



Wichita-Sedgwick County Metropolitan Area Planning Department

July 12, 2007

USD 259

Attention: Joe Hoover
3850 N. Hydraulic
Wichita, KS 67219

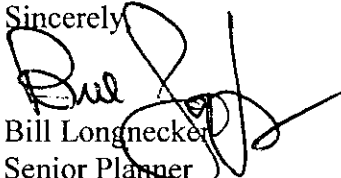
Re: **VAC2007-00015** - Request to vacate a portion of platted complete access control, generally located southwest of Grove Avenue & 25th Street North.

Dear Mr. Hoover:

At its regular meeting on Tuesday, July 10, 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
Carla Jones / Paul Gunzelman, Public Works Engineering, Mail Stop 1-71
City of Wichita, 455 N. Main, Wichita, KS 67202 {mail stop 1-134 Property Management}
Strangers Rest Baptist Church, 2521 N. Grove, Wichita, KS 67219
Horace Wayne Johnson, 2277 N. Piatt, Wichita, KS 67219
Sheila K & Kenneth L Fulbright, 2601 N. Madison, Wichita, KS 67219
Sharon F. Peters, P.O. Box 2480, Kansas City, KS 67219
Billy & Ola L. Stewart, 2601 N. Spruce, Wichita, KS 67219
Clinton Jeffery May Jr., 2602 N. Spruce, Wichita, KS 67219
Immanuel Outreach Center Church of God in Christ, 2650 N. Bluff, Wichita, KS 67220



Sedgwick County
Register of Deeds - Bill Meek
DOC #/FLM-PG: 28899268

Receipt #: 1661194
Pages Recorded: 2
Cashier Initials: AL

Authorized By:  Recording Fee: 0.01

Date Recorded: 7/12/2007 2:22:21 PM



CITY CLERK'S ORIGINAL

RETURN TO CITY CLERK

Approved / Accepted By City Council:

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

File 7-10-07

**IN THE MATTER OF THE VACATION OF
A PORTION OF PLATTED COMPLETE
ACCESS CONTROL**

**GENERALLY LOCATED
SOUTHWEST OF GROVE AVENUE AND
25TH STREET NORTH**

Case No. VAC2007-00015

MORE FULLY DESCRIBED BELOW

VAC 2007-15

VACATION ORDER

NOW on this 10th day of July 2007 comes on for hearing the petition for vacation filed by USD 259 c/o Joe Hoover praying for the vacation of the following described portion of complete access control, to-wit:

Vacate a portion of the platted complete access control (as approved by the City of Wichita Traffic Engineer) located on the north lot line of Lot 1, Block 1, 21st Street Kids and Family Empowerment Addition, to allow an additional point of access (making a total of three points of access), all in Wichita, Sedgwick County, Kansas

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:

07-0677

Vacation Order
VAC2007-15

Page 2 of 2

1. That due and legal notice has been given by publication as required by law, by publication in The Wichita Eagle on May 17, 2007, 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 complete access control; and the public will suffer no loss or inconvenience thereby.

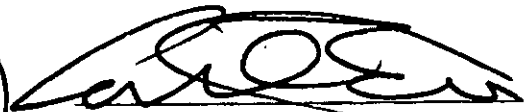
3. In justice to the petitioner(s), the prayer of the petition ought to be granted.

4. 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.

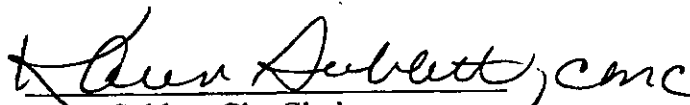
5. The vacation of the portion of platted complete access control described herein should be approved.

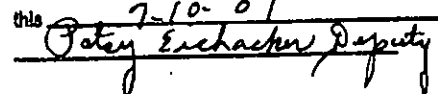
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 10th day of July 2007 ordered that the above-described portion of platted complete access control is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.




Carl Brewer, Mayor

ATTEST:


Karen Sublett, City Clerk

State of Kansas
Sedgwick County
City of Wichita
I, **Patsy Eichacker**, Deputy 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 7-10-07
 Deputy City Clerk

Approved as to Form:


Gary Rebenstorf, Director of Law



STAFF REPORT

CASE NUMBER: VAC2007-00015 Request to vacate a portion of platted complete access control

OWNERS/APPLICANT: USD 259 c/o Joe Hoover

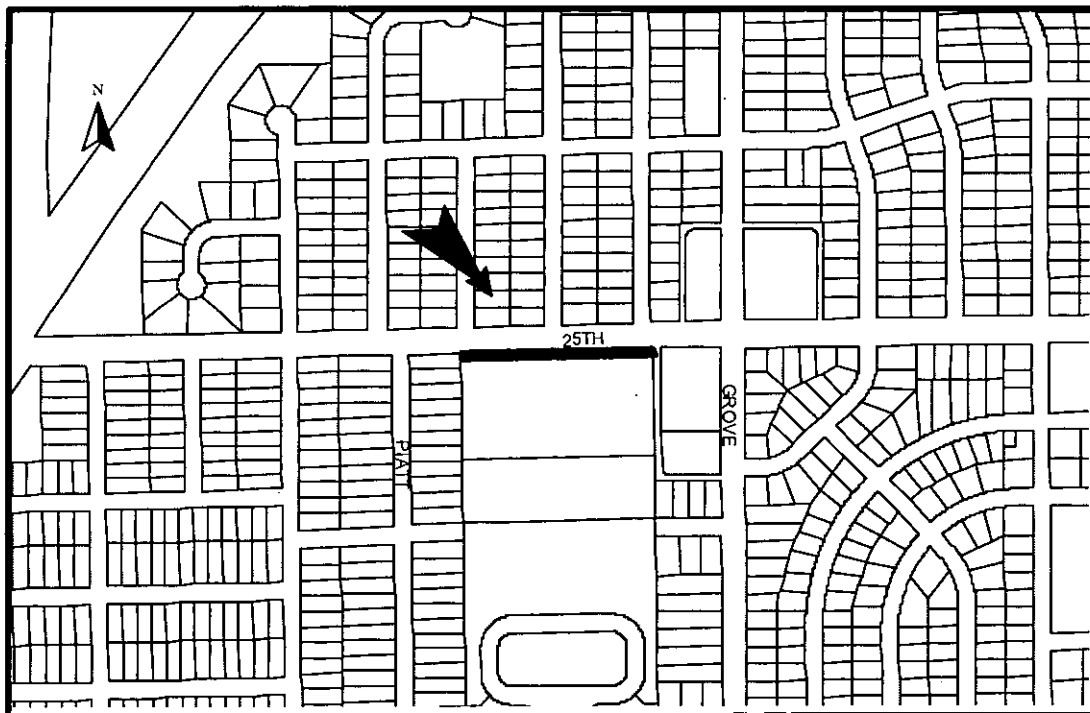
LEGAL DESCRIPTION: An additional drive plus the two allowed, on the platted complete access control located on the north lot line of Lot 1, Block 1, 21st Street Kids and Family Empowerment Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located east of Grove Avenue, on the south side of 25th Street North (WCC #1)

REASON FOR REQUEST: Improve on site circulation for busses and other vehicles associated with school activities.

CURRENT ZONING: The site is and the abutting southern property are part of Planned United Development PUD-20. The adjacent western and northern properties are zoned "SF-5" Single-family Residential. The adjacent eastern properties are zoned "LC" Limited Commercial.

VICINITY MAP:



The applicant has applied for the vacation of the complete access control to allow another drive, for a total of three, along the site's 656.77-feet of 25th Street North frontage. The request will allow better circulation of the site's buss traffic and other vehicles using the new school site. There is platted street ROW north, across 25th, from the site: Spruce, Madison & Ash Avenues. 25th Street North, as well Spruce, Madison & Ash Avenues are classified as a residential street at this location. At the Grove Avenue and 25th intersection, both streets are classified (25th only on the east side of this intersection) as urban collectors. There are no manholes or sewer line in the requested area. There is a private water line that crosses the frontage. The 21st Street Kids and Family Empowerment Addition was recorded with the Register of Deeds December 6, 2005.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from Public Works, the Traffic Engineer, 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 Traffic 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 Wichita Eagle of notice of this vacation proceeding one time May 17, 2007 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 25th Street North frontage, as approved by the Traffic Engineer. Full movement drives require 400-feet of spacing and 200-feet is required for "right-in, right-out" types of access. Provide Planning Staff with a legal as approved by the Traffic Engineer, via E-mail on a Word document.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Provide any required dedications of easements to cover utilities.
- (3) All improvements shall be according to City Standards and at the applicant's expense, including any driveways from private property onto public ROW. Provide Public Works with a guarantee to ensure that those improvements will be made.
- (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 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 25th Street North frontage, as approved by the Traffic Engineer. Full movement drives require 400-feet of spacing and 200-feet is required for "right-in, right-out" types of access. Provide Planning Staff with a legal as approved by the Traffic Engineer, via E-mail on a Word document.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Provide any required dedications of easements to cover utilities.
- (3) All improvements shall be according to City Standards and at the applicant's expense, including any driveways from private property onto public ROW. Provide Public Works with a guarantee to ensure that those improvements will be made.
- (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 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.