

Planning Agenda # _____

**City of Wichita
City Council Meeting
September 18, 2001**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: **VAC2001-00025 - REQUEST TO VACATE HORNECKER DRIVE AND THE PLATTED 30-FOOT SETBACK ON THE EAST SIDE OF THE PROPERTY LOCATED NORTHWEST OF THE HORNECKER - LYNNDALE INTERSECTION. (District V)**

INITIATED BY: Metropolitan Area Planning Department *MKrat
D.H.*

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of Hornecker Drive the platted 30-foot setback on the east side of the property.

MAPC Recommendation: Approve vacation of Hornecker Drive the platted 30-foot setback on the east side of the property. (unanimous)

Background: The applicant proposes to use the Hornecker Drive and its ROW for himself. Currently this section of Hornecker resembles a tended yard. The applicant has stated that ATV (All Terrain Vehicle) riders use the unimproved road for access into the area around Auburn Hills Golf Course. The vacation would allow the applicant to control or shut off this ATV traffic. The applicant and neighbors have observed that the unimproved road has considerable drainage going through it. There have been 2 calls expressing concern over the applicant's intentions for development of this section of Hornecker in reference to the current drainage and how their property would be affected if there was grading or paving done on it. The Wells Acre Addition Plat (recorded April 14, 1969) dedicated this section of Hornecker Drive "to and for use of the public".

The vacation would not dead-end Hornecker or any other street. No properties would be denied access to existing streets by vacating this section of Hornecker. Current ownership of Lots 1 & 2, Blk A, Wells Acre Add, has these lots being split into an eastern half of Lots 1 & 2 (which the applicant owns) and a western half of Lots 1 & 2, both have direct access to Lyndale Street. All

roads identified on the vicinity map are dirt with no curb and gutter.

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 necessary signatures.

Duf

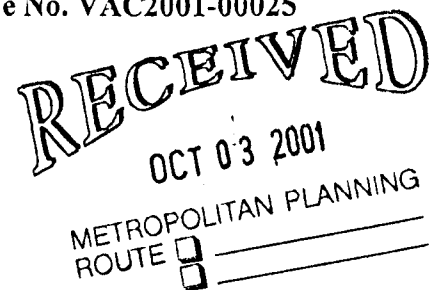
**BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS**

**IN THE MATTER OF THE VACATION OF)
HORNECKER DRIVE AND THE PLATTED)
30-FOOT SETBACK)**

**GENERALLY LOCATED)
NORTHWEST OF THE HORNECKER –)
LYNNDALE INTERSECTION)**

MORE FULLY DESCRIBED BELOW)

Case No. VAC2001-00025



VACATION ORDER

NOW on this 18th day of September, 2001, comes on for hearing the petition for vacation filed by Dirk Schill, praying for the vacation of the following described Hornecker Drive and the platted 30-foot setback, to-wit:

Street Right-of-Way Vacation Description:

The property, being a tract in the SE ¼ of SEC 25, TWP 27-S, R-2-W, described as commencing at a point on the east line of said SE ¼ said point being 1410 feet north of the north right-of-way line of US highway 54 (condemned in case a-38302); thence west parallel with said highway right-of-way line 1466.8 feet for a place of beginning; thence continuing west parallel with said highway right-of-way 70 feet to a point platted in Wells Acre, Sedgwick County, Kansas, as the SE ¼, 235 feet to a point platted in Wells Acre, Sedgwick County, Kansas, as the NE corner of lot 1, Block A; thence east parallel with said highway right-of-way line, 70 feet; thence south 235 feet to the place of beginning.

Building Setback Vacation:

Vacate 30-foot building setback on the easterly edge of lot 1 and lot 2, Block A, Wells Acre, Sedgwick County, 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 Wichita Eagle on June 14, 2001, 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 Hornecker Drive and the platted 30-foot setback, 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 Hornecker Drive and the platted 30-foot setback described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 18th day of September 2001, ordered that the above-described Hornecker Drive and the platted 30-foot setback 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 Rebenstorf, Director of Law

