

Planning Agenda # _____

**City of Wichita
City Council Meeting
September 11, 2001**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: VAC2001-00027 - REQUEST TO VACATE PLAT LOCATED
SOUTHWEST OF 63RD STREET SOUTH AND HYDRAULIC.
(6555 S. HYDRAULIC)
(District III)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

*Markout
DHE*

Staff Recommendation: Approve vacation of plat.

MAPC Recommendation: Approve vacation of plat. (unanimous)

Background: The applicant is requesting consideration to vacate the entire 10 acres of the L&D Taylor Addition final plat. The plat was approved by the City of Haysville on 04-28-97 and by the Sedgwick County Commission on 06-18-97. It was recorded 06-20-97. The property was annexed into the City of Wichita in 2000. The applicant is seeking to delay the payment of special assessments for the cost of constructing public improvements, in this case extending City water to the property. Charter Ordinance No. 139 provides City Council authorization to provide for a delay in payment of special assessments for the cost of constructing public improvements, not to exceed 15 years with a possible extension of 10 years if 50% or less of the property has not been developed. The conditions for consideration of the delay of payment of special assessments for the cost of constructing public improvements are as follows;

- (1) The land is in excess of 2 ½ acres.
- (2) Has not been platted
- (3) Primarily used for agricultural purposes
- (4) Has a population density of less than one family per acre
- (5) Not served by public improvement

The applicant meets conditions 1, 4 and 5. The applicant's property is classified under the

KSCAMA system land use code as #811; Farm – Ranch with Residential & Farm improvements. This corresponds with the MAPD Land Use category as Agriculture, thus the applicant meets condition #3. The applicant's property is platted, so it does not meet condition 2, thus the applicant's request. The property is developed with a house, garage and lagoon; prior to developing the property the applicant was required to plat it. This case is unique because of the financial hardship it places on the applicant, who desires City water.

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.

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CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

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SEP 11 2001

Page 1 of 2

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

IN THE MATTER OF THE VACATION OF
PLAT

GENERALLY LOCATED
SOUTHWEST OF 63RD STREET AND
HYDRAULIC (6555 S. HYDRAULIC)

MORE FULLY DESCRIBED BELOW



Case No. VAC2001-00027

Judy Paget
Deputy

MICROFILMED
OF RECORD

REGISTER OF DEEDS
BILL MEER

OCT 17 4 12 PM '01

STATE OF KANSAS)
SEDGWICK COUNTY) SS

VACATION ORDER

NOW on this 11th day of September, 2001, comes on for hearing the petition for vacation filed by Donnah Taylor, praying for the vacation of the following described plat, to-wit:

Lot 1, Block A, L&D Taylor Addition.

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 July 19, 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 plat, 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.

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CT

City Clerk

VAC 2001-00027

Vacation Order
VAC2001-00027

Page 2 of 2

5. The applicant shall retain access control along Hydraulic frontage, retain utility easements and retain Hydraulic right-of-way. Any relocation or reconstruction of utilities made necessary by this vacation is the responsibility of the applicant. All improvements shall be to City Standards.

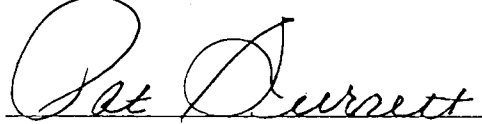
6. The vacation of plat described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 11th day of September 2001, ordered that the above-described plat 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.

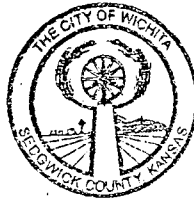


Bob Knight, Mayor

ATTEST:



Pat Burnett, City Clerk



Approved as to Form:



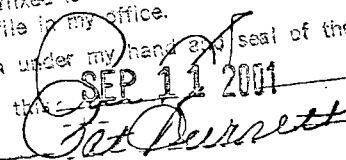
Gary Rebenstorf, Director of Law



State of Kansas)
Sedgwick County) ss
City of Wichita)

I, Pat Burnett, City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is affixed is a true and correct copy of the original on file in my office.

Given under my hand and seal of the City of Wichita, this SEP 11 2001



Pat Burnett, City Clerk



WICHITA

63RD ST S

SEDGWICK COUNTY



HYDRAULIC

MADISON

PINE BAY

WICHITA

SAND POINT

SEDGWICK COUNTY

WICHITA