

Planning Agenda # _____

City of Wichita
City Council Meeting
August 17, 1999

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: **V-2179 - REQUEST TO VACATE ACCESS CONTROL LOCATED
EAST OF HILLSIDE AND SOUTH OF COUNTRY CLUB PLACE.**
(District I)

INITIATED BY: Metropolitan Area Planning Department *M. Stout*

AGENDA ACTION: Planning *Dr. Fe*

Staff Recommendation: Approve vacation access control.

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

Background: The applicant is requesting to vacate access control along the eastern 50 feet of Lancaster Addition. This would permit a driveway to Country Club Place, which would serve a trash dumpster and a handicap van parking space. The eastern 372 feet of Lancaster Addition was platted with complete access control. The applicant has stated that a medical complex will be constructed on this property in the near future.

The applicant was also required to file a variance request to reduce the compatibility setback on the south property line from 25 feet to eight feet. Originally, several neighbors spoke in opposition to this reduction. However, the applicant and the neighbors negotiated a private settlement (attached) which included issues such as the time trash may be picked up, a new fence, traffic flow, safety, landscaping and lighting. The BZA approved the reduction of the compatibility setback on July 27th.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Recommendations/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the Mayor to sign.

**BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS**

IN THE MATTER OF THE VACATION OF	)	
ACCESS CONTROL	)	
	)	
GENERALLY LOCATED	)	Case No. V-2179
EAST OF HILLSIDE AND SOUTH OF COUNTRY	)	
CLUB PLACE	)	
	)	
	)	
<u>MORE FULLY DESCRIBED BELOW</u>	)	

VACATION ORDER

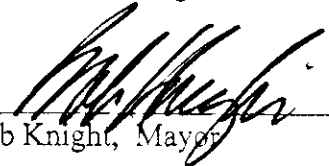
NOW on this 17th day of August, 1999, comes on for hearing the petition for vacation filed by Boyer Wichita Medical praying for the vacation of the following described access control, to-wit:

The east 50 feet of the north line of Lot 1, Lancaster Addition, Wichita, Kansas.

The City Council, 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:

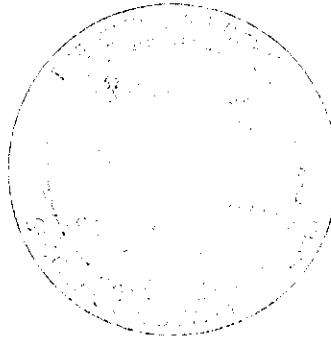
1. That due and legal notice has been given by publication as required by law, by publication in the Daily Reporter on June 1, 1999, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described access control, and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner(s), 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 of the access control described herein should be approved, subject to the following condition:

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 17th day of August 1999, ordered that the above-described access control is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.


Bob Knight, Mayor

ATTEST.

Pat Burnett, City Clerk



Approved as to Form:


Gary Reberstorf, Director of Law

