

Planning Agenda # _____

**City of Wichita
City Council Meeting
November 6, 2001**

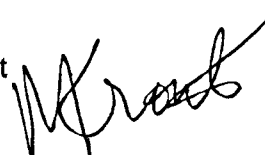
Agenda Report # _____

TO: Mayor and City Council

SUBJECT: VAC2001-00041 - REQUEST TO VACATE ACCESS
CONTROL FOR LOT 1, BLOCK 5, MAPLE DUNES
ADDITION, LOCATED ON THE NORTHEAST CORNER OF
THE MAPLE STREET - 135TH STREET WEST
INTERSECTION.
(District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning



Staff Recommendation: Approve vacation of access control along Maple Street and 135th Street West.

MAPC Recommendation: Approve vacation of access control along Maple Street and 135th Street West. (unanimous)

Background: The applicant proposes to vacate access control on 25.67-foot portions of frontage on both Maple Street and 135th St North. The applicant has purchased a 25.67-foot strip of land around the edges of the corner lot that expands. The applicant's proposal would move the existing access points on Maple and on 135th Street West to line up with the lots new northern and eastern boundaries.

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.

**IN THE MATTER OF THE VACATION OF
ACCESS CONTROL**

**GENERALLY LOCATED
NORTHEAST CORNER OF THE MAPLE
STREET – 135TH STREET WEST INTERSECTION**

MORE FULLY DESCRIBED BELOW

RECEIVED
NOV 13 2001
METROPOLITAN PLANNING
ROUTE 8

NOW on this 6TH day of November, 2001, comes on for hearing the petition for vacation filed by Empire Bank, praying for the vacation of the following described access control, to-wit:

The east 25 feet of the west 125 feet of Lot 1, Block 5, Maple Dunes Addition to Wichita, Kansas, adjoining Maple Street and the north 25 feet of the south 125 feet of said Lot 1 adjoining 135th Street West.

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:

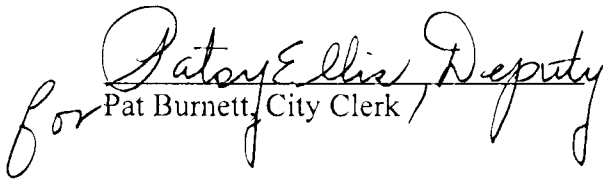
1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle on August 30, 2001, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described access control, and 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.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 6th day of November 2001, 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.



ATTEST:

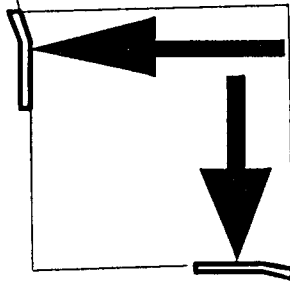

Bob Knight, Mayor


for Pat Burnett, City Clerk

Approved as to Form:


Gary Rebenstorf, Director of Law

135TH



6TH