CITY OF WICHITA

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 103rd 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. 63rd 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

BEFORE THE COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

VACATION OF A PORTION OF PLATTED COMPLETE ACCESS CONTROL GENERALLY LOCATED SOUTHWEST OF 101ST STREET NORTH & 103RD STREET WEST AT THE SOUTHWEST CORNER OF 103RD STREET WEST AND MARIAH STREET	)	CASE NO. VAC2005-00040

VACATION ORDER

NOW on this 20th day of May, 2009, at 9:00 o'clock A.M., comes the petition filed by James F. & Cheryl K. Roach, praying for the vacation of the following-described portion of platted complete access control, to-wit:

> The south 29.97 feet of the east lot line of Parcel 2, Block 3, First Addition to Bentley Farms Addition (as created by SUB2005-122, Lot Split of Lot 1, Block 3, First Addition to Bentley Farms Addition, recorded March 7, 2006; Film-Page 28761857), to allow a driveway onto the Parcel's 103rd Street West frontage

WHEREUPON, it is shown that proper notice has been given by publication once at least 20 days prior to the date of hearing in the official county newspaper, such publication having occurred on November 17, 2005; and it is further shown that proper proof of such publication has been filed herein. The Board finds that such notice is in lawful form and that it conforms to K.S.A. 58-2613, and amendments thereto.

THEREAFTER, the Board, being duly advised in the premises, finds and determines that no private rights will be injured or endangered by such vacation; that the public will suffer no loss or

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 8th 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

METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 3-1
December 8, 2005

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

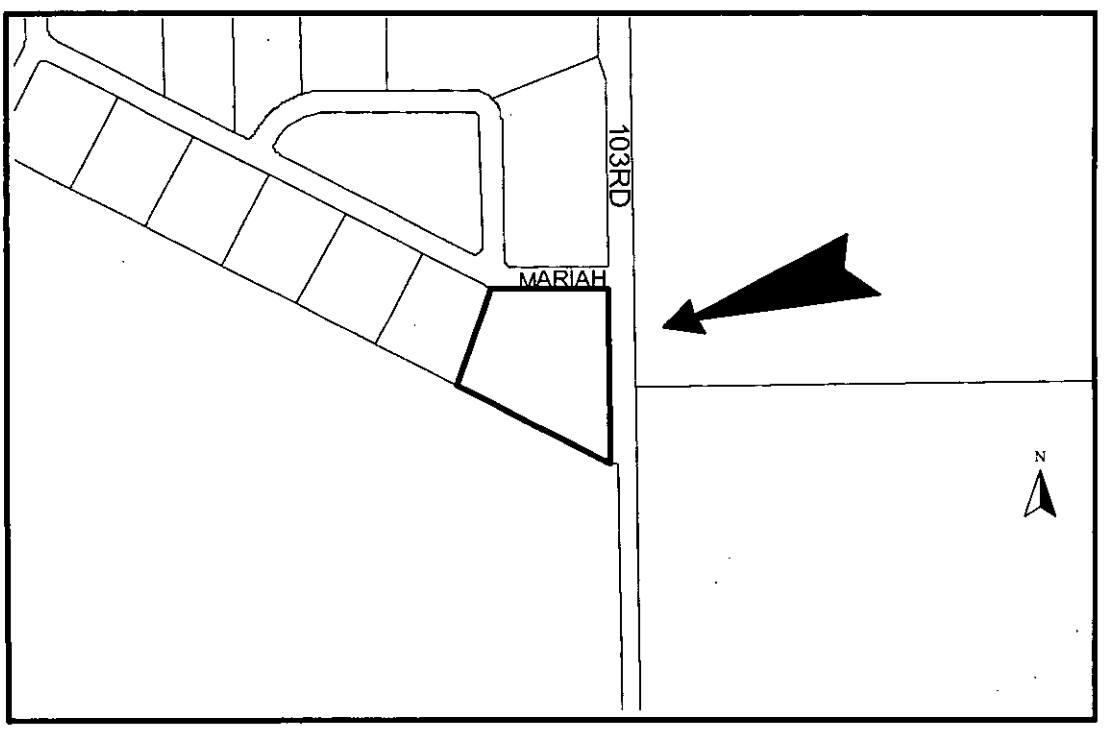
LEGAL DESCRIPTION: Generally described as allowing one opening/drive along that portion of Lot 1, Block 3, the First Addition to Bentley Farms, Sedgwick County, Kansas, running parallel to 103rd Street West, that will be redefined by a lot split

LOCATION: Generally located south of 101st Street North, at the southwest corner of 103rd Street West and Mariah Street
(BoCC District #4)

REASON FOR REQUEST: Associated with a lot split, will allow a driveway onto 103rd 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 103rd 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 103rd Street West frontage, as approved by the County Engineer to allow one drive onto 103rd 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 103rd Street West frontage, as approved by the County Engineer to allow one drive onto 103rd 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.

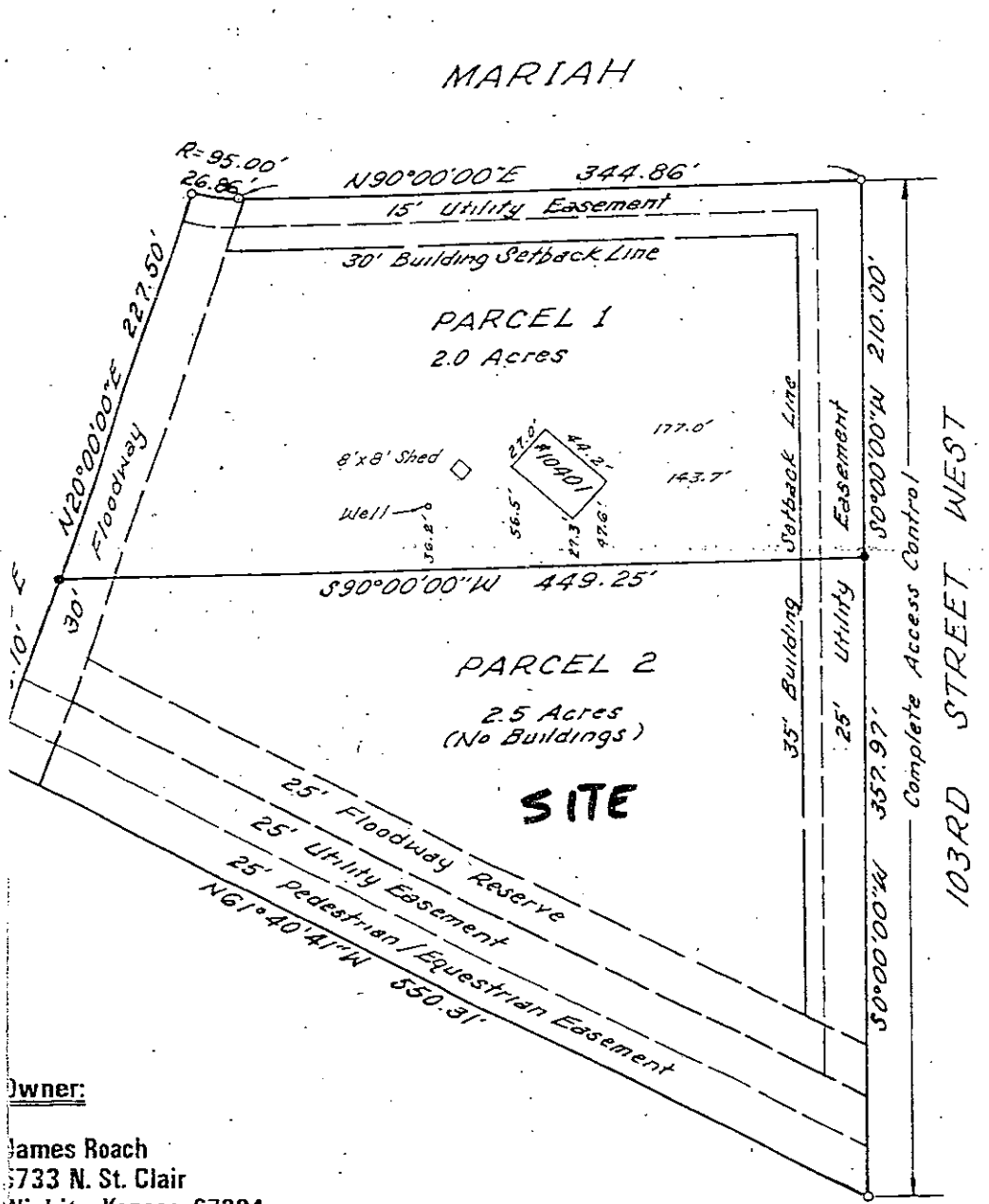
(3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants.

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PROPOSED

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



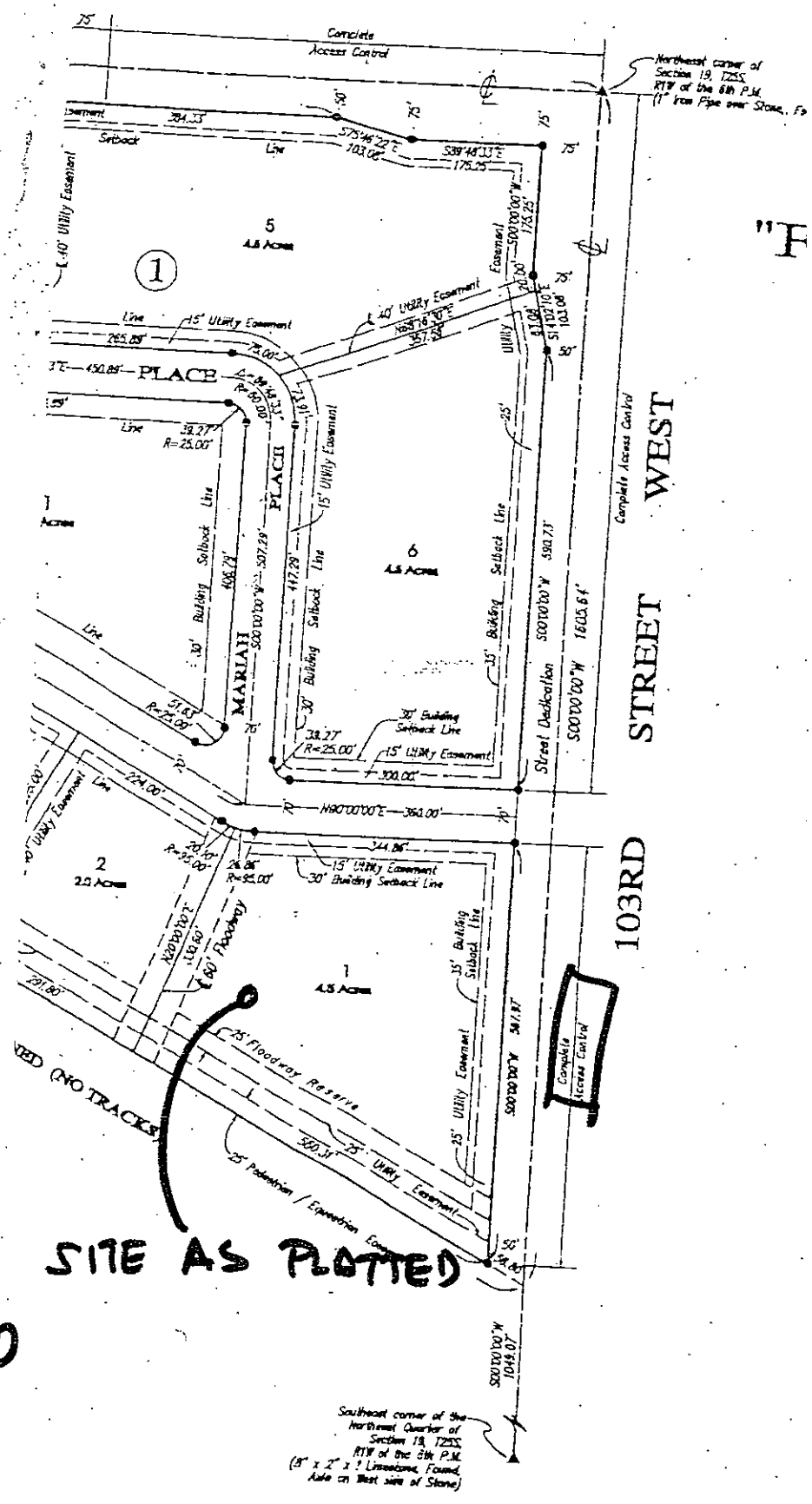
Scale : 1" = 100'
○ = #4 Rebar with I.D. Cap "TTLSI CLS22" Found
● = #4 Rebar with I.D. Cap "TTLSI CLS22" Set
Bearing Basis Assumed
File #2005072
September 30, 2005

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