CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

February 15, 2007

Catholic Diocese of Wichita
Attn: Msgr. Robert Hemberger
424 N. Broadway
Wichita, KS 67202-2310

Re: **VAC2006-00041** - Request to vacate a portion of platted street right-of-way, generally located south of Central Avenue, midway between Ridge and Tyler Roads

Dear Mr. Hemberger:

At its regular meeting on Tuesday, February 13, 2007, 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, P.A., Attn: Phil Meyer, 315 Ellis, Wichita, KS 67211

Sedgwick County
Register of Deeds - Bill Meek
DOC.#/FLM-PG: 28859524
Receipt #: 164B410
Pages Recorded: 3
Cashier Initials: KRC
Authorized By:
Recording Fee: 0.00
Date Recorded: 2/22/2007 3:17:28 PM

CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

Approved / Accepted By City Council
DATE 2-13-07

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

IN THE MATTER OF THE VACATION OF A PORTION OF PLATTED STREET RIGHT-OF-WAY	
GENERALLY LOCATED SOUTH OF CENTRAL AVENUE, MIDWAY BETWEEN RIDGE & TYLER ROADS, NORTH OF THE WOODCHUCK LANE – REDBARN LANE INTERSECTION	**Case No. VAC2006-00041**
MORE FULLY DESCRIBED BELOW	

VAC2006-00041

VACATION ORDER

NOW on this 13th day of February, 2007 comes on for hearing the petition for vacation filed by Catholic Diocese of Wichita c/o Robert Hemberger praying for the vacation of the following described portion of platted street right-of-way, to-wit:

That part of Woodchuck Lane as dedicated in Notre Dame High School, an Addition in Wichita, Sedgwick County, Kansas described as follows: Beginning at the SW corner of said Woodchuck Lane as dedicated in said Notre Dame High School; thence northerly along the west right-of-way line of said Woodchuck Lane as dedicated in said Notre Dame High School, 510.00 feet; thence southeasterly with a deflection angle to the right of 171°02'30", 128.44 feet to a point 60.00 feet normally distant west of the SW corner of Lot 7, Block D, Meadowview Estates, an Addition in Sedgwick County, Kansas, the SW corner of said Lot 7 also being the P.C. of a curve to the left in the easterly right-of-way line of Woodchuck Lane as dedicated in said Meadowview Estates; thence southerly and southeasterly along a curve to the left, 60.00 feet normally distant westerly and southwesterly of and parallel with the easterly right-of-way line of Woodchuck Lake as dedicated in said Meadowview Estates, said

07-0147

curve having a central angle of 12°06'05" and a radius of 900.00 feet, an arc distance of 190.09 feet to a point on the easterly right-of-way line of Woodchuck Lane as dedicated in said Notre Dame High School; thence southerly along the easterly right-of-way line of Woodchuck Lane as dedicated in said Notre Dame High School, 194.10 feet to the SE corner of Woodchuck Lane as dedicated in said Notre Dame High School; thence westerly along the south right-of-way line of Woodchuck Lane as dedicated in said Notre Dame High School, 40.00 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 October 26, 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 platted street right-of-way, and the public will suffer no loss or inconvenience thereby.

3. Retain the described vacated street right-of-way as a utility 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 platted street right-of-way described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13th day of February 2007 ordered that the above-described portion of platted 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

State of Kansas
Sedgwick County
City of Wichita

I, Janis Edwards City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is affixed is a true and correct copy of the original on file in the office of the City Clerk.
Given under my hand and seal of the City of Wichita, Kansas this 2-13-07

City Clerk

SUBDIVISION COMMITTEE
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 2
November 8, 2006

STAFF REPORT

CASE NUMBER: **VAC2006-00041** Request to vacate a portion of platted street right-of-way (ROW)

APPLICANTS: Catholic Diocese of Wichita c/o Robert Hemberger

AGENT: Baughman Company, PA c/o Phil Meyer

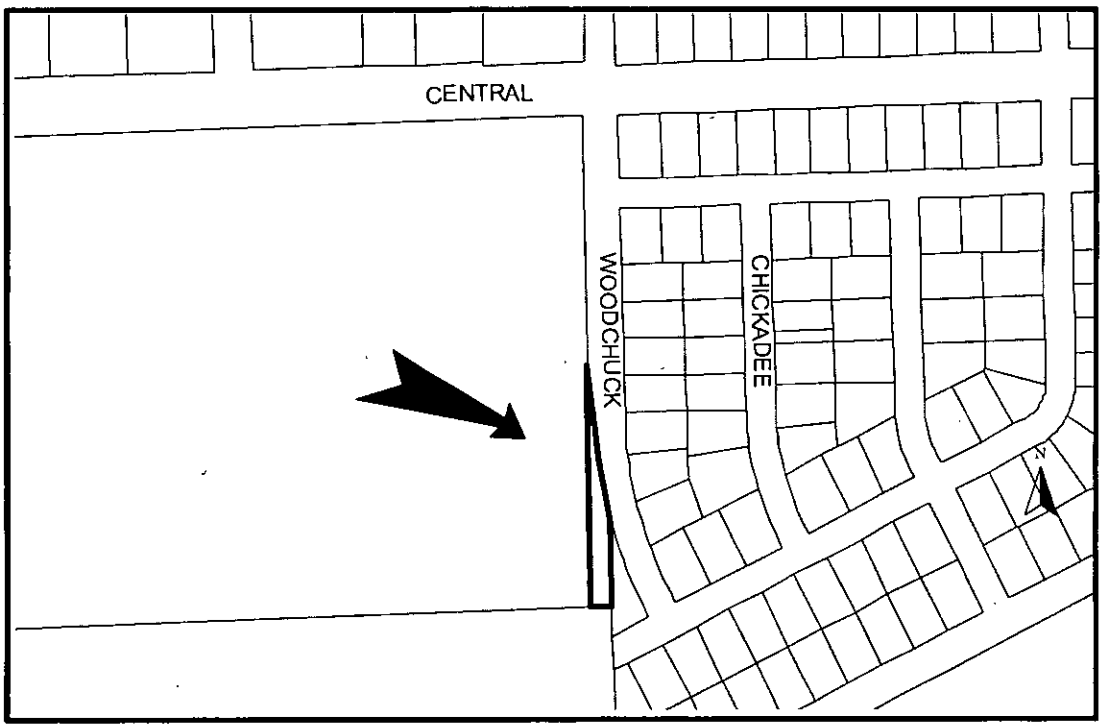
LEGAL DESCRIPTION: Generally described as a southern portion of the platted 40-foot wide half-street Woodchuck Lane ROW as dedicated on the Notre Dame High School Addition, that is located between Lot 1, Block C, Meadow Estates Addition (east) and Lot 1, Notre Dame High School Addition (west), all in Wichita, Sedgwick County, Kansas

LOCATION: Generally located south of Central Avenue, midway between Ridge & Tyler Roads, north of the Woodchuck Lane – Redbarn Lane intersection (WCC District V)

REASON FOR REQUEST: Expansion of the Bishop Carroll High School complex

CURRENT ZONING: The site is platted undeveloped half-street public right-of-way. All abutting properties are zoned "SF-5" Single-family Residential

VICINITY MAP:



The applicant is requesting vacation of the described platted 40 -foot wide, portion of the platted half -street ROW of Woodchuck Lane as dedicated on the Notre Dame High School Addition. The Notre Dame High School Addition was recorded with the Register of Deeds April 10, 1963. There is a water line that crosses a portion of the proposed vacated ROW. Comments from franchised utilities and Storm Water have not been received and are needed to determine if they have utilities/drainage in the ROW. The proposed vacation would prevent Woodchuck from continuing straight south, through unplatted Diocese/Bishop Carroll property (partially developed as playing fields) to a platted 58 -foot Woodchuck ROW, as dedicated on the Whispering Pines Addition, which was recorded May 16, 1979. The proposed vacation would not dead -end Woodchuck, as it continues immediately southeast to Red barn Lane (60 -foot ROW), as platted on the Meadowview Estates Addition, which was recorded June 20, 1955. Redbarn currently dead-ends against the unplatted Diocese/Bishop Carroll property. The street design of Woodchuck as recorded on the Meadowview Estates Addition does not provide the necessary ROW for it to continue straight south, through the unplatted Diocese/Bishop Carroll property. A small irregular shaped Lot 1, Block C, the Meadowview Estates Addition (which is not developed) is in place rather than additional half street Woodchuck ROW. The continuation of Redbarn (Meadowview Estates Addition) to W oodchuck (Whispering Pines Addition) depends on the platting of the Diocese/Bishop Carroll property, which is partially used by playing fields. As the area is platted today the above mentioned dedicated Redbarn and Woodchuck ROWs dead -end against the unplatted Diocese/Bishop Carroll property. Continuation of those two described streets will be resolved at the time of the platting of the abutting unplatted Diocese/Bishop Carroll property.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works/Traffic Engineer/Strom Water, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate the portion of the platted half-street Woodchuck ROW, as described with conditions.

(1) Vacate that portion of the platted half street ROW as approved by the Traffic Engineer. Retain a portion or the entire vacated half street ROW as a utility/drainage easement as recommended by the Public Works, Storm Water and utilities. Provide Planning staff with a legal description of the approved vacated (portion) of the easement on a word document via e -mail.

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

(3) All improvements shall be according to City Standards, at the applicant's expense, including any continuation of curbing/guttering/drainage. As needed provide Public Works with a guarantee/petition for those needed improvements.

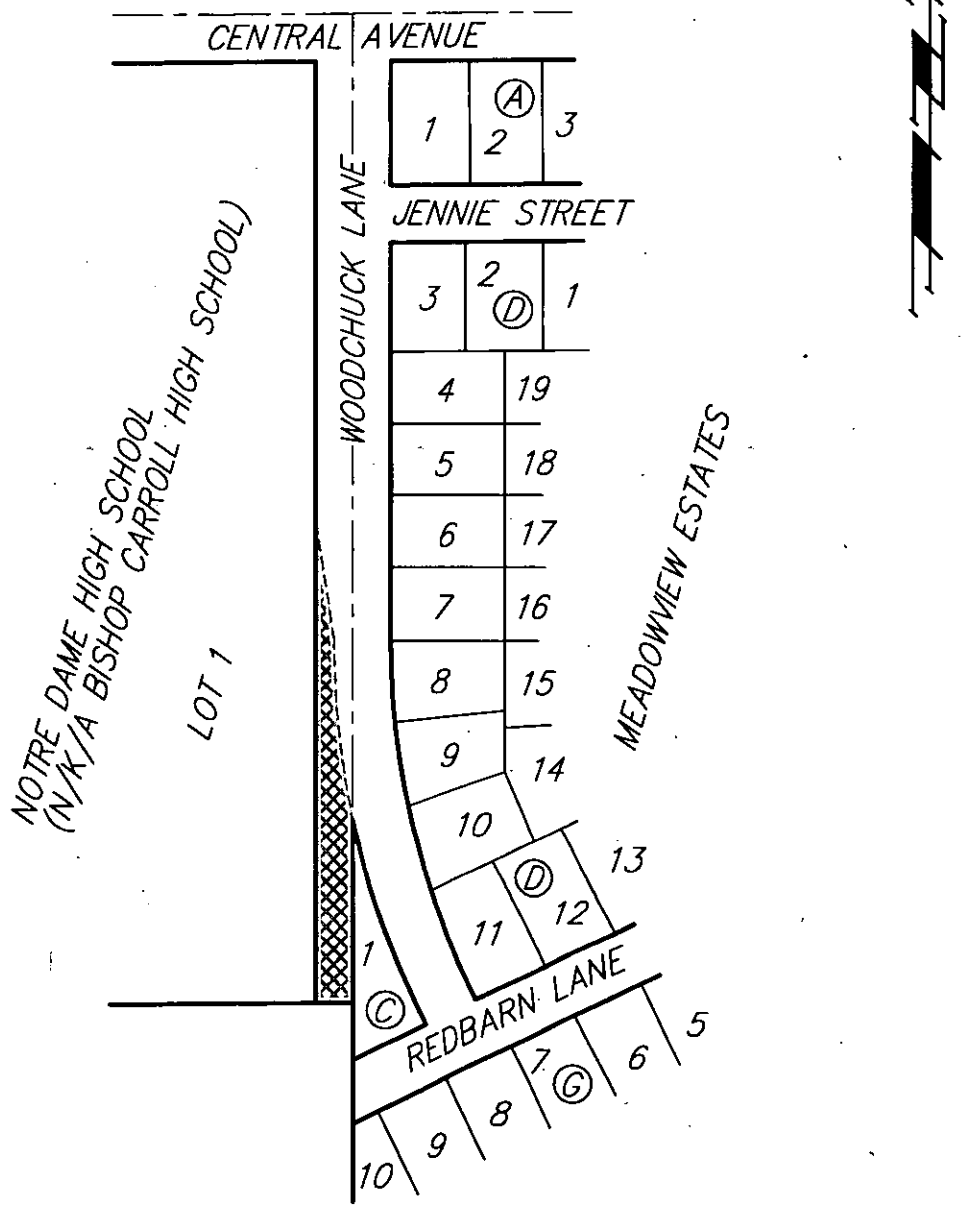
(4) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final 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.

VAC2006-41

EXHIBIT

PART OF LOT 1, WESTLINK CHRISTIAN CHURCH ADDITION

INDICATES THAT PART OF WOODCHUCK LANE TO BE VACATED



3 OCT 2006

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

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