

REVISED AGENDA
SUBDIVISION AND UTILITY ADVISORY COMMITTEE
Thursday, October 13, 2016
10:00 A.M.

The regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission will be held on Thursday, October 13, 2016 at 10:00 a.m. in the Planning Department Conference Room, **271 Building, 2nd Floor, 271 W. Third Street**, Wichita, Kansas.

NOTE: Vacation legal descriptions are available for public inspection in the Metropolitan Area Planning Department.

1. ELECTION OF CHAIR AND VICE-CHAIR OF THE SUBDIVISION COMMITTEE.

- 2. SUB2016-00028: Final Plat – THE PADDOCK AT 127TH ADDITION**; located south of Harry, on the east side of 127th Street East.

Surveyor: Ruggles & Bohm, P.A.
Acreage: 20.45 acres
Lots: 53 lots

- 3. SUB2016-00031: One-Step Final Plat – EDGEMOOR COMMERCIAL ADDITION**; located north of Central, west of Woodlawn.

Surveyor: K.E. Miller Engineering, P.A.
Acreage: 2.45 acres
Lots: 1 lot

- 4. VAC2016-00038: City request to vacate the plattors text to amend the uses permitted in a platted reserve** on property generally located north of Central Avenue on the east side of 127th Street East.

- 5. VAC2016-00039: City request to vacate a portion of a platted setback** on property located west of Hillside Avenue, on the south side of Kellogg Street, on the northeast side of Sunnyside Street and Lorraine Avenue.

- 6. VAC2016-00040: City request to vacate a portion of platted street right-of-way** located on the southwest portion of the Kellogg and Cypress Avenue's intersection.

- 7. VAC2016-00041: City request to vacate portions of a platted setback, platted drainage easement and platted utility easement** on property generally located east of Rock Road, north of 21st Street North on the east side of Tallgrass Street.

- 8. VAC2016-00042: City request to vacate a portion of a platted building setback** on property generally located southwest of West 4th Street and South 135th Street West on the northwest corner of Hardtner Street and Hardtner Court.

- 9. VAC2016-00043: City request to vacate portions of platted access control** on property generally located east of South Meridian Avenue on the south side of West MacArthur Road.

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10. **VAC2016-00044: City request to vacate a portion of a platted front building setback** located on multiple lots located southwest of North Hoover Road and West 37th Street North, south of Venice Street on the west and east sides of Venice Court.
11. **VAC2016-00045: City request to vacate a portion of Waterman public street right-of-way** located between Main Street and the Arkansas River.
12. **VAC2016-00046: City request to vacate portions of platted complete access control and a building setback line and a portion of a drainage and utility easement dedicated by separate instrument** on property located south of West 29th Street North on the east side of North Tyler Road.

STAFF REPORT
(Final Plat, Preliminary Plat Approved 9/15/16)

CASE NUMBER: SUB2016-00028 – THE PADDOCK AT 127TH ADDITION

OWNER/APPLICANT: The Paddock at 127th, LLC, Attn: Miles Millspaugh, 7601 South 103rd Street East, Derby, KS 67037

SURVEYOR/AGENT: Ruggles and Bohm, P.A., Attn: Will Clevenger, 924 North Main, Wichita, KS 67203

LOCATION: South of Harry, on the East Side of 127th Street East (District II)

SITE SIZE: 20.45 acres

NUMBER OF LOTS

Residential:	53
Office:	
Commercial:	
Industrial:	
Total:	53

MINIMUM LOT AREA: 7,200 square feet

CURRENT ZONING: Planned Unit Development (PUD)

PROPOSED ZONING: Same

VICINITY MAP



SUB2016-00028 – Final Plat of THE PADDOCK AT 127TH ADDITION
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NOTE: This is a replat of Lot 1, Block 5 of Equestrian Estates Addition. The applicant has submitted an Administrative Adjustment (PUD2016-00006) to create single-family residences and a neighborhood swimming pool within Parcel 4 of the PUD#12.

The Subdivision Committee may recommend a modification of the design criteria in Article 7 of the Subdivision Regulations only if it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department requests the extension of water (distribution) and extension of sewer (laterals).
- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) along with the corresponding dollar amounts shall be submitted to the Planning Department for recording.
- C. City Stormwater Management advises the drainage concept has been approved.
- D. Traffic Engineering has approved the access controls. The plat proposes complete access control along the 127th Street East street frontage except for one street opening and complete access control along Stampede.
- E. Farrier/Furlong is a one-block street segment with 26 lots directly accessing this street. The Subdivision Regulations indicate that no more than 24 lots should be served by a 58-foot street segment. The Subdivision Committee recommends a modification of the design criteria in Article 7 of the Subdivision Regulations as it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.
- F. The applicant shall guarantee the paving of the interior streets. The applicant shall guarantee the paving of the private street (Reserve B) to a public street paving standard. As private improvements, such guarantee shall not be provided through the use of a petition.
- G. A restrictive covenant shall be submitted regarding the private street (Reserve B), which sets forth ownership and maintenance responsibilities. The plat's text shall reference the platting of Reserve B for private street purposes
- H. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a restrictive covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- I. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.

SUB2016-00028 – Final Plat of THE PADDOCK AT 127TH ADDITION
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- J. A PUD Certificate shall be submitted identifying the approved Planned Unit Development
- K. In accordance with the Kansas Wetland Mapping Conventions under the Memorandum of Understanding between the United States Department of Agriculture – Natural Resources Conservation Service; United States Environmental Protection Agency; United States Army Corps of Engineers (USACE); and United States Fish and Wildlife Service, this site has been identified as one with potential wetland hydrology. The USACE should be contacted (316-322-8247) to have a wetland determination completed.
- L. Since this plat proposes the platting of narrow street right-of-way with adjacent 15-foot street, drainage and utility easements, a restrictive covenant shall be submitted which calls out restrictions for lot-owner use of these easements. Retaining walls and change of grade shall be prohibited within these easements as well as fences, earth berms and mass plantings.
- M. GIS has approved the street names.
- N. On the final plat tracing, the MAPC signature block needs to reference “David W. Foster” as Chair.
- O. County Surveying advises the utility and drainage easement along the southwesterly line of Lots 30, 31 and 32, Block A needs dimensioned.
- P. County Surveying advises the 20-foot utility easement on Reserve "B" adjacent to Lot 24, Block A needs located east-west.
- Q. Phillips Pipeline has provided their encroachment guidelines to the applicant regarding their pipeline impacting the plat. Any relocation, lowering or encasement of the pipeline, required by this development, will not be at the expense of the appropriate governing body.
- R. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted, installed and inspected. The plat shows a well located in the right of way for Paddock Street. Please note that any existing well scheduled for decommissioning, must be properly abandoned and reported per State Code 28-30-7.
- S. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- T. The platting's text shall include language that a drainage plan has been developed for the plat and that 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.
- U. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- V. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.

SUB2016-00028 – Final Plat of THE PADDOCK AT 127TH ADDITION
October 13, 2016 - Page 4

- W. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- X. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- Y. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- Z. Perimeter closure computations shall be submitted with the final plat tracing.
- AA. The applicant should check City or County GIS mapping to determine whether the location of any taxing district boundaries (e.g. school districts) crosses their property and plan accordingly to avoid unnecessary splitting of lots between taxing districts.
- BB. Westar Energy has requested additional easements. Heide Bryan, Subdivision Representative, will be the contact for this plat and can be reached at 316-261-6554. Any and all relocation and removal of any existing equipment made necessary by this plat will be at the applicant's expense
- CC. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

STAFF REPORT
(One-Step Final Plat)

CASE NUMBER: SUB2016-00031 – EDGEMOOR COMMERCIAL ADDITION

OWNER/APPLICANT: ECD, LLC, 8111 East 32nd Street North, Suite 101, Wichita, KS 67226

SURVEYOR/AGENT: K.E. Miller Engineering, 117 East Lewis Street, Wichita, KS 67202

LOCATION: West of North Woodlawn Boulevard, North of East Central Avenue (District I)

SITE SIZE: 2.45 acres

NUMBER OF LOTS

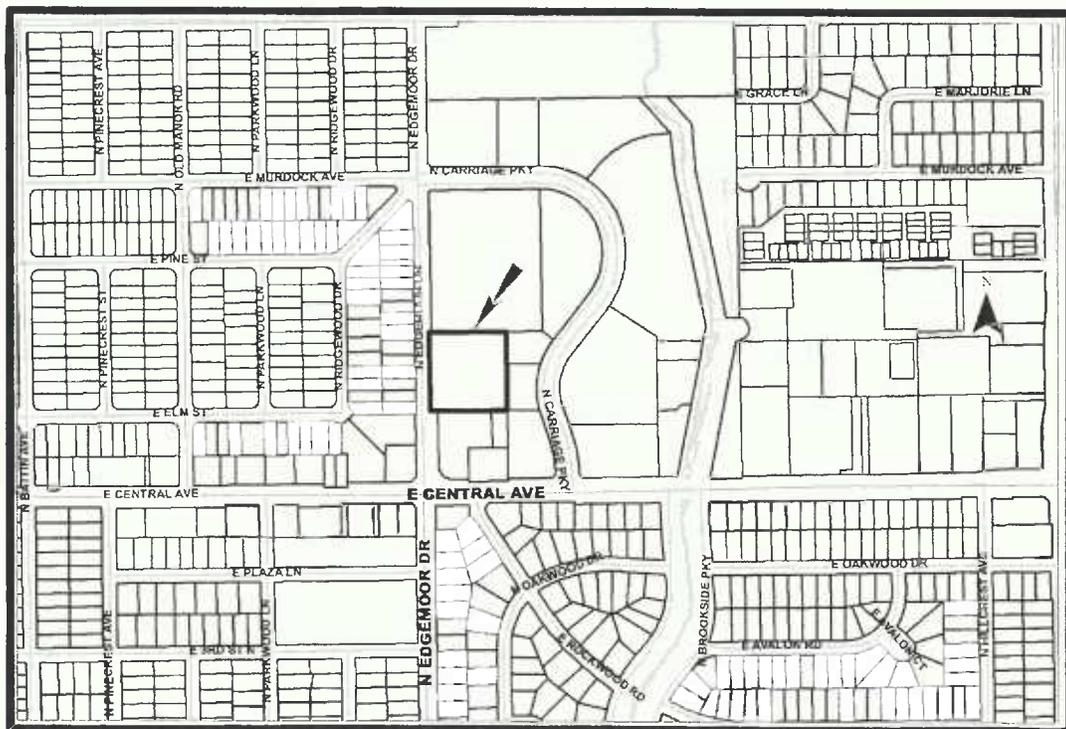
Residential:	
Office:	
Commercial:	1
Industrial:	
Total:	1

MINIMUM LOT AREA: 2 acres

CURRENT ZONING: Single-Family Residential (SF-5)

PROPOSED ZONING: Limited Commercial (LC)

VICINITY MAP



SUB2016-00031 -- One-Step Final Plat of EDGEMOOR COMMERCIAL ADDITION
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NOTE: This is an unplatted site located within the City of Wichita. The applicant requests a zone change (ZON2016-00038) from Single-Family Residential (SF-5) to Limited Commercial (LC).

The Subdivision Committee may recommend a modification of the design criteria in Article 7 of the Subdivision Regulations only if it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department advises the site is currently being served by water and sewer.
- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) along with the corresponding dollar amounts shall be submitted to the Planning Department for recording.
- C. City Stormwater Management advises the applicant needs to submit a drainage plan for review.
- D. As the plat consists of a commercial lot abutting a non-arterial street, the Subdivision regulations require a sidewalk along the street frontage. A guarantee shall be submitted or a Sidewalk Certificate in lieu of a guarantee may be provided.
- E. On the final plat tracing, the MAPC signature block needs to reference "David W. Foster" as Chair.
- F. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted, installed and inspected.
- G. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- H. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- I. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- J. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- K. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.

SUB2016-00031 -- One-Step Final Plat of EDGEMOOR COMMERCIAL ADDITION
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- L. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- M. Perimeter closure computations shall be submitted with the final plat tracing.
- N. The applicant should check City or County GIS mapping to determine whether the location of any taxing district boundaries (e.g. school districts) crosses their property and plan accordingly to avoid unnecessary splitting of lots between taxing districts.
- O. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.
- P. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

STAFF REPORT

CASE NUMBER: VAC2016-00038 - Request to vacate the platlor's text to amend the uses allowed in a platted reserve

APPLICANT/OWNER: Villas at Crestview Homeowners Association, co Rick Slater, president (applicant/owner) MKEC Engineering Inc. c/o Brian Lindebak

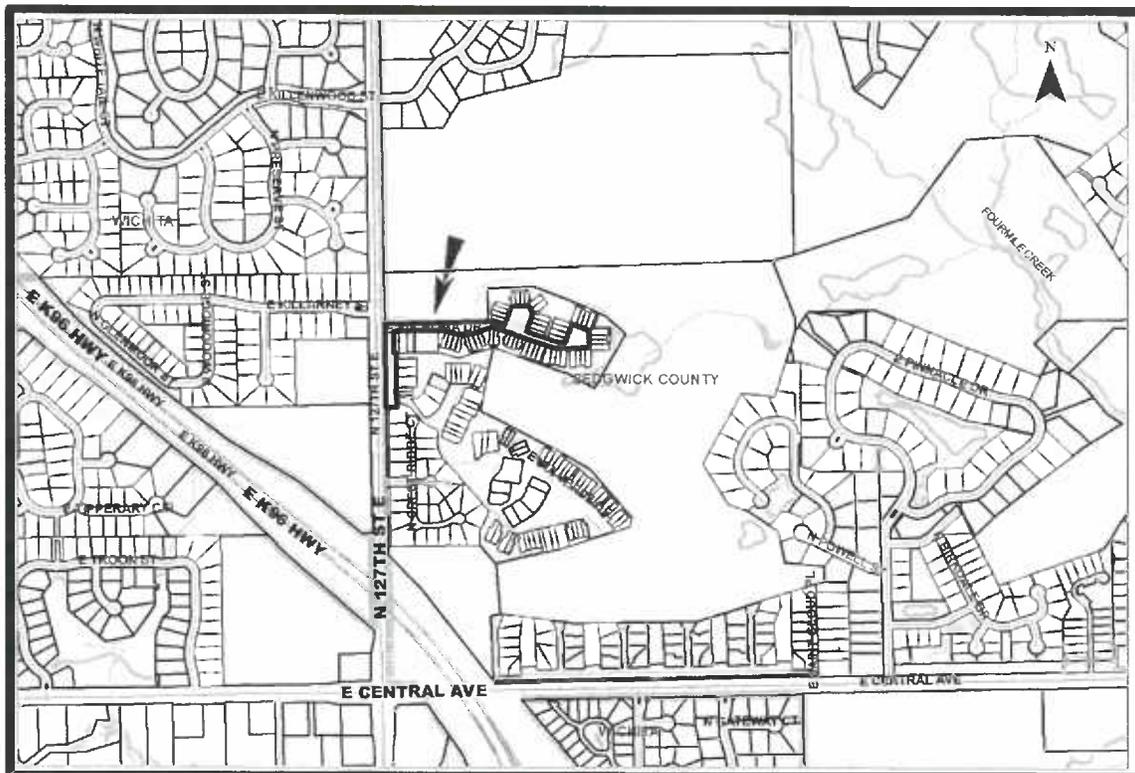
LEGAL DESCRIPTION: Generally described as amending the platlor's text to allow a wall in the platted Reserve A, Villas at Crestview Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located north of East Central Avenue on the east side of North 127th Street East (BoCC I)

REASON FOR REQUEST: Build a wall

CURRENT ZONING: The site is zoned LC Limited Commercial. The abutting north, east and south properties are zoned SF-20 Single-Family Residential. The abutting and adjacent south and west properties are zoned SF-5 Single-Family Residential

VICINITY MAP:



The applicant is requested the vacation of the plattor’s text to amend the uses allowed in the platted Reserve A, Villas at Crestview Addition. The plattor’s text states that Reserve A is to be used for: private drives, parking areas and open space, and; that and that all private drives are granted as fire lane easement, and; the west 30 is for open space buffer. The plattor’s text does state who owns and is responsible for the maintenance of Reserve A. The Villas at Crestview Homeowners Association (HOA) is shown as the owner and the applicant.

The HOA proposes to allow a wall and has provided a recorded Temporary Construction Easement and a recorded Permanent Wall Easement; Doc/Flm-Pg: 29608110 & Doc/Flm-Pg: 29608111, both recorded May 13, 2016. There are public water lines, water valves, water nodes, hydrants and stormwater inlets located in the subject reserve. There are a platted 10-foot wide easement, a platted 10-foot wide drainage easement and a platted 10-foot wide drainage and utility easement located in different portions of the subject reserve. Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the described reserve. The Villas at Crestview Addition was recorded June 18, 1970.

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 uses allowed in a platted reserve.

- (1) Vacate the plattor’s text to allow a wall in the platted Reserve A, Villas at Crestview Addition, while retaining its uses for private drives, parking areas, open space, that all private drives are granted as fire lane easement and the west 30 is for open space buffer.
- (2) Provide a document stating that Reserve A, Villas at Crestview Addition is to be owned and maintained by a Homeowners Association and that all walls and uses located in said reserve shall be owned and maintained by a Homeowners Association. This document will have original signatures of the HOA, be approved by Law and provided to Planning prior to proceeding to the County Commission for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (3) As needed provide easements for public and franchised utilities. As needed provide letters/conformation from franchised utility representatives stating that their utilities are protected by the appropriate easements. Easements for public utilities, with original signatures, must be provided to Planning prior to VAC2016-00038 proceeds to the County Commissioner for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- (4) As needed provided Public Works and any other utility located within the subject reserve with a private project plan(s) for walls located within the subject reserve for review and approval. The wall (s) shall be constructed to County Standards and at the applicant’s expense. Relocation/reconstruction of all utilities made necessary by this vacation shall be to County Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to VAC2016-00038 proceeds to the County Commissioner for final action.
- (5) All improvements shall be according to County Standards and at the applicants’ expense.

- (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



Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Film-Pg: 29605419

Receipt #: 1973590
Pages Recorded: 3

Recording Fee: \$37.00

Cashier: KVENATOR

Authorized By: *Tonya Buckingham*

Date Recorded: 05/03/2016 11:47:51 AM



Please do not remove this cover page, it has become part of this document

Grantor	VILLAS AT CRESTVIEW HOMEOWNERS ASSOCIATION
Grantee	VILLAS AT CRESTVIEW
Type of Document	MISC.AMDT
Recording Fees	\$37.00
Mtg Reg Tax	\$0.00
Total Amount	\$37.00
Return Address	RICK SLATER 42 VIA ROMA WICHITA KS 67230

VAC2016-38

**AMENDMENT TO RESTATED DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR THE VILLAS AT CRESTVIEW**

THE UNDERSIGNED, hereby certifies that a resolution, proposed by The Villas at Crestview Homeowners Association Board of Directors, and adopted by an affirmative vote of more than 75% of eligible members of the Association, in accordance with the provisions of the restated Declaration of the Association, that **Section 2, Reservation of Rights in the Common or Community Areas and Facilities, ARTICLE XIII, EASEMENTS** of the Restated Declaration of Covenants, Conditions and Restrictions for the Villas at Crestview, filed of record in the office of Register of Deeds, Sedgwick County, Kansas, on May 30, 1988, as document #939052 at film 957, page 695 be, and hereby is, amended to provide that the Association has the authority to convey easements within the common area for the purpose of constructing and maintaining a wall and therefore the first sentence of that Section be, and hereby is, deleted and the following sentence is substituted in its stead:

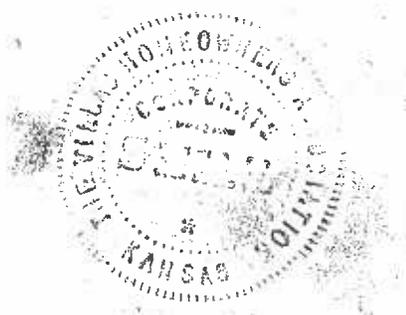
Notwithstanding any other provision of this Restated Declaration the Association reserves the right to grant easements within the common or community area and facilities for the installation, repair and maintenance of walls, water mains, sewers, drainage courses, public walkways and other public utilities, provided that such utilities shall be installed in such a manner as to minimize damage to the natural features of the common or community areas and facilities.

Villas at Crestview Homeowners Association

By *Rick Slater, President*

Rick Slater, President

Date *May 2, 2016*



STATE OF KANSAS)
) ss:
COUNTY OF SEDGWICK)

Be it remembered, on this 2nd of May, 2016, before me the
Undersigned, a notary public in and for the county and state aforesaid came
Rick Slater, President of The Villas at Crestview Homeowners
Association, who is personally known to me to be the same person who executed
the within instrument of writing and such person duly acknowledged the
execution of the same.

In testimony whereof, I have hereunto set my hand and affixed my official seal
the day and year above written.



Liesa G. Hopper
Notary Public

My Appointment Expires: 5/31/16



Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 29608110

Receipt #: 1974819
Pages Recorded: 3

Recording Fee: \$37.00

Cashier: chowell

Authorized By *Tonya Buckingham*

Date Recorded: 05/13/2016 04:46:57 PM



TEMPORARY CONSTRUCTION EASEMENT

THIS EASEMENT made this 21st day of APRIL, 2016, by, The Villas Homeowners Association, a Kansas not-for-profit corporation, of the first party and the Minneha Township, of the second party.

WITNESSED, That the said first party, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, does hereby grant and convey unto the second party a temporary right-of-way and easement for the following purposes: accessing, constructing, repairing a masonry wall, surface re-grading in association with the construction of the wall, all along and over the following described real estate situated in Sedgwick County, Kansas, to wit:

The west 61.00 feet of Reserve A, The Villas At Crestview, an addition to Sedgwick County, Kansas.

CONTAINING: 32,270 square feet or 0.74 acre of land, more or less.

And said second party and/or their employees and/or agents, are hereby granted the right to enter upon said premises at any time for the purpose of constructing a masonry wall and surface re-grading in association with the construction of the wall.

Upon completion of any work by the second party the described real estate shall be restored to a substantially similar condition that existed prior to such work, except to the extent that such real estate has been maintained or improved as a result of such work.



IN WITNESS WHEREOF: The first party has signed these presents the day and year first written.

The Villas Homeowners Association,
a Kansas not-for-profit corporation

Richard O. Slater

Richard O. Slater, President

54 E. Via Roma Dr.
Wichita, KS 67230-1602

Rod S. Phares

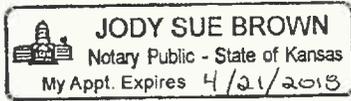
Rod S. Phares, Secretary

32 Via Roma. St.
Wichita, KS 67230-1602

STATE OF KANSAS, SEDGWICK COUNTY} ss:

This instrument was acknowledged before me on this 21st day of APRIL, 2016, by Richard O. Slater, President and Rod S. Phares, Secretary, The Villas Homeowners Association, a Kansas not-for-profit corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.



Jody Sue Brown, Notary Public
Notary Public:
My Term Expires: 4/21/2018



Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 29608111

Receipt #: 1974819
Pages Recorded: 3

Recording Fee: \$37.00

Cashier: chowell

Authorized By *Tonya Buckingham*

Date Recorded: 05/13/2016 04:46:58 PM



PERMANENT WALL EASEMENT

THIS EASEMENT made this 21ST day of APRIL, 2016, by, The Villas Homeowners Association, a Kansas not-for-profit corporation, of the first party and the Minneha Township, of the second party.

WITNESSED, That the said first party, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, does hereby grant and convey unto the second party perpetual right-of-way and easement for the purposes of accessing, constructing, maintaining, and repairing a masonry wall and surface re-grading in association with the construction of the masonry wall, and also said second party is granted the right to remove trees associated with initial construction of a wall, along and over the following described real estate situated in Wichita, Sedgwick County, Kansas, to wit:

The west 31.00 feet of Reserve A, The Villas At Crestview, an addition to Sedgwick County, Kansas, EXCEPT the south 75.00 feet thereof.

CONTAINING: 14,074 square feet or 0.32 acre of land, more or less.

And said second party and/or their employees and/or agents are hereby granted the right to enter upon said premises at any time for the purpose of accessing, constructing, maintaining, repairing a masonry wall and also for surface re-grading in association with the construction of the wall, and also said second party and/or their employees and/or agents are hereby granted the right to remove trees associated with initial construction of a wall.

Upon completion of any work by the second party the described real estate shall be restored to a substantially similar condition that existed prior to such work, except to the extent that such real estate has been maintained or improved as a result of such work.



IN WITNESS WHEREOF: The first party has signed these presents the day and year first written.

The Villas Homeowners Association,
a Kansas not-for-profit corporation

Richard O. Slater
Richard O. Slater, President

54 E. Via Roma Dr.
Wichita, KS 67230-1602

Rod S. Phares
Rod S. Phares, Secretary

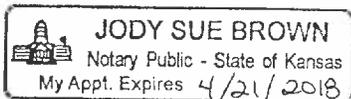
32 Via Roma. St.
Wichita, KS 67230-1602

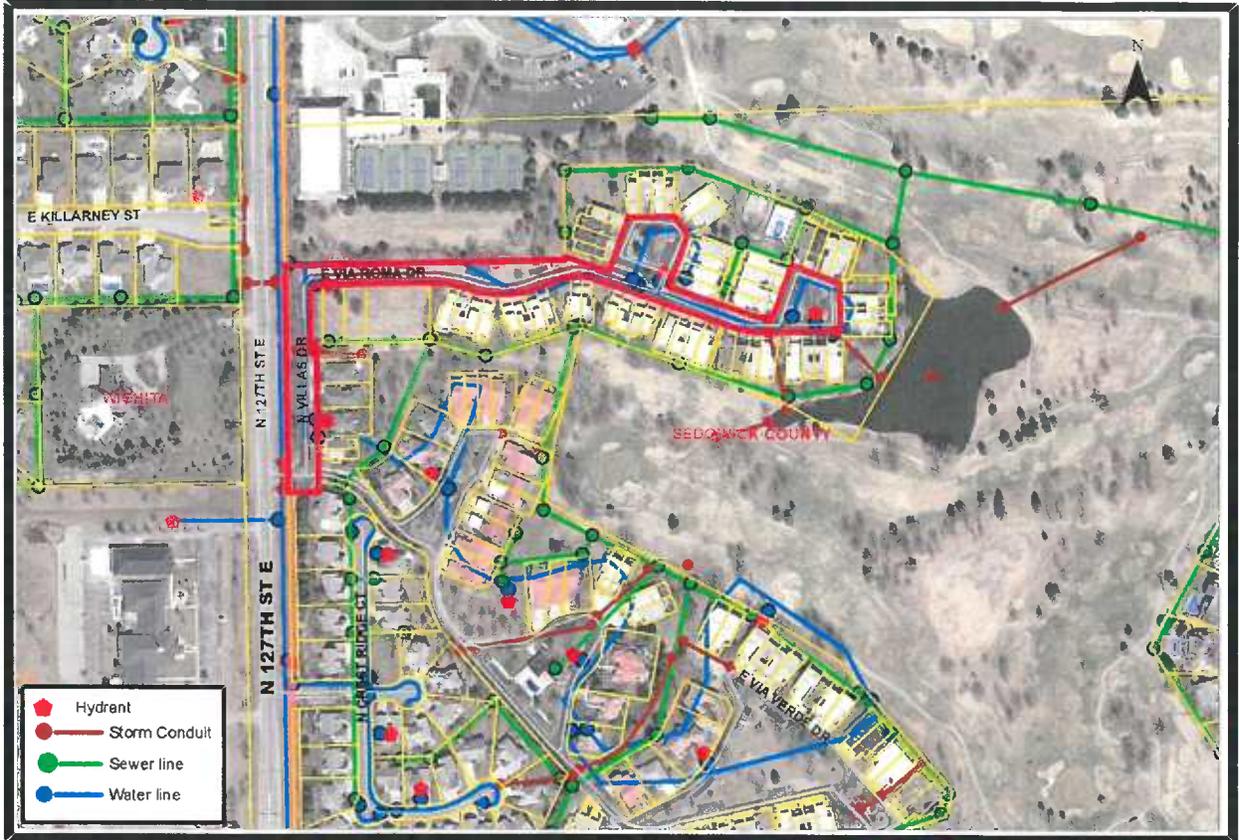
STATE OF KANSAS, SEDGWICK COUNTY} ss:

This instrument was acknowledged before me on this 21st day of APRIL, 2016, by Richard O. Slater, President and Rod S. Phares, Secretary, The Villas Homeowners Association, a Kansas not-for-profit corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

Jody Sue Brown, Notary Public
Notary Public: Ann C. Ybarra
My Term Expires: 4/21/2018

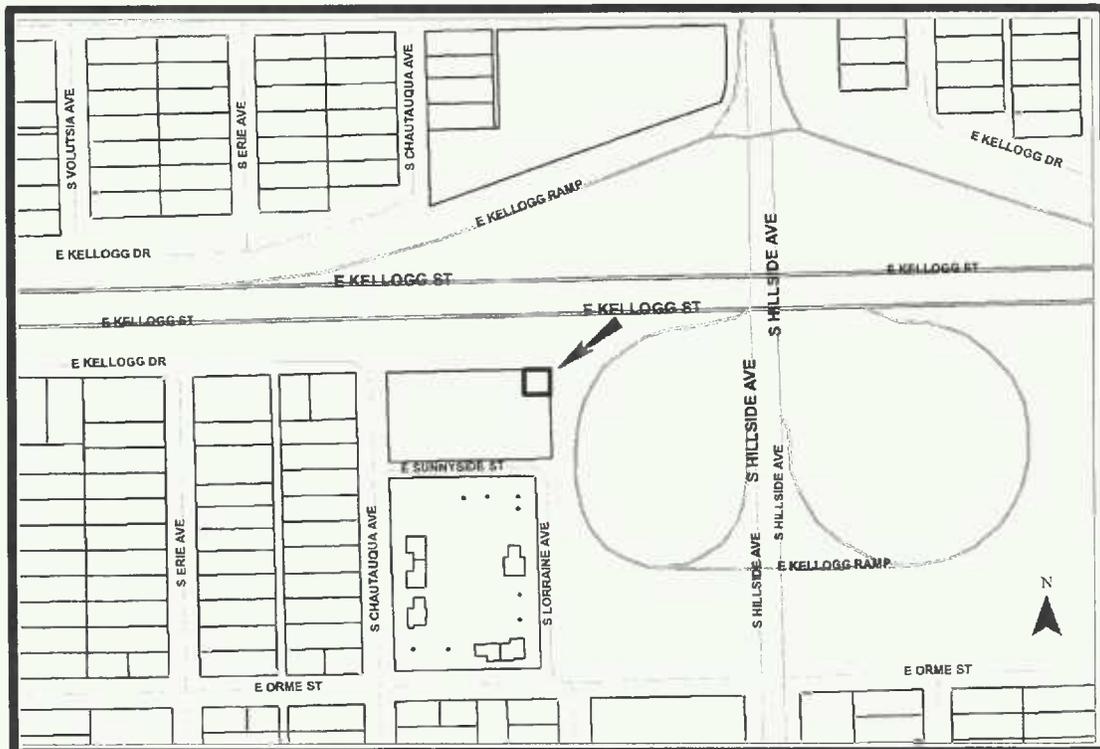




STAFF REPORT

- CASE NUMBER:** VAC2016-00039 - Request to vacate a portion of a platted street side yard setback
- APPLICANT/AGENT:** Tom George Investments, LLC (applicant/owner) Ferris Consulting c/o Greg Ferris (agent)
- LEGAL DESCRIPTION:** Generally described as vacating the south 20 feet of a west portion of the platted 35-foot setback located in the northeast corner of Lot 1, Sunnyside Village Addition, & running parallel to Kellogg Street, Wichita, Sedgwick County, Kansas
- LOCATION:** Generally located west of Hillside Avenue, on the south side of Kellogg Street, on the northeast side of Sunnyside Street and Lorraine Avenue (WCC I)
- REASON FOR REQUEST:** Wireless Communication facility site
- CURRENT ZONING:** The site and the south adjacent property are zoned PUD Planned Unit Development #5. Adjacent west properties are zoned LC Limited Commercial and TF-3 Two-Family Residential. Adjacent north and east properties are K-DOT right-of-way

VICINITY MAP:



The applicant is requested the vacation of the south 20 feet of a west portion of the of the platted 35-foot street side yard setback located in the northeast corner of Lot 1, Sunnyside Village Addition, & running parallel to Kellogg Street. The PUD Planned Unit Development zoning district has no minimum street side yard setback. PUD #5 established a 35-foot building setback line on the north side of the subject lot. There are no utilities or easements located in the subject setback. Sewer is located in Kellogg Street. The Sunnyside Village Addition was recorded March 3, 1999.

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 described portion of the platted street side yard setback.

- (1) Provide the order's signature on the Vacation Petition or the application. This must be provided to Planning prior to VAC2016-00039 proceeds to City Council for final action
- (2) Provide a legal description of the vacated platted street side yard setback on a Word document via E-mail for the Vacation Order. This must be provided to Planning prior to VAC2016-00039 proceeds to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- (3) As needed provide easements for public and franchised utilities. As needed provide letters from franchised utility representatives stating that their utilities are protected by the appropriate easements. Easements for public utilities, with original signatures, must be provided to Planning prior to VAC2016-00039 proceeds to the City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- (4) Provided Public Works-Sewer (and any other utility located within the subject easement) with a private project plan for the relocation/abandonment of the sewer line and manholes located within the subject easement for review and approval. Relocation/reconstruction of all 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 to Planning prior to VAC2016-00039 proceeds to the City Council for final action.
- (5) All improvements shall be according to City Standards and at the applicants' expense.
- (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.

VA 201639

KELLOGG (U.S. 54 HIGHWAY)

408' W & 42' S OF
N.E. Cor. N.E. 1/4
SEC. 27-27S-1E

COMPLETE ACCESS CONTROL
N89°51'05"E 317.74'

VACATION AREA

LOT 1

SUNNYSIDE

$\Delta = 90^{\circ}07'41"$
 $L = 14.16'$
 $R = 9.00'$

LOT 2

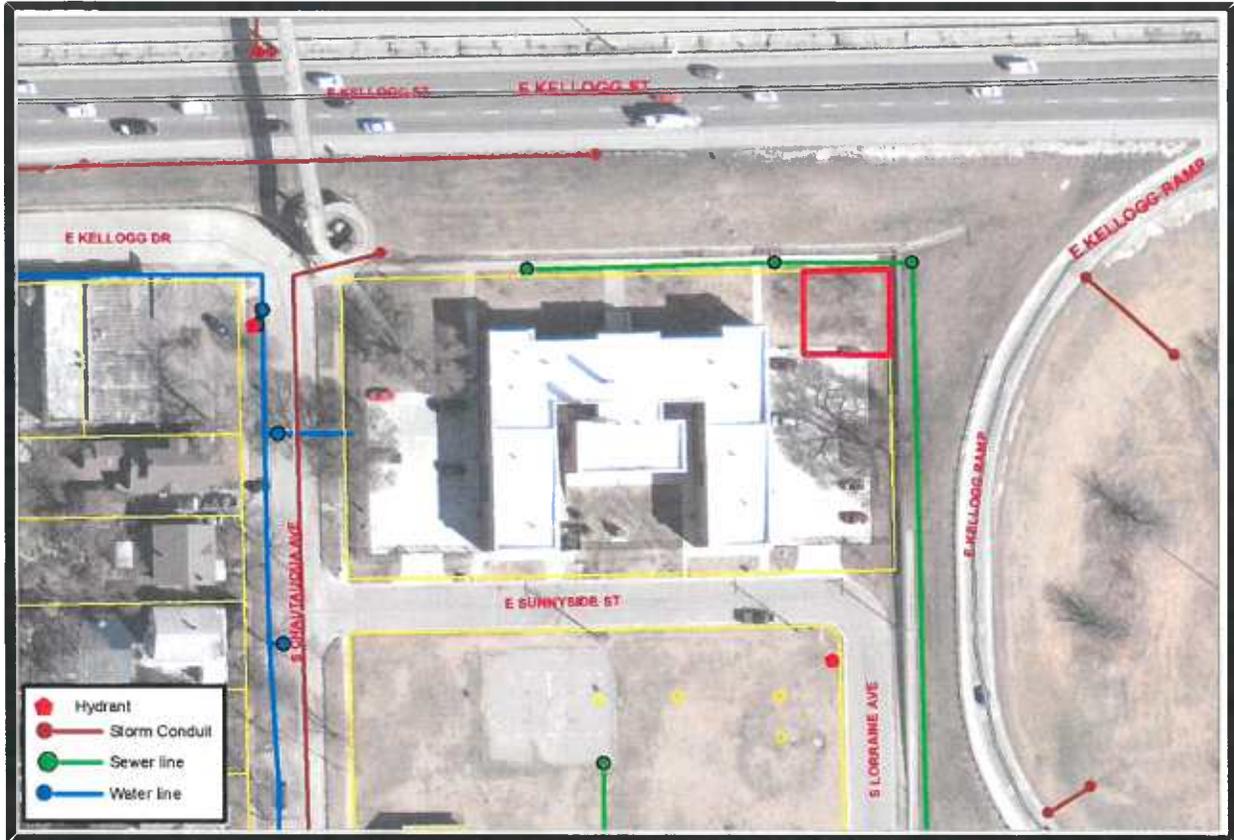
LORRAINE

(U.S. 54 HIGHWAY R/W)



GRAPHIC SCALE





STAFF REPORT

CASE NUMBER: VAC2016-00040 - Request to vacate a portion of platted public street right-of-way
APPLICANT: Steven Enterprises, LLC., Brandon Steven (applicant) Baughman Company, P.A.
c/o Phil Meyer (agent)

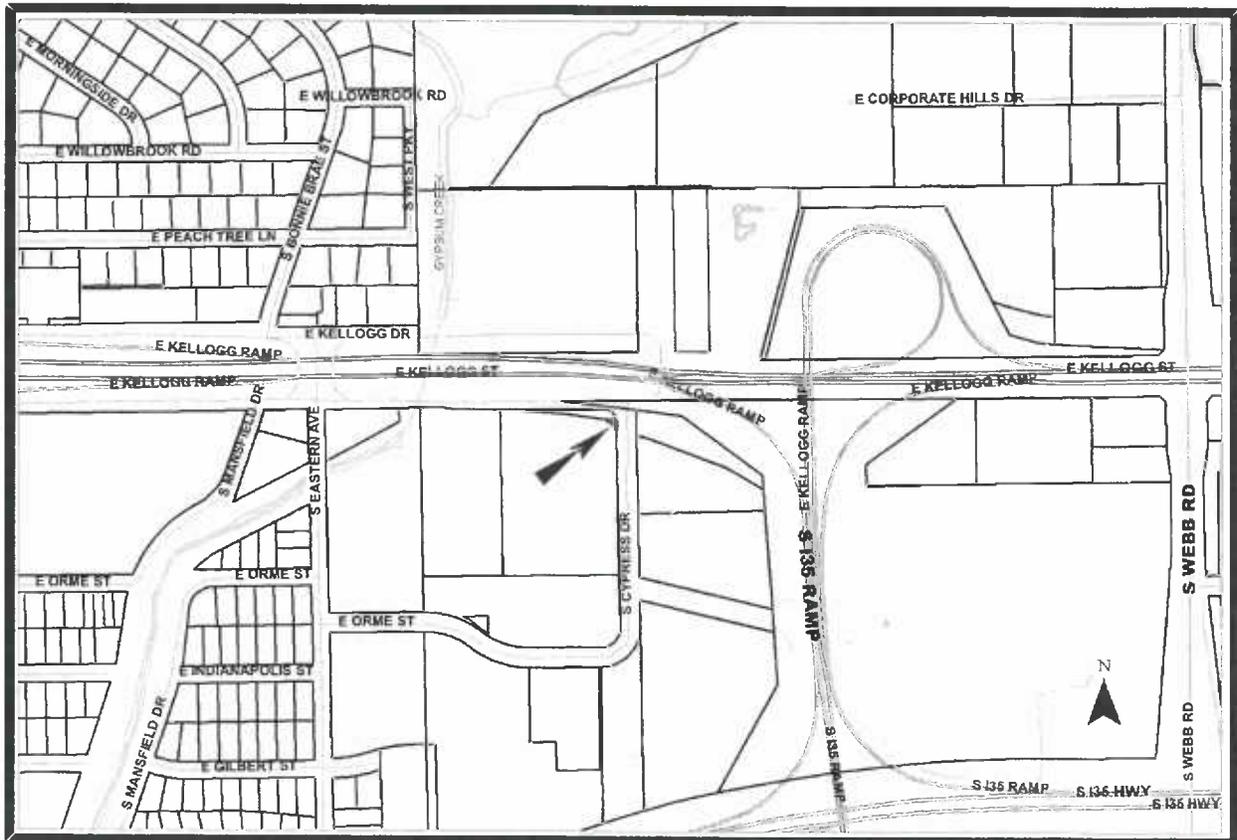
LEGAL DESCRIPTION: Generally described as a vacating a northwest portion of the platted Cypress Drive public street right-of-way dedicated on the Lankin Addition , Wichita, Sedgwick County, Kansas

LOCATION: Generally located at the southwest corner of Kellogg Drive and Cypress Drive (WCC II)

REASON FOR REQUEST: Expansion of Steven Enterprises

CURRENT ZONING: Abutting and adjacent properties are zoned LC Limited Commercial, GC General Commercial, and GO General Office

VICINITY MAP:



The applicant is requesting the vacation of a triangular shaped portion of the platted Cypress Drive public street right-of-way located at its intersection with Kellogg Drive; dedicated on the Lankin Addition. The proposed vacation will not impact the function of the Cypress Drive – Kellogg Intersection. There are no public utilities located in the vacation area. Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the described right-of-way. The Lankin Addition was recorded May 27, 1969.

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 described public street right-of-way.

- (1) Vacate the described portion of the Kellogg Drive and Cypress Drive public street right-of-way as approved by the Traffic Engineer and Fire department. Provide Planning with a legal description of the vacated right-of-way on a Word document, via E-mail to be used on the Vacation Order. This must be provided to Planning prior to VAC2016-00040 proceeding to City Council for final action
- (2) Provide a covenant, with original signatures, binding and tying the described vacated public street right-of-way to the applicant's abutting property. This must be provided to Planning prior to VAC2016-00040 proceeding to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds and the Sedgwick County Appraisers Office.
- (3) As needed dedicate the easements by separate instrument to cover all utilities. The original dedications must be provided to Planning prior to VAC2016-00040 proceeds to City Council for final action and subsequent recording with the Register of Deeds.
- (4) 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.
- (5) All improvements shall be according to City Standards and at the applicants' expense.
- (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

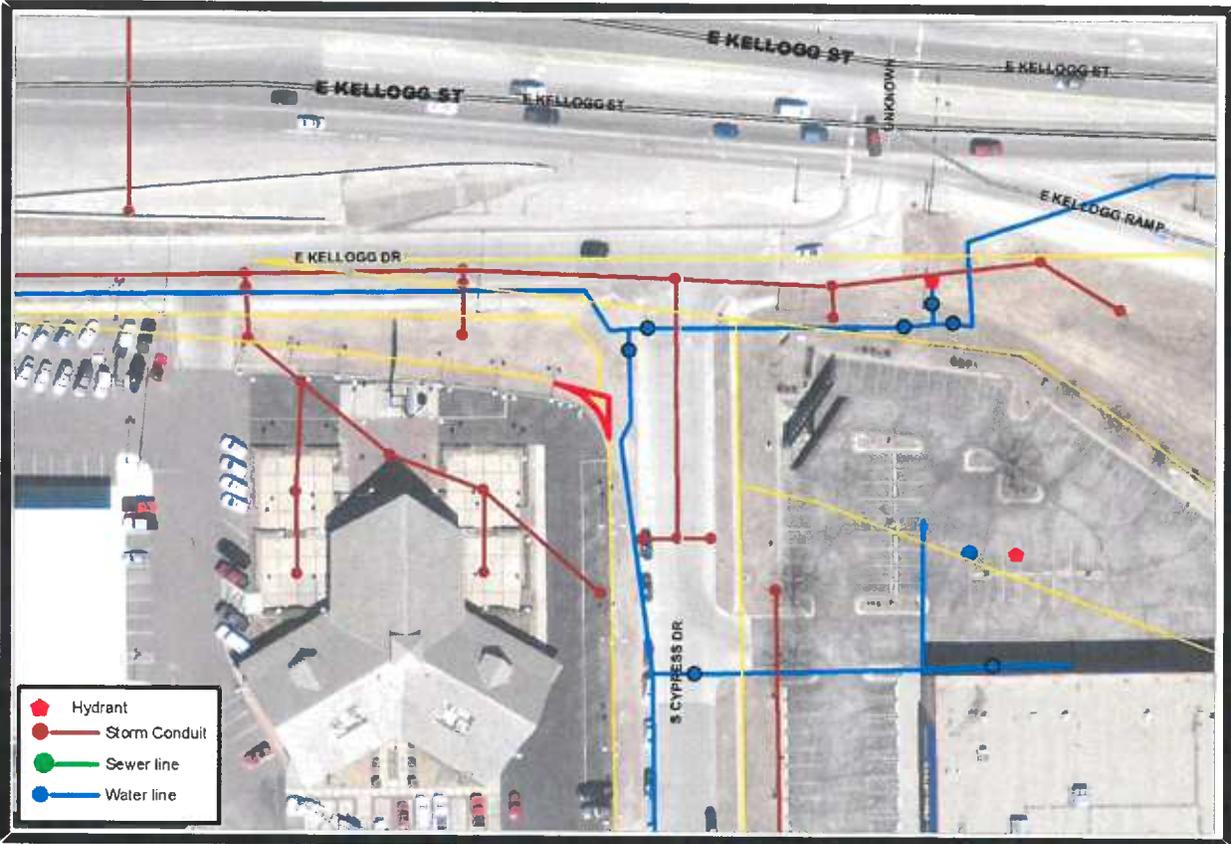
Street Vacation

That part of Cypress Drive and that part of Kellogg Drive as dedicated in Lankin Addition in Wichita, Sedgwick County, Kansas lying within and being coincident with the following described tract of land: Commencing at the southeast corner of Lot 1, Block 1, in said Lankin Addition, said southeast corner also being on the west line of said Cypress Drive; thence north along the west line of said Cypress Drive, (and along the east line of said Lot 1), 504.33 feet (platted), to the point of curvature of a curve to the left in the west line of said Cypress Drive, (said point of curvature also being the point of curvature in the east line of said Lot 1), and for a point of beginning; thence northerly, northwesterly, and westerly along the northeast line of said Lot 1, (said northeast line also being the west line of said Cypress Drive and the south line of said Kellogg Drive), said curve having a radius of 35.00 feet and tangent lengths of 29.98 feet (platted), 30.25 feet (calculated per measured information), to the point of compound curvature in the south line of said Kellogg Drive, (and in the north line of said Lot 1), as originally dedicated in said Lankin Addition, said point of compound curvature also being a radius point as described in the Vacation Order recorded in DOC.#/FLM-PG: 28834270, and also being a point of compound curvature as described in the Quit Claim Deed recorded in DOC.#/FLM-PG: 29510731; thence easterly along the south line of that part of said vacated street right-of-way, (Vacation Order, Case No. VAC2006-00031, recorded in DOC.#/FLM-PG:28834270), described in said Quit Claim Deed recorded in DOC.#/FLM-PG: 29510731, 29.98 feet (platted), 30.25 feet (calculated per measured information), to the southeast corner of the parcel described in said Quit Claim Deed; thence south to the point of beginning.

Containing 185.6 Sq. Ft., (calculated)

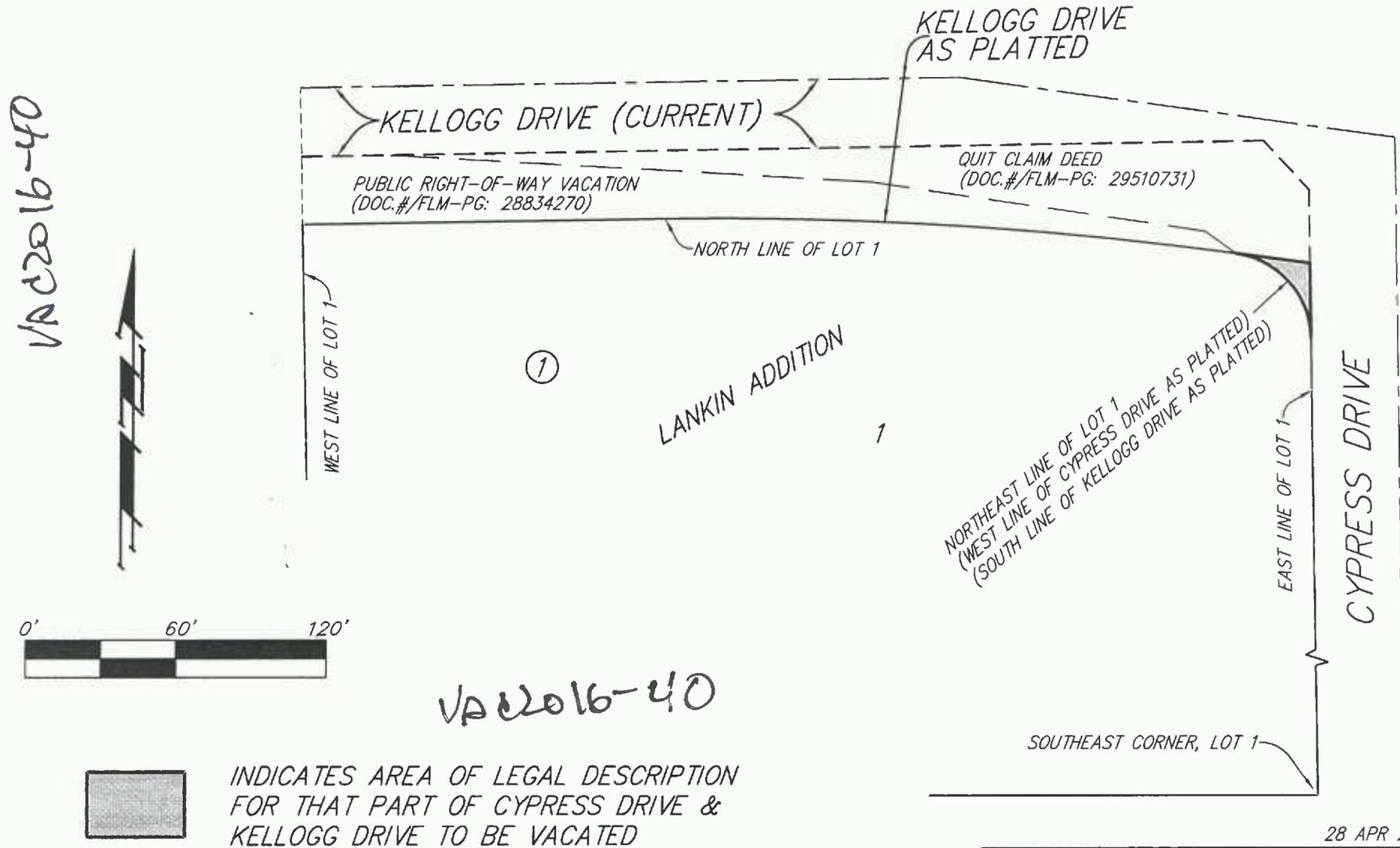
VAC2016-00040 – Request to vacate a portion of public street right-of-way

October 13, 2016



EXHIBIT

VACATION OF PART OF CYPRESS DRIVE & KELLOGG DRIVE, LANKIN ADDITION IN WICHITA, SEDGWICK COUNTY, KANSAS



28 APR 2016

B Baughman Company, P.A.
315 Ellis St. Wichita, KS 67211 P 316-262-7271 F 316-262-0149
Baughman ENGINEERING | SURVEYING | PLANNING | LANDSCAPE ARCHITECTURE

STAFF REPORT

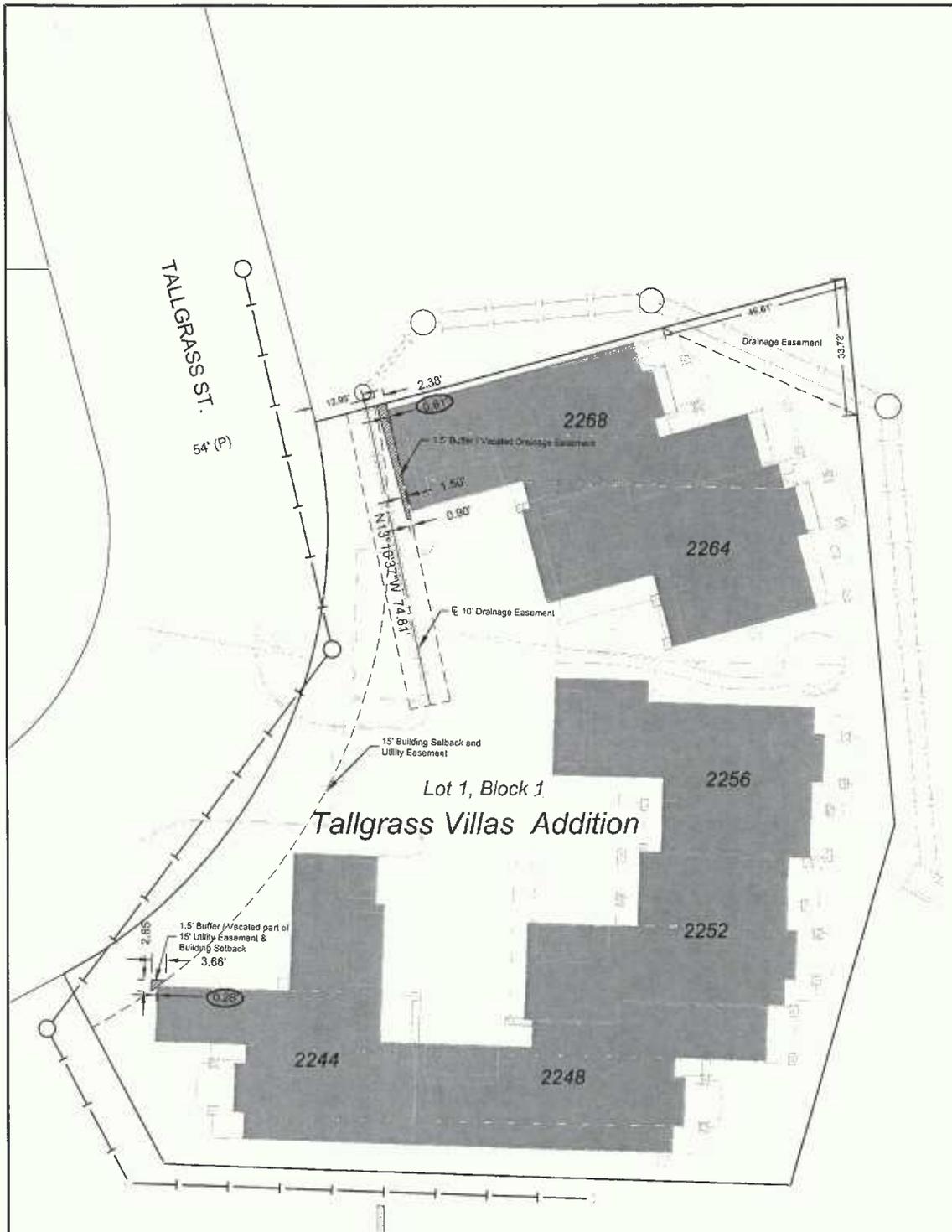
- CASE NUMBER:** VAC2016-00041 - Request to vacate portions of platted setbacks, utility easements and the plattor's text
- APPLICANT/AGENT:** Perfection Builders LLC, c/o Scott Lehner (applicant/owner) MKEC Engineering, Inc, c/o Brian Lindebak
- LEGAL DESCRIPTION:** Generally described as vacating the inside 2.38 feet -1.5 feet of the north portion of a platted 15-foot wide drainage and utility easement, and the inside 3.66 by 2.85 feet triangle shaped inside portion of a 15-foot wide platted utility easement and a 15-foot wide platted front building setback all on Lot1, Block 1, Tallgrass Villas Addition, Wichita, Sedgwick County, Kansas (see attached legal and exhibit)
- LOCATION:** Generally located east of Rock Road, north of 21st Street North on the east side of Tallgrass Street (2268 and 2244 North Tallgrass Street – WCC II)
- REASON FOR REQUEST:** Remove 3-inch – 7-inch encroachment of the buildings
- CURRENT ZONING:** The site and all abutting and adjacent properties are zoned SF-5 Single-Family Residential. The site is shown as Parcel 12b in Community Unit Plan CUP DP-96.
- VICINITY MAP:**



The applicant is requesting the vacation the inside 2.38 feet -1.5 feet of the north portion of a platted 15-foot wide drainage, and the inside 3.66 by 2.85 feet triangle shaped inside portion of a 15-foot wide platted utility easement and a 15-foot wide platted front building setback all on the SF-5 Single-Family (SF-5) zoned Lot1, Block 1, Tallgrass Villas, Addition. There does not appear to be public utilities located in the area of the vacations. Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the subject easements. The site is shown as Parcel 12b in Community Unit Plan CUP DP-96, which established setbacks of 15 feet on the subject site. The SF-5 zoning district has a 25-foot minimum front yard building setback.

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 described portions of the platted drainage easement, platted utility easement and platted front yard setback.

- (1) Review and approval by Public Works, and franchised utilities is required for the proposed vacation. Provide any needed plans for review and approval for the relocation of public and private utilities. This must be provided prior to VAC2016-00041 proceeds to City Council for final action.
- (2) Provide a legal description of the vacated portions of the the platted drainage easement, platted utility easement and platted front yard setback on a Word document and an exhibit showing the approved vacated portions of the described easements and setback via E-mail for the Vacation Order. This must be provided prior to VAC2016-00041 proceeds to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- (3) As needed provide easements for public and franchised utilities. As needed provide letters/conformation from franchised utility representatives stating that their utilities are protected by the appropriate easements. Easements for public utilities, with original signatures, must be provided to Planning prior to VAC2016-00041 proceeds to the City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- (4) Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide all required approved projects to Planning prior to VAC2016-00041 proceeds to the City Council for final action.
- (5) Adjust CUP DP-96 to reference VAC2016-00041's vacation action.
- (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.



Lot 1, Block 1
Tallgrass Villas Addition

VAC2016-41



- Vacated Tracts



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VACATION EXHIBIT VAC2016-000 TALLGRASS VILLAS ADDITION		
PROJECT NO. 1301010787	DATE: AUGUST 2016	SHEET NO.
DRAWN BY: JGD	DESIGNED BY: BDL	APPROVED BY: BDL
		1 OF 1

X:\PRODUCTS\2015\1301010787_PORPORATION - TALLGRASS VILLAS - CIVIL\DWG\13010787-000.dwg

**DESCRIPTION OF
Part of Lot 1, Block 1, Tallgrass Villas Addition
*Vacation of a portion of a 10 foot Drainage Easement***

A tract of land lying in a portion of Lot 1, Block 1, Tallgrass Villas Addition, an addition to Wichita, Sedgwick County, Kansas; said tract being more particularly described as follows:

COMMENCING at the northwest corner of said Lot 1; thence along the north line of said Lot 1 on a platted bearing of N73°46'10"E, 15.57 feet to the POINT OF BEGINNING, thence continuing along said north line, N73°46'10"E, 2.38 feet to the easterly line of a platted 10 foot drainage easement; thence along said easterly line, S13°10'37"E, 29.00 feet; thence S73°53'41"W, 0.90 feet; thence N16°06'19"W, 28.96 feet to the POINT OF BEGINNING.

Said tract CONTAINS: 48 square feet or 0.001 acres of land, more or less.

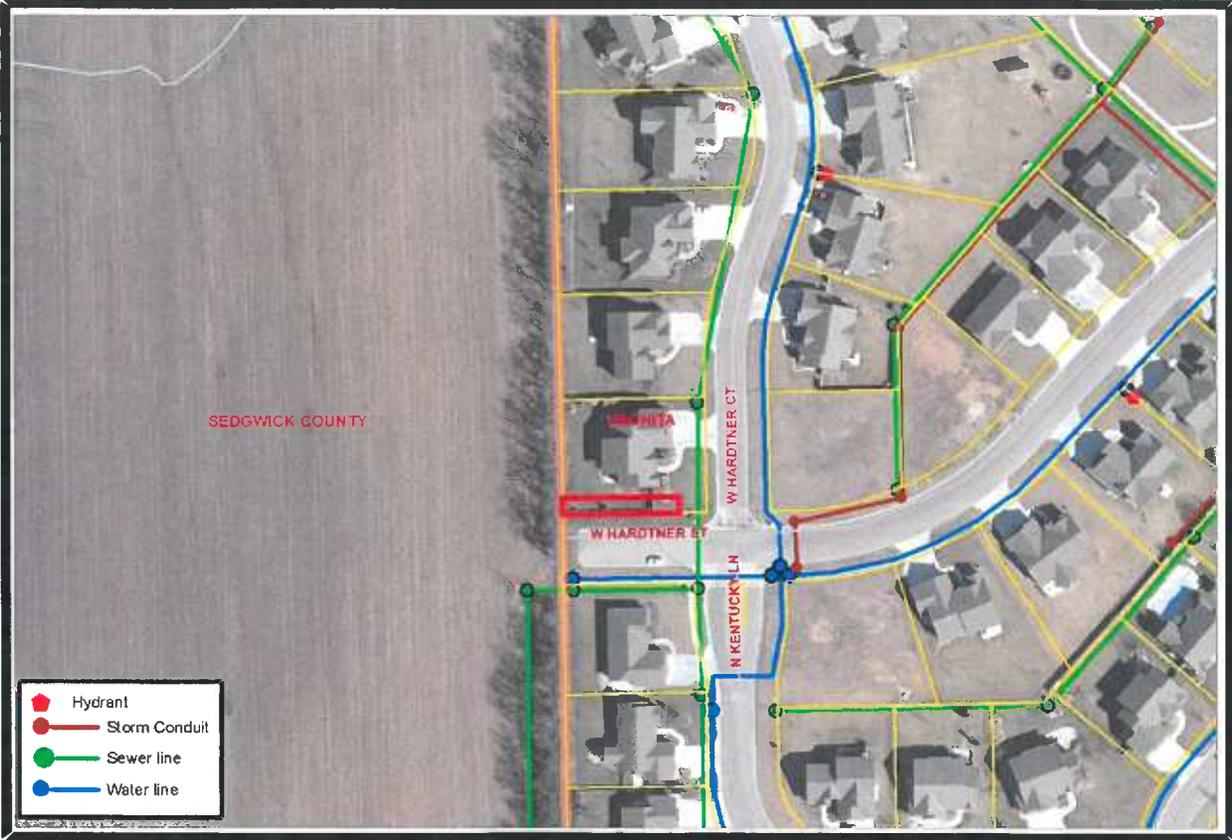
**DESCRIPTION OF
Part of Lot 1, Block 1, Tallgrass Villas Addition
*Vacation of a portion of a 15 foot Building Setback and Utility Easement***

A tract of land lying in a portion of Lot 1, Block 1, Tallgrass Villas Addition, an addition to Wichita, Sedgwick County, Kansas; said tract being more particularly described as follows:

COMMENCING at the northwest corner of said Lot 1; thence on a platted bearing S15°20'37"W, 143.77 feet to the POINT OF BEGINNING, said point being 12.73 feet from the east right of way of Tallgrass Street; thence S89°23'26"E, 3.66 feet to a point on the east line of a platted 15 foot building setback and utility easement and being on a non-tangent curve to the right; said curve having a radius of 138.80 feet, a central angle of 1°54'55", a chord bearing of S52°45'36"W, and a chord distance of 4.64 feet, thence along said non-tangent curve to the RIGHT 4.64 feet; thence N00°36'34"E, 2.85 feet to the POINT OF BEGINNING.

Said tract CONTAINS: 5.27 square feet or 0.0001 acres of land, more or less.

VAC 2016-41

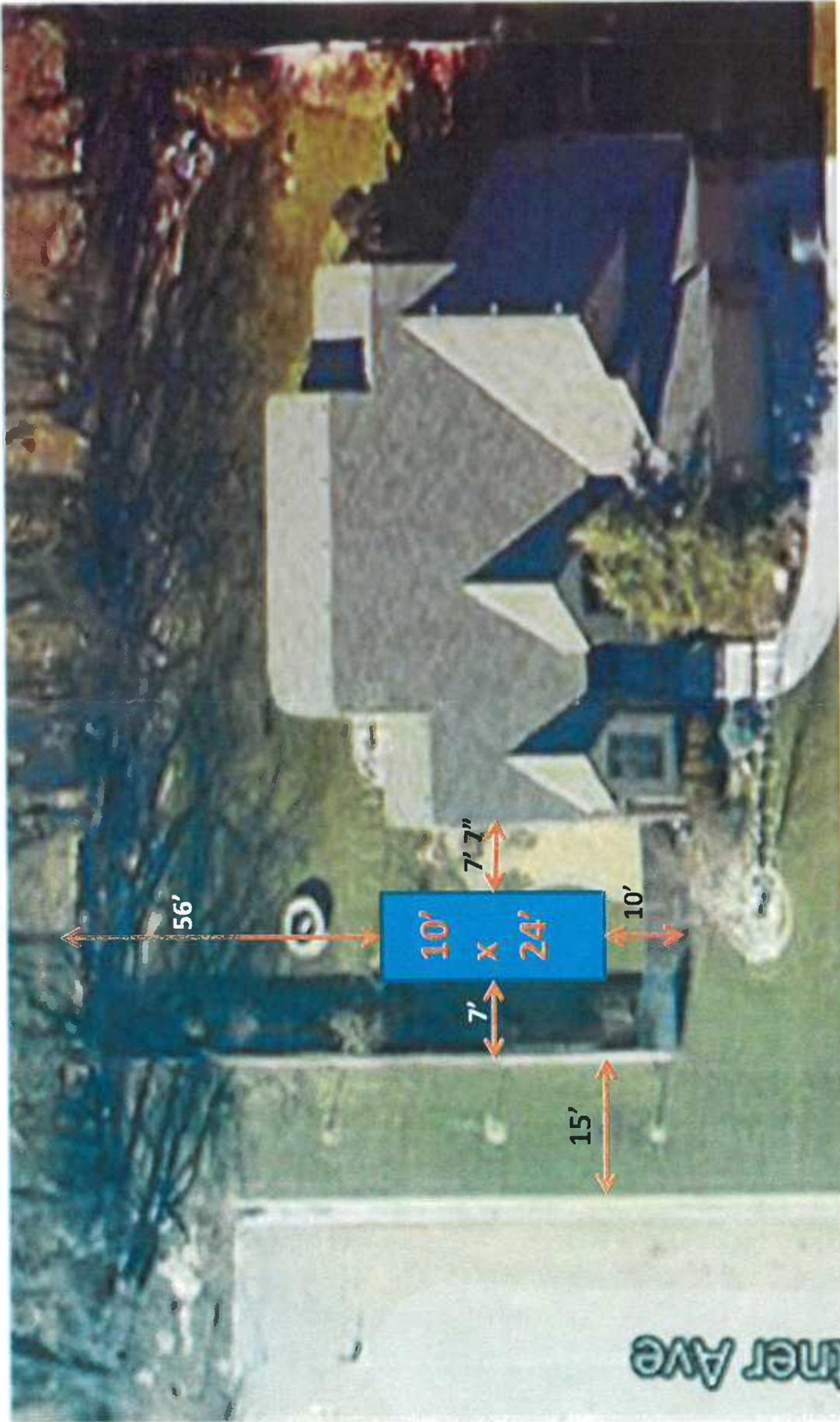


The applicant is requested the vacation of the north 8 feet of the platted 15-foot street side setback yard setback located on and running parallel to the south property line of Lot 17, Highland Springs 3rd Addition, & running parallel to Hardtner Street. The subject site is a corner lot and is zoned SF-5 Single-Family Residential. The Unified Zoning Code (UZC) defines the front of a corner lot as having the shorter of the two street frontages. Hardtner is the longer of the two street frontages, therefore it has the street side yard setback. The SF-5 zoning district has a 15-foot minimum street side yard setback. The applicants' request exceeds the 20% reduction allowed by an Administrative Adjustment, however the MAPD has adopted the policy that vacating a platted setback allows the establishment of a new setback that may exceed what would be allowed by an Administrative Adjustment. There are no utilities or easements located in the subject setback. Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the described setback. The Highland Springs 3rd Addition was recorded July 18, 2003.

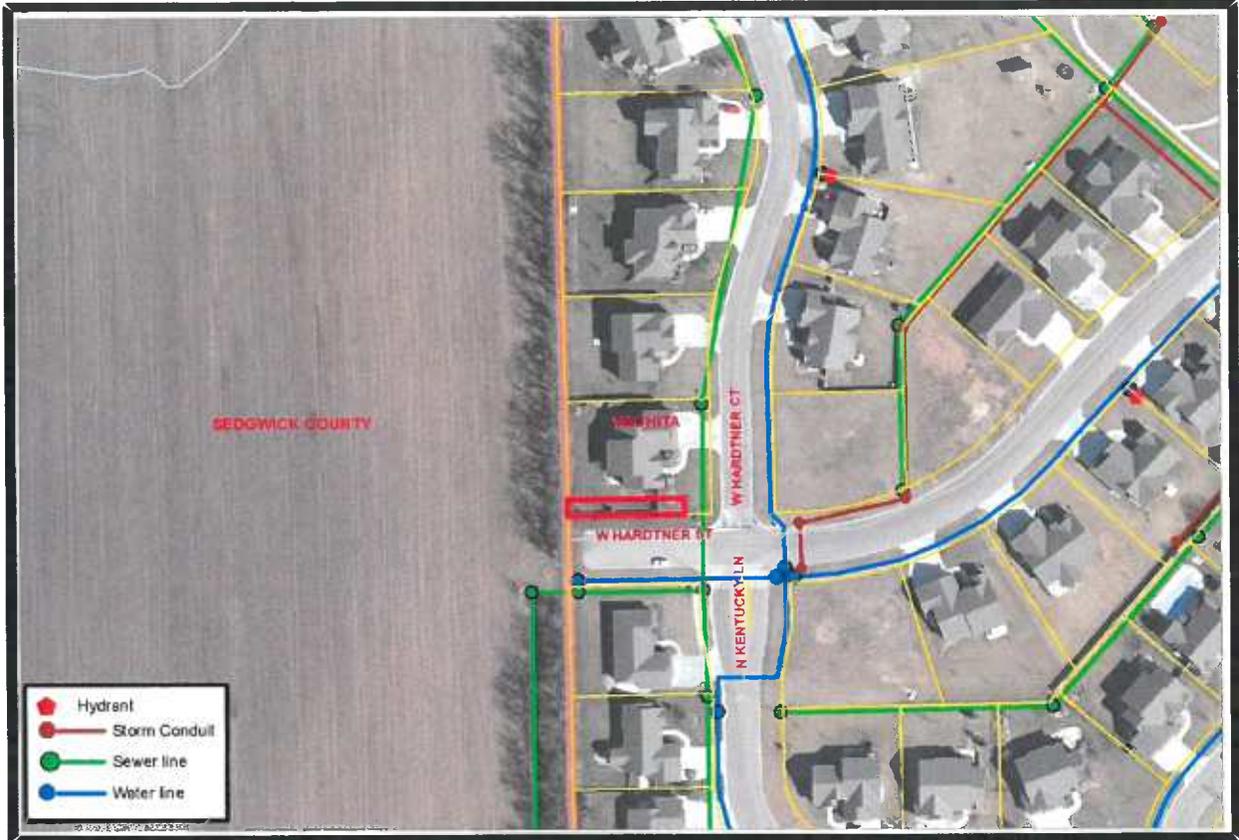
Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works, Water & Sewer, Stormwater, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following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

- (1) Provide a legal description of the vacated platted street side yard setback on a Word document via E-mail for the Vacation Order. This must be provided to Planning prior to VAC2016-00039 proceeds to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- (2) As needed provide easements for public and franchised utilities. As needed provide letters from franchised utility representatives stating that their utilities are protected by the appropriate easements. Easements for public utilities, with original signatures, must be provided to Planning prior to VAC2016-00042 proceeds to the City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- (3) Provided Public Works-Sewer (and any other utility located within the subject easement) with a private project plan for the relocation/abandonment of the sewer line and manholes located within the subject easement for review and approval. Relocation/reconstruction of all 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 to Planning prior to VAC2016-00042 proceeds to the City Council for final action.
- (4) All improvements shall be according to City Standards and at the applicants' expense.
- (5) 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.

VAC2016-42



14350 WEST HARDTNER COURT
WICHITA, KS 67235



STAFF REPORT

- CASE NUMBER:** VAC2016-00043 - City request to vacate a portion of a platted complete access control
- OWNER/AGENT** Mobile Manor Inc, (owner) ES Development Midwest, LLC (contract purchaser/applicant) Kaw Valley Engineer, Inc., c/o Tim Austin (agent)
- LEGAL DESCRIPTION:** Generally described as vacating three portions of the platted 289.94 feet of complete access control located on the west property line (Meridian Avenue frontage) of the west 273.29 feet of Lot 1, Mobile Manor South 2nd Addition, Wichita, Sedgwick County, Kansas.
- LOCATION:** Generally located south of West MacArthur Road, on the east side of South Meridian Avenue (WCC #IV)
- REASON FOR REQUEST:** Allow three drives onto Meridian Avenue on what appears to be two different properties
- CURRENT ZONING:** The site and the abutting west property are zoned GC General Commercial. The abutting south property is zoned MH Manufactured Housing. The abutting north properties are zone GC and LC Limited Commercial. The adjacent west properties (across Meridian Avenue) are zoned LC and SF-20 Single-Family Residential
- VICINITY MAP:**



The applicant proposes to vacate three parts of the platted 289.94 feet of complete access control located on the west property line of the west 273.29 feet of Lot 1, Mobile Manor South 2nd Addition. The site is not developed. The agent's site plan shows what might be two different properties located on the subject site, which is the west 1.82-acres of the 6.60-acre Lot 1, Mobile Manor South 2nd Addition. There is no record of a commercial lot split on this lot, which will be a requirement of the vacation request. The site plan appears to show the subject site divided into a south parcel (198.92 feet by 273.41 feet) and a north parcel (91.02 feet by 273.41 feet).

The site plan shows the south parcel, Parcel One with proposed access onto Meridian Avenue via a right-in - right-out drive located approximately 25 feet north of its south parcel line. Meridian Avenue has a full curbed median strip located in front of Parcel 1's proposed south right-in - right-out drive, which helps insure that it will function as proposed. The platted property abutting the south side of Parcel 1 is developed as a manufactured home park; Lot 2, Mobile Manor South 2nd Addition. This subdivision is platted with one permitted drive on it 684.76 feet of Meridian Avenue frontage, but appears to have not developed the permitted one drive. There is an existing drive located approximately 700 feet south of the proposed south right-in – right-out drive.

Parcel 1 also has a proposed full movement drive located 124 feet north of the proposed right-in – right-out. Parcel 1's proposed full movement drive appears to abut the south side of the smaller north parcel, Parcel 2.

The site plan shows Parcel 2 with proposed access onto Meridian Avenue via a drive located on the north 24 feet of its 91.02 feet of Meridian Avenue frontage. The site plan does not indicate if Parcel 2's drive is full movement or right-in – right-out. Parcel 2's proposed drive is located approximately 91.02 feet north of the south parcel's full movement drive. Parcel 2's proposed drive is located approximately 96 feet south of a drive located on vacant QuikTrip lot 185 feet south of the of MacArthur Road and Meridian Avenue intersection. The applicant's site plan states that there are 11, 125 Average Daily Trips (ADT) on Meridian Avenue at this location.

Properties located west of the site, across Meridian Avenue are not platted and are used as agricultural fields with a farmstead, which has one drive located just south of Parcel 2's proposed drive.

Meridian Avenue is paved, full curbed, two-lane arterial with a center turn and a full curbed median strip located at its intersection with MacArthur Road and, as noted, another one located in front of Parcel 1's proposed south right-in - right-out drive. There appears to be Stormwater inlet, a phone tower, and a utility box located on the site's Meridian Avenue frontage or on the site. Comments from all franchised utilities have not been received and are needed to determine if they have utilities located within the subject easement. The Mobile Manor South 2nd Addition was recorded with the Register of Deeds October 8, 1999.

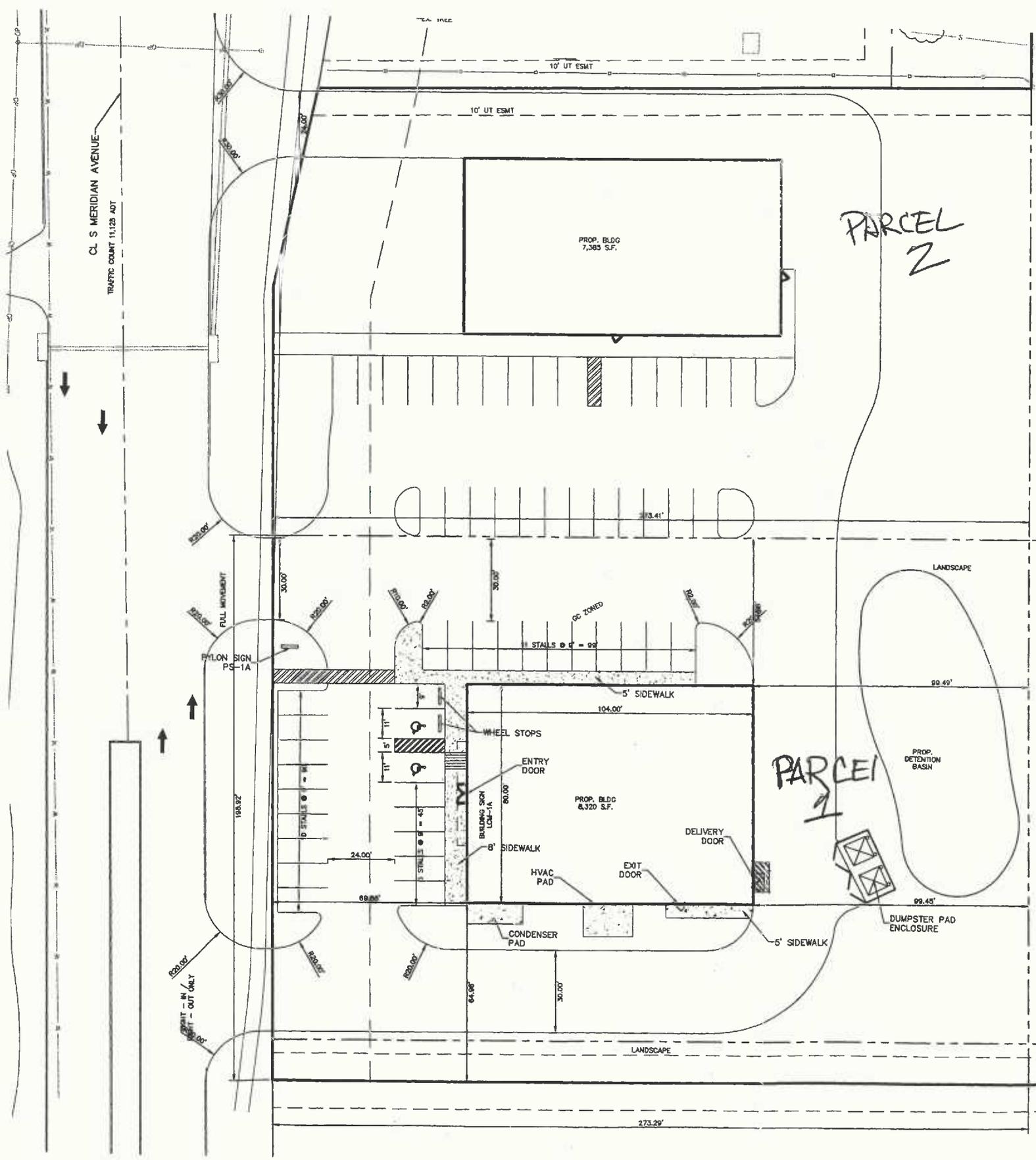
The current Access Management Regulations standard for a right-in – right-out drive is 200 feet between drives or arterial intersections and 400 feet between full movement drives or arterial intersections. Per the Subdivision Regulations, Art 10-104, Modification of Design Criteria, Art VII – Design Standards – Part 2 Specific Standards – 7-204, L, the MAPC may modify design criteria. In the past staff has recommended modified design criteria, which has been approved by the MAPC.

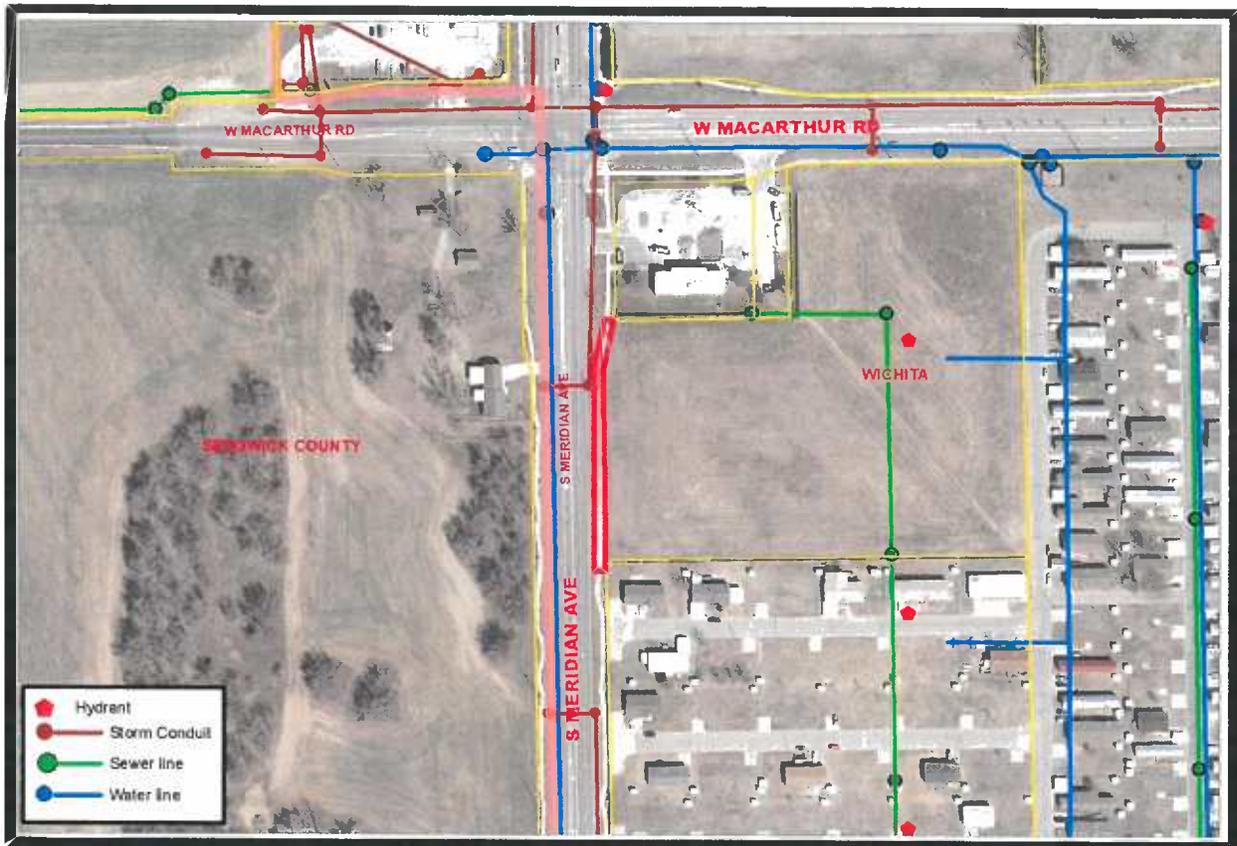
Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Stormwater, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portions of platted complete access control.

- (1) A Commercial Lot Split must be filed for and approved prior to the vacation going to the City Council for final action.
- (2) Allow Parcel 1's proposed south right-in - right-out drive, as approved by the Traffic Engineer and Fire Department.
- (3) Approve a full movement drive that will be shared by Parcel 1 and Parcel 2, as approved by the Traffic Engineer and Fire Department.
- (4) Provide a dedication by separate instrument of access control allowing the two drives with original signatures, to Planning Staff prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (5) Any relocation or reconstruction of utilities, including, but not limited to, Stormwater, water, sewer, and Westar's equipment, made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Provide all needed plans for review and approval by utilities. Provide Planning with any plans as approved by the utilities. This must be provided to Planning prior to the case proceeding to City Council for final action.
- (6) All improvements shall be according to City Standards and at the applicant's expense.
- (7) Provide Planning Staff with a legal description of the approved vacated portions of the platted complete access control on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the request proceeds to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (8) 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.

APPROX 6.82 ACRES

VAC2016-43





STAFF REPORT

CASE NUMBER: VAC2016-00044 - Request to vacate a portion of platted front setbacks on multiple lots

APPLICANT/AGENT: Sienna Lakes #2, LLC., Jay Russell (owner), Ruggles & Bohm, P.A c/o Will Clevenger (agent)

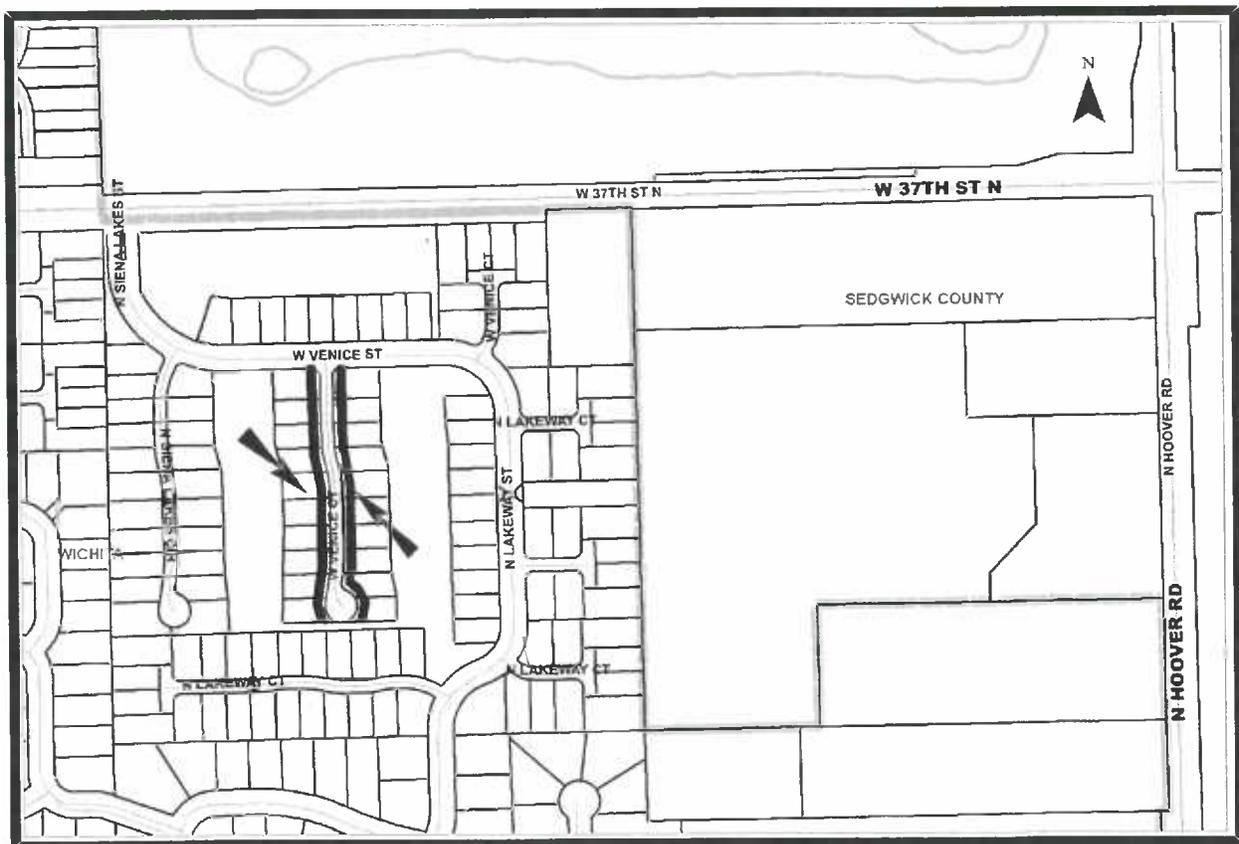
LEGAL DESCRIPTION: Generally described as vacating the inside 5 feet of the platted 25-foot front yard setback located on Lots 22 - 41, Block 1, Siena Lakes Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located south of West 37th Street North, west of North Hoover Road on both sides of Venice Court (WCC #V)

REASON FOR REQUEST: More room to build

CURRENT ZONING: Site and all abutting and adjacent properties are zoned SF-5 Single-Family Residential.

VICINITY MAP:



The applicant proposes to vacate 20% of the platted 25-foot front yard setback located on Lots 22 - 41, Block 1, Siena Lakes Addition. All of the subject lots are zoned SF-5 Single-Family Residential (SF-5). The Unified Zoning Code's (UZC) minimum front yard setback standard for the SF-5 zoning district is 25 feet. If the setbacks were not platted the applicant could have applied for an Administrative Adjustment that would have reduced the SF-5 zoning district's 25-foot front yard setback by 20% resulting in a 20-foot setback. The applicant's request does not exceed what is permitted by an Administrative Adjustment. There is a platted 15-foot easement located in the subject setback that will remain in effect. There are no public utilities currently installed in said easement. Reserves "D" and "E" shall continue as reserves for irrigation, public sidewalks, landscaping, drainage, drainage structures and utilities. There are no utility poles in the Venice Court right of way. Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the described setback. The Sienna Lakes Addition was recorded with the Register of Deeds August 19, 2015.

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 platted front setbacks on multiple lots.

- (1) Vacate the inside 5 feet of the platted 25-foot front yard setback of Lots 22 - 41, Block 1, Siena Lakes Addition. Provide Planning Staff with a legal description of the approved vacated portion of the setback on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. This must be provided to Planning prior to the case going to Council for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide Planning an approved private project number for the relocation of public utilities. Provide Planning with any needed easements dedicated by separate instrument with original signatures. These conditions must be completed prior to the case going to Council for final action.
- (3) All improvements shall be according to City Standards and at the applicant's expense.
- (4) Per MAPC Policy Statement #7, all conditions shall 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.

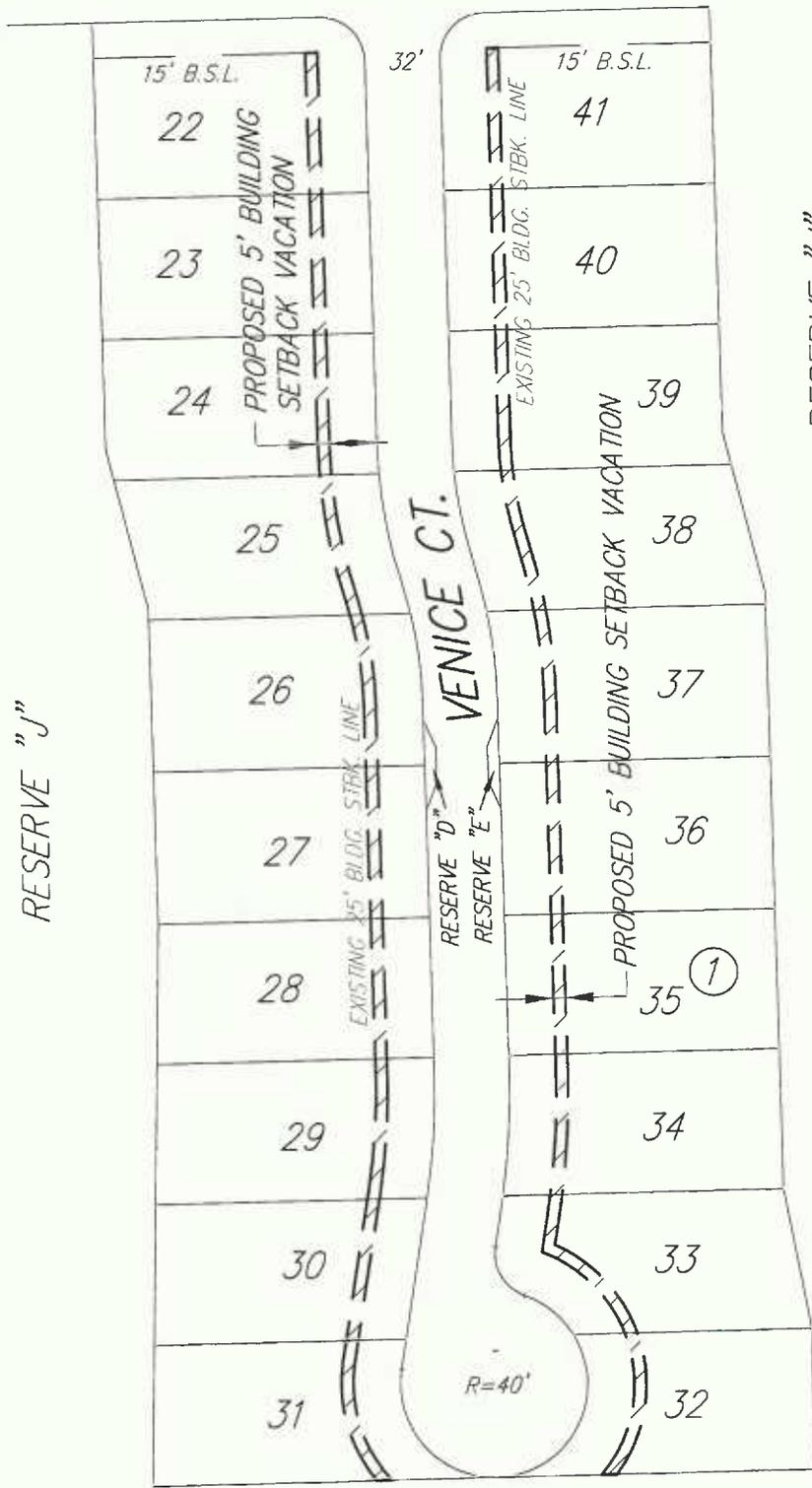
Know all men by these presents that we, the undersigned, have caused the land described in the surveyor's certificate to be platted into Lots, Blocks, Reserves and Streets, to be known as "SIENA LAKES", an Addition to Wichita, Sedgwick County, Kansas. The utility easements are hereby granted for the construction and maintenance of all public utilities. The drainage easements are hereby granted to the public as indicated for drainage purposes. The street, sidewalk, drainage and utility easements are hereby granted as indicated for street, sidewalk and drainage purposes and for the construction and maintenance of all public utilities. Access Controls as indicated are hereby granted to the appropriate governing body. The streets are hereby dedicated to and for the use of the public. Reserve "A" is hereby reserved for signage, irrigation, landscaping, lighting, entry features, walls, drainage, drainage structures and utilities. Reserves "B", "C", "D", "E", "F", "G", "H" and "I" are hereby reserved for irrigation, public sidewalks, landscaping, drainage, drainage structures and utilities. Reserves "J" and "L" are hereby reserved for irrigation, walls, signage, public sidewalks, lighting, gazebos, playground equipment, landscaping, berms, lakes, drainage, drainage structures, and utilities confined to easements. Reserves "K" and "M" are hereby reserved for irrigation, walls, public sidewalks, signage, irrigation, landscaping, gazebos, playground equipment, berms, drainage, drainage structures, and utilities confined to easements. Reserves "G" and "M" are contingent dedication for public use shall become effective if the City of Wichita determines a need for such dedication. Minimum pad elevations are as noted on the second page of this plat. The Reserves are to be owned and maintained by the Home Owners Association for the addition. No obstructions shall be constructed or placed within the street stubs providing future access to adjacent properties. A drainage plan has been developed for this plat and all drainage easements, rights-of-way, or reserves shall remain at established grades, or as modified with the approval of the City Engineer, and unobstructed to allow for the conveyance of stormwater.

Sienna Lakes, #2, LLC

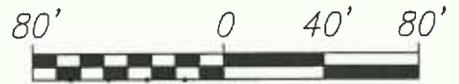

Jay W. Russell, President of J. Russell
Development and Management, Inc.,
Manager of Sienna Lakes #2, LLC

SITE PLAN

VENICE



RESERVE "J"



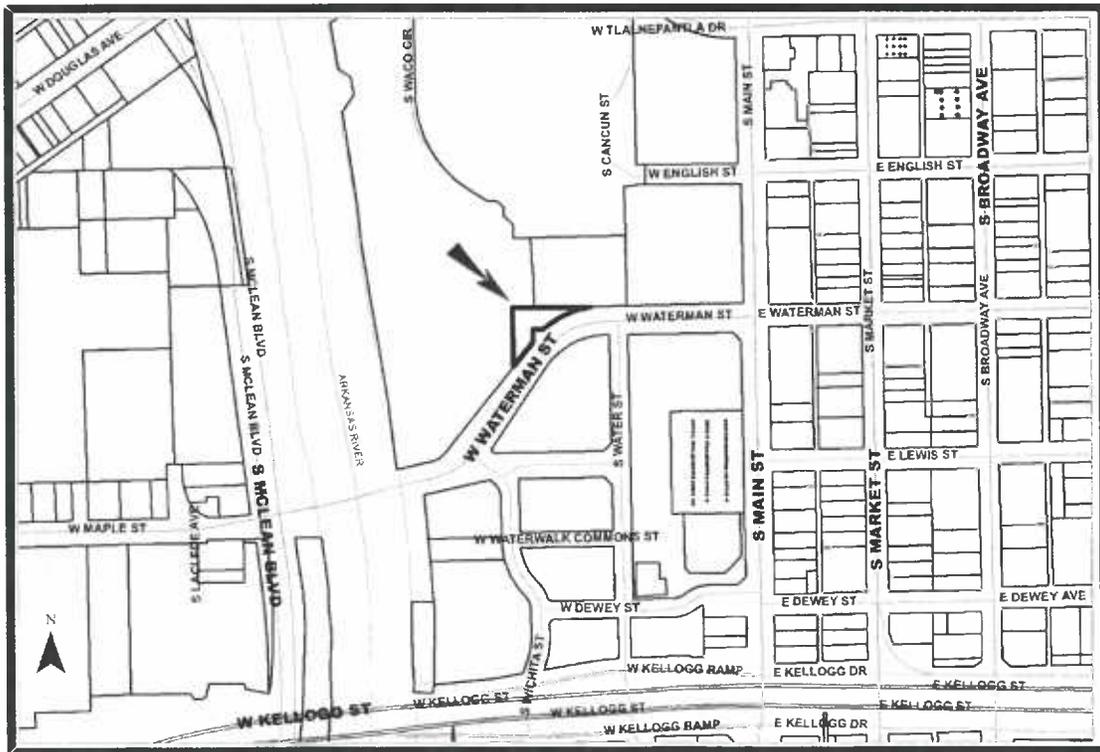
VA 2016-44



Utility Map

STAFF REPORT

- CASE NUMBER:** VAC2016-00045 - Request to vacate a portion of Waterman public street right-of-way
- APPLICANT/AGENT:** City of Wichita, c/o John Philbrick (applicant/owner) MKEC, c/o Brian Lindebak (agent)
- LEGAL DESCRIPTION:** Generally described as vacating a triangular shaped portion of Waterman Street that caps the arc of Waterman Street located west of its intersection with Water Street and abuts a south and west portion of Lot 1, Block 1, East Bank Development Addition, Wichita, Sedgwick County, Kansas (see attached legal)
- LOCATION:** Generally located between Main Street and the Arkansas River and west of Water Street (WCC I)
- REASON FOR REQUEST:** Right-of-way will be sold to abutting properties
- CURRENT ZONING:** The abutting north and west properties and the adjacent east property are zoned CBD Central Business District. The adjacent south properties are zoned PUD Planned Unit Development
- VICINITYMAP:**



The applicant is requesting the vacation of a triangular shaped portion of Waterman Street that is designed and functions like a drive onto the Downtown Merriott Hotel property and parking garage. The remaining portion of Waterman Street will still be a two-way, four-lane, paved, full curbed minor arterial with a center turn lane. Neither the information provided to Planning nor the abutting Lot 1, Block 1, East Bank Development Addition & Waterwalk Phase 2 Addition plats establish how this portion Waterman Street ended up in its current configuration. There is water, sewer and stormwater located in the subject right-of-way. Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the described right-of-way.

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 described portion of public street right-of-way.

- (1) Provide Planning with a legal description of the vacated Water Street right-of-way on a Word document, via E-mail to be used on the Vacation Order. This must be provided to Planning prior to VAC2016-00045 proceeding to City Council for final action.
- (2) Provide a covenant, with original signatures, binding and tying the described vacated public street right-of-way to the abutting Lot 1, Block 1, East Bank Development Addition. This must be provided to Planning prior to VAC2016-00045 proceeds to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds and the Sedgwick County Appraisers Office.
- (3) Dedicate all of the subject portion of Waterman Street as utility – sewer – utility easement by separate instrument to cover all utilities. The original dedication(s) must be provided to Planning prior to VAC2016-00045 proceeds to City Council for final action and subsequent recording with the Register of Deeds.
- (4) If 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.
- (5) All improvements shall be according to City Standards and at the applicants' expense.
- (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.

VAC2016-43

**DESCRIPTION OF
Vacated Street Right-of-Way
Waterman and Wichita Streets**

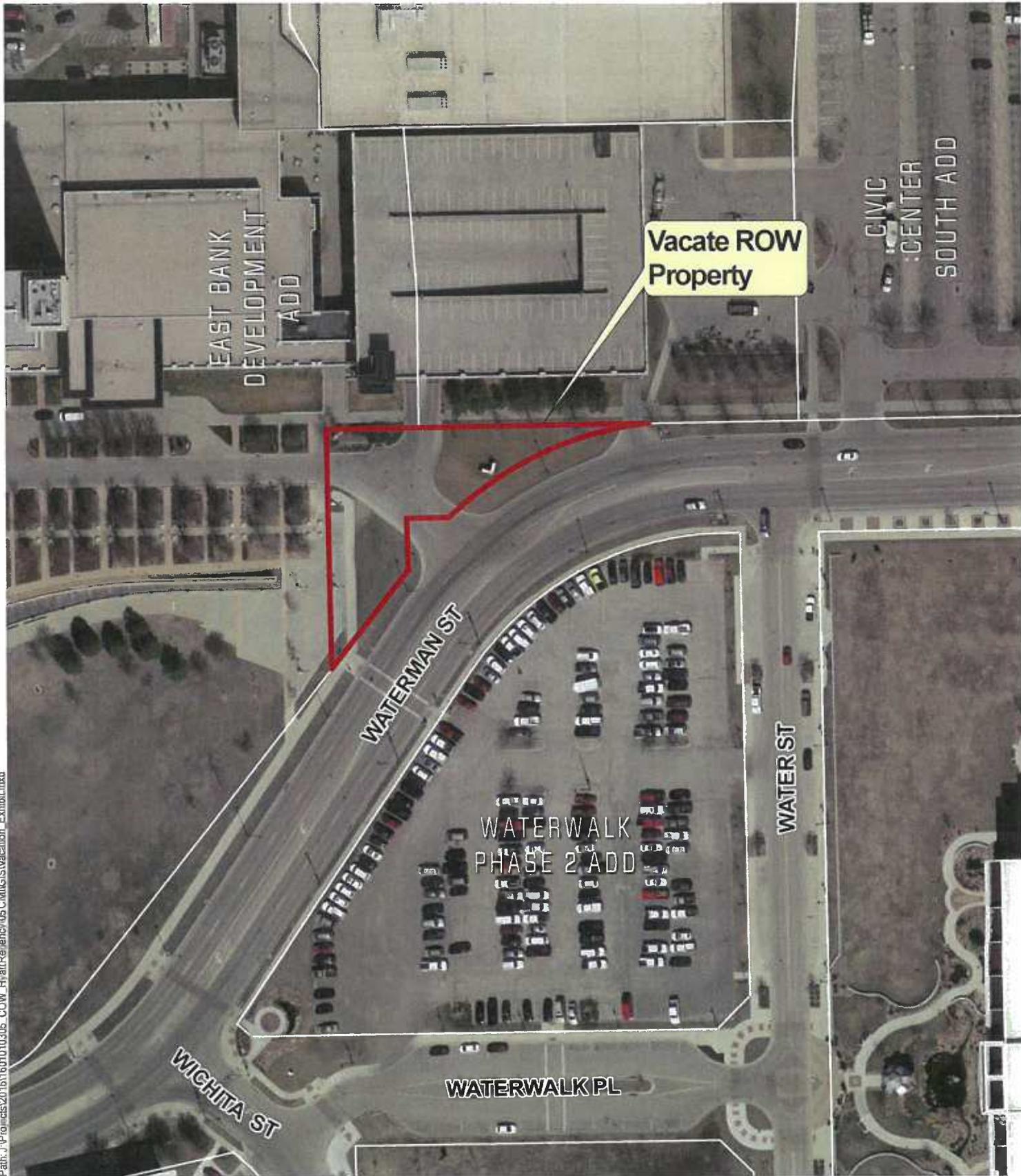
Vacation of Street Right-of-Way

A tract of land lying within that portion previously dedicated as Waterman Street and Wichita Street Rights-of-Ways, said portion lying in the Southeast Quarter of Section 20, Township 27 South, Range 1 East of the Sixth Principal Meridian, Wichita, Sedgwick County, Kansas, being more particularly described as follows:

COMMENCING at the easternmost southeast corner of Lot 1, Block 1, East Bank Development Addition, an addition to Wichita, Sedgwick County, Kansas ; thence along the easternmost south line of said Lot 1 and the north Line of Waterman Street on a Kansas coordinate system of 1983 south zone bearing of S88°53'39"W, 114.10 feet to the POINT OF BEGINNING, said point being on a non-tangent curve to the left having a radius of 261.00 feet, a central angle of 37°38'02", a chord bearing of S64°50'34"W, and a chord distance of 168.37 feet; thence 171.43 feet along said curve to the left to the north most northwest corner of Waterwalk Phase 2 Addition, an addition to Wichita, Sedgwick County, Kansas; thence S37°57'14"W, 1.60 feet along the northwesterly line of said Waterman Street as platted in said Waterwalk Phase 2 Addition; thence S88°53'39"W, 31.11 feet along the south line of said Waterman Street as shown on said East Bank Development Addition; thence S01°05'48"E, 38.34 feet along the east line of said Wichita Street as platted in said East Bank Development Addition; thence S37°57'14"W, 95.23 feet along the northwesterly line of said Waterman Street as platted in said Waterwalk Phase 2 Addition; thence N01°05'48"W, 182.15 feet along the west line of said Wichita Street; thence N88°53'39"E, 245.85 feet along the south line of said Lot 1 and the north line of said Waterman Street as shown on said East Bank Development Addition to the POINT OF BEGINNING.

Said tract of land contains 14,654 square feet, more or less.

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vac2016-45



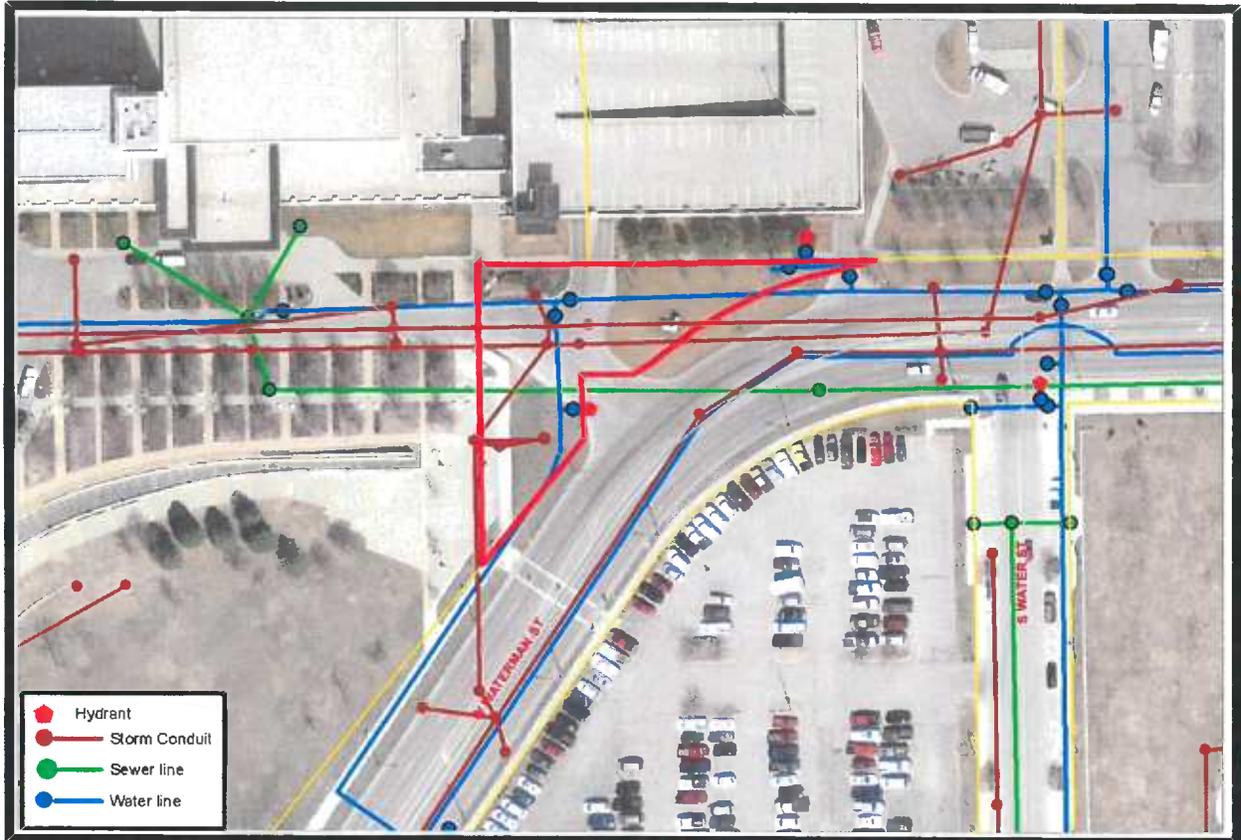
09.08.2016



VACATION EXHIBIT

HYATT REGENCY

The information presented hereon is best available data gathered by MKEC from various outside sources. MKEC does not guarantee the positional accuracy the data shown. In no event shall MKEC become liable to users of the data presented hereon, for any loss or damages, consequential or otherwise, including but not limited to time, money, or goodwill, arising from the use of the presented data. In using the data presented hereon, users further agree to indemnify, defend, and hold harmless MKEC for any and all liability of any nature arising out of or resulting from the lack of accuracy or correctness of the data, or the use of the data.



The applicant proposes to vacate the west 35.48 feet portion of the drainage and utility easement dedicated by separate instrument and located on the subject site; Film 2509, Page 14. This portion of the easement is located on the east side of the undeveloped subject site; see exhibit and legal description. There is a sewer line and manhole located in the subject easement. The portion of the subject easement located in the east abutting Reserve G, Fossil Rim Estates will remain in effect.

The applicant is also requesting the vacation of the inside 5 feet of the 20-foot platted front yard building setback lying east of and parallel with the west property line of the NO Neighborhood Office (NO) zoned Lot 1, Block B, Fossil Rim Estates, Wichita, Sedgwick County, Kansas. The NO zoning district has a minimum 20-foot front yard building setback. The applicants' request exceeds the 20% reduction allowed by an Administrative Adjustment, however the MAPD has adopted the policy that vacating a platted setback allows the establishment of a new setback that may exceed what would be allowed by an Administrative Adjustment. The proposed vacation of the subject setback reduces the setback to the NO zoning district's 15-foot street side yard building setback.

In addition, the applicant is requesting vacation of the south 30 feet of the north 154 feet of the platted access control to allow an additional drive onto Tyler Road. Currently the site is permitted one drive onto Tyler Road on its south 100 feet. That permitted drive has not been constructed. The proposed vacation appears to allow an existing drive located in platted complete access control.

Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the subject easement. The Fossil Rim Estates Addition was recorded May 31st, 2002.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Stormwater, 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 portions of the drainage and utility easement dedicated by separate instrument, the platted front yard building setback and the platted complete access control.

- (1) Abandonment or relocation/reconstruction of any/all utilities, made necessary by the vacation of the described portion of the drainage and utility easement dedicated by separate instrument shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide an approved private project plan number for the abandonment /relocation of public utilities. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) As needed provide Planning with dedication of easements by separate instruments with original signatures to go with the Vacation Order to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (3) All improvements shall be according to City Standards and at the applicants' expense.
- (4) Vacate the east, inside 5 of the platted 20-foot front building setback line located on and running parallel with the west property line Lot 1, Block B, Fossil Rim Estates, Wichita, Sedgwick County, Kansas.

- (5) Vacation of the south 30 feet of the north 154 feet of platted complete access control located on and running parallel with the west property line of Lot 1, Block B, Fossil Rim Estates, is contingent on approval by the Traffic Engineer and the Fire Department. Approval may include the dedication of complete access control on the currently permitted but undeveloped platted opening located on the south 100 feet of the subject site. If approved with noted condition provide Planning with a dedication of access control by separate instrument with original signatures to go with the Vacation Order to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (6) Provide Planning with a legal descriptions of the vacated portions of the drainage and utility easement dedicated by separate instrument, the vacated portions of the platted front yard building setback and the vacated portion of platted complete access control on a Word document via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Council for final action.
- (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.

VAC2016-00046 – Request to vacate a portion of platted complete access control, a portion of a platted front yard building setback and a portion of a drainage and utility easement dedicated by separate instrument
October 13, 2016

September 12, 2016

Lot 1, Block B, Fossil Rim Estates
Vacation Case
Legal Descriptions

A portion of the Drainage & Utility Easement recorded in Film 2509, Page 14:

The west 35.48 feet of the Drainage and Utility Easement described, granted and conveyed in Film 2509, Page 14, said Drainage and Utility Easement being described as follows: Part of Reserve "G" and Lot 1, Block B, Fossil Rim Estates, Wichita, Sedgwick County, Kansas described as beginning at the SW corner of Lot 7, of said Block B; thence N00°00'00"E, along the west line of said Lot 7, 10.00 feet; thence S90°00'00"W, 235.00 feet; thence S00°00'00"W, 20.00 feet; thence N90°00'00"E, 235.00 feet to a point on the west line of Lot 8, of said Block B; thence N00°00'00"E, along the west line of said Lot 8, 10.00 feet to the Point of Beginning.

A portion of the platted Building Setback:

The east 5.00 feet of the 20.00 foot Building Setback lying east of and parallel with the west line of Lot 1, Block B, Fossil Rim Estates, Wichita, Sedgwick County, Kansas.

A portion of the platted Access Control:

The south 30.00 feet of the north 154.00 feet of Complete Access Control as granted along the east line of Lot 1, Block B, Fossil Rim Estates, Wichita, Sedgwick County, Kansas.

VAC2016-00046 – Request to vacate a portion of platted complete access control, a portion of a platted front yard building setback and a portion of a drainage and utility easement dedicated by separate instrument

October 13, 2016

Know all men by these presents that we, the undersigned, have caused the land in the surveyors certificate to be platted into Lots, Blocks, Streets, and Reserves to be known as "FOSSIL RIM ESTATES", Wichita, Sedgwick County, Kansas. The utility easements are hereby granted as indicated for the construction and maintenance of all public utilities. The drainage and utility easements are hereby granted as indicated for drainage purposes and for the construction and maintenance of all public utilities. The drainage easements are hereby granted as indicated for drainage purposes. The drainage and pedestrian access easement is hereby granted as indicated for drainage purposes and for pedestrian access purposes to or from Reserve "D" and no fences or other obstructions shall be constructed or placed on or within this easement. The drainage, utility, and pedestrian access easement is hereby granted as indicated for drainage purposes, for the construction and maintenance of all public utilities, and for pedestrian access purposes to or from Reserve "F" and no fences or other obstructions shall be constructed or placed on or within this easement. The streets are hereby dedicated to and for the use of the public. Reserves "A" is hereby reserved for landscaping, berms, open space, drainage purposes, utilities as confined to easements, and electrical systems as confined to easement. Reserve "B" is hereby reserved for private streets, open space, landscaping, entry monuments, entry structures, and drainage purposes. Reserve "B" shall hereby provide access to Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, inclusive, Block A, and Lots 1, 2, 3, 4, 5, 6, 7, and 8, inclusive, Block D. Reserve "C" is hereby reserved for landscaping, berms, open space, drainage purposes, and utilities as confined to easement. Reserve "D" is hereby reserved for landscaping, lakes, open space, berms, sidewalks, drainage purposes, utilities as confined to easement, and electrical systems as confined to easement. Reserves "E", "F" are hereby reserved for landscaping, lakes, open space, berms, sidewalks, drainage purposes, and utilities as confined to easements. Reserve "G" is hereby reserved for landscaping, lakes, open space, berms, sidewalks, drainage purposes, utilities as confined to easement, and gas pipelines as confined to easement. Reserves "H" and "I" are hereby reserved for entry monuments, streets, landscaping, open space, drainage purposes, and utilities. Reserves "A", "B", "C", "D", "E", "F", "G", "H", and "I" shall be owned and maintained by the homeowners association for the addition. Access controls shall be as depicted on the face of the plat and are hereby granted to the City of Wichita, Kansas. The permitted opening locations shall be as determined by the City Engineer of 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.

*Fouts Geller Development Company, LLC,
a Kansas limited liability company*



James E. Fouts

Member



Darrell E. Geller

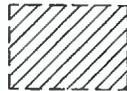
Member

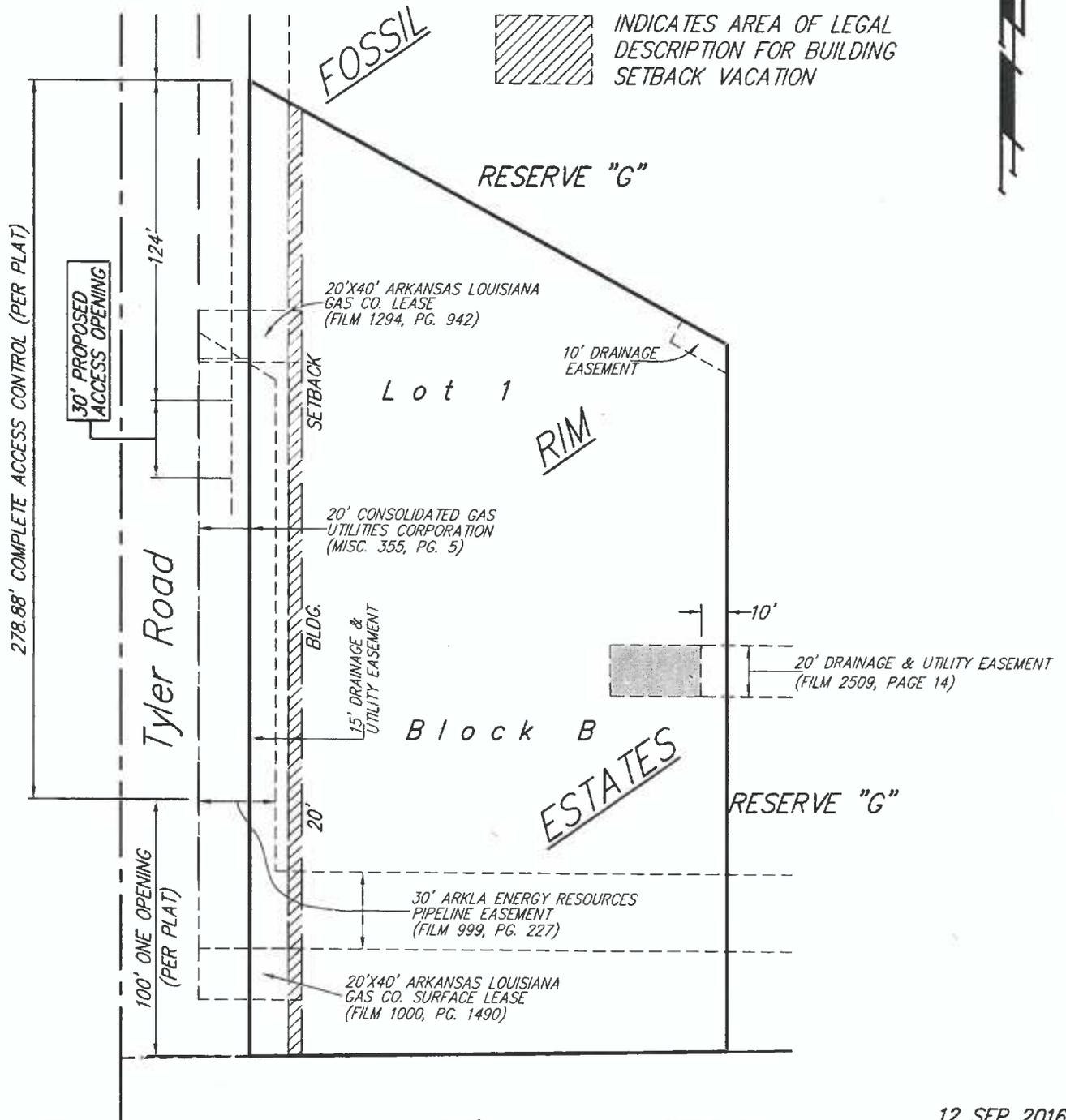
EXHIBIT

PART OF LOT 1, BLOCK B, FOSSIL RIM ESTATES, WICHITA, SEDGWICK COUNTY, KANSAS



 INDICATES AREA OF LEGAL DESCRIPTION FOR DRAINAGE & UTILITY VACATION

 INDICATES AREA OF LEGAL DESCRIPTION FOR BUILDING SETBACK VACATION



VAC2016-416

12 SEP 2016

 Baughman Company, P.A.
315 Ellis St. Wichita, KS 67211 P 316-262-7271 F 316-262-0149
ENGINEERING | SURVEYING | PLANNING | LANDSCAPE ARCHITECTURE

VA 2016-46

2112907 3158

TUN 25 09 PAGE 0014

STATE OF KANSAS)
SEDCWICK COUNTY) SS

AUG 15 9 13 AM '02

DRAINAGE & UTILITY EASEMENT

BILL MELK
REGISTER OF DEEDS

This EASEMENT made this 14th day of August, 2002, by and between Fouts Geller Development Company, LLC, a Kansas Limited Liability Company, of the first part and the City of Wichita of the second part.

WITNESSETH: That the said first party, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, does hereby grant and convey unto the said second party a perpetual right-of-way and easement for the purpose of constructing, maintaining, and repairing a drainage systems and all other public utilities over, along, and under the following-described real estate situated in Sedgwick County, Kansas; to wit:



Linda Baker
Deputy

Part of Reserve "G", and Lot 1, Block B, Fossil Rim Estates, Wichita, Sedgwick County, Kansas described as beginning at the SW corner of Lot 7, of said Block B; thence N00°00'00"E, along the west line of said Lot 7, 10.00 feet; thence S90°00'00"W, 235.00 feet; thence S00°00'00"W, 20.00 feet; thence N90°00'00"E, 235.00 feet to a point on the west line of Lot 8, of said Block B; thence N00°00'00"E, along the west line of said Lot 8, 10.00 feet to the Point of Beginning.

And said second party is hereby granted the right to enter upon said premises at any time for the purpose of constructing, operating, maintaining, and repairing drainage systems and all other public utilities.

IN WITNESS WHEREOF: The said first party has signed these presents the day and year first above written.

Fouts Geller Development Company, LLC

By: _____

James E. Fouts, Member

C.C.
12⁰⁰

→ Baughman Company
315 Ellis
Wichita, Ko 67211

Drainage and Utility Easement
Page 2 of 2

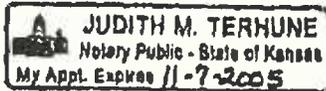
STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this 14th day of August, 2002, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, James E. Fouts as Member of Fouts Geller Development Company, LLC, a Kansas Limited Liability Company, personally known to me to be the same person who executed the within instrument of writing and such persons duly acknowledged the execution of the same, for and on behalf of the limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.

Judith M. Terhune
Notary Public

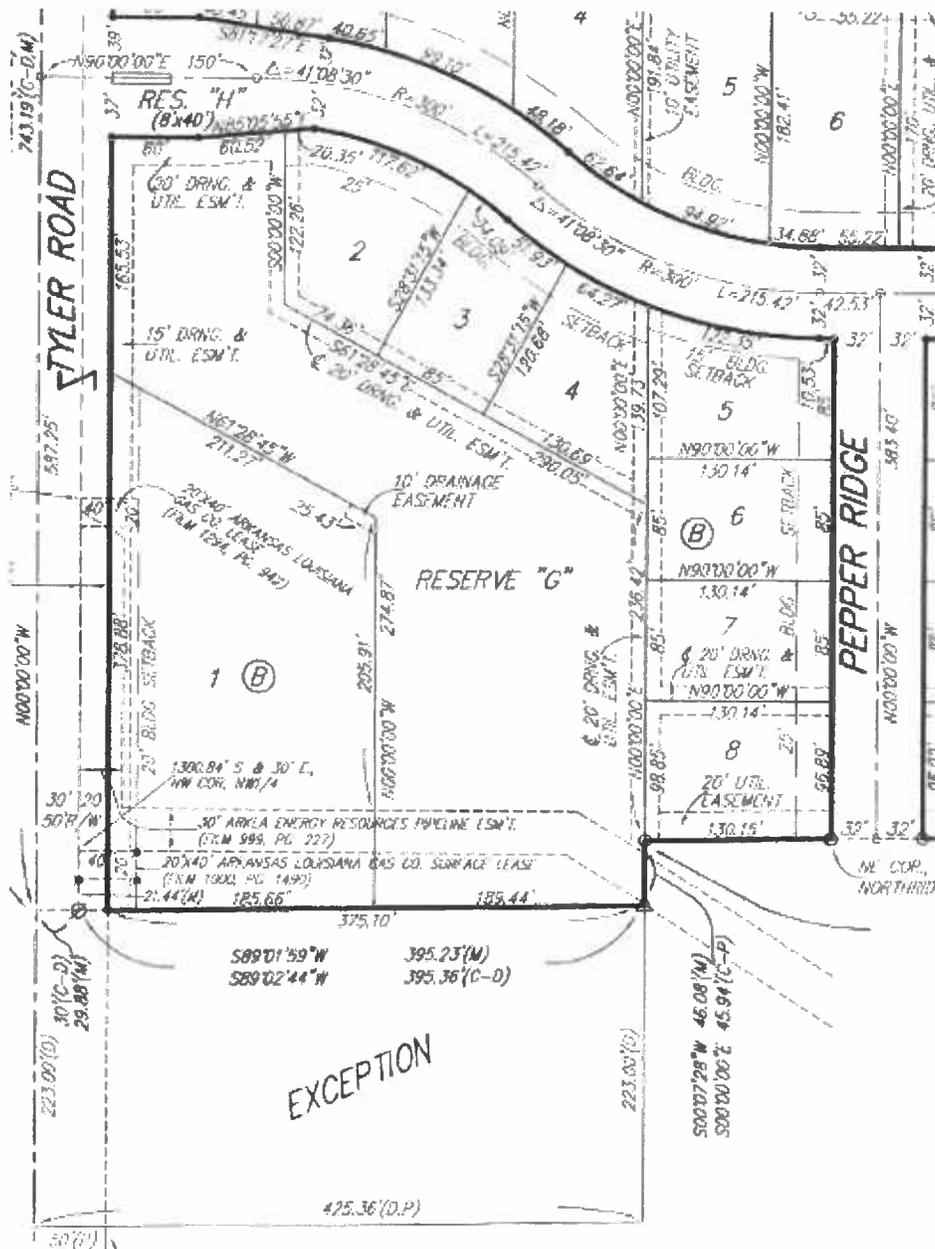
(My Appointment Expires: 11-7-2005)



VAC 2016-46

VAC2016-00046 – Request to vacate a portion of platted complete access control, a portion of a platted front yard building setback and a portion of a drainage and utility easement dedicated by separate instrument

October 13, 2016



VAC2016-00046 – Request to vacate a portion of platted complete access control, a portion of a platted front yard building setback and a portion of a drainage and utility easement dedicated by separate instrument

October 13, 2016

