



**Wichita-Sedgwick County Metropolitan Area Planning Department**

July 24, 2007

Tam & Tuyet Nguyen  
5813 E. Central  
Wichita, KS 67208-4204

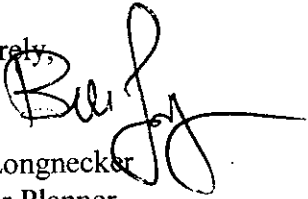
Re: **VAC2007-00017** - Request to vacate a portion of platted complete access control, generally located midway between Edgemoor & Woodlawn Boulevards, on the south side of Central Avenue, and east of Brookside Parkway

Dear Mr. & Mrs. Nguyen:

At its regular meeting on Tuesday, July 17, 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  
Jim Lawing, 200 E. 1<sup>st</sup>, Wichita, KS 67202  
Vicki Carter/Jill White, 5819 E. Central, Wichita, KS 67208-4204  
David & Lynda Kauffman, 5825 E. Central, Wichita, KS 67208-4204  
Mark & Susan Davis, 930 N. Sagebrush Ct., Wichita, KS 67230-7051  
Wesley H. Werth, 329 N. Hampton, Wichita, KS 67206-1904  
Terence & Teresa McGrath, 5902 E. Oakwood, Wichita, KS 67208-4220  
Douglas McClanahan, Kevin & Belinda Hunter, 5824 E. Oakwood, Wichita, KS 67208-4220  
Frederick Weidenhaft, 5818 E. Oakwood, Wichita, KS 67208-4218  
Lee & Angela Harp, P.O. Box 771208, Wichita, KS 67277-1208  
Eric & Judith Forsse, P.O. Box 780053, Wichita, KS 67278-0053

City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

T 316.268.4421 F 316.268.4390

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Pages Recorded: 2  
Cashier Initials: OH

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Date Recorded: 8/9/2007 4:37:06 PM



CITY CLERK'S ORIGINAL  
RETURN TO CITY CLERK

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

Approved / Accepted By City Council

This 7-17-07

IN THE MATTER OF THE VACATION OF )  
PORTIONS OF PLATTED COMPLETE )  
ACCESS CONTROL )  
)  
GENERALLY LOCATED )  
MIDWAY BETWEEN EDGEMOOR AND )  
WOODLAWN BOULEVARDS, ON THE SOUTH )  
SIDE OF CENTRAL AVENUE, AND EAST OF )  
BROOKSIDE PARKWAY )  
)  
)  
)  
MORE FULLY DESCRIBED BELOW )

Case No. VAC2007-00017

VACATION ORDER

NOW on this 17th day of June 2007 comes on for hearing the petition for vacation filed by Mark & Susan Davis, Tam & Tuyet Nguyen, Vickie Carter & Jill White, and David & Lynda Kauffman praying for the vacation of the following described portions of platted access control, to-wit:

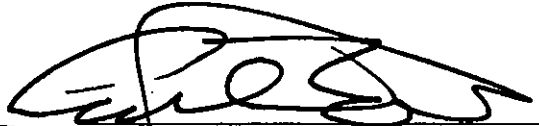
The existing 24-foot wide drives onto Central Avenue, located on the east 62-feet and the west 62-feet of the east 124-feet all on Lot 1, Jim Fisher Addition, Wichita, Sedgwick County, Kansas.

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:

1. That due and legal notice has been given by publication as required by law, by publication in The Wichita Eagle and the Derby Reporter on May 31, 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 portions 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 portions of platted access control described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 17<sup>th</sup> day of July 2007 ordered that the above-described portions 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, Karen Sublett

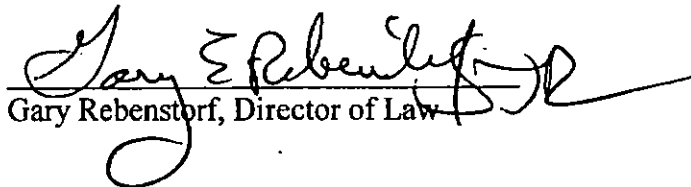
City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is affixed is a true and correct copy of the original on file in the office of the City Clerk.

Given under my hand and seal of the City of Wichita, Kansas this 17-17-07



City Clerk

Approved as to Form:



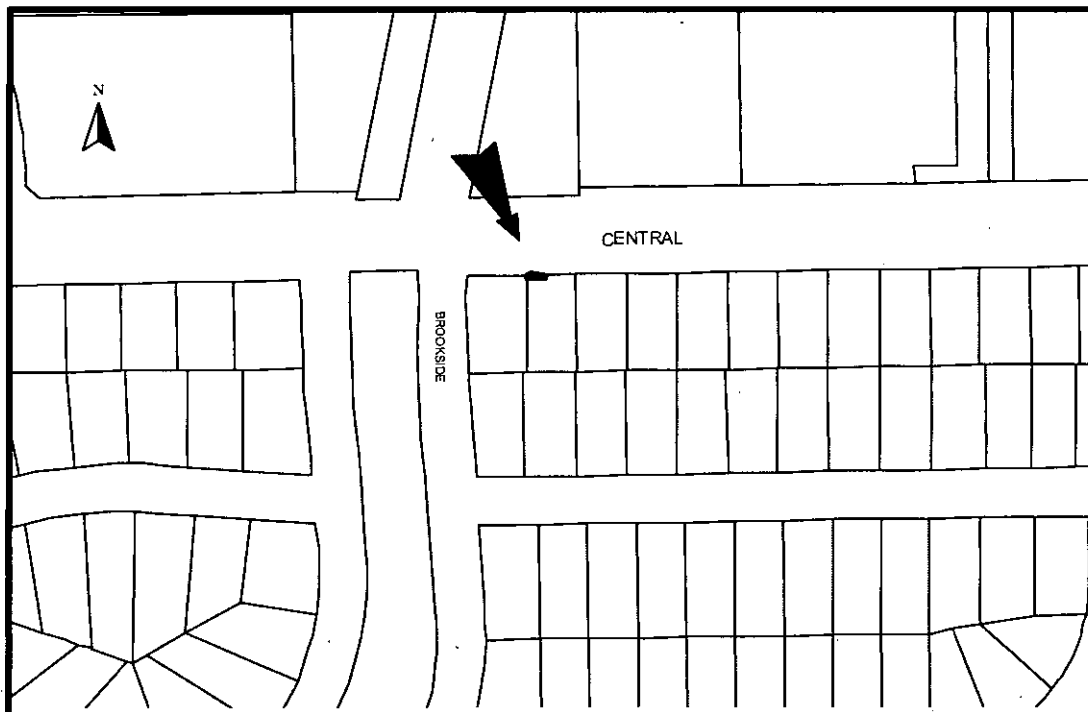
Gary Rebenstorf, Director of Law



09/02/2007 11:23

STAFF REPORT

- CASE NUMBER:** VAC2007-00017 Request to vacate a portion of platted complete access control
- OWNER/APPLICANT:** Mark & Susan Davis, Tam & Tuyet Nguyen, Vickie Carter & Jill White  
David & Lynda Kauffman
- LEGAL DESCRIPTION:** Generally described as the existing 24-foot wide drive onto Central, located along the west 62-feet of the east 186-feet of Lot 1, Jim Fisher Addition, Wichita, Sedgwick County, Kansas
- LOCATION:** Generally located midway between Edgemoor & Woodlawn Boulevards, Drive, on the south side of Central Avenue and east of Brookside Parkway (District #II)
- REASON FOR REQUEST:** Keep existing drives
- CURRENT ZONING:** The site is zoned "NR" Neighborhood Retail with PO #10 (01-14-97) and "GO" General Office with restrictive covenant COV-2. Abutting southern properties are zoned "SF-5" Single-family Residential. Adjacent northern properties, across Central, are zoned "LC" Limited Commercial. Adjacent western & eastern properties are zoned "GO."
- VICINITY MAP:**



The applicants have applied for vacation of a portion of complete access control along the site's Central frontage. The applicants want to keep a driveway that originally served what was a single-family residence, prior to the rezoning and replatting of the site. Z-2806 (Published 01-20-87) rezoned Lots 1 -15, Block 1, Oakwood Estates 2<sup>nd</sup> Addition from "AA" & "A" One & Two-family Residential to "BB" Office ("GO" General Office), subject to covenant (COV-2) and contingent on replatting within 1-year. A condition of the replatting was the grouping of these residential lots into larger and fewer lots, with consideration of joint access and circulation to rear parking lots. The replatting resulted in the Jim Fisher Addition being recorded with the Register of Deeds June 21, 1988. The site was once Lots 1-4, Block 1, Oakwood Estates 2<sup>nd</sup> Addition and now is Lot 1, Jim Fisher Addition. The site contains the original 4 single-family residences/lots, which have subsequently become businesses. The Jim Fisher Addition shows complete access control on Lot 1 except for one drive onto Central. Currently there are two drives onto Central off of Lot, The Jim Fisher Addition, the applicants wish to retain both of them.

Public Works recently made improvements on Central Avenue, at this location, and was in the process of bringing businesses located in the Fisher Addition into compliance with the above described requested 1987 zoning and its required replatting. This process has been complicated by the fact that redevelopment of the single-family residences into office or neighborhood retail businesses has been slow and uneven. Cooperation among neighbors/owners in the development of their individual businesses has been uncertain, perhaps because of lack of understanding the zoning and platting conditions on their business site. 19 years after the rezoning and replatting of the 20 business sites, 8 of them remain residential, breaking up any continuous, shared redevelopment of the businesses.

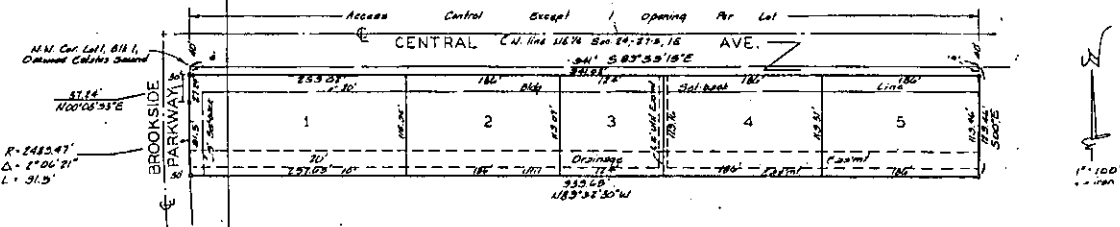
Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from Public Works, the Traffic Engineer, franchised utility representatives and other interested parties, Planning Staff recommends approval of the requested vacation of the described portion of complete access control, with the following conditions:

- (1) Allow the existing two (2) drives generally located on the east 62-feet of Lot 1, Jim Fisher Addition and the west 62-feet of the east 186-feet of Lot 1, Jim Fisher Addition to remain. Provide Planning Staff with an accurate legal of the existing two (2) drives on a word document via e-mail.
- (2) Any relocation or reconstruction of utilities made necessary by the vacation shall be the responsibility and at the expense of the applicant.
- (3) All improvements shall be to the City's standards and at the owner's expense
- (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.

VAC 2007-17

# JIM FISHER ADDITION

WICHITA, KANSAS



State of Kansas } S.S. We, Baughman Company, P.A., Surveyors  
 Sedgewick County } and state do hereby certify that we  
 have surveyed and platted "JIM FISHER ADDITION," Wichita,  
 Kansas, and that the accompanying plat is a true and  
 correct exhibit of the property surveyed, described as  
 and being a replat of lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13,  
 14 and 15, Block 1, Oakwood Estates Second to Wichita,  
 Kansas. Easements being vacated by virtue of K.S.A. 17-512(b)  
 being situated in the NE 1/4 of Sec. 24, Twp 27-S, R-1-E of  
 the 6th P.M., Sedgewick County, Kansas.

5-6-88 Date Baughman Company P.A.  
 Gregory F. Severino Surveyor



Know all men by these presents that we, the undersigned, have caused the land described in the surveyors' certificate to be platted into lots and street to be known as "JIM FISHER ADDITION," Wichita, Kansas. The utility easements are hereby granted as indicated for the construction and maintenance of all public utilities. The drainage easement is hereby granted as indicated for drainage purposes. The street is hereby dedicated to and for the use of the public. All abutters' rights of access to or from Central Ave. over and across the north line of Lots 1, 2, 3, 4 and 5, are hereby granted to the City of Wichita, provided however that Lots 1, 2, 3, 4 and 5 shall have access to Central Ave. at one point per Lot as shall be determined by the City Engineer of Wichita, Kansas.

- James L. Fisher, II
- James L. Fisher
- Gordon F. Wood
- Walter H. Wood
- Richard H. Wood
- Carolina V. Rainich
- James L. Fisher
- James C. Fisher, Jr.
- Rita E. Wood
- Robert J. Skarthe
- Pauline V. Skum
- Barbara F. Rainich

This plat of "JIM FISHER ADDITION," Wichita, Kansas, has been submitted to and approved by the Wichita-Sedgewick County Metropolitan Area Planning Commission, Wichita, Kansas.  
 Dated this 17th day of March, 1988  
 Wichita-Sedgewick County Metropolitan Area Planning Commission.

Elton Parsons Chairman  
 Marvin Skowetzky Secretary

This plat approved and all dedications shown hereon accepted by the City Council of the City of Wichita, Kansas, this 24th day of May, 1988.



Sheldon Kamen Mayor  
 Dale E. Paul Deputy City Clerk

Entered on transfer record this 29th day of June, 1988  
 Don Wright County Clerk

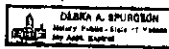
State of Kansas } S.S. This is to certify that this plat has  
 Sedgewick County } been filed for record in the office of the Registrar of  
 Deeds this 28th day of JUNE, 1988,  
 at 11:00 o'clock A.M. and is duly recorded.

Pat Kottler Registrar of Deeds  
 Ed Ross Deputy

# 954978

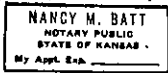
State of Kansas } S.S. The foregoing instrument acknowledged  
 Sedgewick County } before me this 5th day of April, 1988, by  
 Martin Seitz, President of United American  
 Bank and Trust, on behalf of the bank.

Debra A. Spurgeon Notary Public  
 My Appl. Exp. 1-15-92



State of Kansas } S.S. The foregoing instrument acknowledged  
 Sedgewick County } before me this 5th day of April, 1988, by  
 M. O. Mihalacio, Chairman of Wichita State Bank,  
 on behalf of the bank.

Nancy M. Batt Notary Public  
 My Appl. Exp. 12-19-88



State of Maine } S.S. The foregoing instrument acknowledged  
 Androscoggin County } before me this 15th day of April, 1988, by  
 Kathryn J. Jeter, Associate Agent of Portland Savings  
 Bank, Portland, Maine, on behalf of the bank.

Jeanne L. King Notary Public  
 My Appl. Exp. 8-25-90

State of Kansas } S.S. The foregoing instrument acknowledged  
 Sedgewick County } before me this 5th day of April, 1988, by  
 Bernard F. Grotting and Mary Ann Grotting, his wife,  
 as decedent.

My Appl. Exp. 8-28-89  
 Notary Public

State of Kansas } S.S. The foregoing instrument acknowledged  
 Sedgewick County } before me this 5th day of April, 1988, by  
 Gordon L. Jones, Vice President of Wichita Federal  
 Savings and Loan Association, on behalf of the association.

My Appl. Exp. 8-10-89  
 Notary Public



State of Oklahoma } S.S. The foregoing instrument acknowledged  
 Oklahoma County } before me this 7th day of April, 1988,  
 by the undersigned, on behalf of the Federal National  
 Mortgage Association, on behalf of the association.

E 3-34