



**Wichita-Sedgwick County Metropolitan Area Planning Department**

May 20, 2009

James & Cheryl Roach  
5733 N. St. Clair  
Wichita, KS 67204


Re: **VAC2005-00040** - Request to vacate access control generally located the southwest corner of Mariah and 103<sup>rd</sup> Street West.

Dear Mr. & Mrs. Roach:

At its regular meeting on Wednesday, May 20, 2009, the Board of County Commission considered request. The action of the Board of County Commissioners 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  
Terra Tech Land Surveying, Inc., c/o Michelle Webster, 22200 W. 63<sup>rd</sup> Street South, Viola, KS 67149  
Carolyn Foutch Revocable Trust, 14830 Highland Park Rd., Council Bluffs, IA 51503  
Sedgwick County Electric Coop, Attention: Allen Henning & Wayne Voss, P.O. Box 220, Cheney, KS, 67205-0220  
Jim Weber, Sedgwick County Engineer, Public Works Department, 1144 S. Seneca, Wichita, KS 67213



inconvenience thereby; that no written objections hereto have been filed with the Sedgwick County Clerk; and that, in justice to the petitioner, the petition's prayer should be granted.

The Board further finds that the Metropolitan Area Planning Commission held a public hearing on the 8<sup>th</sup> day of December 2005, and recommended that the vacation petition herein be approved.

THEREFORE, IT IS ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, that the portion of the platted complete access control hereinabove described is the same and is hereby vacated.

DATED this \_\_\_\_\_ day of \_\_\_\_\_.

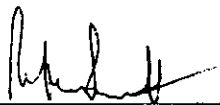
**BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS**

\_\_\_\_\_  
Kelly Parks, Chairman  
Fourth District

ATTEST:

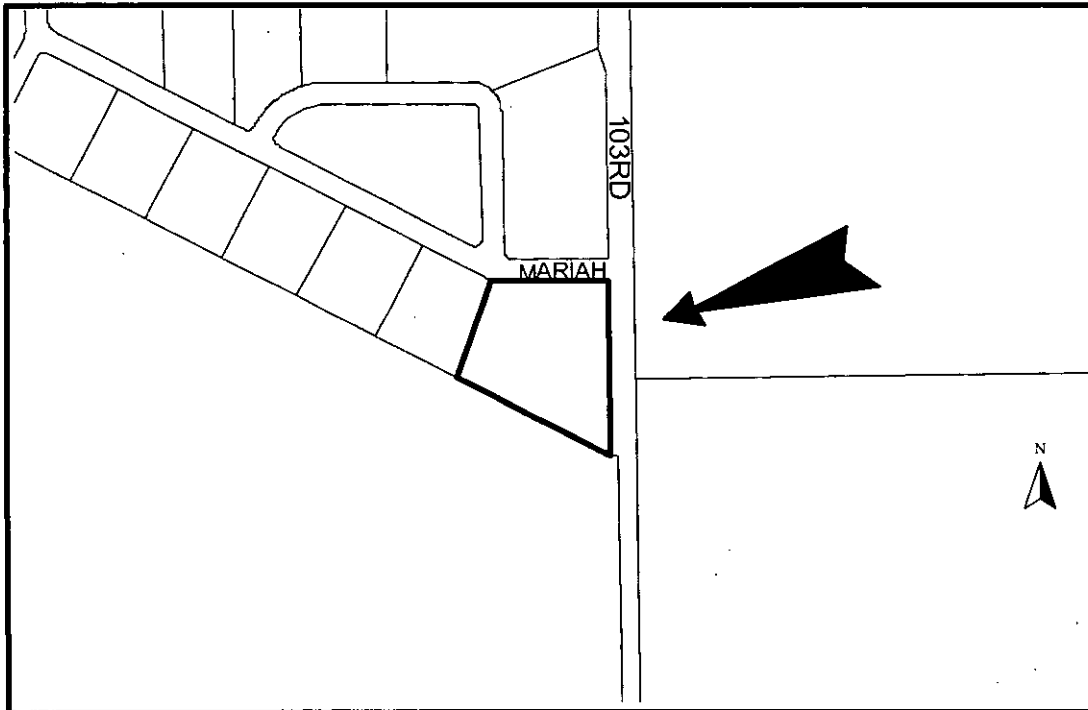
\_\_\_\_\_  
Kelly B. Arnold, County Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Robert W. Parnacott  
Assistant County Counselor

STAFF REPORT

- CASE NUMBER:** VAC2005-00040 Request to vacate apportion of platted access control
- APPLICANTS/OWNERS:** James & Cheryl Roach
- AGENT:** Terra Tech Land Surveying, c/o Michele Webster
- LEGAL DESCRIPTION:** Generally described as allowing one opening/drive along that portion of Lot 1, Block 3, the First Addition to Bentley Farms, Sedgwick County, Kansas, running parallel to 103<sup>rd</sup> Street West, that will be redefined by a lot split
- LOCATION:** Generally located south of 101<sup>st</sup> Street North, at the southwest corner of 103<sup>rd</sup> Street West and Mariah Street (BoCC District #4)
- REASON FOR REQUEST:** Associated with a lot split, will allow a driveway onto 103<sup>rd</sup> Street West
- CURRENT ZONING:** The site, all abutting and all adjacent properties are zoned "RR" Rural Residential
- VICINITY MAP:**



The applicant has applied for the vacation of a portion of the complete access control along the site's south 29.97-feet of its 103<sup>rd</sup> Street West frontage, to allow a driveway. An associated lot split, SUB2005-122, will divide Lot 1, Block 3, the First Addition to Bentley Farms, into Parcel 1 and Parcel 2, which is the subject site. This is a County case and there are no water or sewer lines located in the right-of-way. Comments from franchised utilities have not been received and are needed to determine if they have utilities in the ROW. The First Addition to Bentley Farms was recorded with the Register of Deeds June 2, 2000.

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 County 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 Derby Reporter of notice of this vacation proceeding one time November 17, 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 103<sup>rd</sup> Street West frontage, as approved by the County Engineer to allow one drive onto 103<sup>rd</sup> Street West.
- (2) The lot split, SUB2005-131, associated with the vacation request must be completed and recorded with the Register of Deeds prior to the vacation case going to the BoCC for final action. Provide Planning Staff with a revised legal reflecting the recorded lot split.
- (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 County 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.

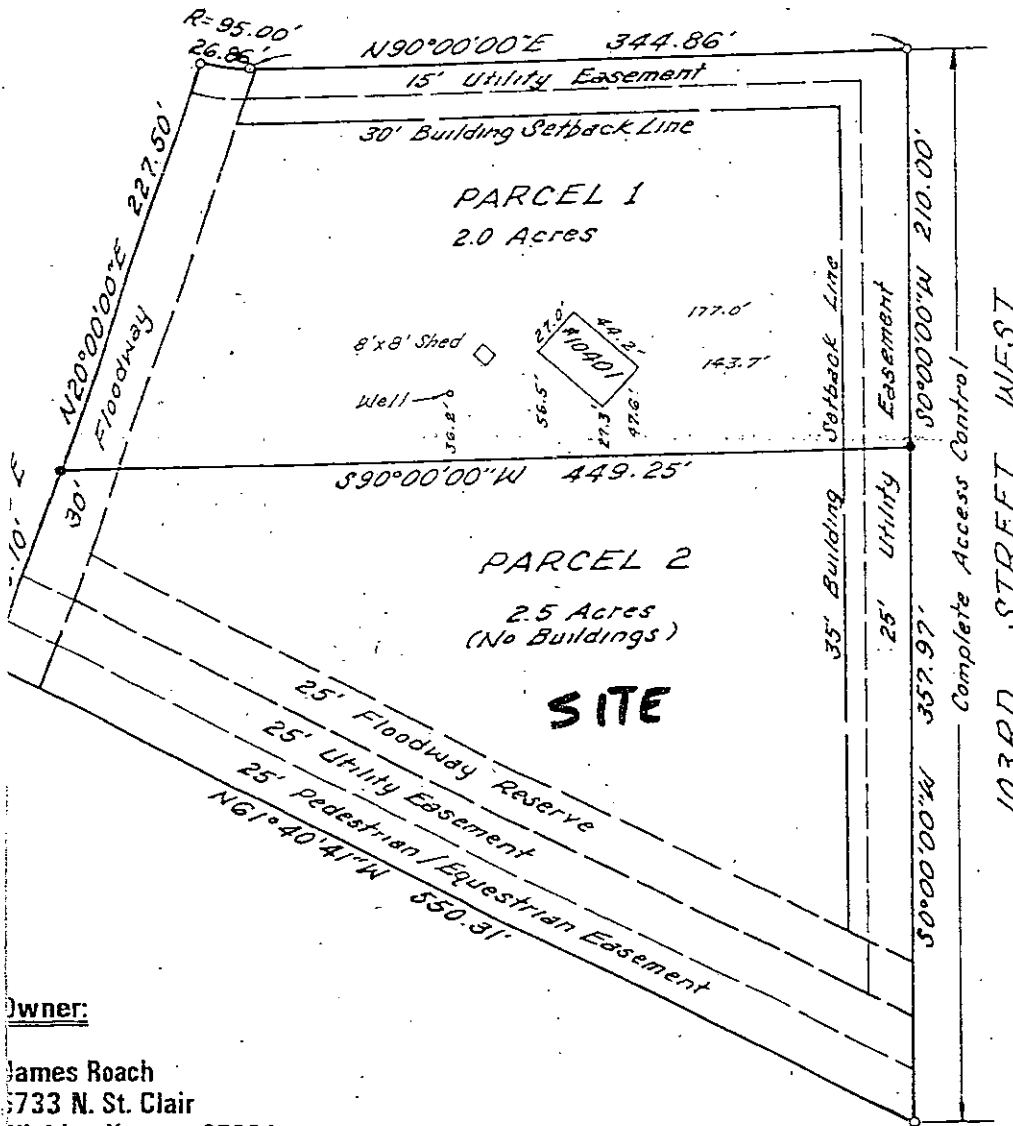
**SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:**

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate that portion of platted access control along the site's 103<sup>rd</sup> Street West frontage, as approved by the County Engineer to allow one drive onto 103<sup>rd</sup> Street West.
- (2) The lot split, SUB2005-131, associated with the vacation request must be completed and recorded with the Register of Deeds prior to the vacation case going to the BoCC for final action. Provide Planning Staff with a revised legal reflecting the recorded lot split.
- (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 County 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.

**PROPOSED**  
**LOT SPLITS**  
**FOR**  
**LOT 1, BLOCK 3, "FIRST ADDITION TO BENTLEY FARMS"**  
**SEDGWICK COUNTY, KANSAS**

MARIAH



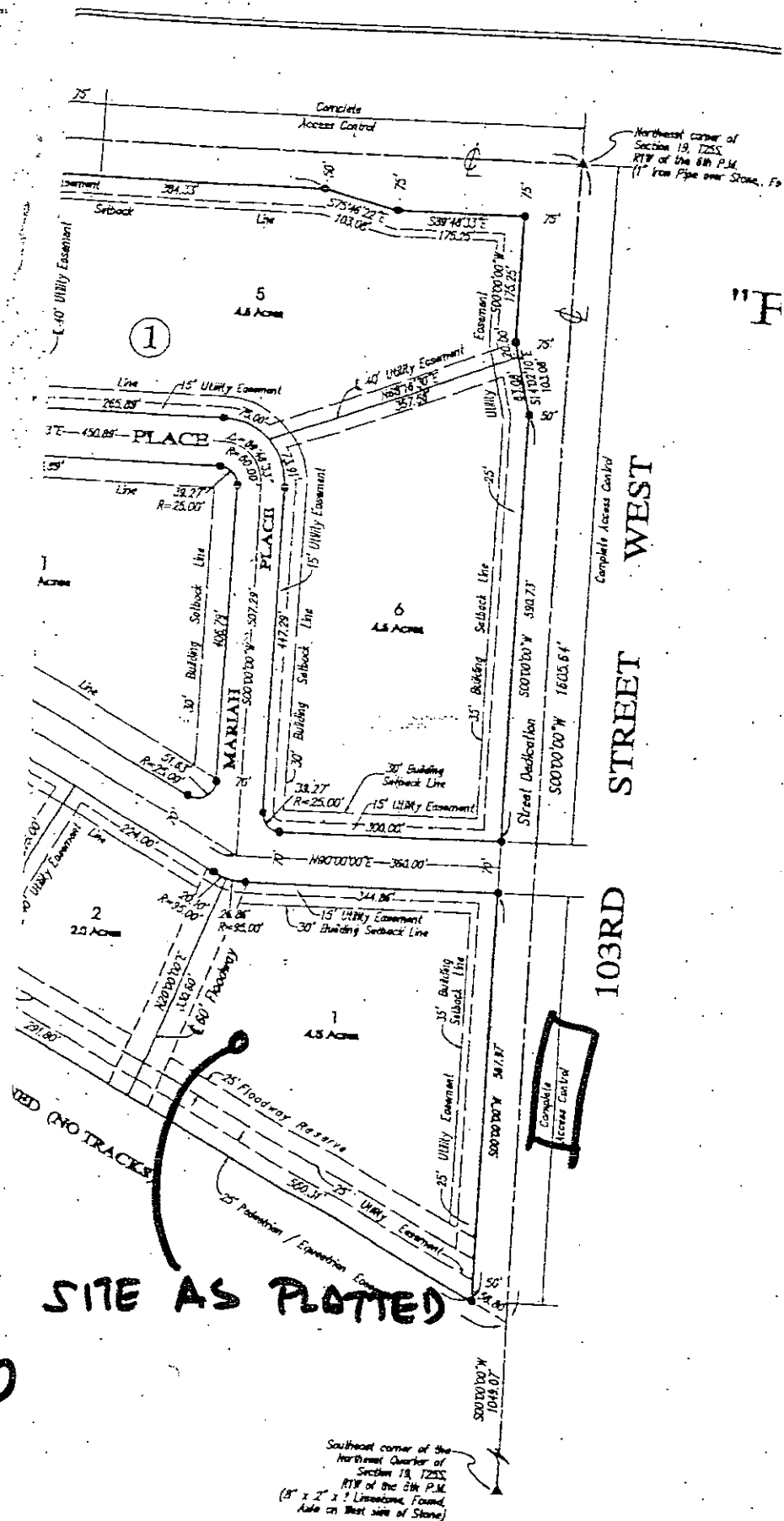
Scale : 1" = 100'  
 ○ = #4 Rebar with I.D. Cap  
 "TTLST CLS22" Found  
 ● = #4 Rebar with I.D. Cap  
 "TTLST CLS22" Set  
 Bearing Basis Assumed  
 File # 2005072  
 September 30, 2005

**VAC2005-40**

**Owner:**

James Roach  
 5733 N. St. Clair  
 Wichita, Kansas 67204  
 (316) 838-1635

**Note:** Proceedings to vacate a portion of the platted access control over and across the East line of Lot 1, Block 3, "FIRST ADDITION TO BENTLEY FARMS" are pending.



**SITE AS PLOTTED**

**VAC2005-40**

Southeast corner of the  
 Northeast Quarter of  
 Section 18, T25S  
 R1W of the 6th P.M.  
 (8' x 2' x 7' Limestone Found,  
 Hole on West side of Stone)

Northeast corner of  
 Section 19, T25S  
 R1W of the 6th P.M.  
 (1' from Pipe over Stone, F)

"F"