RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

PROPOSED AGENDA ITEMS: V-1965 Request to vacate access control located south of 47th Street South and west of Greenwich Road.

PRESENTED BY: Marvin S. Krout, Director of Planning. MKrout Date

PROPOSED AGENDA DATE: September 11, 1996

COMMISSION DISTRICT # 5

MAPC Recommendation: Approve vacation of access control. (unanimous)

Staff Recommendation: Approve vacation of access control.

Background/Discussion: The applicant is requesting the vacation of access control to Greenwich Road to allow for one point of access to serve two platted residential lots along their common boundary lot line. This vacation will allow for the lots to be developed to provide gravity services to lagoon systems to be situated on the west portions of the lots. The Wichita-Sedgwick County Department of Community Health and the County Engineer have indicated that the proposed vacation of access control and reorientation of the lagoon sewer systems to serve these two lots will not have any negative impacts. The applicant was required and has provided a joint access agreement which established the private responsibilities of the shared access point to Greenwich Road.

This request is beyond 3-miles of the City of Wichita and consequently was not scheduled for review by the Wichita City Council. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions. No members of the public addressed the MAPC in opposition to these requests.

Recommended Action: Open public hearing receive public comment; close public hearing, approve the vacation order and authorize the chair to sign.

Applicants: Theodore A. Hartenstein, 1303 Willow Lane, Wichita, KS 67208
William M. & Marceile Hayes, P.O. Box 780866, Wichita, KS 78278

Protestors: None

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF ACCESS CONTROL	)	
GENERALLY LOCATED SOUTH OF 47TH STREET SOUTH AND WEST OF GREENWICH ROAD	)	MAPD CASE NO. V-1965

VACATION ORDER

NOW on this 11th day of September, 1996, at 9:00 o'clock A.M. comes on for hearing a petition praying for the vacation of the following-described access control, to wit:

> Vacate complete access control to Greenwich Road as platted across the east line of Lots 2 and 3, Block A, Quail Creek Estates, Sedgwick County, Kansas

WHEREUPON, it is shown that proper notice has been given by publication once each week for three consecutive weeks in the official county newspaper, the first such publication having occurred on August 21, 1996; and it is further shown that proper proof of such publication has been filed herein. The Board finds that such notice is in lawful form and that it conforms to K.S.A. 58-2613.

THEREAFTER, the Board, having heard all interested parties and being otherwise duly advised in the premises, finds and determines that no private rights will be injured or endangered by such vacation; that the public will suffer no loss or inconvenience thereby; that no written objections hereto have been filed with the Sedgwick County Clerk; and that, in justice to the petitioner, the petition's prayer should be granted.

The Board further finds that on the 16th day of May, 1996, the Metropolitan Area Planning Commission recommended that the vacation petition herein be approved and that this case is beyond three (3) miles of the Wichita City Limits and therefore did not require action of the Wichita City Council.

THEREFORE, IT IS ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS THAT the above-described real property be and the same is hereby vacated.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

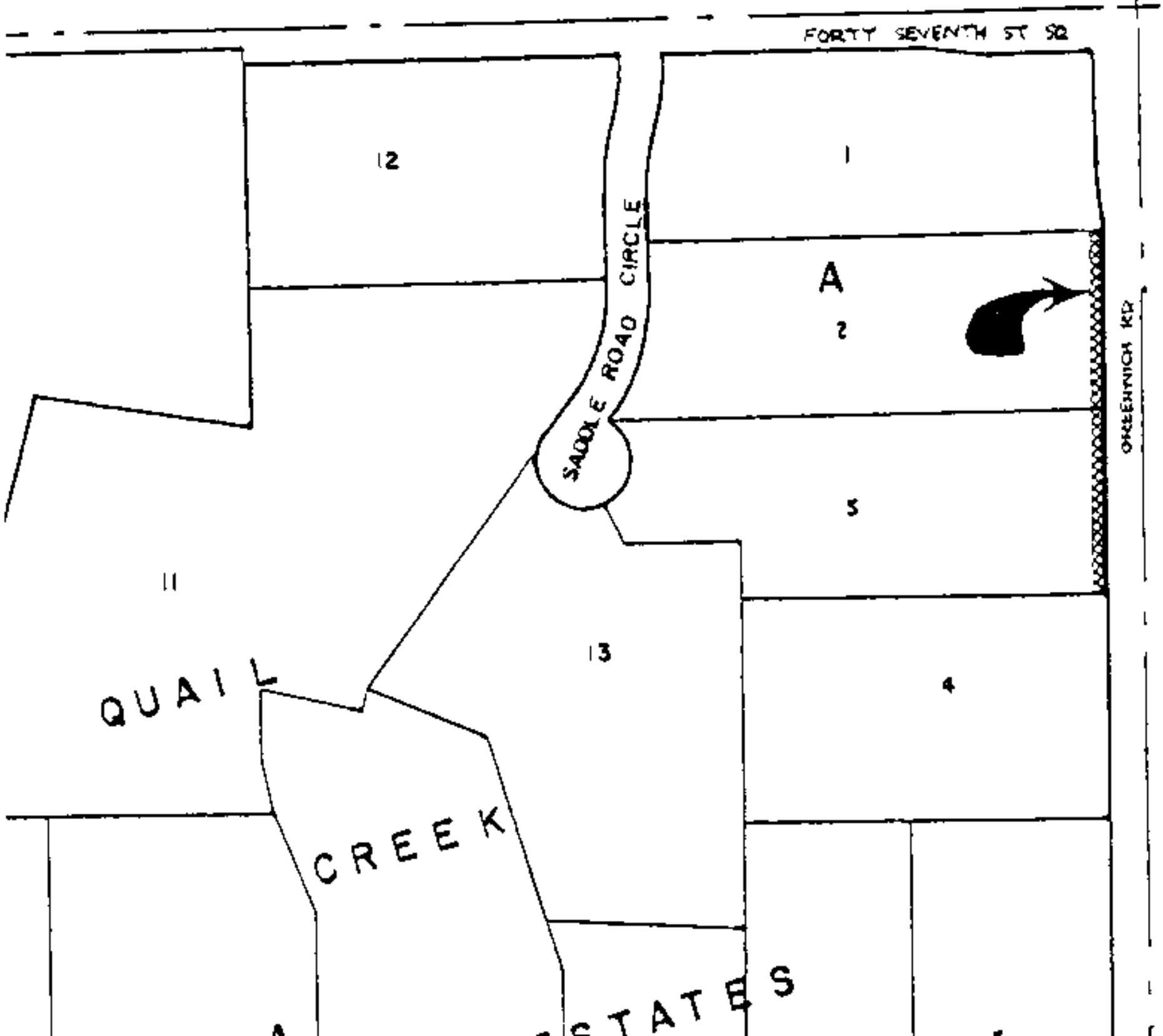
Thomas G. Winters, Chairman

ATTEST:

Susan E. Crockett-Spoon
County Clerk

APPROVED AS TO FORM:

Richard A. Euson
Assistant County Counselor


FORTY SEVENTH ST SO
12
1
SADDLE ROAD CIRCLE
A
2
GREENWICH RD
5
11
13
4
QUAIL
CREEK
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