



Wichita-Sedgwick County Metropolitan Area Planning Department

June 15, 2005

Slawson Investment Corporation
P.O. Box 2907
Wichita, KS 67201

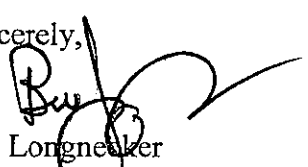
Re: **VAC2005-00007** Request to vacate platted complete access control, generally located north of 21st Street North on the east side of Webb Road.

Dear Ladies and Gentlemen:

At its regular meeting on Tuesday, June 15, 2005, the Wichita City Council considered the request. The action of the City Council was to APPROVE subject to the recommendation by the MAPC.

If you have any questions about this matter, please call 268-4494.

Sincerely,


Bill Longnecker
Senior Planner

BL:le

cc: Jim Armour, City Engineer, Public Works Department, Mail Stop 1-71
Paul Gunzelman/Carla Jones, Public Works Engineering, Mail Stop 1-71
Sedgwick County Electric Coop, Attention: Allen Henning & Wayne Voss, P.O. Box 220, Cheney, KS, 67205-0220
PEC, c/o Rob Hartman, 303 S. Topeka, Wichita, KS 67202
Mid America Financial Corp. c/o Commerce Bank NA, 8000 Forsythe Blvd, #1300, St. Louis, MO 63105
Dunham Capital Management, LLC, 230 S. Phillips Ave #202, Sioux Falls, SD 57204



Sedgwick County
Register of Deeds - Bill Meek
DOC #/FLM-PG: 28687389
Receipt #: 1589989
Pages Recorded: 2

Recording Fee: 00H

Cashier Initials: DH
Authorized By: [Signature]
Date Recorded: 6/29/2005 11:44:16 AM



also
D17593

Approved / Accepted By City Council

TY CLERK'S ORIGINAL
TURN TO CITY CLERK

BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

This 6-7-05

IN THE MATTER OF THE VACATION OF A
PORTION OF PLATTED
COMPLETE ACCESS CONTROL

GENERALLY LOCATED
NORTH OF 21ST STREET NORTH AND ON THE
EAST SIDE OF WEBB ROAD

Case No. VAC2005-00007

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 7th day of June, 2005 comes on for hearing the petition for vacation filed by Slawson Investment Corporation praying for the vacation of the following described platted complete access control, to-wit:

The south 168.78-feet of the north 178.78-feet of that portion of Lot 4, Block 1, the Tallgrass East Commercial Addition, running parallel to Webb Road, as recorded Wichita, Sedgwick County, Kansas.

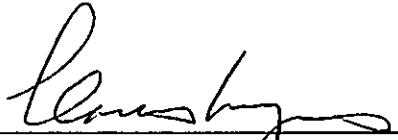
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in The Wichita Eagle on March 24, 2005, which was at least 20 days prior to the public hearing.

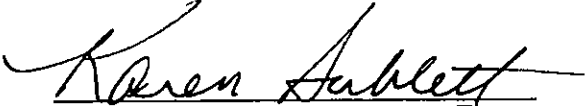
50028607339

2. No private rights will be injured or endangered by the vacation of the above-described portion of platted complete access control and the public will suffer no loss or inconvenience thereby.
3. Dedication of complete access control by separate instrument will be recorded with the Register of Deeds.
4. In justice to the petitioner(s), the prayer of the petition ought to be granted.
5. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.
6. The vacation of a portion of the platted complete access control described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 7th day of June 2005 ordered that the above-described portion of platted complete access control is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.


Carlos Mayans, Mayor

ATTEST:


Karen Sublett, City Clerk



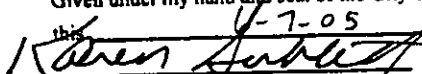
Approved as to Form:


Gary Rebenstorf, Director of Law



State of Kansas)
Sedgwick County)
City of Wichita)

I, Karen Sublett City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is affixed is a true and correct copy of the original on file in the office of the City Clerk.
Given under my hand and seal of the City of Wichita, Kansas

this 6-7-05

City Clerk

STAFF REPORT

CASE NUMBER: VAC2005-00007 Request to vacate platted access control

APPLICANTS/OWNERS: Slawson Investment Corporation

AGENT: PEC, c/o Rob Hartman

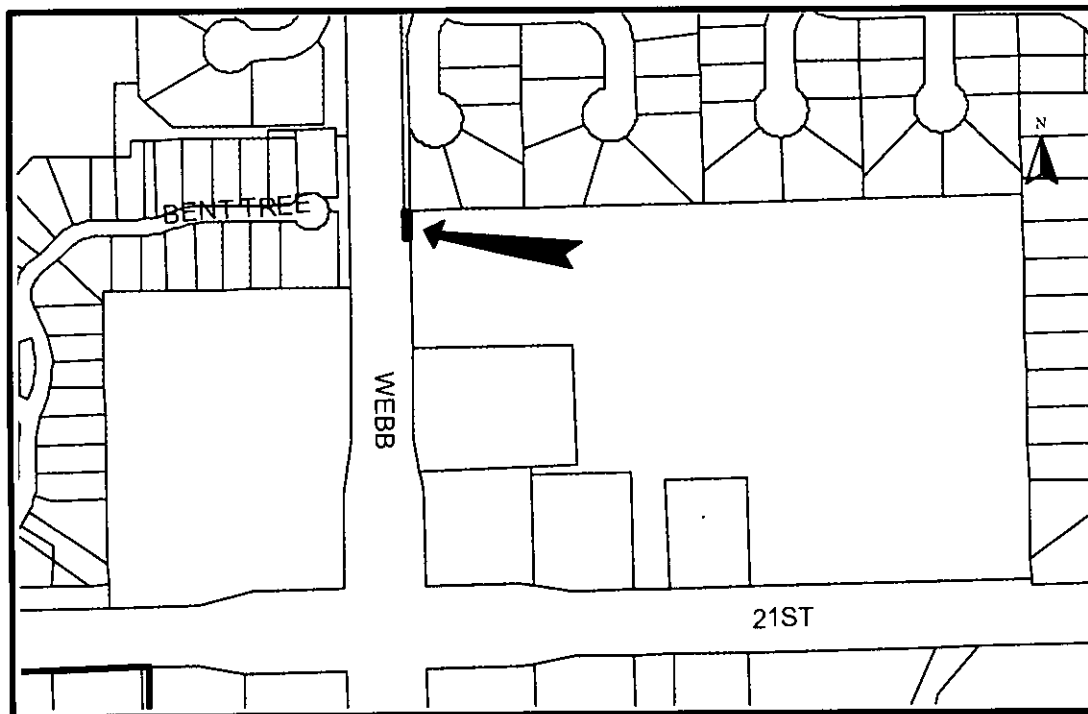
LEGAL DESCRIPTION: Generally described as the south 50-feet of the north 60-feet of that portion of Lot 4, Block 1, the Tallgrass East Commercial Addition, Wichita, Sedgwick County, Kansas, running parallel to Webb Road

LOCATION: Generally located approximately 700-feet north of 21st Street North, on the east side of Webb Road (District II)

REASON FOR REQUEST: To allow a right-in right-out driveway onto Webb Road

CURRENT ZONING: The site and abutting southern and adjacent western properties are zoned "LC" Limited Commercial. Abutting northern and eastern properties are zoned "SF-5" Single-family Residential

VICINITY MAP:



The applicant has applied for the vacation of the complete access control along the site's south 50-feet of the north 60-feet of its Webb Road frontage, to allow one right-in right-out driveway from Lot 4, Block 1, the Tallgrass East Commercial Addition. The subject site is on the northeast corner of the 21st Street North – Webb Road intersection. The subject site is part of CUP DP-168, which has integrated access, circulation and parking, including two existing platted access/drives onto 21st Street North and another one onto Webb Road. The current platted access/drive is 176.32-feet south of the proposed access/drive. At this location Webb Road is a four-lane arterial with a turn lane on its east side abutting the subject site. West, across Webb Road from the subject site, the platted Webb Road Booster Pumping Station Addition has one allowed drive/access along its 600-feet of Webb Road frontage. This existing drive lines up just south of the subject site's current platted drive/access and is approximately 200-feet south of the proposed drive. The other nearest (north of the proposed drive) street or drive intersection onto Webb Road is approximately 1200-feet north of the proposed drive. With the proposed drive there would be three drives on the east side of Webb Road within the first 700-feet north of the 21st Street North – Webb Road intersection. There are no water or sewer lines located in this side of the Webb Road right-of-way. The Tallgrass East Commercial Addition was recorded with the Register of Deeds February 22, 1989.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from Public Works, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate a portion of the platted access control, per the approval of the Traffic Engineer, with conditions.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time March 24, 2005 which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by the vacation of the above-described portion of platted complete access control and the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

Therefore, the vacation of a portion of the platted complete access control described in the petition should be approved with conditions;

- (1) Vacate that portion of platted access control along the site's Webb Road frontage, as approved by the Traffic Engineer to allow one right-in right-out drive onto Webb Road. Provide Staff with a metes and bounds description of the location of the new drive.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants.
- (3) All improvements shall be according to City Standards, including any driveways from private property onto public ROW.

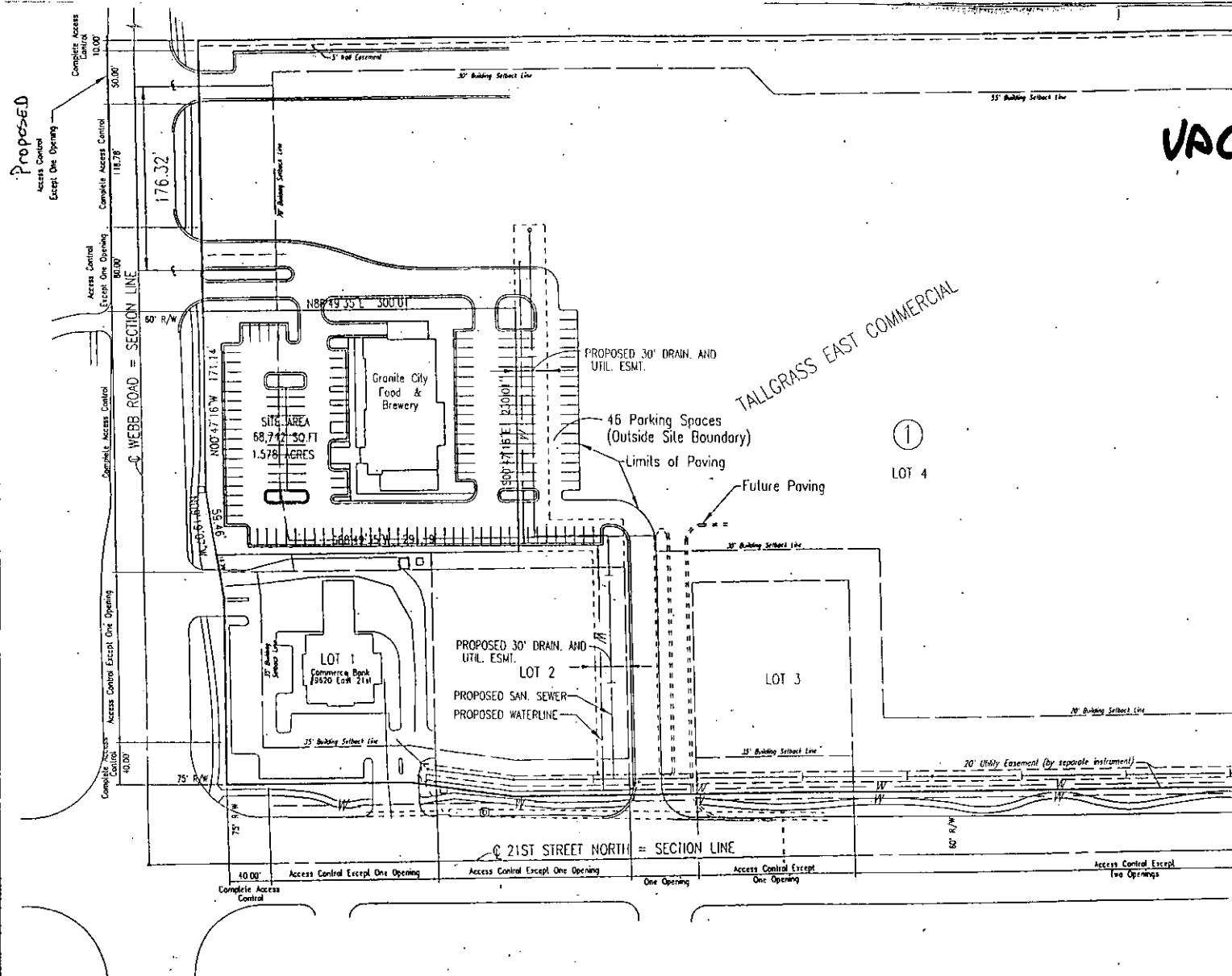
- (4) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions;

- (1) Vacate that portion of platted access control along the site's Webb Road frontage, as approved by the Traffic Engineer to allow one right-in right-out drive onto Webb Road. Provide Staff with a metes and bounds description of the location of the new drive.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants.
- (3) All improvements shall be according to City Standards, including any driveways from private property onto public ROW.
- (4) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request 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.

VAC 2005-07



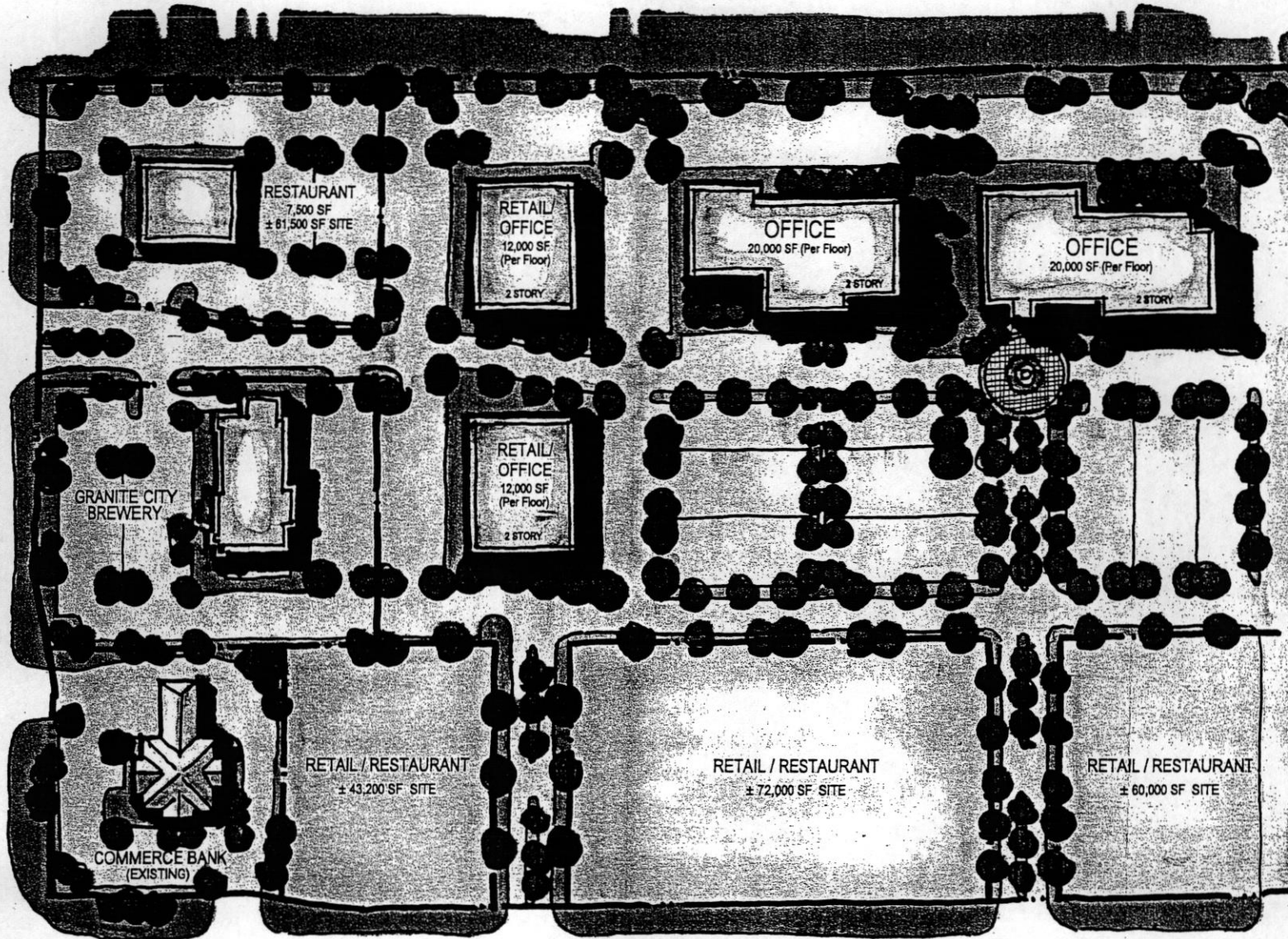
3 drives/street

vac2005-07

access - drives onto webb rd



VAC 2005-07



21ST STREET NORTH

S TOWN CENTER CONCEPT PLAN

