January 9, 2009

Northwest Congregation of Jehovah Witness
c/o Curtis Bowen
2109 N. Hyacinth
Wichita, KS 67203

Re: **VAC2008-00025** – City request to vacate a portion of platted complete access control, generally located on the south side of 29th Street North and west of Woodlawn Boulevard.

Dear Mr. Bowen:

At its regular meeting on Tuesday, January 6, 2009, 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
Julianne Kallman, Public Works Engineering, Mailstop 1-71
Central Congregation of Jehovah's Witnesses, 806 N. Volutsia, Wichita, KS 67214
Unified School District 259, 201 N. Water, Wichita, KS 67202
East Wichita Mennonite Brethren Fellowship Southern District Conference of Mennonite Brethren Church, 7348 W. 21st , Wichita, KS 67205
Rosie L. McFann, 2942 Meadow Oaks, Wichita, KS 67220
City of Wichita, Property Management Office, Mailstop 1-134
City of Wichita, Park Department, Mailstop 1-111
United States of America Federal Center, Box 25486, Denver, CO 80225

Sedgwick County
Register of Deeds - Bill Meek
DOC.#/FLM-PG: 29030548
Receipt #: 1707417
Pages Recorded: 2
Cashier Initials: KL
Authorized By:
Recording Fee: 0.00
Date Recorded: 1/9/2009 3:42:17 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 1-6-09 5-12

| | | |
|---|---|---|
| **IN THE MATTER OF THE VACATION OF A PORTION OF PLATTED COMPLETE ACCESS CONTROL** | ) | |
| **GENERALLY LOCATED ON THE SOUTH SIDE OF 29TH STREET NORTH AND WEST OF WOODLAWN BOULEVARD** | ) | **Case No. VAC2008-00025** |
| **MORE FULLY DESCRIBED BELOW** | ) | |

VAC 2008-25

## VACATION ORDER

NOW on this 23rd day of December 2008 comes on for hearing the petition for vacation filed by Central Congregation of Jehovah Witness c/o Curtis Bowen praying for the vacation of the following described portion of platted complete access control to-wit:

Allow one 40-foot wide, full movement opening onto 29th Street North, from Tract A, Block 1, Northeast Elementary School Addition, Wichita, Sedgwick County, Kansas. (Reference: Lot Split SUB2008-00057)

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 August 21, 2008, 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. Dedication of access control by separate instrument will be recorded with the Sedgwick County Register of Deeds.

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 described portion of platted complete access control described herein should be approved. .

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 6th day of January 2009 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, 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 7th day of January, 2009

City Clerk

Approved as to Form:

Gary Rebenstorf, Director of Law

**SUBDIVISION COMMITTEE**
**METROPOLITAN AREA PLANNING COMMISSION**

**AGENDA ITEM NO.** 2
**August 28, 2008**

## STAFF REPORT

**CASE NUMBER**: **VAC2008-00025:** Request to vacate portion of platted complete access control

**OWNER/APPLICANT**: Central Congregation of Jehovah's Witnesses c/o Curtis Bowen

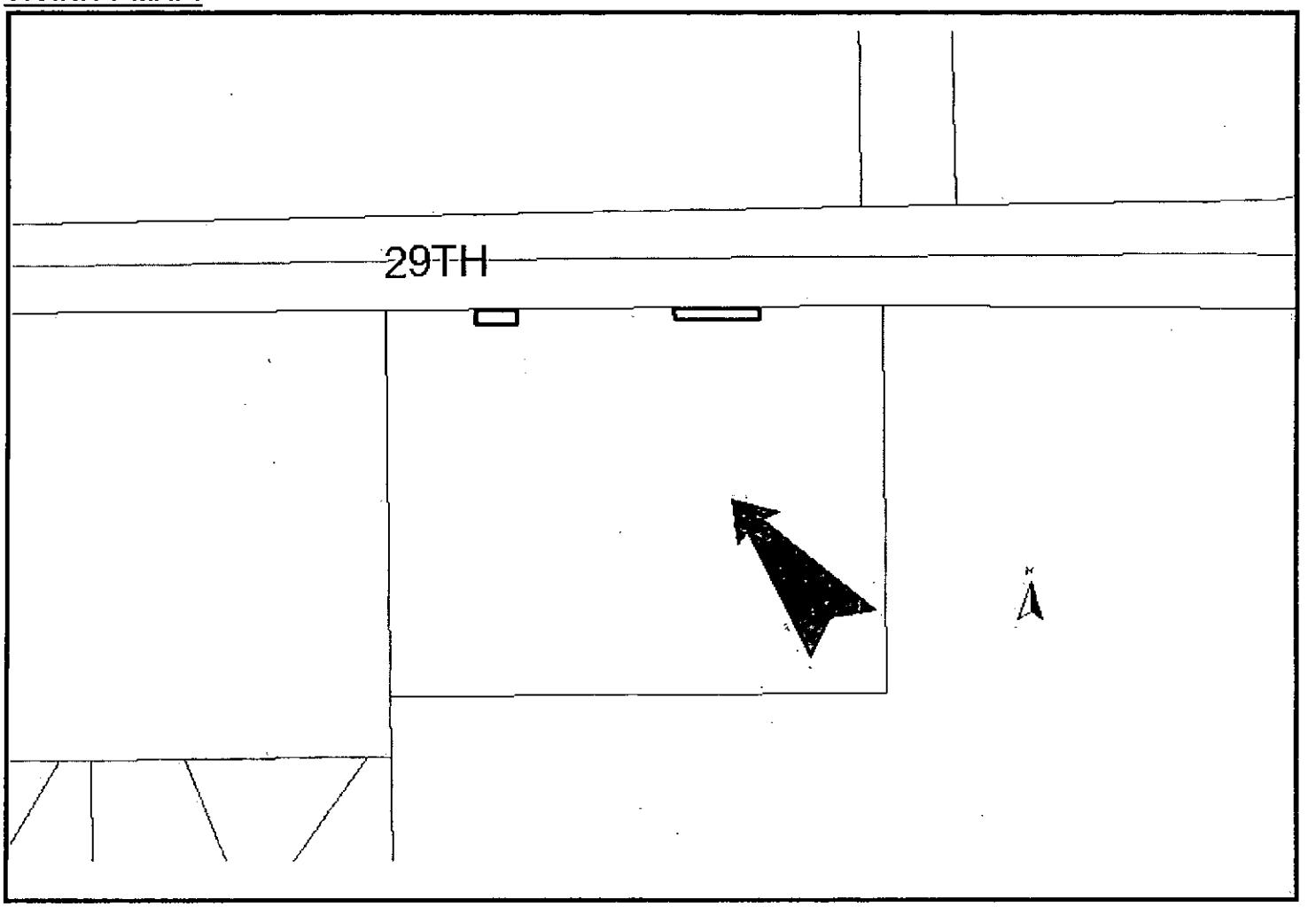
**LEGAL DESCRIPTION:** Generally described as a 40-foot full movement opening onto 29th Street North centered 113.55 feet east of the northwest corner of Lot 1, Block 1, Northeast Elementary School Addition, Wichita, Sedgwick County, Kansas

**LOCATION**: Generally located west of Woodlawn Avenue, on the south side of 29th Street North (WCC #I)

**REASON FOR REQUEST**: Additional drive associated with Lot Split

**CURRENT ZONING**: Subject property and all adjacent and abutting properties are zoned "SF-5" Single-family Residential

**VICINITY MAP:**



The applicant is requesting consideration for the vacation of the described platted access control for a 40-foot full movement opening onto 29th Street North. The proposed drive is located 152.64 feet, east of a platted 90-foot full movement drive, within the same subdivision. Typical driveway placement standards have 400 feet of separation between full movement drives on the same side of the street and 200 feet of separation between full movement and right in/right out drives. Other considerations include drives not lining up on opposite sides of the street and not having conflicting left turns. The approximately 282-acre Chisholm Creek public park (restored prairie, wetlands, ponds, woodlands and hiking trials) is located north of the site, across 29th Street North. The park has only two points of access, one being located in line with the before noted platted 90-foot full movement drive. The undeveloped subject site is currently part of the Northeast Elementary School Addition. There is a Lot Split, SUB2008-57, associated with this request to vacate the described portion of complete access control. There is an unfinished vacation case, VAC2007-48, associated with the Lot Split. Both VAC2008-05 and VAC2007-47 are contingent on the Lot Split, SUB2008-57, being completed and recorded. There is no public water located in the area of the proposed drive, but there is a sewer line. Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the described drive. The Northeast Elementary School Addition was recorded with the Register of Deeds July 9, 2002.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works/Water & Sewer/Storm Water, Traffic, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate the portion of the platted complete access control as described in the legal description with the following conditions.

(1) Vacate the complete access control as approved by the Traffic Engineer. Provide Planning with a legal description of the vacated access control on a Word document, via e-mail. Provide staff with a dedication of complete access control by separate instrument to go with the Vacation Order to be recorded with the Register of Deeds.

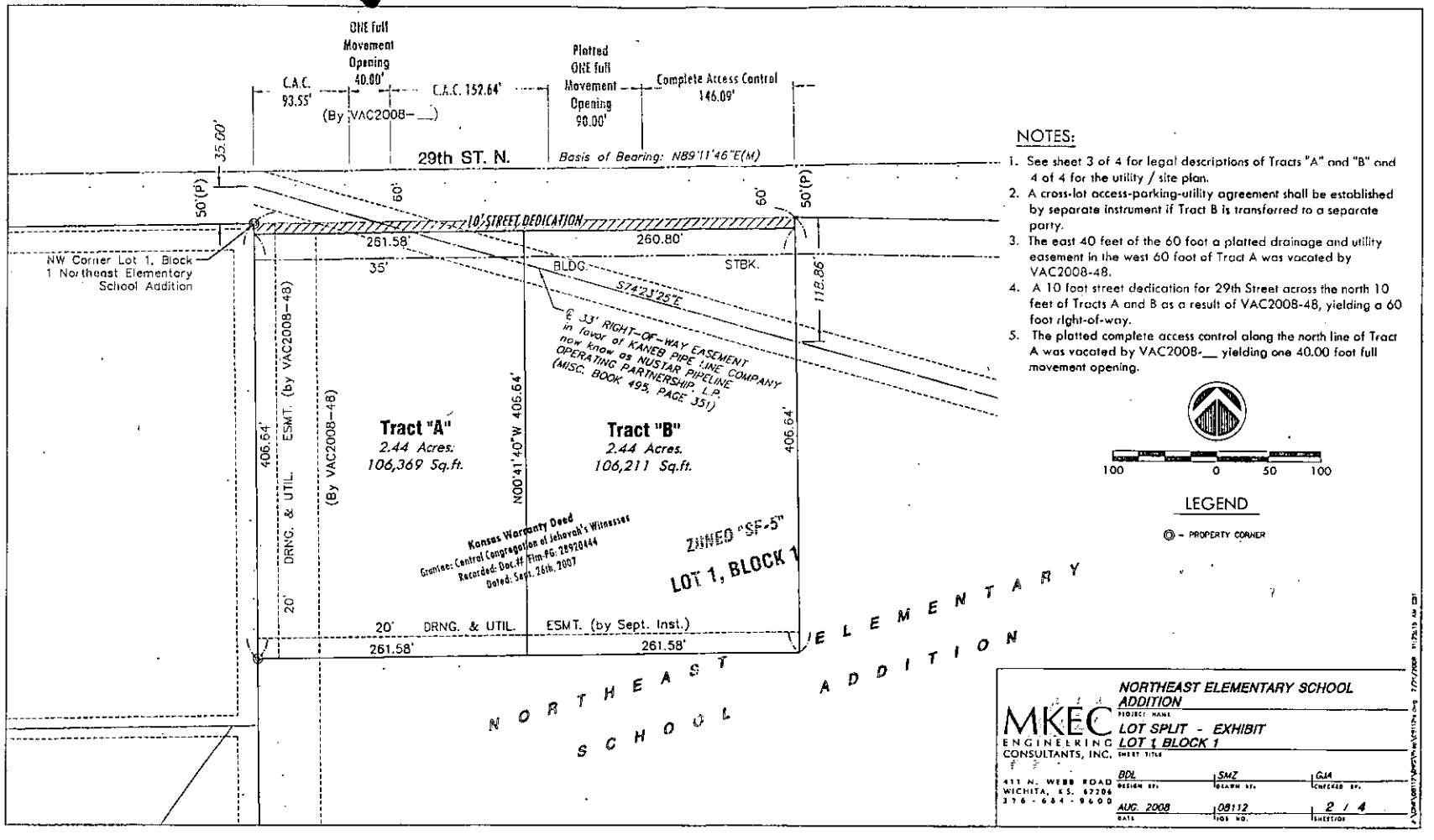
(2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.

(3) All improvements shall be according to City Standards and at the applicant's expense, including any new driveways from private property onto public ROW and closing of any existing drives. Provide Public Works with a guarantee to ensure that those improvements will be made, or the applicant may chose to provide staff with a drive approach certificate which will be recorded with the Sedgwick County Register of Deeds.

(4) The vacation case will not be in effect until Lot Split SUB2008-57 has been approved.

(5) 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.

Proposed




NOTES:

1. See sheet 3 of 4 for legal descriptions of Tracts "A" and "B" and 4 of 4 for the utility / site plan.
2. A cross-lot access-parking-utility agreement shall be established by separate instrument if Tract B is transferred to a separate party.
3. The east 40 feet of the 60 foot a platted drainage and utility easement in the west 60 foot of Tract A was vacated by VAC2008-48.
4. A 10 foot street dedication for 29th Street across the north 10 feet of Tracts A and B as a result of VAC2008-48, yielding a 60 foot right-of-way.
5. The platted complete access control along the north line of Tract A was vacated by VAC2008-__ yielding one 40.00 foot full movement opening.

100 0 50 100

LEGEND

◎ = PROPERTY CORNER

MKEC ENGINEERING CONSULTANTS, INC.
411 N. WEBB ROAD
WICHITA, KS. 67206
316 - 684 - 9600

NORTHEAST ELEMENTARY SCHOOL ADDITION
PROJECT NAME
LOT SPLIT - EXHIBIT
LOT 1 BLOCK 1
SHEET TITLE

| BDL | SMZ | GJA |
|---|---|---|
| DESIGN BY: | DRAWN BY: | CHECKED BY: |
| AUG. 2008 | 08112 | 2 / 4 |
| DATE | JOB NO. | SHEET NO. |

VAC2008-25
Proposed Lot Split