

**STAFF REPORT**

**CASE NUMBER:** VAC2020-00034 - City vacation of complete access control to permit two access points.

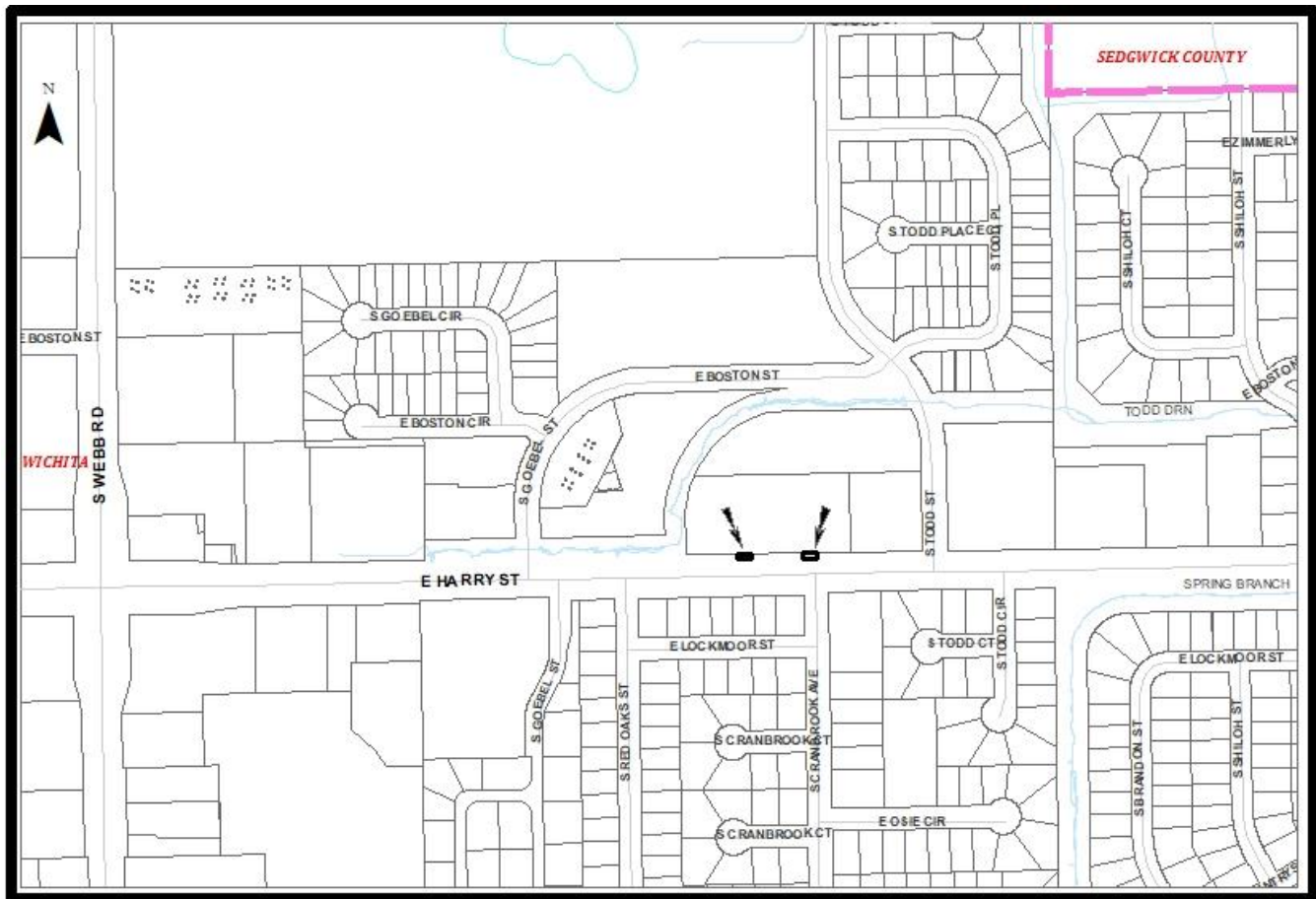
**OWNER/APPLICANT:** Harry DT, LLC (applicant), Kaw Valley Engineering, Levi Bond (agent)

**LEGAL DESCRIPTION:** See Attached

**LOCATION:** Generally located on the north side of East Harry Street and one-quarter mile east of South Webb Road.

**REASON FOR REQUEST:** To allow for development of the site with two access points onto East Harry Street.

**VICINITY MAP:**



The applicant is requesting the vacation of platted complete access control to allow two drives onto East Harry Street on a undeveloped property zoned GO General Office. The property is described as Lot 2, Block 2, Park Meadow Estates Addition and is generally located on the north side of East Harry Street and one-quarter mile east of South Webb Road. The western drive will be located approximately 143 feet west of the southwest corner of the lot. The eastern drive will be located approximately 326 feet from the southwest corner of the lot and lining up with South Cranbrook Avenue across East Harry Street. The requested vacation is for 40 feet of access control, but the drives are intended to be only 30 feet wide. The exact location of the drives have not been finalized. So this request allows the property owner additional space to adjust the location of the drive as the plans for the development move forward. The two drives will be approximately 143 feet apart. The City Traffic Engineer and City Public Works have reviewed this case and comments and have no objection to the request.

There is a public drainage line in the East Harry street right-of-way in the location of the western drive and a public sewer line in the street right-of-way in the location of the eastern drive. Every has not objection to this request. They have streetlight poles and lines in the right-of-way/access control area. Any removal or relocation of equipment is at the applicant's expense. LaDonna Vanderfod, Area Construction Service Representative can be contacted at 316-261-6290 with any questions. The Park Meadow Estates Addition was recorded August 18, 1976.

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 September 17, 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) 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) Vacation of the described portion of complete access control. 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.
- (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.

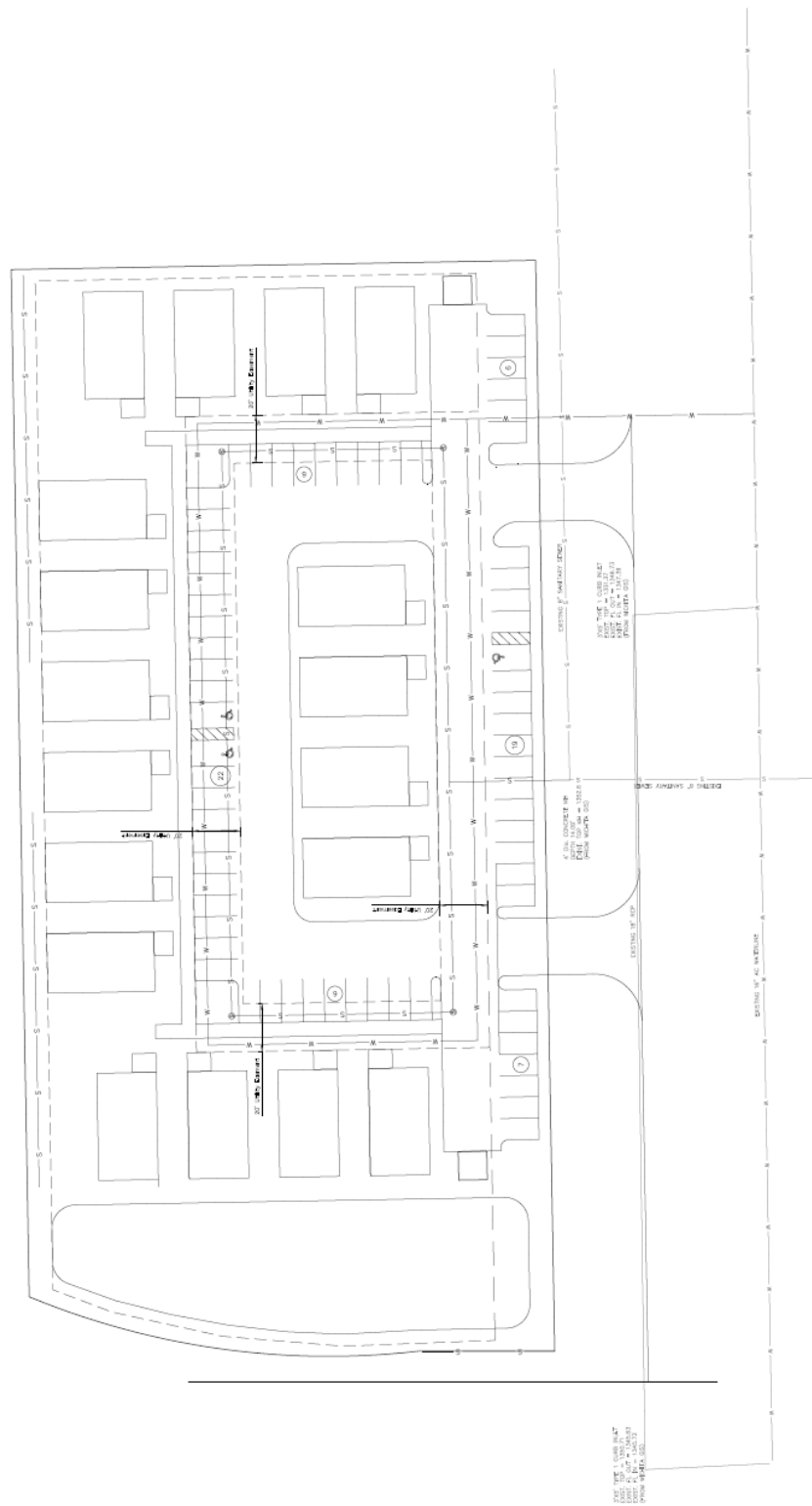
#### Attachments:

1. Aerial Map
2. Site Plan
3. Legal Description



# ACCESS CONTROL VACATION EXHIBIT B

FOR DISCUSSION PURPOSES ONLY



**WEST DRIVE OPENING AREA DESCRIPTION:**

An access point from Harry Street to Lot 2, Block 2, Park Meadow Estates Addition described as:

Commencing at the southwest corner of said Lot 2; thence east along the south line of said Lot 2, 142.49 feet to the point of beginning; thence continuing along said south line, 40 feet to the point of termination.

**EAST DRIVE OPENING AREA DESCRIPTION:**

An access point from Harry Street to Lot 2, Block 2, Park Meadow Estates Addition described as:

Commencing at the southwest corner of said Lot 2; thence east along the south line of said Lot 2, 325.49 feet to the point of beginning; thence continuing along said south line, 40 feet to the point of termination.