

The applicant is requesting the vacation of the plattor’s text to amend the ownership and maintenance of the platted Reserve A, TransNet Addition. Reserve A is located in the southwest corner of the subdivision. The plattor’s text states that “Reserve A shall be owned and maintained by Maize USD 266 for use as a storm water pond.” This language was improperly written by assigning ownership and maintenance to a specific entity that replatted the property. The property recently sold in a real estate transaction from Maize USD 266 to the applicant. The request to amend the plattor’s text will ensure a clean sale of the property. The requested amended language to the plattor’s text is as follows:

“Reserve A shall be owned and maintained by Owner of Lot 1, Block 1 for use as a storm water pond.”

Westar has no objection to the vacation of the plattor’s text. Richard Aitken is the area representative and can be contacted at 261-6334. The Tran Net Addition was recorded March 9, 2009.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works, Water & Sewer, Stormwater, 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 plattor’s text to amend the ownership and maintenance of a platted 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, of notice of this vacation proceeding one time May 16, 2019, 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 plattor’s text 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:

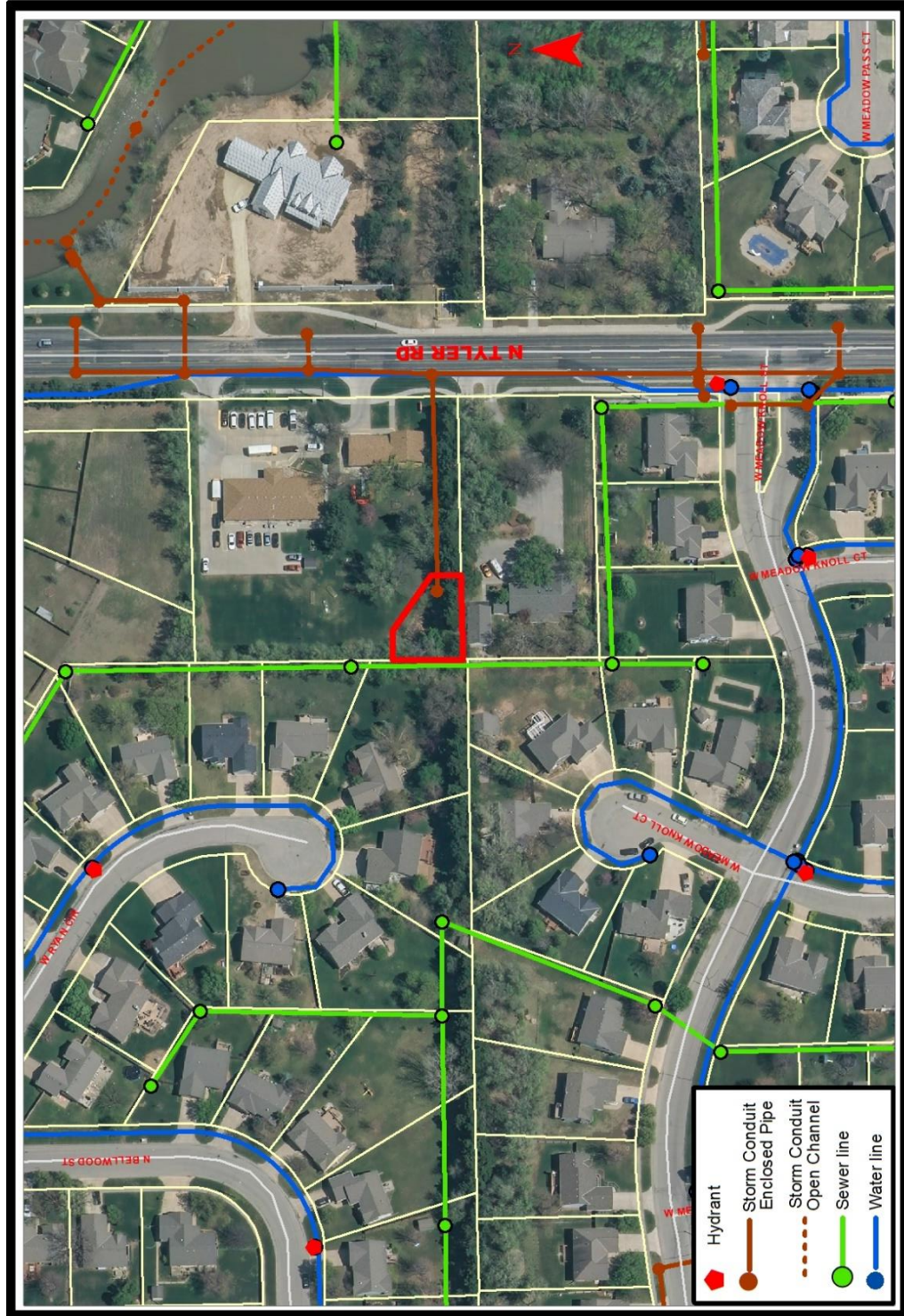
- (1) Vacate the plattor’s text to amend the ownership and maintenance language of the platted Reserve A, Trans Net Addition, while retaining that Reserve A will continue to be used for a storm water pond.
- (2) Dedicate a restrictive covenant, with original signatures, binding and tying Reserve A to Lot 1, Block 1, Trans Net Addition. This must be provided to Planning prior to this case going to Wichita City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (3) All improvements shall be according to City Standards and at the applicants’ expense.
- (4) 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 per staff recommendations.

Attachments:

1. Areal Map
2. Original Plattor’s Text Exhibit



State of Kansas)
County of Sedgwick) ss

Know all men by these presents, that we, the undersigned, have caused the land described in the surveyor’s certificate to be platted into a Lot and Block to be known as Trans–Net Addition, Wichita, Sedgwick County, Kansas. Any easements are hereby granted as indicated for constructing, maintaining, operating, and repairing public utilities. A drainage plan has been developed for the plat and all drainage easements, rights–of–way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater. Reserve A shall be owned and maintained by Maize USD 266 for use as a storm water pond. The East 20’ feet shall be dedicated for right–of–way to and for the use of the public. And further that the land contained herein is held and shall be conveyed subject to any applicable restrictions, reservations and covenants now on file or hereafter filed in the Office of the Register of Deeds of Sedgwick County, Kansas.

Access Control is hereby granted as follows:

- 1. There shall be a maximum of 2 openings on Tyler Road.*