CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

May 23, 2005

B& E Investments Inc.,
Attention: Matt Eck
9915 W. 21st Street North, #A
Wichita, KS 67205-1829

Re: **VAC2005-00009** Request to vacate platted right-of-way, right-of-way dedicated by separate instrument and a platted setback, generally located between Hoover Road and the Cowskin Floodway approximately 3,000-feet north of Kansas Highway K-42 Highway.

Dear Mr. Eck:

At its regular meeting on Tuesday, May 17, 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
Baughman Company, P.A., Attention: Phil Meyer, 315 Ellis, Wichita, KS 67211
Brand Plumbing Inc., Attention: Mike Brand, 2418 S. Hoover, Wichita, KS 67215-1203
Wichita Airport Authority Mid Continent Airport, 2173 Air Cargo Rd., Wichita, KS 67209

RECEIVED
MAY 2 0 2005
METROPOLITAN PLANNING
ROUTE

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

IN THE MATTER OF THE VACATION OF PLATTED STREET RIGHT-OF-WAY, STREET RIGHT-OF-WAY DEDICATED BY SEPERATE INSTRUMENT AND A PLATTED SETBACK	)	
GENERALLY LOCATED BETWEEN HOOVER ROAD AND THE COWSKIN FLOODWAY AND APPROXIMATELY 3,000-FEET NORTH OF KANSAS STATE HIGHWAY K-42	)	**MAPD CASE NO. VAC2005-00009**
MORE FULLY DESCRIBED BELOW	)	

VACATION ORDER

NOW on this 17th day of May, 2005 comes on for hearing the petition for vacation filed by B & E Investments and Brand Plumbing, c/o Michael Brand, praying for the vacation of the following described platted street right-of-way, street right-of-way dedicated by separate instrument and a platted setback, to-wit:

That portion of Hoover Court that runs parallel to the north lot line of Lot 1, as platted in the W.B. Carter Addition, as recorded, Wichita, Sedgwick County, Kansas.
AND
That part of the south 30-feet of the SW ¼ of Sec. 35, Twp. 27-S, R-1-W of the 6th P.M., Sedgwick County, Kansas lying east of the east right-of-way line of Hoover Road, as established per Misc. Book 354, Page 529 and west of the right-of-way line of the Wichita-Valley Center Floodway per Condemnation Case A-31849.
AND
The platted 35-foot setback, that runs parallel to the platted street right-of-way and the north lot line of Lot 1, recorded on the W.B. Carter Addition.

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.

2. No private rights will be injured or endangered by the vacation of the above-described platted street right-of-way, the street right-of-way dedicated by separate instrument and a platted setback and the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner(s), the prayer of the petition ought to be granted.

4. 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.

5. Retain the platted street right-of-way recorded on the W.B. Carter Addition and the street right-of-way established per Misc. Book 354, Page 529 as an access, drainage and utility easement.

6. Retain the west 10-feet of the platted street right-of-way recorded on the WB Carter Addition and the street right-of-way established per Misc. Book 354, Page 529 as right-of-way.

7. Vacate the platted 35-foot setback that runs parallel to the platted street right-of-way and the north lot line of Lot 1, as recorded on the W.B. Carter Addition.

8. The vacation of platted street right-of-way, the street right-of-way dedicated by separate instrument and the platted setback described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 17th day of May 2005 ordered that the above-described platted street right-of-way, the street right-of-way dedicated by separate instrument and the platted setback are 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

METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 3-4
April 14, 2005

STAFF REPORT

CASE NUMBER: VAC2005-00009 Request to vacate platted street right-of-way and right-of-way dedicated by separate instrument

APPLICANTS: B&E Investments c/o Matt Eck Brand Plumbing c/o Mike Brand

AGENT: Baughman Company PA c/o Phil Meyer

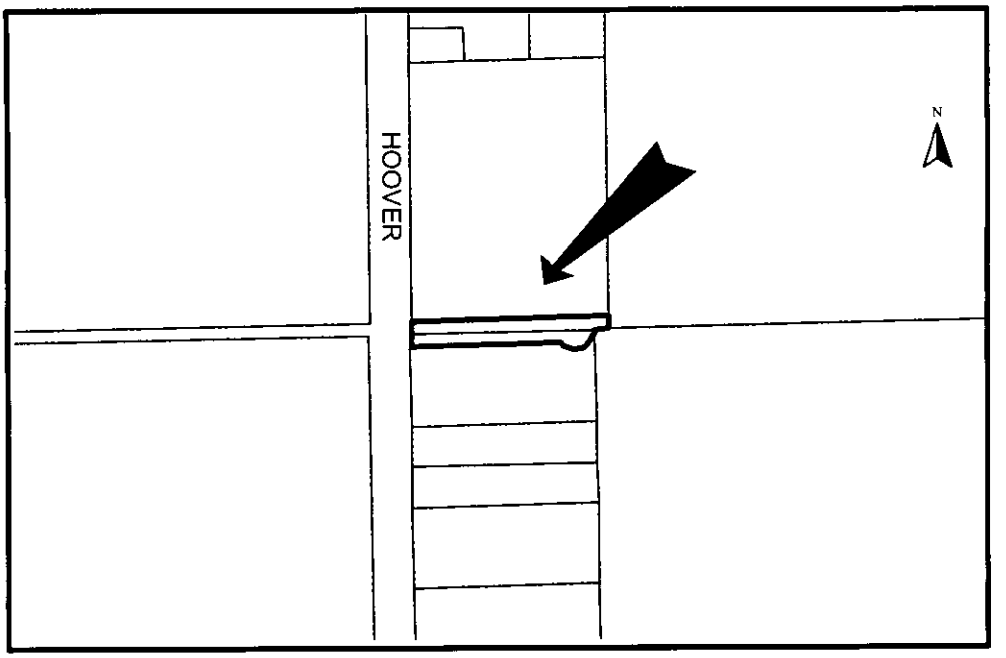
LEGAL DESCRIPTION: Generally described as that portion of Hoover Court abutting the north side of Lot 1, the WB Carter Addition and as platted on the WB Carter Addition, Wichita, Sedgwick County, Kansas
And
Generally described as that portion of Pawnee Avenue established per Misc. Book 354, Page 529, that abuts the south side of the unplatted tract D-432-UP

LOCATION: Generally located between Hoover Road, on its west side, and the Cowskin Floodway, on its east side, approximately 3,000-feet north of State Highway K-42 (WCC District IV)

REASON FOR REQUEST: Revert to private use

CURRENT ZONING: The site is unimproved public right-of-way. The abutting north and south properties and the adjacent western properties are zoned "LI" Limited Industrial. The abutting eastern property is the Cowskin Floodway

VICINITY MAP:



The applicant is requesting vacation of the unimproved portion of right-of-way (ROW) as previously described. The 60-foot (x) approximately 475-feet of ROW intersects Hoover Road on its west side and ends at the Cowskin Floodway on its east side. Interstate Highway-235 ROW is east of the Floodway and the Cessna Aircraft facility is west of Hoover Road. The proximity of the proposed vacated ROW to the Floodway, Interstate Highway -235 and the Cessna facility make it unlikely that the ROW will ever be extended beyond its current location. The applicants own the abutting northern and southern properties. Both abutting properties have access onto Hoover Road that they are currently using, so the vacation of the ROW would not affected their access to Hoover Road. There are no manholes, sewer or water lines in the ROW. There is a storm drain line in the ROW. Westar has equipment in the ROW. The WB Carter Addition was recorded with the Register of Deeds April 7, 1970.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate the portion of the ROW, as described 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, 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 street ROW 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 the platted street ROW described in the petition should be approved with conditions;

(1) Retain the vacated ROW as an access – utility – drainage easement.

(2) Dedicate 10-foot of ROW along the northern and southern properties' Hoover frontage. Retain the west 10-foot of the vacated ROW.

(3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants.

(4) All improvements shall be according to City Standards, including any driveways from private property onto public ROW.

(5) 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) Retain the vacated ROW as an access – utility – drainage easement.

(2) Retain the west 10-foot of the vacated ROW.

(3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants.

(4) All improvements shall be according to City Standards, including any driveways from private property onto public ROW.

(5) 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

vac2005-09

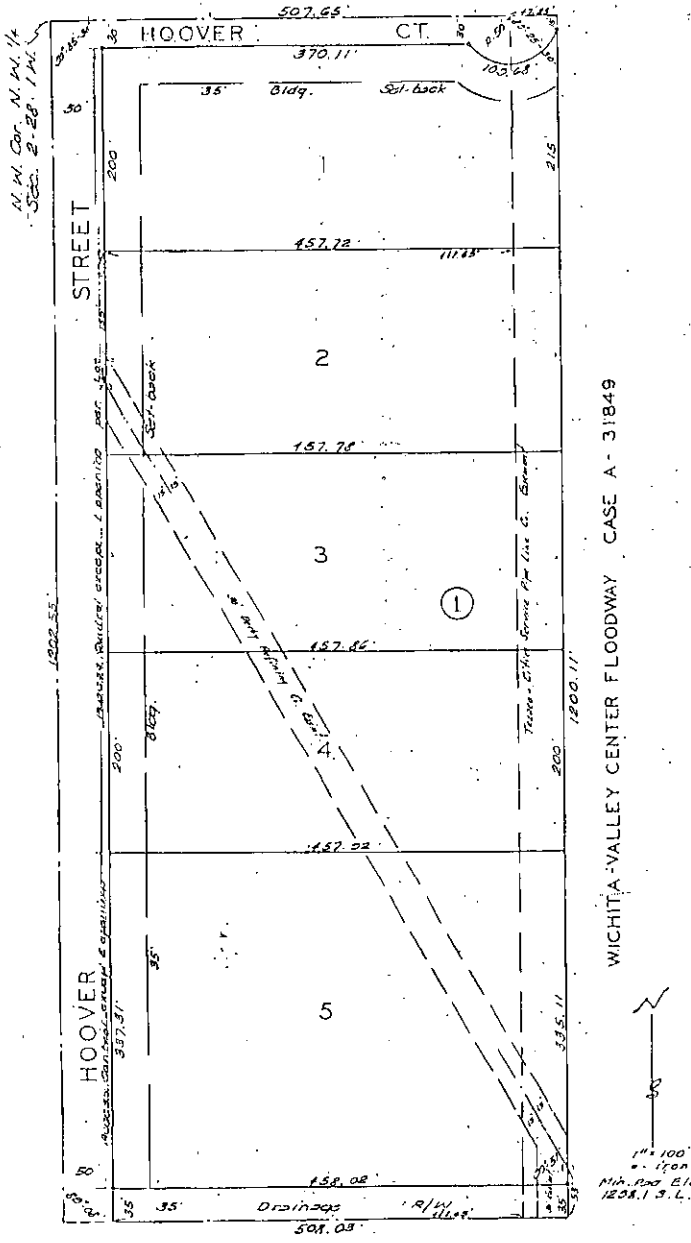


Every reasonable effort has been made to assure the accuracy of the maps and associated data provided herein. This information is provided with the understanding that the data are susceptible to a
conclusions drawn from such information are the responsibility of the reader. The City of Wichita makes no warranty, representation or guaranty as to the content, accuracy, timeliness or completene
provided herein. Some data provided here and used for the preparation of these maps has been obtained from public records not created or maintained by the City of Wichita. The City of Wichita sha
or any decisions made or actions taken or not taken by the reader in reliance upon any information or data furnished hereunder. The user should consult with the appropriate departmental staff mem
Parks & Recreation, etc. to confirm the accuracy of information appearing in the visual presentations accessible through these web pages.

VAC2005-09

W. B. CARTER ADDITION

WICHITA KANSAS



State of Kansas } S.S.
Sedgwick County }

We, Baughman Company Surveyors in aforesaid county and state do hereby certify that we have surveyed and platted "W. B. CARTER ADDITION" Wichita Kansas, and that the accompanying plat is a true and correct exhibit of the property surveyed described as the N.W. ¼ of the N.W. ¼ of Sec. 2- Twp. 28-S; R-1-W; lying west of the Wichita-Valley Center Floodway (Case A-31849) except the south 100 feet thereof.

Baughman Company

1/6, 1970

William L. Kerwin Surveyor LS-35

KANSAS LAND SURVEYOR

Know all men by these presents that we W. B. Carter Construction Co. Inc. a corporation by George D. Franco, President and Jack K. Stamp, Secretary, have caused the land described in the surveyors certificate to be platted into a block lots, street and court to be known as "W. B. CARTER ADDITION" Wichita, Kansas. Easements are hereby granted where indicated for the construction and maintenance of all public utilities. The drainage right of way is hereby dedicated for drainage purposes. The street and court are hereby dedicated to and for the use of the public. All abutters rights of access to or from Hoover St. over and across the west lines of Lots 1 thru 5 are hereby granted to the appropriate governing body, provided however that lot 5 shall have access to Hoover at 2 points and Lots 1-2-3-4 shall have access to Hoover at 1 point. each as shall be determined by the appropriate governing body. A minimum building pad Elev. of 1298.1, sea level shall be observed.

W. B. Carter Construction Co. Inc.

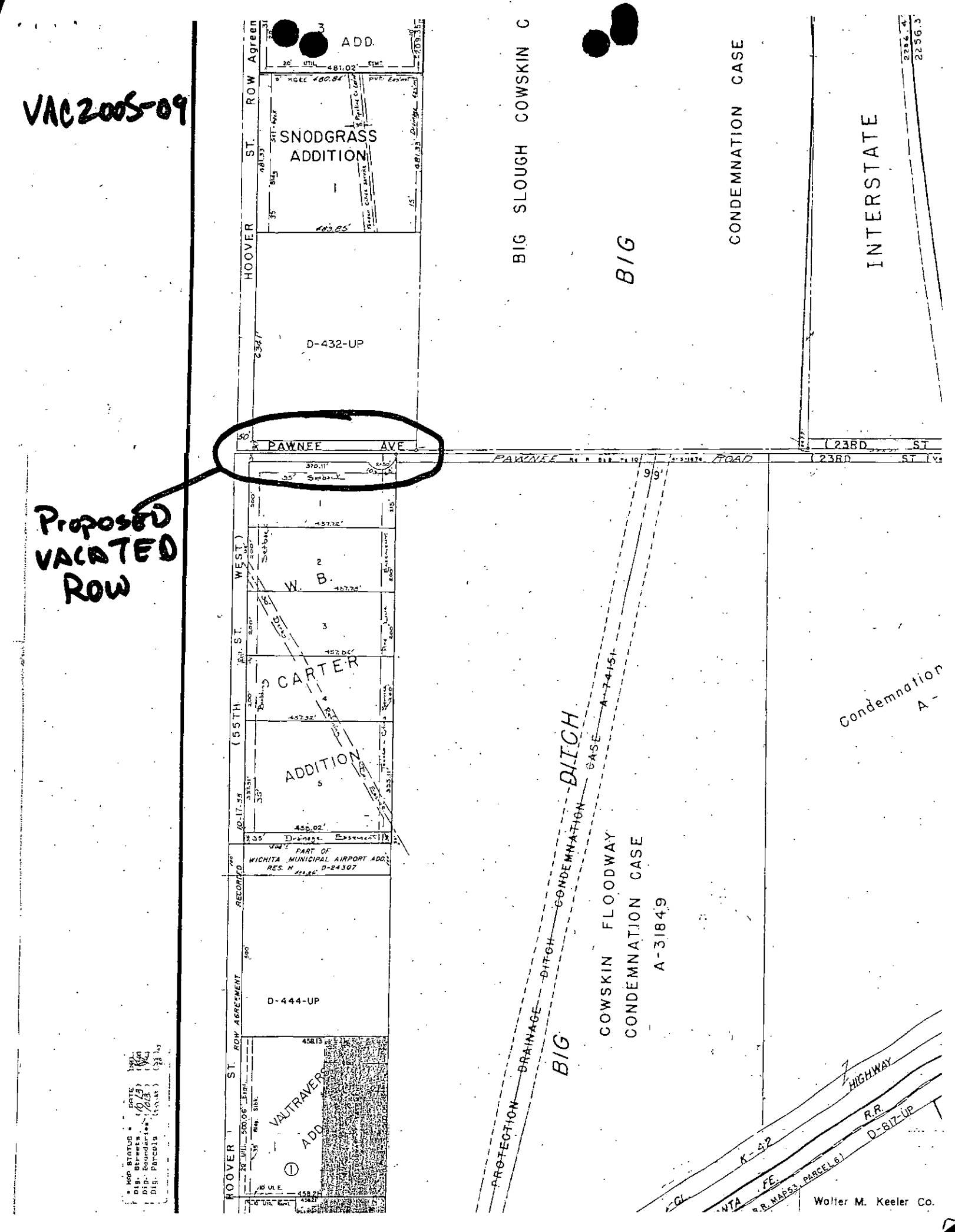
George D. Franco President

Jack K. Stamp Secretary

State of Kansas } S.S.
Sedgwick County }

Be it remembered that on this 13 day of MARCH 1970, before me a notary public in aforesaid county and state came George D. Franco, President and Jack K. Stamp Secretary of W. B. Carter Construction Co. Inc. to me known to be the same persons who executed the foregoing instrument of writing and duly acknowledged the execution of the

VAC2005-09


ADD.
SNODGRASS ADDITION
HOOVER ST. ROW Agreen
D-432-UP
BIG SLOUGH COWSKIN C
CONDEMNATION CASE
INTERSTATE
PAWNEE AVE
PAWNEE ROAD
23RD ST
Proposed VACATED ROW
W. B. CARTER ADDITION
(55TH ST. WEST)
PART OF WICHITA MUNICIPAL AIRPORT ADD. RES. H D-24307
D-444-UP
HOOVER ST. ROW AGREEMENT
VAUTRAVERS ADD
BIG DITCH PROTECTION DRAINAGE DITCH CONDEMNATION CASE A-7415
COWSKIN FLOODWAY CONDEMNATION CASE A-31849
Condemnation A-
K-42 HIGHWAY
R.R.
D-81Z-UP
R.R. MAP 53, PARCEL 6
Walter M. Keeler Co.