TO: Mayor and City Council

SUBJECT: VAC2016-00038 - Request to Vacate the Plattor’s Text to Amend the Uses Allowed in a Platted Reserve on Property Generally Located North of East Central Avenue on the East Side of North 127th Street East (City of Wichita’s Three-Mile Subdivision Jurisdiction)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

MAPD Staff Recommendations: The MAPD staff recommended approval.

MAPC Recommendation: The Metropolitan Area Planning Commission (MAPC) recommended approval of the vacation request (11-0).
**Background:** The applicant, the Villas at Crestview Homeowners Association (HOA), is requesting 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, that all private drives are granted as fire lane easement and the west 30 feet is for an open space buffer. The HOA proposes to allow a wall and has provided a recorded Temporary Construction Easement and a recorded Permanent Wall Easement; Document/Film-Page: 29608110 and Document/Film-Page: 29608111, both recorded May 13, 2016. The Minneha Township has agreed to be responsible for the construction and maintenance of the proposed wall.

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, which will remain in effect. The Villas at Crestview Addition was recorded June 18, 1970.

**Analysis:** The MAPC voted (11-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC’s advertised public hearing or its Subdivision Committee meeting. No written protests have been filed. Because the site is located in Sedgwick County, but within the City of Wichita’s Three-Mile Subdivision Jurisdiction, consideration and recommendation by the Wichita City Council, and consideration and final action by the Sedgwick County Board of County Commissioners is required. The Sedgwick County Board of County Commissioners will consider this item at their December 14, 2016, meeting as a consent item.

**Financial Considerations:** All improvements are to County standards and at the applicant’s expense.

**Legal Considerations:** The Law Department has reviewed and approved the Vacation Order and the affidavit stating consent and acceptance by Minneha Township, as to form. A certified copy of the Vacation Order and the affidavit stating consent and acceptance by Minneha Township will be recorded with the Register of Deeds.

**Recommendation/Actions:** It is recommended that the City Council follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order and authorize the necessary signatures.

**Attachment:**
- Vacation Order
- Affidavit stating consent and acceptance by Minneha Township