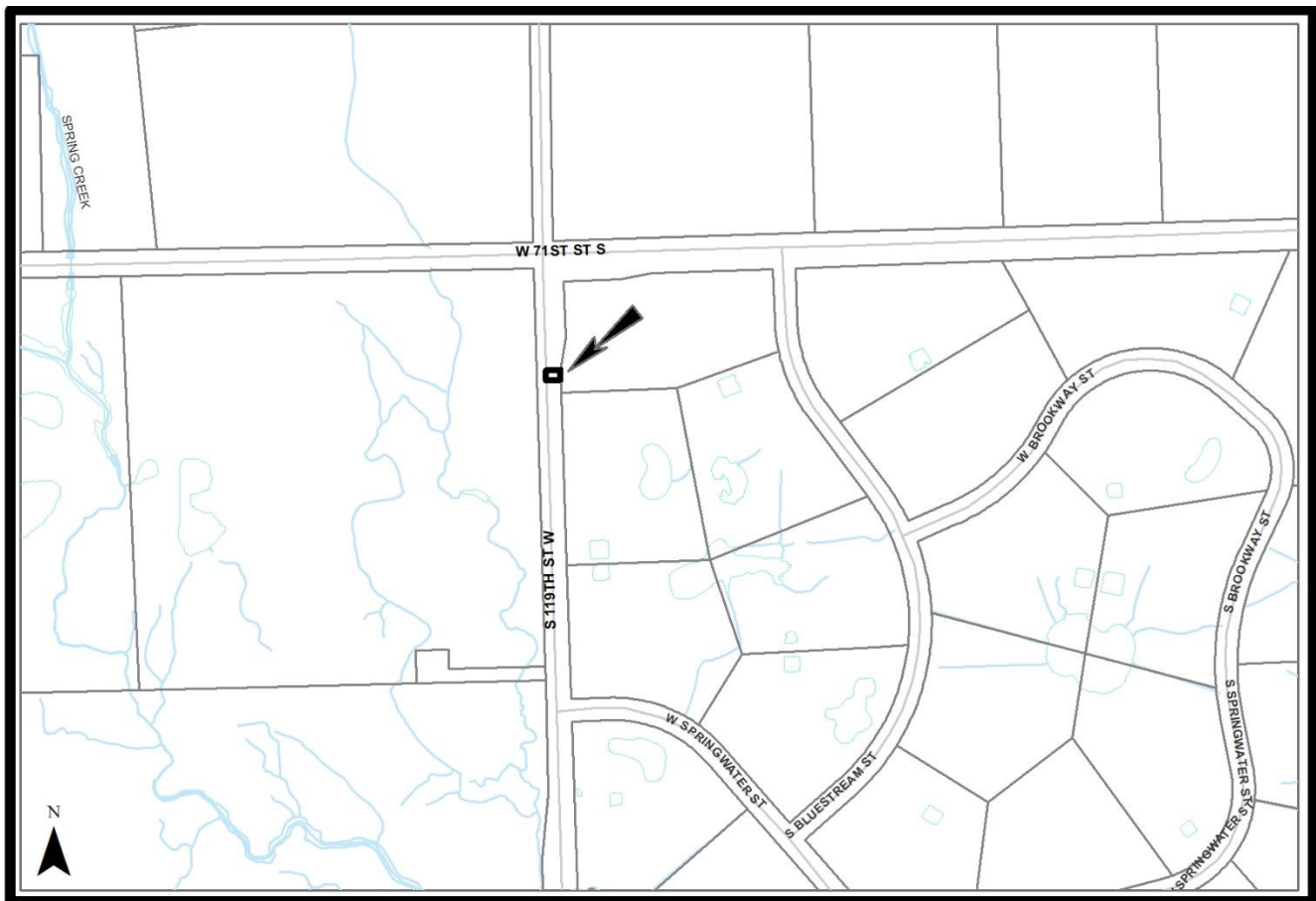


STAFF REPORT

- CASE NUMBER:** VAC2020-00011 - County vacation of a portion of complete access control
- OWNER/APPLICANT:** Tyson Stephens (applicant)
- LEGAL DESCRIPTION:** Described as vacating the northern 30 feet of the southern 70 feet of platted access controls along 119th Street West of Lot 1, Block 1, Spring Creek 2nd Addition, Sedgwick County, Kansas.
- LOCATION:** Generally located on the southeast corner of South 119th Street West and West 71st Street South (BoCC 2)
- REASON FOR REQUEST:** To permit one drive onto the property off of 119th Street West.
- CURRENT ZONING:** The site and adjacent properties are zoned RR Rural Residential.
- VICINITY MAP:**



The applicant is requesting vacation of the northern 30 feet of the southern 70 feet of platted access controls along 119th Street West of Lot 1, Block 1, Spring Creek 2nd Addition. The applicant's lot has no constructed access to public right-of-way at this time. Both the northern and western lot lines have complete access control. The eastern lot line has potential access to South Bluestream Street. The lot has a 100-foot utility easement running through the middle of it. The applicant intends to construct a home to the west of the easement and wishes to construct a shorter drive to the home off of 119th Street West. The applicant has spoken to Sedgwick County Public Works, and support of this vacation was indicated. Cox Communications has no objection. The site is outside of Evergy territory. Spring Creek 2nd Addition was recorded September 20, 2000.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from 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 May 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 northern 30 feet of the southern 70 feet of platted access controls along 119th Street West of Lot 1, Block 1, Spring Creek 2nd Addition, is contingent on approval by Sedgwick County Public Works.
- (2) All improvements shall be according to County 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 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 County Commission 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.

Attachments:

- 1. Aerial Map
- 2. Site Plan
- 3. Plat



SE CORNER OF 71ST ST. S. & 119TH ST. W.



The northern 30 ft. of the southern 70 ft. of platted access controls along 119th St. West of Lot 1 Block 1 Spring Creek 2nd addition.

