. If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,



Bill Longnecker
Senior Planner

WL:kw

cc: RR Business Properties LLC, Rick Wessley, 3737 N Hydraulic, Wichita KS 67219