CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

November 9, 2006

Joe W. Self Jr., Real Estate LLC
8801 E. Kellogg Street
Wichita, KS 67207

Re: **VAC2006-00031** – Request to vacate a portion of public right-of-way, generally located on the south side of Kellogg Street and east of the Kellogg - I-35 interchange.

Dear Mr. Self:

At its regular meeting on Tuesday, November 7, 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
Joe W. Self, Jr., Real Estate, LLC, P.O. Box 780577, Wichita, KS 67278-0577

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METROPOLITAN PLANNING
ROUTE

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

IN THE MATTER OF THE VACATION OF A PORTION OF PUBLIC RIGHT-OF-WAY (ROW)	)	
GENERALLY LOCATED ON THE SOUTH SIDE OF KELLOGG STREET AND EAST OF THE KELLOGG - IH-35 INTERCHANGE	)	**Case No. VAC2006-00031**
MORE FULLY DESCRIBED BELOW	)	

VACATION ORDER

NOW on this 7th of November 2006 comes on for hearing the petition for vacation filed by Joe Self Jr., Real Estate, LLC praying for the vacation of the following described portion of public street right-of-way, to-wit:

A tract of land North of Lot 1, Lankin Addition, in the Northeast Quarter of Section 29, Township 27 South, Range 2 East, of the 6th Principal Meridian, in the City of Wichita, County of Sedgwick, State of Kansas more particularly described as follows:

Beginning at the Northwest corner of said Lot 1; thence Northerly parallel to the West line of said Lot 1 a distance of 25.00 feet, said point being 15.00 feet South of the South Curb of the South Frontage Road of US Highway 54; thence Easterly parallel to the South Curb of the South Frontage Road of US Highway 54 a distance of 386.10 feet to a point; thence Southeasterly at an angle of 130 degrees a distance of 25.30 feet to a point 15 feet East of the West Curb of Cypress Drive; thence Southerly at an angle of 130 degrees and parallel to the West Curb of Cypress Drive a distance of 29.50; thence westerly a distance of 29.98 feet to a radius point at the Northeast Corner of said Lot 1, Lankin Addition; thence westerly along the North Line of said Lot 1, Lankin Addition to the point of beginning.

Contains 11971 square feet of land more or less.

A tract of land in North of Lot 1, Lankin Second Addition, in the Northeast Quarter of Section 29, Township 27 South, Range 2 East, of the 6th Principal Meridian, in the City of Wichita, County of Sedgwick, State of Kansas more particularly described as follows:

Beginning at the Northeast corner of said Lot 1; thence Northerly parallel to the East line of said Lot 1 a distance of 25.00 feet, said point being 15.00 feet South of the South Curb of the South Frontage Road of US Highway 54; thence Westerly parallel to the South Curb of the South Frontage Road of US Highway 54 a distance of 155.40 feet at a radius of 4,938.40 feet (center of curve to the north) to a point on the North line of said Lot 1, Lankin Second Addition; thence Easterly along the North Line of said Lot 1, Lankin Second Addition to the point of beginning.

Contains 2458 square feet of land more or less.

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 August 17, 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 portion of public street right-of-way, and the public will suffer no loss or inconvenience thereby.

3. Retain the described vacated public street right-of-way as a utility - drainage easement.

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 the portion of public street right-of-way described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 7th day of November 2006 ordered that the above-described portion of public street right-of-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

METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4-2
September 7, 2006

STAFF REPORT

CASE NUMBER: VAC2006-00031 Request to vacate a portion of public right-of-way (ROW)

APPLICANT/OWNER: Joe Self Jr., Real Estate, LLC

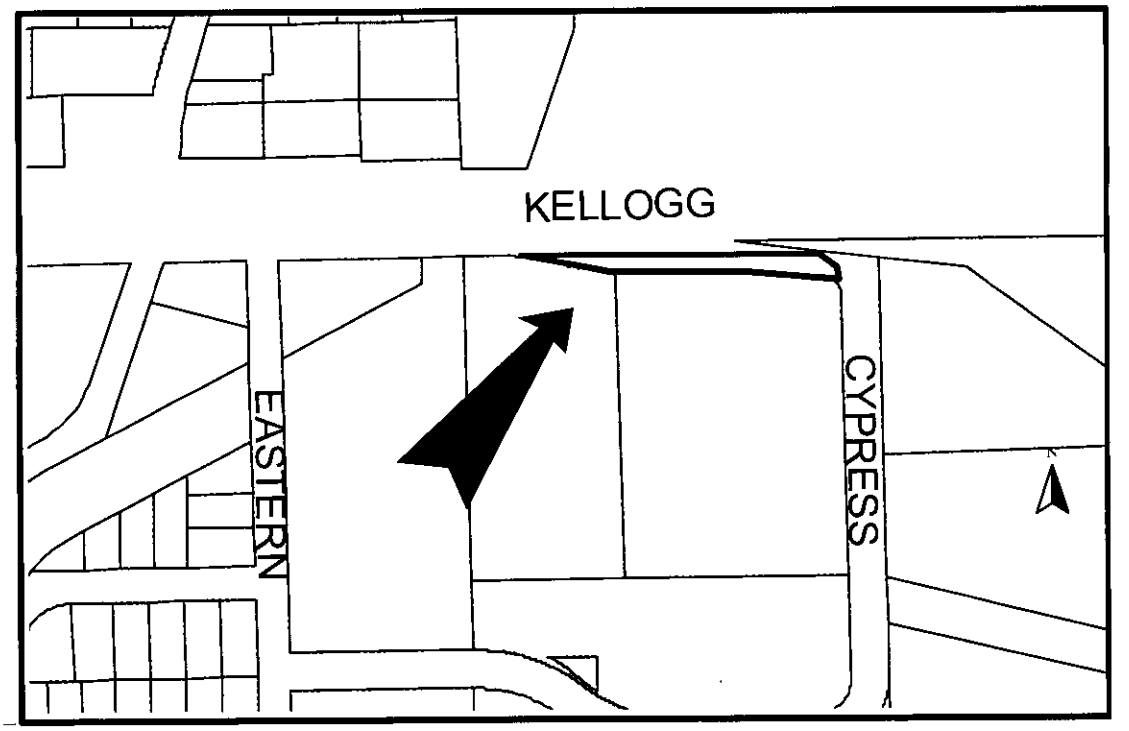
LEGAL DESCRIPTION: Generally described as a portion of the Kellogg Street frontage running parallel to the north lot lines of Lot 1, Block 1, Lankin Addition and Lot 1, Block 1, Lankin Second Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located on the south side of Kellogg Street and east of the Kellogg - I-35 interchange.

REASON FOR REQUEST: Extend property line of Joe Self Chevrolet Car Sales.

CURRENT ZONING: The subject site is zoned "GC" General Commercial and is within CUP DP-38. Abutting and adjacent properties are zoned "LC" Limited Commercial (north, east and west), "GO" General Office (south) and "SF-5" Single-family Residential (north).

VICINITY MAP:



The applicants are requesting consideration to vacate a portion of Kellogg Street/ROW as described. There have been recent improvements to this portion of Kellogg Avenue and Kellogg Street. There are utilities, drainage, manholes, sewer and water lines in this portion of the public ROW. The Lankin Addition was recorded with the Register of Deeds May 27, 1969. The Lankin Second Addition was recorded with the Register of Deeds February 4, 1972.

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 described portion of public right-of-way, subject to the following 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 August 17, 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 public 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 public right-of-way, described in the petition should be approved with conditions;

(1) Vacate only that portion of the Kellogg Street ROW as approved by the City of Wichita Traffic Engineer. Retain the entire vacated ROW as a utilities – storm water easement. Provide Planning Staff with a legal description of the vacated ROW on a Word document, via e-mail, to be used on the vacation order and petition.

(2) Provide Public Works with a survey locating all utilities, including drainage, within the proposed vacated right-of-way.

(3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicant's expense.

(4) All improvements shall be the applicant's responsibility, at the applicant's expense and shall be according to City Standards.

(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 only that portion of the Kellogg Street ROW as approved by the City of Wichita Traffic Engineer. Retain the entire vacated ROW as a utilities – storm water easement, or as needed. Provide Planning Staff with a legal description of the vacated ROW on a Word document, via e-mail, to be used on the vacation order and petition.

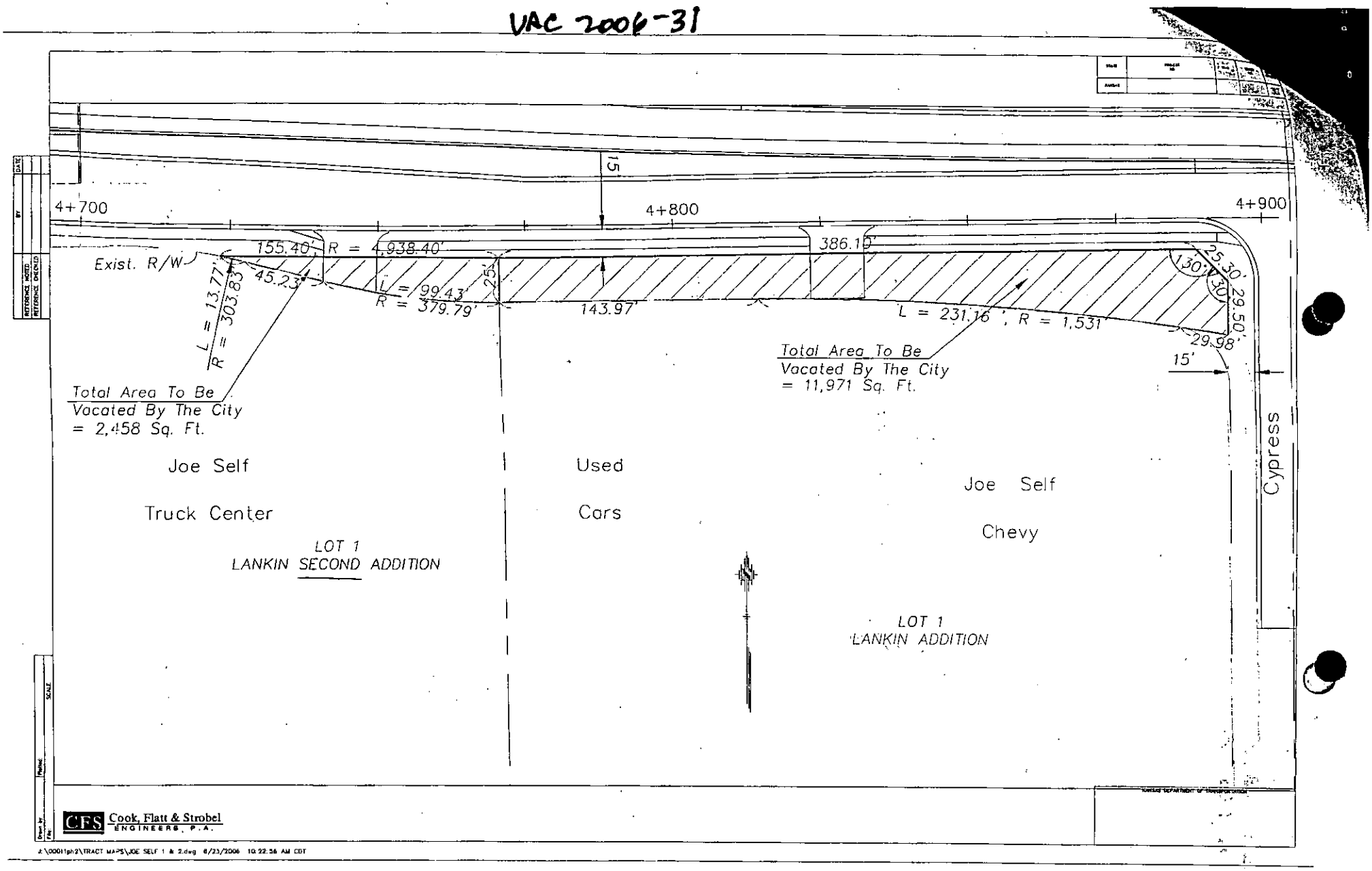
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(3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicant's expense.

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(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

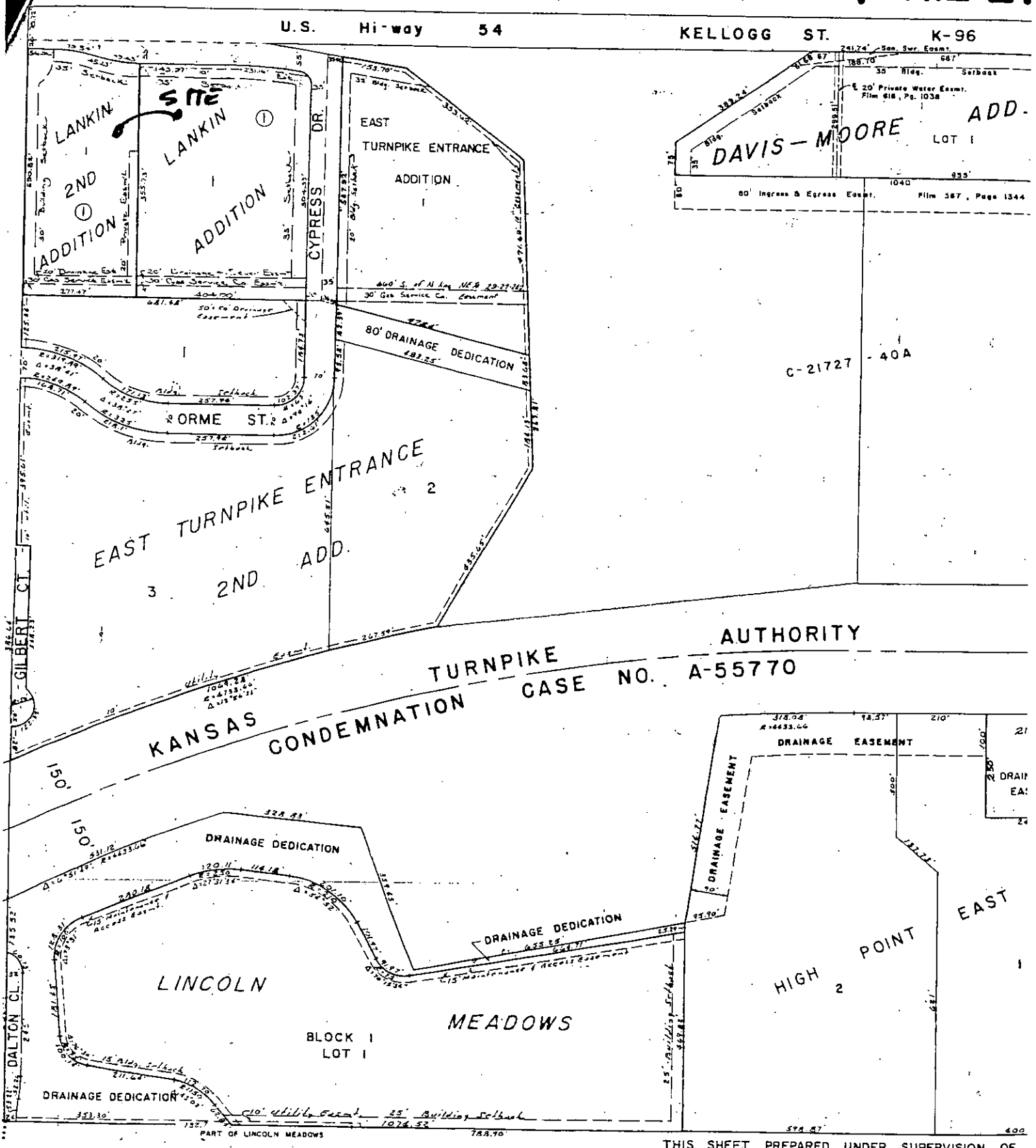
VAC 2006-31



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VAC 2006-9

N.E. 1/4 SEC. 29, TWP. 27S, R.2E.



THIS SHEET PREPARED UNDER SUPERVISION OF

SEDGWICK COUNTY