



Wichita-Sedgwick County Metropolitan Area Planning Department

May 25, 2006 Date

Albert A & Joy F Madero
14200 W. Valley Hi Road
Wichita, KS 67235-8336

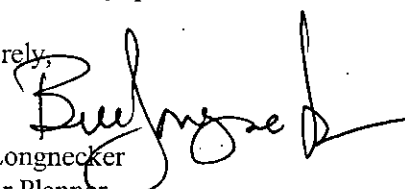
Re: **VAC2006-00017** - Request to vacate a portion of platted half street right-of-way, generally located east of 151st Street West, south of Maple Street, and between Taft Avenue and Valley Hi Road.

Dear Mr. & Mrs. Madero:

At its regular meeting on Tuesday, May 23, 2006, 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
Baughman Company, PA., c/o Phil Meyer, 315 Ellis, Wichita, KS 67211
Michael D & Chrissy L. Cluck, 14321 W. Taft, Wichita, KS 67235
Boyd R. Powers III & Valerhy J. Powers, 14320 Taft, Wichita, KS 67235
Charles T. Summers, 14400 Taft, Wichita, KS 67235
William L. Hoyer, 14231 Valley Hi, Wichita, KS 67235
Wholesale Homes 4-U, LLC, 10300 W. Central, Wichita, KS 67212
Janet Kay Wilcox, 14221 Valley Hi, Wichita, KS 67235
Robert E. & Rory T Bakken, 14301 Valley Hi Road, Wichita, KS 67235
Michael J. & Christine A Pappas, 14305 Valley Hi, Wichita, KS 67235
Jade G. & Kirsten I Holsan, 14309 Valley Hi, Wichita, KS 67235
Lois Ann Landwehr, 14313 W. Valley Hi Road, Wichita, KS 67235
Leslie Dulaney & Christopher Holmgren, 14371 W. Valley Hi Road, Wichita, KS 67235
West Wichita Development, Inc., P.O. Box 75337, Wichita KS 67275

METROPOLITAN PLANNING
ROUTE 11

The east 20.00 feet of that part of City View Street as dedicated in O'Dell-White Addition to

Sedgwick County, Kansas lying north of the westerly extension of the north right-of-way line of Valley Hi Road as dedicated in said O'Dell-White Addition, TOGETHER with the east 20.00 feet of that part of City View Street as dedicated in Maple Hill Fifth Addition, Sedgwick County, Kansas lying south of the following described line: Beginning at the NW corner of Lot 1, Block 3, in said Maple Hill Fifth Addition; thence west perpendicular to the west right-of-way line of said City View Street, 40.00 feet to a point on said west right-of-way line, and there ending.

DRAINAGE EASEMENT TO BE RETAINED

That part of City View Street as dedicated in O'Dell-White Addition to Sedgwick County, Kansas lying north of the westerly extension of the north right-of-way line of Valley Hi Road as dedicated in said O'Dell-White Addition, EXCEPT that part of the above described City View Street described as follows: Beginning at the SW corner of Lot 1, Block A, in said O'Dell-White Addition; thence west along the westerly extension of the north right-of-way line of said Valley Hi Road, 25.00 feet; thence northerly parallel with the east right-of-way line of said City View Street, 210.00 feet; thence easterly parallel with the north right-of-way line of said Valley Hi Road, 25.00 feet to a point on the east right-of-way line of said City View Street; ; thence southerly along the east right-of-way line of said City View Street, 210.00 feet to the point of beginning.

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 30, 2006, which was at least 20 days prior to the public hearing.

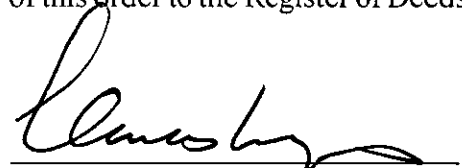
2. No private rights will be injured or endangered by the vacation of the above-described platted setbacks and platted half street right-of-way, and the public will suffer no loss or inconvenience thereby.

3. The vacated platted 30-foot setbacks, located on the west sides of Lot 1, Block A, O'Dell-White Addition and Lot 1, Block 3, Maple Hill 5th Addition, will be replaced with the interior side yard setbacks as established in the Unified Zoning Code for the "SF-5" Single-family Residential zoning district, to run parallel with the newly established west property lines of the described lots.

4. Extend the platted the platted 30-foot front yard setback, located on Lot 1, Block A, O'Dell - White Addition, into the described the vacated right-of-way. Extend the platted 40-foot front yard setback, located on Lot 1, Block 3, the Maple Hill 5th Addition, into the described vacated right-of-way.

5. In justice to the petitioner(s), the prayer of the petition ought to be granted.
6. 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.
7. The vacation of the platted setbacks and platted half street right-of-way described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 23rd day of May 2006 ordered that the above-described platted setbacks and platted half street right-way 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

STAFF REPORT

CASE NUMBER: VAC2006-00017 Request to vacate a portion of platted half street right-of-way (ROW)

APPLICANTS: Albert A & Joy F Madero Michael D & Chrissy L Cluck

AGENT: Baughman Company, P.A. c/o Phil Myer

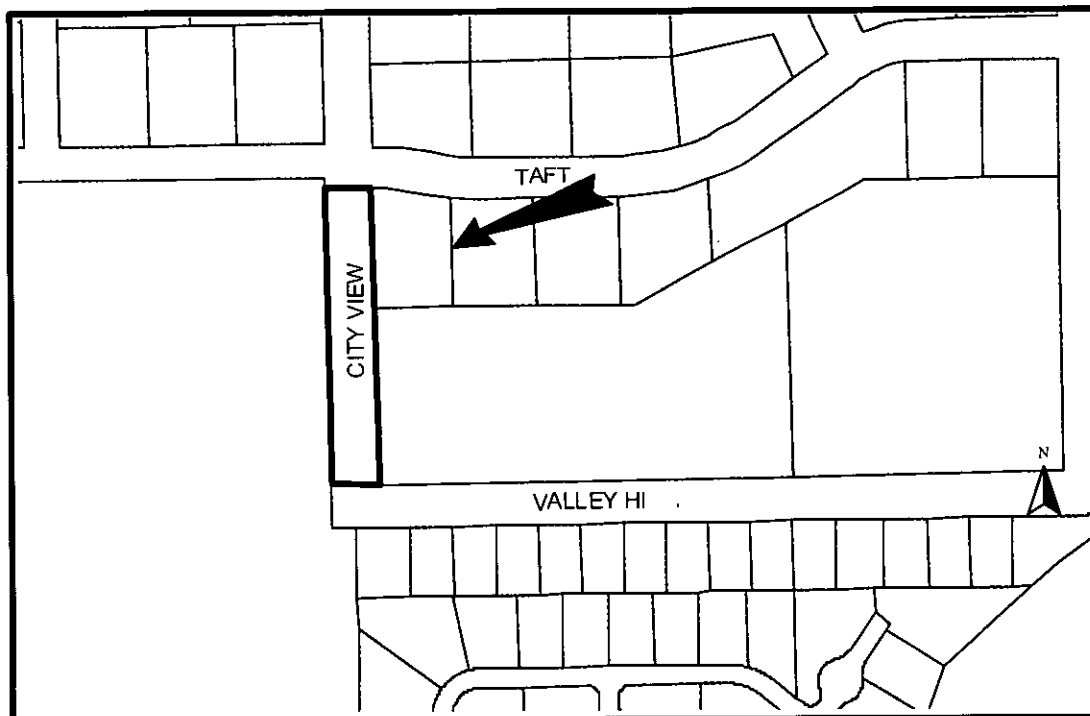
LEGAL DESCRIPTION: Generally described as that portion of the 40-foot wide, unimproved, City View Street half-street ROW, that abuts Taft Avenue/Street on its north side, Valley HI Road on its south side, the east lot lines of Lots 1, 8, & 9, Block G and Reserve "C", all in the Auburn Hills 16th Addition and the west lot lines of Lot 1, Block A, O'Dell – White Addition and Lot 1, Block 3, Maple Hill 5th Addition, all in Wichita, Sedgwick County, Kansas.

LOCATION: Generally located south of Maple Street, east of 151st Street West, and between Taft Avenue and Valley HI Road (WCC #V)

REASON FOR REQUEST: No dedication of western matching half-street ROW

CURRENT ZONING: The site is platted half-street street ROW. All abutting properties are zoned "SF-5" Single-family Residential.

VICINITY MAP:



The described portion of the 40-foot wide, unimproved half-street City View Street ROW was recorded on the (the north 202-feet) Maple Hill Fifth Addition, January 31, 1969 and the (the south 291.02-feet) O'Dell -

White Addition, June 18, 1975. The properties abutting the west side of the half-street ROW are located in the Auburn Hills 16th Addition, recorded October 7, 2005. This plat did not dedicated the needed half-street ROW to complete City View at this location, thus this portion of City View will not met the Subdivision Standards for residential street ROW width. City View continues north of Taft, but there is no dedicated ROW for City View south of the subject portion. The Goddard School District's buses use this portion of City View to turn off of Valley HI Road, as Valley HI, although platted to continue west of the City View – Valley HI intersection, has not been improved. There appears to be no manholes, sewer or water line in this portion of the ROW. Westar has utilities in the portion of the ROW that abuts the west side of Lot 1, Block 3, Maple Hill 5th Addition. There are considerations for drainage in the ROW.

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 platted half-street street 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 30, 2006 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 half-street right-of-way 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 portion of the platted City View half-street ROW as described in the petition should be approved with conditions;

- (1) The vacated ROW will revert to private property. Lot 1, Block A, O'Dell – White Addition and Lot 1, Block 3, Maple Hill 5th Addition are the abutting properties located within the plats where the 40-foot City View half-street ROW was dedicated.
- (2) There are platted 30-foot setbacks on the west sides of Lot 1, Block A, O'Dell – White Addition and Lot 1, Block 3, Maple Hill 5th Addition. Vacate those setbacks and replace them with the interior side yard setbacks, per the UZC for the "SF-5" zoning district to run parallel to the new property lines established by the vacated half-street ROW.
- (3) Retain the east 10 to –20-feet, as needed by Westar, of the vacated ROW, that runs parallel to the west lot line of Lot 1, Block 3, Maple Hill 5th Addition as easement. Retain the east 10-feet, as needed by SBC, of the vacated ROW, that runs parallel to the west lot line of Lot 1, Block A, O'Dell - White Addition as easement.
- (4) Retain a portion or the entire vacated ROW as a drainage easement as determined by the Storm

Water Engineer.

- (5) Provide the Goddard School District with a temporary, paved cul-de-sac/turn around at the vacated portion of City View Street at its intersection with Valley HI Road: Public Works has noted that this is a construction project and thus guaranteed.
- (6) Extend the platted 30-foot front yard setback, located on Lot 1, Block A, O'Dell – White Addition, into the vacated ROW. Extend the platted 40-foot front yard setback, located on Lot 1, Block 3, the Maple Hill 5th Addition, into the vacated ROW: done by vacation order
- (7) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicants.
- (8) All improvements shall be according to City Standards and at the applicant's expense, including continuation of curbing along Taft Avenue or Valley HI Road, or construction of private drives onto Taft or Valley HI Road. Provide a guarantee for either of these improvements.
- (9) 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) The vacated ROW will revert to private property. Lot 1, Block A, O'Dell – White Addition and Lot 1, Block 3, Maple Hill 5th Addition are the abutting properties located within the plats where the 40-foot City View half-street ROW was dedicated.
- (2) There are platted 30-foot setbacks on the west sides of Lot 1, Block A, O'Dell – White Addition and Lot 1, Block 3, Maple Hill 5th Addition. Vacate those setbacks and replace them with the interior side yard setbacks, per the UZC for the "SF-5" zoning district to run parallel to the new property lines established by the vacated half-street ROW.
- (3) Retain the east 10 to –20-feet, as needed by Westar, of the vacated ROW, that runs parallel to the west lot line of Lot 1, Block 3, Maple Hill 5th Addition as easement. Retain the east 10 - feet, as needed by SBC, of the vacated ROW, that runs parallel to the west lot line of Lot 1, Block A, O'Dell – White Addition as easement.
- (4) Retain a portion or the entire vacated ROW as a drainage easement as determined by the Storm Water Engineer.
- (5) Provide the Goddard School District with a temporary, paved cul-de-sac/turn around at the

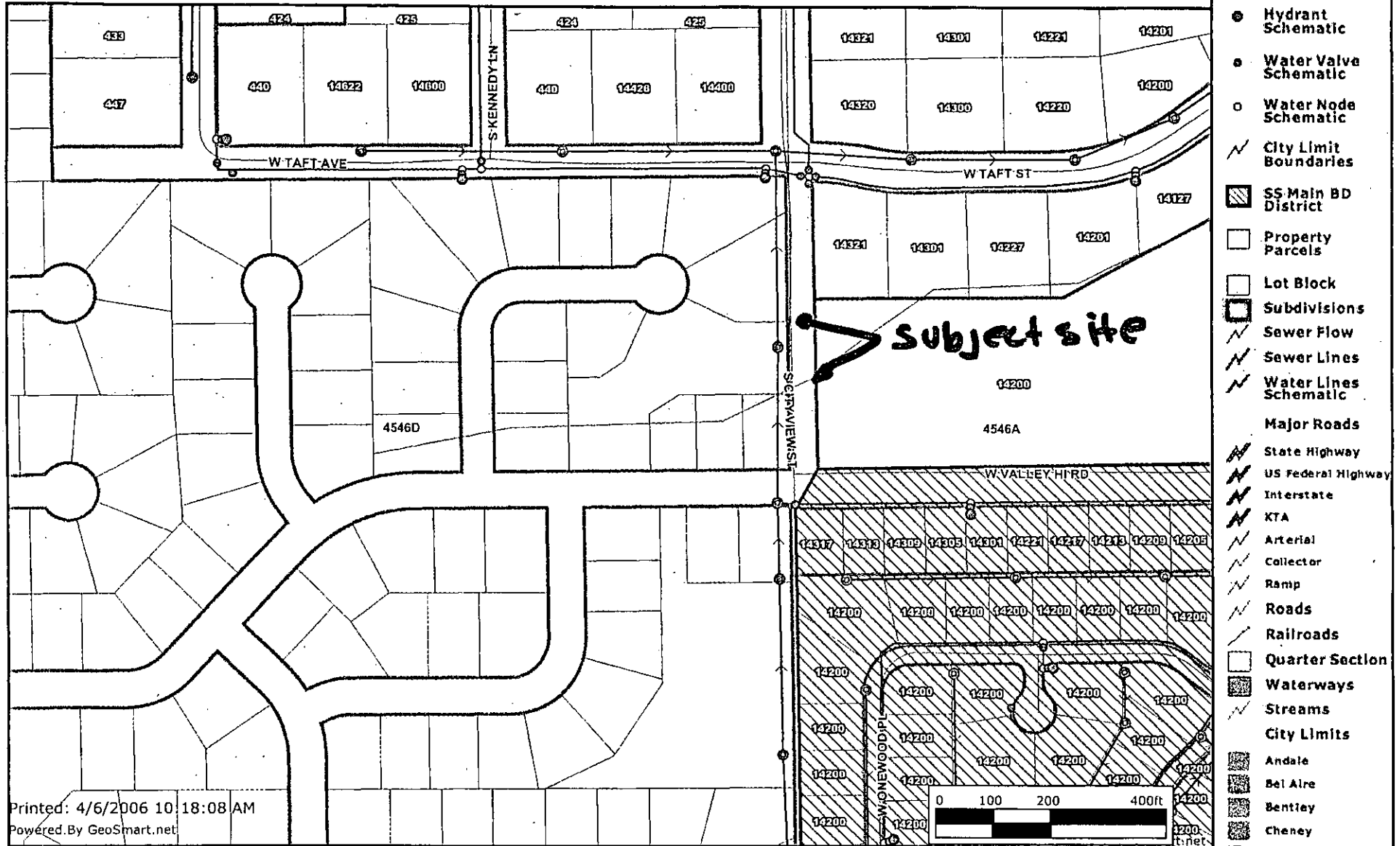
vacated portion of City View Street at its intersection with Valley HI Road: Public Works has noted that this is a construction project and thus guaranteed.

- (6) Extend the platted 30-foot front yard setback, located on Lot 1, Block A, O'Dell – White Addition, into the vacated ROW. Extend the platted 40-foot front yard setback, located on Lot 1, Block 3, the Maple Hill 5th Addition, into the vacated ROW: done by vacation order
- (7) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicants.
- (8) All improvements shall be according to City Standards and at the applicant's expense, including continuation of curbing along Taft Avenue or Valley HI Road, or construction of private drives onto Taft or Valley HI Road. Provide a guarantee for either of these improvements.
- (9) 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



vac2006-17

water & sewer



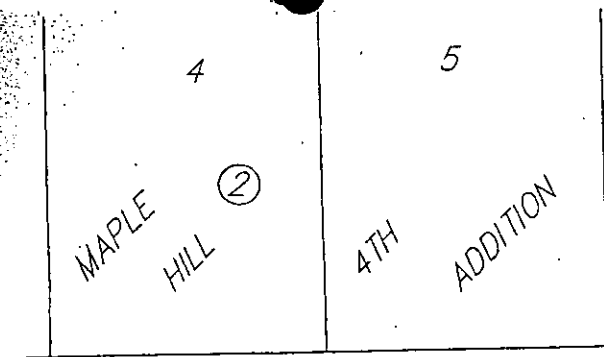
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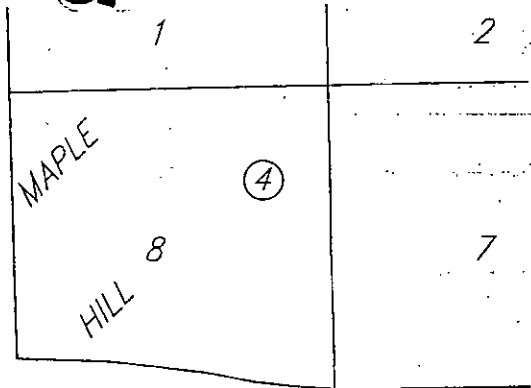


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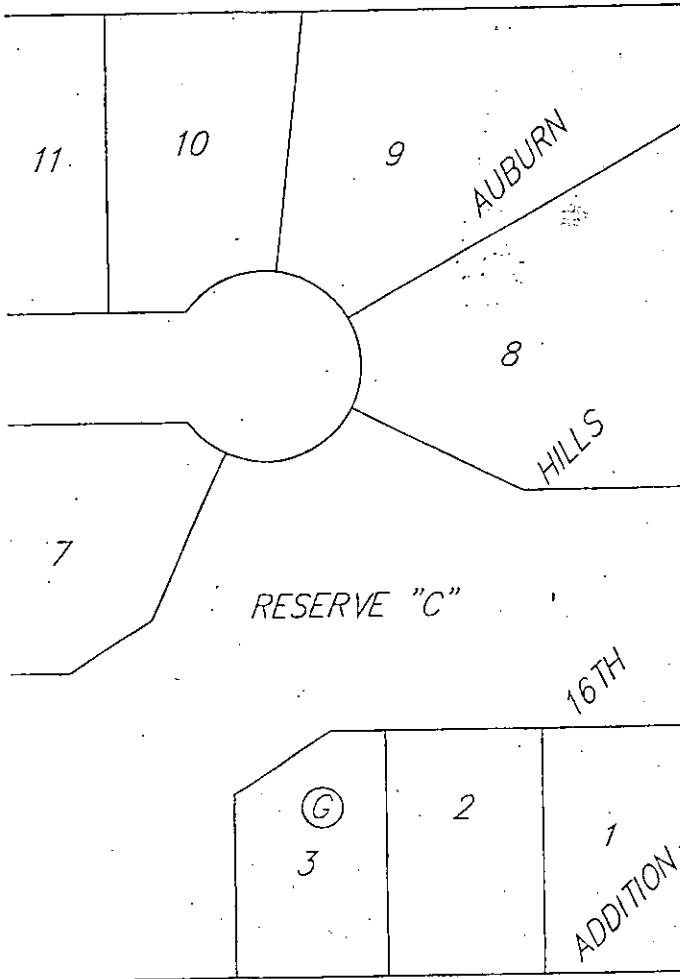




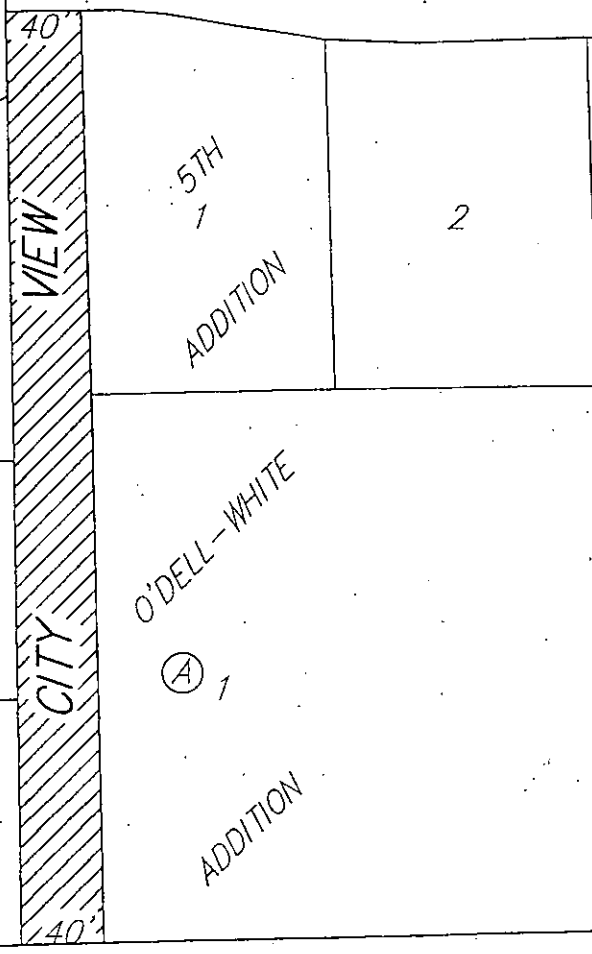
TAFT



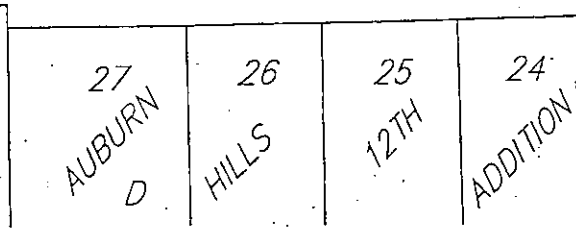
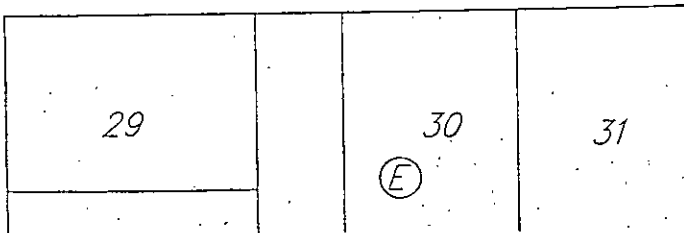
TAFT



VALLEY HI ROAD



VALLEY HI ROAD



EXHIBIT

B Baughman Company, P.A.
 315 Ellis St. Wichita, KS 67211 P 316-262-7271 F 316-262-0149
 Baughman ENGINEERING | SURVEYING | PLANNING | LANDSCAPE ARCHITECTURE