



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

May 12, 2008

Land Ventures, LLC  
William D. Hayes  
8213 Meadow Park  
Wichita, KS 67205

Re: **VAC2008-00008** County request to vacate a portion of platted complete access control, generally located on the southeast corner of 45th Street North & 247th Street West

Dear Mr. Hayes:

At its regular meeting on Wednesday, May 7, 2008, the Board of County Commission considered request. The action of the Board of County Commissioners 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 Weber, Sedgwick County Engineer, Public Works Department, 1144 S. Seneca, Wichita, KS 67213  
Sedgwick County Electric Coop, Attention: Allen Henning & Wayne Voss, P.O. Box 220, Cheney, KS, 67205-0220  
David R. Andree, 13914 W. Taylor Circle, Wichita, KS 67235  
Dale L. Guthrie, 3872 N. Ridge Road, Suite 112, Wichita, KS 67205  
Andrew & Jodie St. Vrain, 24640 W. 45<sup>th</sup> St. N., Andale, KS 67001  
Curtis F. & Gina L. Mohr, 7515 N. 151<sup>st</sup> W., Colwich, KS 67030



Sedgwick County  
Register of Deeds - Bill Meek  
DOC.#/FLM-PG: 28975102

Receipt #: 1687572  
Pages Recorded: 3  
Cashier Initials: RJC

Recording Fee: 00H  
Authorized By:

Date Recorded: 5/13/2008 11:51:47 AM



BEFORE THE COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

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

GENERALLY LOCATED )  
AT THE SOUTHEAST CORNER OF 45<sup>TH</sup> STREET )  
NORTH AND 247<sup>TH</sup> STREET WEST )

CASE NO. VAC2008-00008

VACATION ORDER

NOW on this 7<sup>th</sup> day of May, 2008, at 9:00 o'clock AM, comes the petition filed by Land Ventures, LLC, c/o William D. Hayes, praying for the vacation of the following-described portion of platted complete access control, to-wit:

Vacate the platted complete access control to allow one (1) 30-foot wide, full movement drive along the 45<sup>th</sup> Street North frontage of Lot 1, Block A, Hedgecreek Estates Addition, Sedgwick County, Kansas, as approved by the County Engineer.

WHEREUPON, it is shown that proper notice has been given by publication once at least 20 days prior to the date of hearing in the official county newspaper, such publication having occurred

on March 20, 2008; and it is further shown that proper proof of such publication has been filed herein. The Board finds that such notice is in lawful form and that it conforms to K.S.A. 58-2613, and amendments thereto.

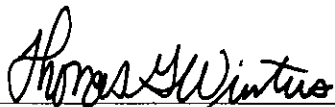
THEREAFTER, the Board, being duly advised in the premises, finds and determines that no private rights will be injured or endangered by such vacation; that the public will suffer no loss or inconvenience thereby; that no written objections hereto have been filed with the Sedgwick County Clerk; that complete access control dedicated by separate instrument will be filed with the register of Deeds for recording; and that, in justice to the petitioner, the petition's prayer should be granted.

The Board further finds that the Metropolitan Area Planning Commission held a public hearing on the 10<sup>th</sup> day of April 2008, and recommended that the vacation petition herein be approved.

THEREFORE, IT IS ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, that portion of platted complete access control hereinabove described is the same and is hereby vacated.

DATED this 12<sup>th</sup> day of May, 2008.

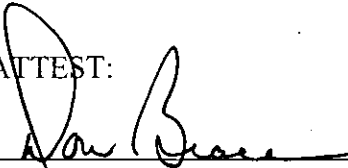
**BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS**

  
\_\_\_\_\_  
Thomas G. Winters, Chairman  
Third District

Vacation Order  
VAC2008-00008

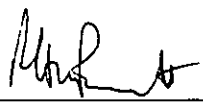
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ATTEST:

  
Don Brace, County Clerk



APPROVED AS TO FORM:

  
Robert W. Parnacott  
Assistant County Counselor

STAFF REPORT

**CASE NUMBER:** VAC2008-00008 County request to vacate a portion of platted complete access control

**APPLICANT/OWNER:** Land Ventures, LLC, c/o William D Hayes

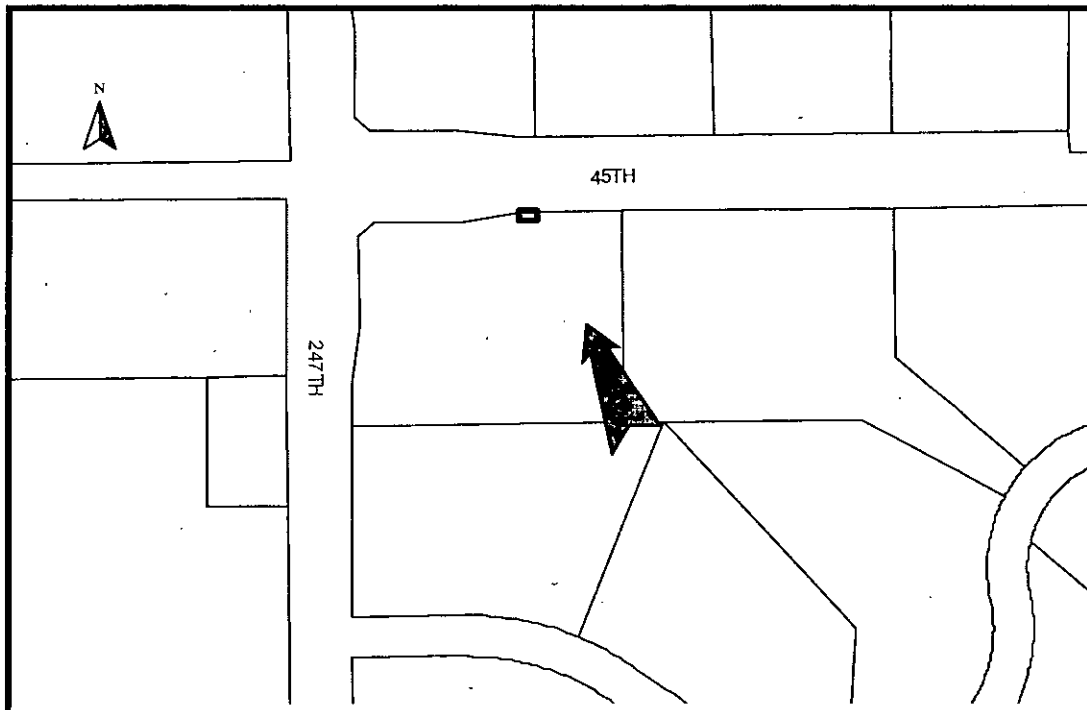
**LEGAL DESCRIPTION:** Generally described as vacating the platted complete access control to allow one (1) full movement drive along the 45<sup>th</sup> Street North frontage of Lot 1, Block A, Hedgecreek Estates Addition, Sedgwick County, Kansas

**LOCATION:** Generally located at the southeast corner of 45<sup>th</sup> Street North and 247<sup>th</sup> Street West (BoCC #3, inside Andale's Area of Zoning Influence)

**REASON FOR REQUEST:** Move platted/allowed drive off of 247<sup>th</sup> Street West to 45<sup>th</sup> Street North

**CURRENT ZONING:** The site and all adjacent and abutting properties are zoned RR Rural Residential ("RR")

**VICINITY MAP:**



The applicant proposes to remove the site's one (1) permitted/platted 30-foot drive/access along its 247<sup>th</sup> Street West frontage and relocate it on the site's 45<sup>th</sup> Street North frontage. The site is part of a large lot, single-family residential subdivision, the Hedgecreek Estates Addition. The site/lot and one other lot (Lot 2, Block B) are the only two lots in the subdivision that have no access onto its one platted public residential street. Both the current and proposed access onto the site are off of a section line road. 247<sup>th</sup> Street West is a paved, two-lane county highway. 45<sup>th</sup> Street North is a dirt/gravel, Sherman Township road. The 2030 Transportation Plan shows no change to the status of either of these roads. There is no public water or sewer on the site and the site is outside of any Rural Water District. The site appears to be in the Sedgwick County Electric Cooperative Assn., service area. Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the site's north lot line. The Hedgecreek Estates Addition was recorded with the Register of Deeds May 25, 2006 (FILM-PAGE: 28784197).

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from the County Engineer, franchised utility representatives and other interested parties, Planning Staff recommends approval of the request to vacate a portion of platted complete access control 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, in the Wichita Eagle and the Derby Reporter, of notice of this vacation proceeding one time March 20, 2008 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 the 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 the portion of the platted complete access control described in the petition should be approved with conditions;

- (1) Vacate the platted complete access control along the site's (Lot 1, Block A, Hedge Creek Estates Addition) 45<sup>th</sup> Street North frontage to allow one (1) 30-foot full movement drive, as approved by the County Engineer. Dedicate complete access control along the site's (Lot 1, Block A, Hedge Creek Estates Addition) 247<sup>th</sup> Street frontage.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
- (3) All improvements shall be according to County Standards and at the applicant's expense, including the new driveway from private property onto public ROW and closing of any existing drives.
- (4) Per MAPC Policy Statement #7, all conditions are 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.

**SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:**

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the platted complete access control along the site's (Lot 1, Block A, Hedge Creek Estates Addition) 45<sup>th</sup> Street North frontage to allow one (1) 30-foot full movement drive, as approved by the County Engineer. Dedicate complete access control along the site's (Lot 1, Block A, Hedge Creek Estates Addition) 247<sup>th</sup> Street frontage.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
- (3) All improvements shall be according to County Standards and at the applicant's expense, including the new driveway from private property onto public ROW and closing of any existing drives.
- (4) Per MAPC Policy Statement #7, all conditions are 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.

**VAC 2008**

RECORDED MAY 25, 2006  
FILM/PAGE: 28784197

N.W. Cor. NW1/4  
Sec. 26-26S-3W

Relocated

45th Street

B1

DRIVEWAY  
ACCESS

Reserve "A"

Block B

5

