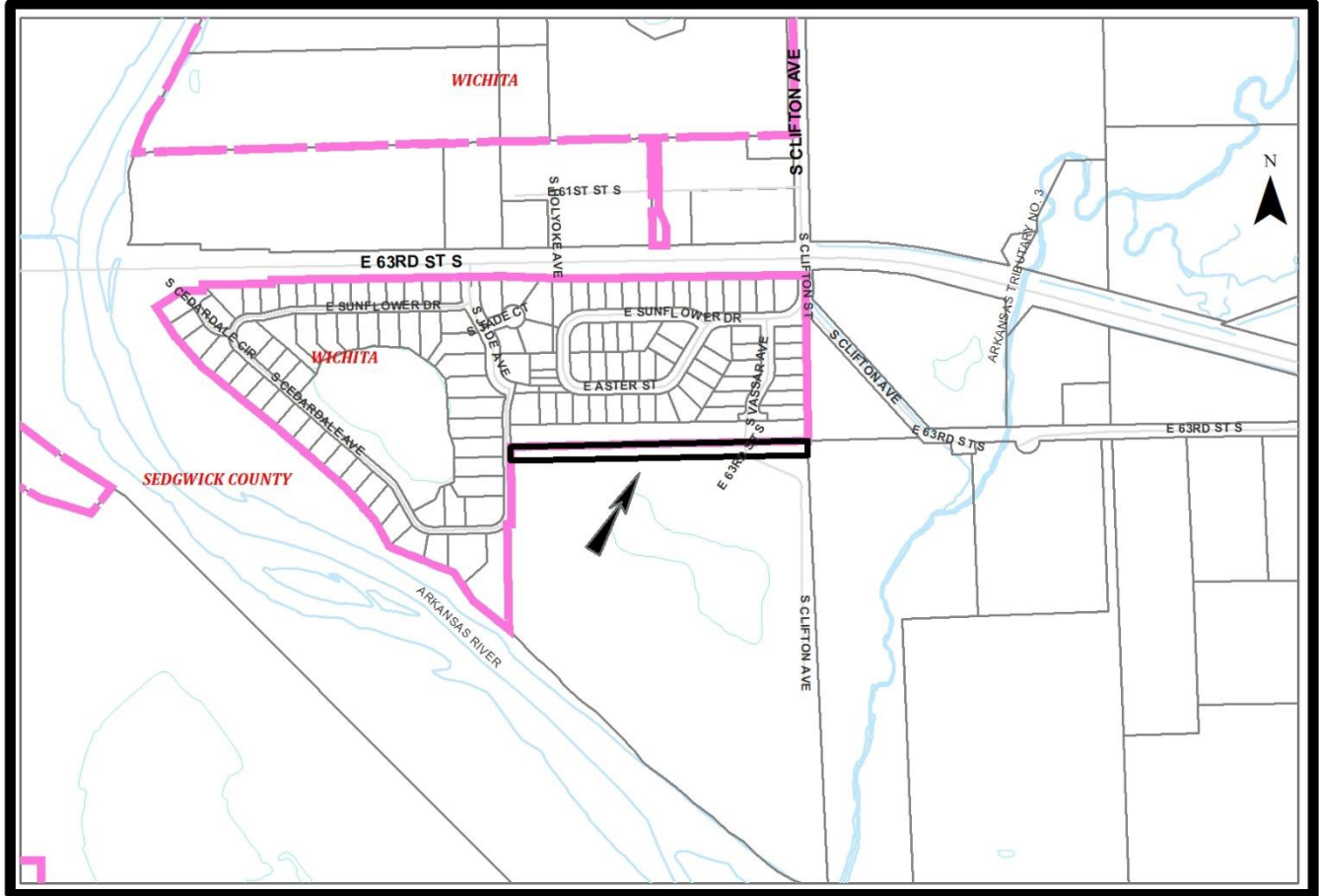


STAFF REPORT

- CASE NUMBER:** VAC2019-00040 – County Vacation request to vacate an unopened section road right-of-way.
- APPLICANT/AGENT:** Tiffanie Kirkland and Robin Sanders (applicants)/ Baughman Company c/o Phil Meyers (agent)
- LEGAL DESCRIPTION:** See Attached
- LOCATION:** Generally located 800 feet south of East 63rd Street South and ¾ miles west of Highway K-15. Derby Subdivision Jurisdiction. (BoCC V)
- REASON FOR REQUEST:** To clear the land of unused right-of-way.
- CURRENT ZONING:** Abutting property to the north and west is zoned SF-5 Single Family Residential. Abutting property to the south and east is zone RR Rural Residential.

VICINITY MAP:



The applicant is requesting the vacation of a portion of section road right-of-way that was never opened as a street on property generally located 800 feet south of East 63rd Street South and ¾ miles west of Highway K-15. The property is unplatted and abuts the City of Wichita on the north and west sides. The applicant requests this vacation to clear the land of this unused piece of right-of-way. This right-of-way was dedicated by Sedgwick County to be part of a section-line road. However, when East 63rd Street South was constructed, it veered north at this location and this land was not used for the intended right-of-way. Therefore, the County never opened it as a street. The applicant owns property to the north and south of this right-of-way. To the west is the South Jade Avenue right-of-way. The property owner abutting to the east has signed the vacation petition and has access to their property via South Clifton Avenue. Therefore, no property shall be deprived access. The property is located in the Derby extra-territorial subdivision jurisdiction. Derby will be notified of this vacation and will have opportunity to hear and provide recommendation.

There are no public utilities in this right-of-way. Everyg has existing equipment in the subject right-of-way. An easement shall be dedicated or relocation shall be coordinated with the area representative. LaDonna Vanderford is the area Construction Representative and can be contacted regarding this item at 316-261-6290.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from County Public Works, Water & Sewer, Stormwater, Traffic, 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 public street right-of-way.

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 December 19, 2019, 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 section-line right-of-way 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) Provide a covenant, with original signatures, binding and tying the described vacated public street right-of-way to the applicants' abutting property. This must be provided to Planning prior to VAC2019-00040 proceeding to the Board of County Commission for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds and the Sedgwick County Appraisers Office.
- (2) As needed provide utilities with any needed project plans for the relocation of utilities for review and approval. Any relocation/reconstruction of utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number(s) to Planning prior to the case going to Board of County Commission for final action.
- (3) All improvements shall be according to County Standards and at the applicant's expense.

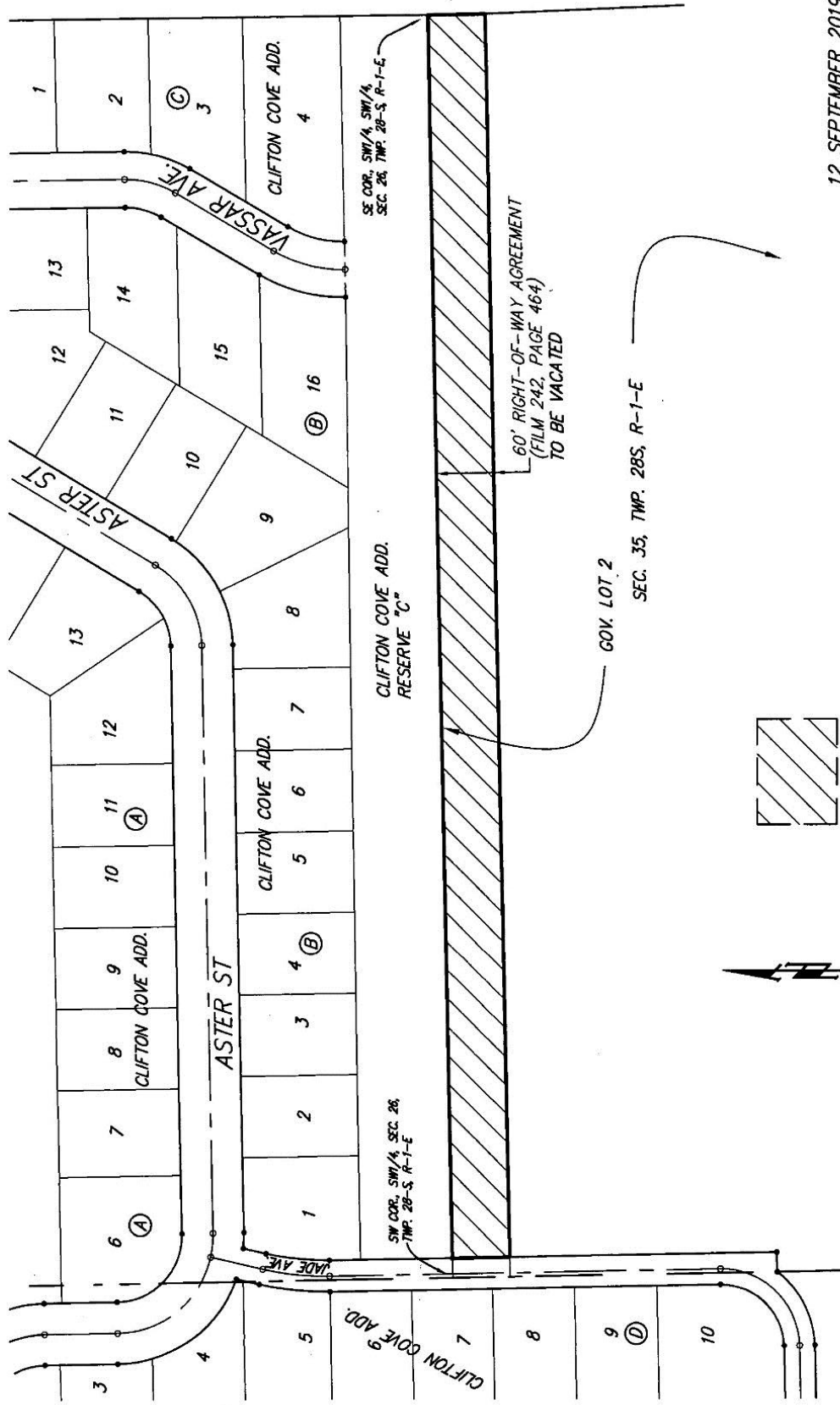
- (4) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken 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.

EXHIBIT

**Vacation of Highway 634-29 Road Right of Way
Section 35, Township 28S, Range 1E
Sedgwick County, Kansas**



12 SEPTEMBER 2019

B
Baughman Company, P.A.
 315 Ellis St. Wichita, KS 67211 P. 316.252.2771 F. 316.252.0499
Baughman ENGINEERING | SURVEYING | PLANNING | LANDSCAPE ARCHITECTURE
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INDICATES AREA OF RIGHT-OF-WAY AGREEMENT TO BE VACATED.