

VACATION HEARING

RECOMMENDATION FROM MAPC TO BOARD OF CITY COMMISSIONERS

V-1337 VACATION OF PLATTED ACCESS CONTROL GENERALLY LOCATED SOUTH OF CENTRAL ON THE EAST SIDE OF TYLER ROAD.

NOTE: The City Clerk will certify as to proper publication of notice of hearing and filing of written protest.

A petition for the above identified vacation request has been filed in the office of the City Clerk. The Planning Commission recommends that the Board of City Commissioners find that no private rights will be injured or endangered and the public will suffer no loss or inconvenience by granting by order the vacation request subject to:

- A. Proper publication of notice of public hearing.
- B. The absence of proper written protest filed with the City Clerk.
- C. All proceedings being without cost to the City, County, or any utility company.
- D. Any relocation or reconstruction of utilities necessitated by this vacation shall be at the sole expense of the applicant.
- E. The Vacation Order shall retain "access control except for two (2) openings" from the site of Tyler Road.
- F. The applicant shall guarantee the required medial improvements discussed with the Traffic Engineer and the City Engineer's representative at the July 18, 1985 Subdivision Committee meeting. As stated by the City Engineer's representative, the applicant is advised that an "occupancy permit" will not be issued until the required medial work is completed.

Bayouth moved, Peters seconded and it carried unanimously. Chisholm and Moore were not yet present. (//7/25/85)

ACTION: Close the public hearing, approve the vacation request, receive and file the letter of credit, authorize the Mayor to sign the Vacation Order and instruct the City Clerk to file a certified copy of the order with the Sedgwick County Register of Deeds.

VACATION CASE DATA

Legal Description: The "access control" platted, and further defined by lot split L/S-0591 (Film 626, Page 311) as "access control except for one opening" to Tyler Road, across a portion of the west line of Lot 2, Block A, TY-CEN Addition, Wichita, Kansas, more particularly described as beginning at the northwest corner of Lot 1, Block A, TY-CEN Addition, thence north along the west line of Lot 2, Block A, TY-CEN Addition 175 feet. (MAPC No. V-1337)

Applicant: Stephen L. Clark
201 South Oliver
Wichita, Kansas 67218

Protestors: None before the Subdivision Committee or MAPC.

Comments: The applicant has submitted a letter of credit as a guarantee to satisfy the condition specified in item F above. The letter of credit should be received and filed.

BEFORE THE BOARD OF CITY COMMISSIONERS
OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSASIN THE MATTER OF THE VACATION OF
PLATTED ACCESS CONTROLGENERALLY LOCATED SOUTH OF CENTRAL
ON THE EAST SIDE OF TYLER ROADMORE FULLY DESCRIBED BELOWSTATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AT
8:00 A.M.

SEP 4 1985

NO. 7 65177
PAT KETTLER
REGISTER OF DEEDSMICROFILMED
OF RECORDEd Reed
DeputyVACATION ORDER

NOW on this 20th day of August, 1985, comes on for hearing the petition for vacation filed by Stephen L. Clark, praying for the vacation of the following described platted access control, to-wit:

The "access control" platted, and further defined by lot split L/S-0591 (Film 626, Page 311) as "access control except for one opening" to Tyler Road, across a portion of the west line of Lot 2, Block A, TY-CEN Addition, Wichita, Kansas, more particularly described as beginning at the northwest corner of Lot 1, Block A, TY-CEN Addition, thence north along the west line of Lot 2, Block A, TY-CEN Addition 175 feet. (MAPC No. V-1337)

The City Commission, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Daily Record of notice of this vacation proceeding for consecutive weeks on AUG. 7 & 14, 1985.
2. No private rights will be injured or endangered by the vacation of the above-described platted access control, and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner the prayer of the petition ought to be granted.
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.
5. The vacation order shall retain "access control except for two (2) openings" from the site to Tyler Road.
6. The vacation of the platted access control described herein should be approved.

IT IS, THEREFORE, BY THE BOARD OF CITY COMMISSIONERS, on this 20th day of August, 1985, ordered that the above-described platted access control is hereby vacated. IT IS FURTHER ORDERED that the vacation order hereby retains "access control except for two (2) openings" from the site to Tyler Road. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

R. C. Brown
R. C. Brown, Mayor

ATTEST

Donald C. Gistick
Donald C. Gistick, City Clerk

Approved as to Form:

John Dekker
John Dekker, Director of Law

city clerk

CENTRAL

TYLER

LER

FRAZIER

(24-85)

LANE

ROBIN

(37-83)

ROAD

FIRST PLACE WEST

WEST
A
CENTER
1
ADD.

HIGGINS-
ANDEEL
ADD. 1

A 2
TY-CEN

175'

ADDITION

3

4

VAC. ORD. 36-357
CD. 11-28-79

2

3

4

DEDICATION