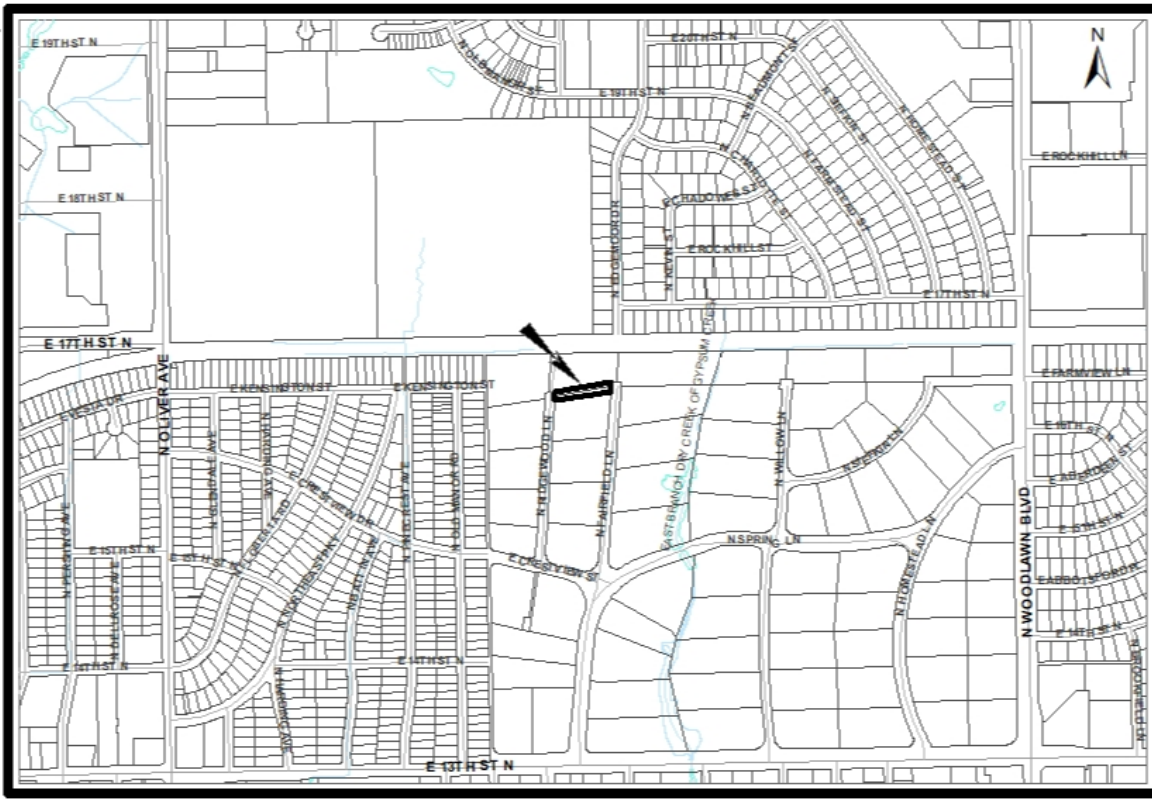


STAFF REPORT

- CASE NUMBER:** VAC2021-00052 - Request in the City to vacate a portion of a platted public street right-of-way; a reprocessing of V-2006
- APPLICANTS:** Schuyler M. Jones & Madeline Hill Akers (applicants), Baughman Company, PA c/o Russ Ewy (agent)
- LEGAL DESCRIPTION:** Generally described as vacating that portion of the East Farmview Lane public street right-of-way located between North Fairfield Lane (east side), North Ridgewood Lane (west side), Lot 2A (north side) and Lot 2 (south side), all in the Replat of Spring Acres Addition, Wichita, Sedgwick County, Kansas; see attached legal
- LOCATION:** Generally located midway between North Oliver Avenue & North Woodlawn Boulevard, north of East 13th Street North, between North Fairfield and North Ridgewood Lanes (City District I)
- REASON FOR REQUEST:** Reprocessing of V-2006
- CURRENT ZONING:** The subject site is undeveloped Farmview Lane public street ROW right-of-way. North Fairfield Lane public street ROW abuts its east side and North Ridgewood Lane public street ROW abuts its west side. SF-5 Single-Family Residential zoned single family residences abut the north and south and south sides.

VICINITY MAP:



The applicants are requesting the vacation of an approximately +/- 360 foot long (x) 60-foot wide portion of the East Farmview Lane public street ROW right-of-way (subject ROW) located between North Ridgewood Lane (was North Greenfield Lane) on its west side, North Fairfield Lane on its east side, Lot 2A abutting its north side and Lot 2 abutting its south side, all recorded on the Replat of the Spring Acres Addition. The Replat of the Spring Acres Addition was recorded with the Register of Deeds August 2, 1955. Lots located in the Replat of the Spring Acres Addition appear to be approximately +/-1.5-acre to +/-2.5-acres in size, which is uniquely large for this area.

East Farmview Lane was originally platted to run from North Woodlawn Boulevard west to its current intersection with North Ridgewood Lane. It was never platted to extend further west from its current intersection with North Ridgewood Lane. Previous vacations removed all of East Farmview Lane east of its current location, except for the block between Siefkin Lane and North Woodlawn Boulevard. These actions have left this isolated portion of East Farmview Lane.

NOTE: This vacation request is a reprocessing of vacation case V-2006. V-2006 was approved, 4-0, by the MAPC Wichita-Sedgwick County Metropolitan Area Planning Commission's SD Subdivision Committee at their December 12, 1996, meeting with conditions. The MAPC approved, 13-0, V-2006 at their December 19, 1996, meeting with conditions.

Conditions of approval were:

- The retention of this approximately +/- 360 foot long (x) 60-foot wide portion of the East Farmview Lane ROW as a utility easement.
- Providing turnarounds, per City Engineer and City Fire standards, at the north ends of North Ridgewood and North Fairfield Lanes.
- Providing guarantees for those turnarounds.
- The applicants being responsible for the relocation, or the reconstruction of any utilities made necessary made the vacation.

Final approval by the Wichita City Council has not happened due to no activity since 1996 in regard to completing the conditions attached to the case. The reprocessing of a case requires it to go through the public hearing process, including re-advertising it and recommendations by both the SD Committee and the MAPC and final approval by the governing body, City Council.

There is east – west power poles and lines located in this section of the subject ROW. Power poles and lines running parallel to North Fairfield Lane and North Ridgewood Lane cross over into the subject ROW. The applicants' exhibit shows gas lines running east – west and north – south and buried electrical lines in the subject ROW. Everygy request that the subject ROW remains as easement. LaDonna Vanderford is the Everygy Design Representative for this area and can be contacted at 316-261-6290. Neither water or sewer appear to be located in the subject ROW. Conditions #1, #3 and #5 cover all utilities.

The exhibit also shows a private well house, 8-foot tall wooden privacy fences (east and south sides), part of a 6-foot wrought iron fence and a brick column (west side) and a one-foot encroachment of Lot 2A's pool house's eaves into the subject ROW. A close up of GIS's 2021 aerial shows an approximately 13.5-foot (x) 22-foot building located entirely in the subject ROW; the applicant may have to apply for an easement encroachment agreement with Public Works.

Both North Ridgewood Lane and North Fairfield Lane dead end at their north ends where the subject ROW intersects with them. North Ridgewood Lane is an asphalt paved public street at this intersection with 60 feet of ROW. North Fairfield Lane is a sand and gravel public street at this intersection with 60 feet of ROW. Private drives intersect with both North Ridgewood Lane and North Fairfield Lane. The current configurations of turnarounds on the asphalt paved North Ridgewood Lane and the sand and gravel North Fairfield Lane will remain.

No properties would be denied direct access onto public street ROW if the vacation request is approved. Vehicular traffic, pedestrian traffic and public safety will not be impacted by this vacation request, if approved with the recommended conditions.

If approved reversion rights go to the north abutting Lot 2A and the south abutting Lot 2, all in the Replat of the Spring Acres Addition.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from Public Works, Storm Water, Water and Sewer, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of public street right-of-way.

- 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, of notice of this vacation proceeding one time December 16, 2021, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the described portions of public street right-of-way, and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Dedicate utility easement(s) by separate instrument, with original signatures, to cover the to cover utilities located in the subject vacated East Farmview Lane 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 restrictive covenants, with original signatures, binding and tying the described vacated portion of East Farmview Lane public street right-of-way to the abutting properties. 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. If needed apply for an easement encroachment agreement with Public Works to resolve the approximately 13.5-foot (x) 22-foot building being located entirely in the vacated East Farmview Lane ROW turned easement. 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 Farmview Lane on a Word document by E-mail that can be copied and used on the Vacation Order. The approved legal may remove some structural encroachment(s). This must be provided to Planning prior to the vacation case going to City Council for final action.
- (5) All improvements shall be according to City Standards and at the applicants' expense, including (as needed) turnarounds at the north ends of North Fairfield Lane and North Ridgewood Lane, as approved by the City Engineer and City Fire. As need provided guarantees for the construction of those turnarounds.

- (6) 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.

SUBDIVISION COMMITTEE’S RECOMMENDED ACTION

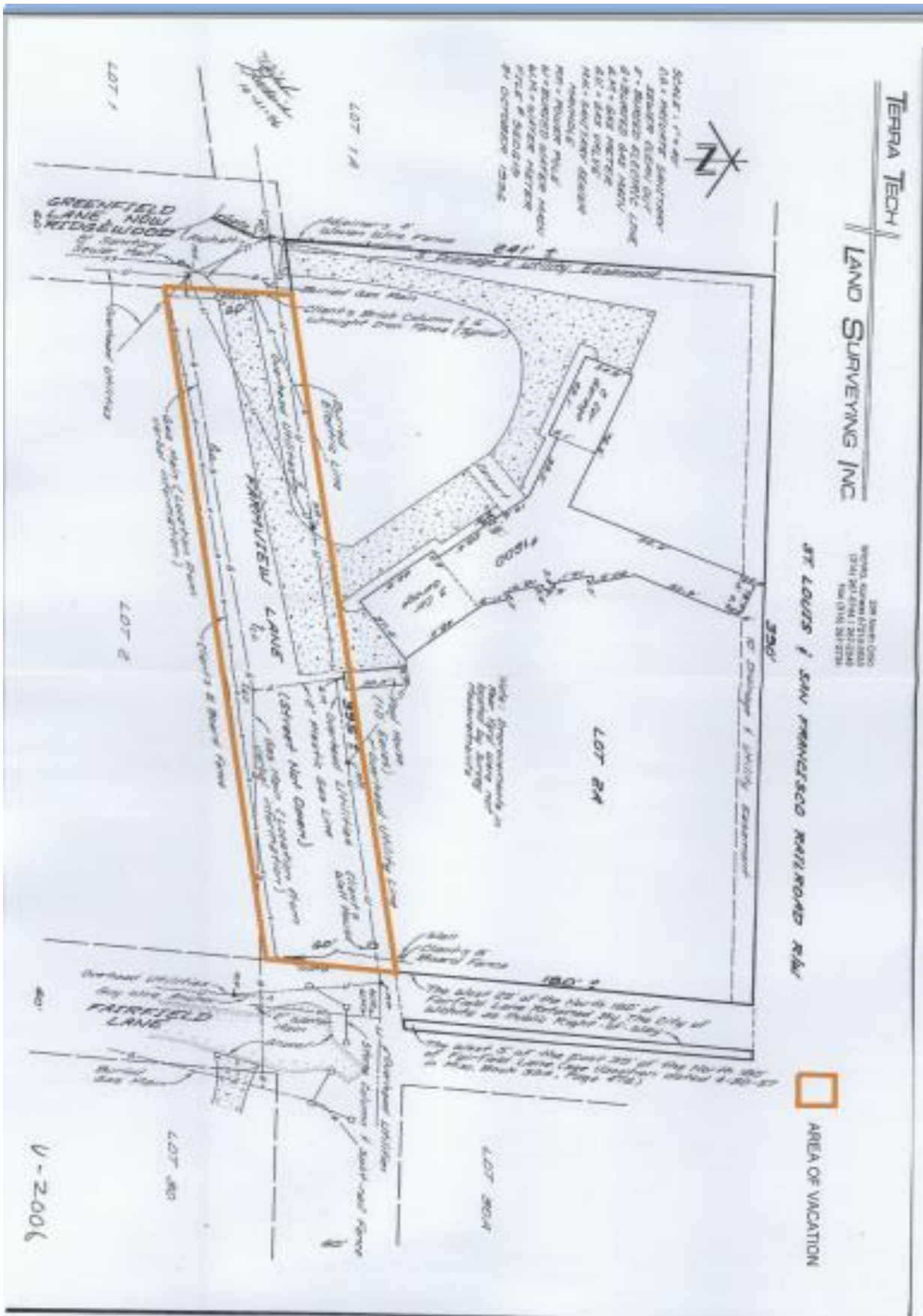
The Subdivision Committee recommends approval subject to the following (but not limited to) conditions :

- (1) Dedicate utility easement(s) by separate instrument, with original signatures, to cover the to cover utilities located in the subject vacated East Farmview Lane 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.
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Attachments:

- Aerial with public water & sewer and right-of-way
- Applicants’ exhibit
- Legal description
- V-2006 case card
- Excerpt from the Replat of the Spring Acres Addition showing subject roads and abutting Lots.







Farmview Lane Street Right of Way Vacation - Legal Description

That portion of Farmview Lane lying between the east right-of-way line of Greenfield Lane (now Ridgewood Lane), as extended north, and the west right-of-way line of Fairfield Lane, as extended north, as dedicated by the Replat of Spring Acres Addition, Sedgwick County, Kansas.

NO. V-2006 Street right-of-way and utility
 MAP: 5849 easement
 DESC. Located North of 13th Street North and west
of Woodlawn

BY: Michael E. Steven, 1600 Ridgewood, Wichita, KS 67208
and Scott A. Walz, 1570 Ridgewood, Wichita, KS 67208

D.O.A.	BODY	ACTION
12/12/96	S/D	Approved 4-0
12-19-96	MARC	Approved 13-0
	WCC	

RECORDED: _____ FILM: _____ PAGE: _____

T9-205

