CITY OF WICHITA

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. 1st, Wichita, KS 67202
Vicki Carter/Jill White, 5819 E. Central, Wichita, KS 67208-4204
David & Lynda Kauffman, 5825 E. Central, Wichita, KS 667208-4204
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

www.wichita.gov

Sedgwick County
Register of Deeds - Bill Meek
DOC.#/FLM-PG: 28907123
Receipt #: 1663898
Pages Recorded: 2
Cashier Initials: DH
Recording Fee: 00H
Authorized By:
Date Recorded: 8/9/2007 4:37:06 PM

CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

Approved / Accepted By City Council
This 7-17-07

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

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	)	**Case No. VAC2007-00017**
MORE FULLY DESCRIBED BELOW	)	

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 17th 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 7-17-07

Karen Sublett City Clerk

Approved as to Form:

Gary Rebenstorf, Director of Law

SUBDIVISION COMMITTEE
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 2
June 14, 2007

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

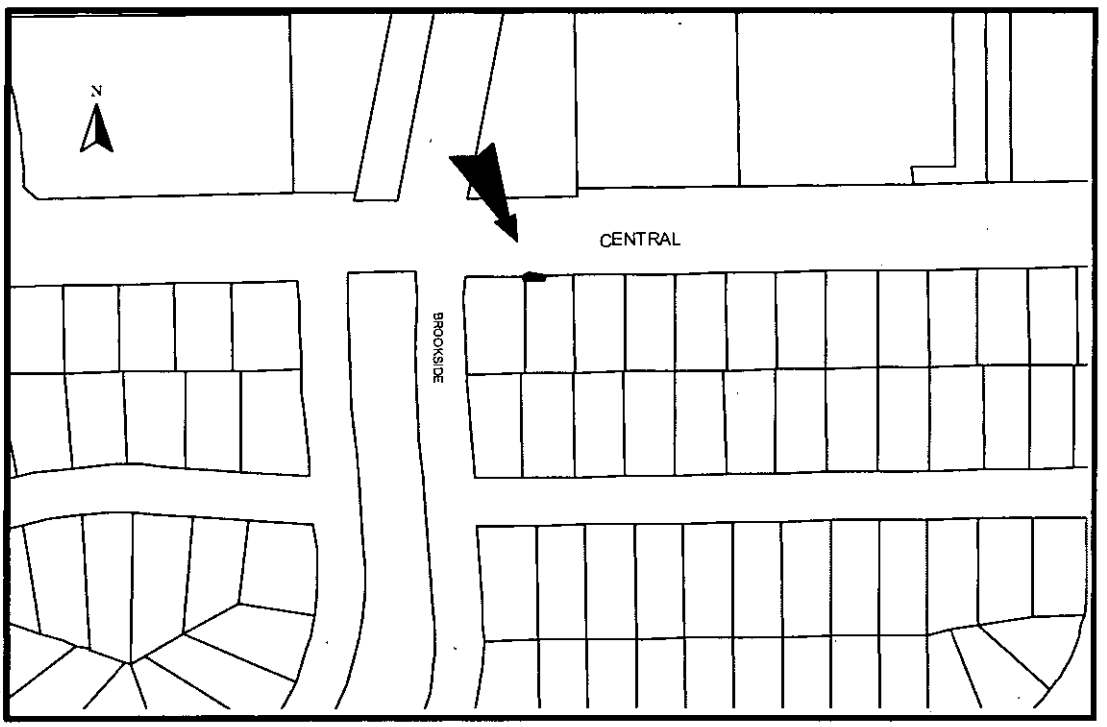
LEGAL DESCRIPTION: Generally described as the existing 24-foot wide drive onto Central, located along the west 62-feet of the east 186-feet of Lot 1, Jim Fisher Addition, Wichita, Sedgwick County, Kansas

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 2nd 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 2nd 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.

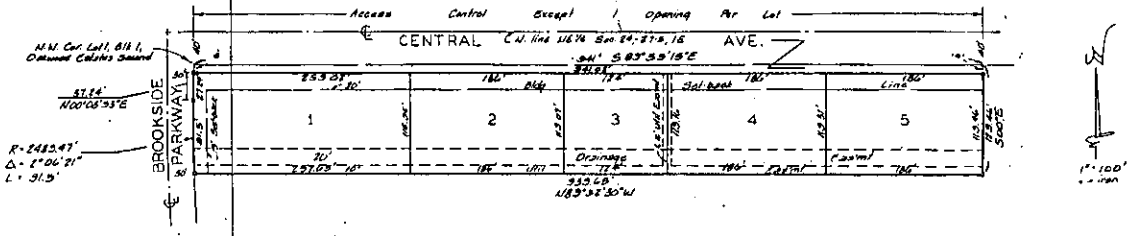
(3) All improvements shall be to the City's standards and at the owner's expense

(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.

VAC2007-17

JIM FISHER ADDITION

WICHITA, KANSAS



State of Kansas } S.S.
Sedgwick County }

We, Baughman Company, P.A., Surveyors in aforesaid 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. 12-512(b). Being situated in the NE¼ of Sec. 24, Twp 27-S, R-1-E of the 6th P.M., Sedgwick County, Kansas.

5-6-88
Date

Baughman Company P.A.

Gregory F. Severns Surveyor

GREGORY F. SEVERNS REGISTERED LS-678 KANSAS LAND 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, III

Donna L. Fisher

Vera Ruth Fisher

James E. Fisher, Jr.

Gordon L. Wood

Rita E. Wood

Wesley H. Wurth

Roberta F. Wurth

Deceased 1988
Fred B. Blum

Pauline V. Blum

Carlemma V. Parish

Dorothy H. Parish

This plat of "JIM FISHER ADDITION," Wichita, Kansas, has been submitted to and approved by the Wichita-Sedgwick County Metropolitan Area Planning Commission, Wichita, Kansas.

Dated this 17th day of March 1988

Wichita-Sedgwick County Metropolitan Area Planning Commission.

Ellen Parsons Chairman

Marvin S. Kroul 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.

THE CITY OF WICHITA SEDGWICK COUNTY, KANSAS

Sheldon Kamen Mayor

Dale E. Rea Deputy City Clerk

29th day of JUNE Entered on transfer record this 1988

Don Wright County Clerk

State of Kansas } S.S.
Sedgwick County }

This is to certify that this plat has been filed for record in the office of the Register of Deeds this 28TH day of JUNE 1988, at 11:00 o'clock A M, and is duly recorded.

#954978

Pat Kettler Register of Deeds

Ed Rosa Deputy

State of Kansas } S.S.
Sedgwick County }

The foregoing instrument acknowledged 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 Appt. Exp. 1-15-92

DEBRA A. SPURGEON Notary Public - State of Kansas My Appt. Expires

State of Kansas } S.S.
Sedgwick County }

The foregoing instrument acknowledged before me this 5th day of April 1988, by M. D. Michaelis, Chairman of Wichita State Bank, on behalf of the bank.

Nancy M. Batt Notary Public

My Appt. Exp. 12-19-88

NANCY M. BATT NOTARY PUBLIC STATE OF KANSAS My Appt. Exp.

State of Maine } S.S.
Androscoggin County }

The foregoing instrument acknowledged before me this 15th day of April 1988, by Kathryn J. Jaeger, Assistant Vice President of Portland Savings Bank, Portland, Maine, on behalf of the bank.

Jeanne L. King Notary Public

My Appl. Exp. 12-23-90

State of Kansas } S.S.
Sedgwick County }

The foregoing instrument acknowledged before me this 5th day of April 1988, by Samuel A. Lickteig and Mary Ann Lickteig, his wife. deceased

Marjorie J. Taylor Notary Public

My Appl. Exp. 8-25-89

State of Kansas } S.S.
Sedgwick County }

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

Ila Bryant Notary Public

My Appl. Exp. 8-10-89

ILA BRYANT NOTARY PUBLIC STATE OF KANSAS My Appt. Exp.

State of Oklahoma
Tulsa County } S.S.

The foregoing instrument acknowledged before me this 7th day of April 1988, by Attorney-in-Fact of Federal National Mortgage Association, on behalf of the association.

E 3-34