



Sedgwick County
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BEFORE THE COUNTY COMMISSIONERS
 OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF A)
 PORTION OF COMPLETE ACCESS CONTROL)
)
)
 LOCATED ON THE SOUTHEAST CORNER OF)
 EAST 31ST STREET SOUTH AND SOUTH OLIVER)
 AVENUE)
)

CASE NO. VAC2020-00004

VACATION ORDER

NOW on this 22nd day of April, 2020, at 9:00 o'clock A.M., comes the petition filed by Ascension Via Christi Property Services (owner), praying for the vacation of the following-described platted complete access control, to-wit:

Vacate the east 40 feet of the west 240 feet of complete access control, Lot 1, Block A, BMAC Employee Activity Center Addition, Sedgwick County, Kansas.

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, the Derby Informer, such publication having occurred on , February 13, 2020; 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; 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 5th day of March, 2020, and recommended that the vacation petition herein be approved.

THEREFORE, IT IS ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, that the platted complete access control, hereinabove described be the same and is hereby vacated. It is further ordered that County Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

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Commissioners present and voting were:

PETER F. MEITZNER
MICHAEL B. O'DONNELL, II
DAVID T. DENNIS
LACEY D. CRUSE
JAMES M. HOWELL

AMC
AMC
AMC
AMC

Dated this 22 day of April, 2020.

ATTEST:



Kelly B. Arnold
for KELLY B. ARNOLD, Clerk

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

Peter F. Meitzner
PETER F. MEITZNER, Chairman
Commissioner, First District

Lacey D. Cruse
LACEY D. CRUSE, Chair Pro Tem
Commissioner, Fourth District

APPROVED AS TO FORM:

Justin M. Waggoner
JUSTIN M. WAGGONER
Assistant County Counselor

Michael B. O'Donnell, II
MICHAEL B. O'DONNELL, II
Commissioner, Second District

David T. Dennis
DAVID T. DENNIS
Commissioner, Third District

James M. Howell
JAMES M. HOWELL
Commissioner, Fifth District

**EXCERPT MINUTES OF THE MARCH 5 2019 WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION HEARING**

3-1. Case No. VAC2020-00004: County Vacation request to vacate a portion of complete access control to allow one drive on property zoned LI Limited Industrial, generally located on the southeast corner of East 31st Street South and South Oliver Avenue.

The applicant is requesting the vacation of the east 40 feet of the west 240 feet of platted complete access control onto East 31st Street South located on the north property line of Lot 1, Block A, BMAC Employee Activity Center Addition. Lot 1 is a 22.7 acre site. However, the applicant has submitted a concurrent Lot Split application (LSP2020-00003) to split-off the 3 acre subject site (Parcel 1) in the northwest corner of the property to accommodate the development of a medical clinic. The Lot Split is waiting on a contingent dedication of right-of-way along Oliver, and it has not been finalized. The subject site contains one drive onto East 31st Street approximately 100 feet east of the intersection with South Oliver. This driveway provided access to a natural gas meter and regulator site (DR91-1). However, that meter and regulator site is no longer in operation. Therefore, the driveway will be taken out and the curb restored as part of this project. The new driveway will be constructed 200 feet from the intersection. The site plan indicates the presence of a water line in addition to several other utilities located within the right-of-way in the application area. There is also a 35-foot building setback and Gas Service Company Easement along the north property line that shall be retained. Everygy has poles with lines and other facilities near the area subject to this vacation for which relocation is not an option. The applicant indicated they do not anticipate any impact on said facilities with the construction of the drive approach. Shane Price is Everygy's Supervisor of Design Services and can be contacted with any questions about this case. The BMAC Employee Activity Center Addition was recorded June 11, 1981.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Stormwater, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portions of the platted complete access control.

- 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, of notice of this vacation proceeding one time February 14, 2020, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the described portion of the platted access control and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Vacation of the east 40 feet of the west 240 feet of platted complete access control located on and running parallel with the north property line of Lot 1, Block A, BMAC Employee Activity Center Addition is contingent on approval by the Traffic Engineer and the Fire Department. It is also contingent upon the perfection of LSP2020-0003. If approved, provide Planning with a dedication of access control by separate instrument with original signatures to go with the Vacation Order to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds. All to be provided to the Planning Department prior to this case going to City Council for final action
- (2) All improvements shall be according to City Standards and at the applicants' expense.
- (3) As needed provide Planning with dedication of easements by separate instruments with original signatures to go with the Vacation Order to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (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 per staff recommendations.

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

HARTMAN moved, **FLORENCE** seconded the motion, and it carried (12-0).

DEDICATION OF ACCESS CONTROL

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, Ascension Via Christi Property Services, being the owner of the following described real estate in Sedgwick County, Kansas, to wit:

See Attached Exhibit A

does hereby transfer and convey to the City of Wichita, all abutter's rights of access, ingress, and egress to said property from or to East 31st Street South, over and across the north property line except for:

The East 40 feet of the West 240 feet of Access Control over and across the North line of Lot 1, Block A, BMAC Employee Activity Center Addition, Sedgwick County, Kansas.

Executed this 2nd day of April, 2020.



Michael McCullough, CFO

STATE OF KANSAS)

) ss

COUNTY OF SEDGWICK)

BE IT REMEMBERED, that on this 2nd day of April, 2020 before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came, Michael McCullough who is personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.

Aidan Gearhart

Notary Public

SEAL

(My Commission Expires: 10/12/20)



Approved as to Form:

Jennifer Magaña, City Attorney and Director of Law