

**STAFF REPORT**

**CASE NUMBER:** VAC2021-00003 - County vacation of a portion of access control for driveway into commercial development, generally located 1,700 feet south of East 117th Street North on the east side of North Broadway Avenue (11500 North Broadway Avenue).

**OWNER/APPLICANT:** Accord Land Company, LLC. (applicant), Baughman Company, P.A. c/o Phil Meyer (agent)

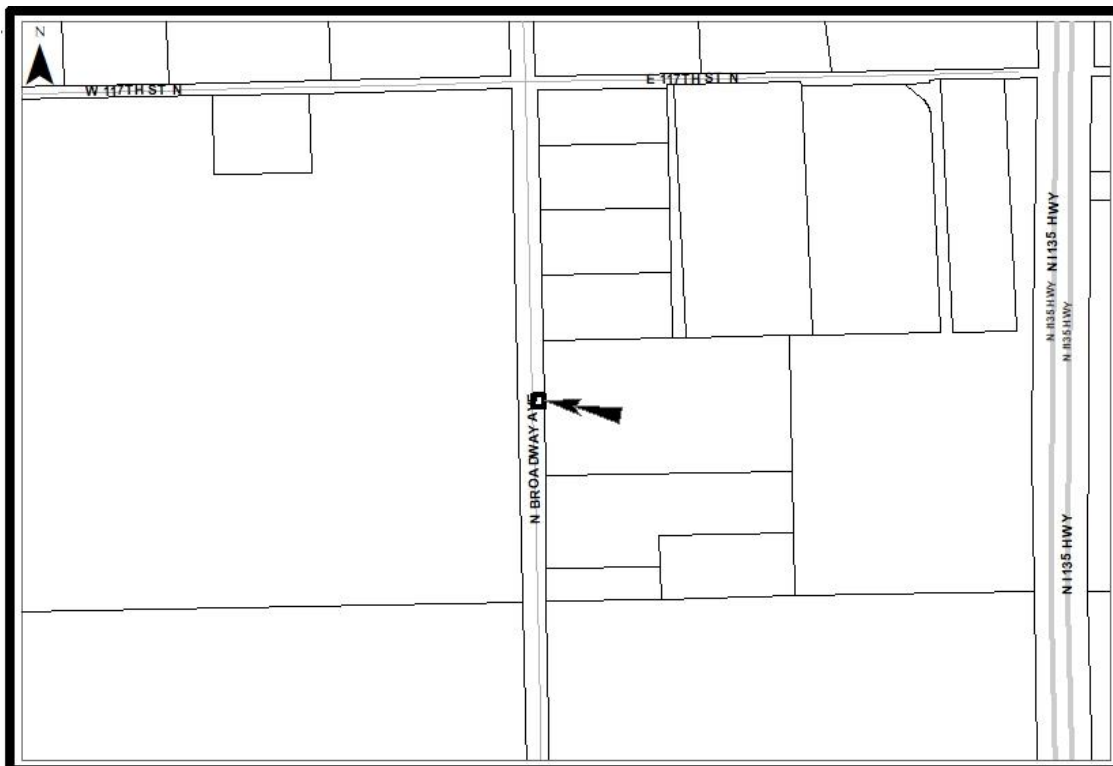
**LEGAL DESCRIPTION:** Generally described as vacating access control of the North 60.00 feet of the South 412.00 feet of Lot 1, Block 1, Castleberry Addition, an Addition to Sedgwick County, Kansas.

**LOCATION:** Generally located 1,700 feet south of East 117th Street North on the east side of North Broadway Avenue (BoCC #4)

**REASON FOR REQUEST:** To relocate access point to Castleberry Addition from Broadway for better access to a new building

**CURRENT ZONING:** The site is zoned LI Limited Industrial. All adjacent properties are zoned RR Rural Residential.

**VICINITY MAP:**



The applicant is requesting vacation of access control of the North 60.00 feet of the South 412.00 feet of Lot 1, Block 1, Castleberry Addition, an Addition to Sedgwick County, Kansas, in order to allow better access to a new proposed building on the site. The original access to Broadway at the South 60.00 feet of Lot 1, Block 1, Castleberry Addition, an Addition to Sedgwick County, Kansas will be dedicated to access control.

There are no public utilities within the requested vacate area. County Public Works states that the relocated access control would be an improvement over the existing access control because it would make for better driveway separation. Evergy is working with the applicant on this request. They have existing poles and lines in the ROW along Broadway. They have no objection but if there is conflict with the new drive they are wanting to install then standard language will apply, should they need to relocate or remove any existing service or equipment it will be at their expense and Evergy will maintain the legal right to access and maintain our existing facilities in that area. Tracy Wood Designer -Newton, will be the contact for this item. She can be reached at 316-284-5709. Cox objects to this vacate. They have a Major fiber line in the proposed vacate area. This line cannot be moved without causing a major disruption in services nationally and at a huge expense. The agent for the applicant will work with Cox Communications to resolve the issue. Comments from other franchised utilities have not been received and are needed to determine if they have utilities located within the subject access control area. The Castleberry Addition was recorded January 4, 1999.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from County 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 portion 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 October 27, 2016, 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 sewer easement dedicated by separate instrument, 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) 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.
- (2) All improvements shall be according to City Standards and at the applicants' expense.

- (3) Supply Planning with a statement/agreement from Cox Communications that concerns with their infrastructure have been resolved.
- (4) Vacation of the North 60.00 feet of the South 412.00 feet of Lot 1, Block 1, Castleberry Addition, is contingent on approval by the Traffic Engineer and the Fire Department. Approval will include the dedication of complete access control on the currently permitted platted opening located on the south 60 feet of the subject site. If approved with noted condition provide Planning with a dedication of access control by separate instrument with original signatures to go with the Vacation Order to County Commission 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 the Board of County Commissioners for final action.
- (5) 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**

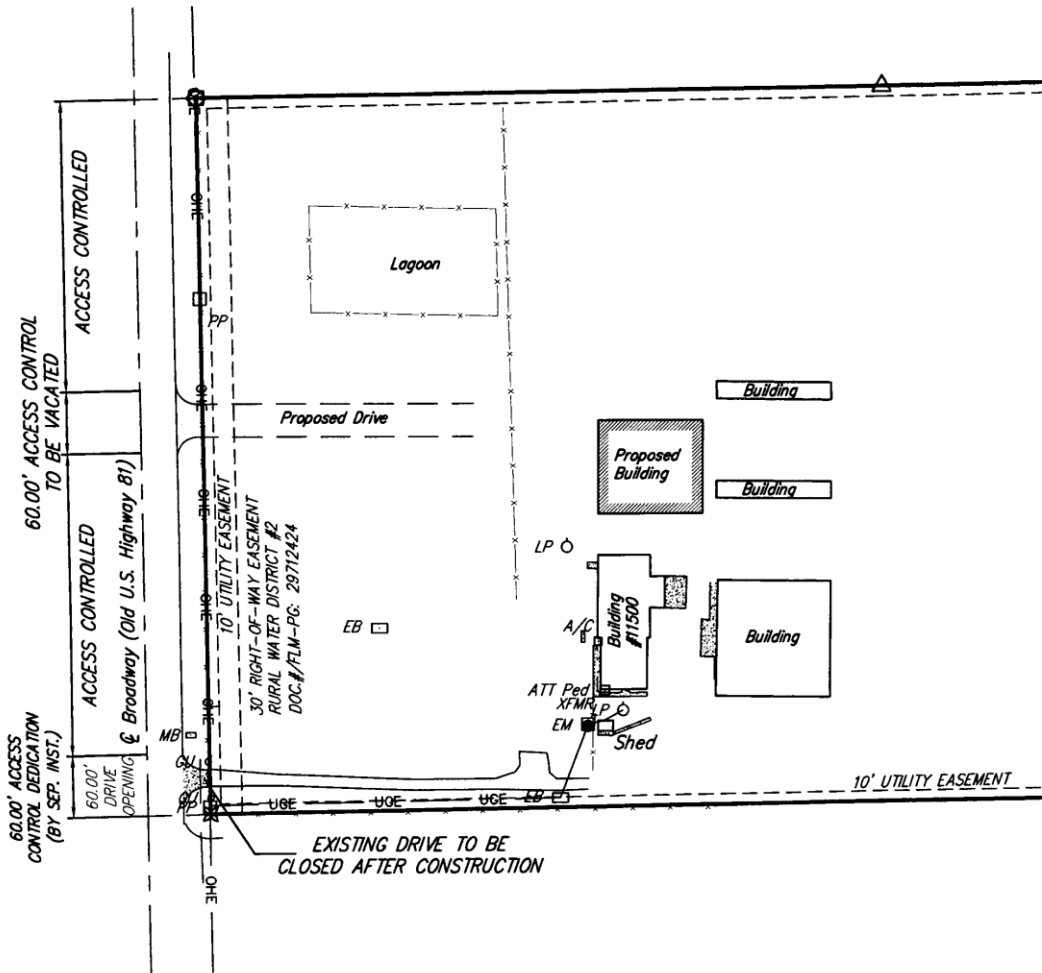
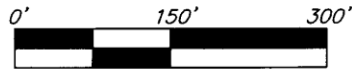
The Subdivision Committee recommends approval subject to the following conditions:

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# EXHIBIT

ACCESS CONTROL VACATION  
 LOT 1, BLOCK 1, CASTLEBERRY ADDITION,  
 AN ADDITION TO SEDGWICK COUNTY, KANSAS



JAN 11, 2021

**BAUGHMAN COMPANY**  
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