

Planning Agenda # _____

City of Wichita
City Council Meeting
September 10, 2002

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: VAC2002-00027 - REQUEST TO VACATE DEDICATED
PUBLIC ROW LOCATED NORTHWEST OF THE 21ST
STREET NORTH – MAIZE ROAD INTERSECTION.
(District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

*M. Kraft
D. H.*

Staff Recommendation: Deny

MAPC Recommendation: Approve (unanimous)

Background: The applicant is requesting consideration for the vacation of a “stub” of right-of-way named Parkdale Street, as dedicated on the Evergreen Addition. Parkdale was intended to be a residential collector road that would provide access for this large residential area to 21st Street North and 29th Street North.

The development of the Northwestern Christian Church Addition (as a church) has shut out the immediate possibility of Parkdale extending south to 21st Street North as well as to Maize Road. The other properties abutting the Evergreen Addition on its south side and between the subdivision and 21st Street North are developed as large lot single family residential. This combination of the residential and church developments would prevent the possibility of immediate access to 21st Street North. There are no utilities in this section of Parkdale that is proposed to be vacated.

The owners of the properties would protest the possible relocation of dedicated right-of-way if Parkdale is vacated. This family had sold the property that became the Northwest Christian Church Addition, and as part of the sale stipulated that the church not allow a road to go through the property to 21st North.

The Planning Staff recommended denial of this request to vacate this portion of Parkdale, which would provide future access to 21st Street North. Despite the protest of the owners to the south, staff believed that when that property eventually develops for more intensive use, the connection to 21st

Street for the Evergreen homeowners will be desirable. Creating a local street system with connectivity of this type is stated as a design standard in the Subdivision Regulations and in the Comprehensive Plan.

The Subdivision Committee, at their August 15, 2002 meeting recommended approval of the request to vacate this portion of Parkdale, based on the inability to bring the road through the platted church lot.

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 or follow the recommendation of the Staff and deny the application to vacate this portion of Parkdale.

SEP 10 2002

This

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

IN THE MATTER OF THE VACATION OF
DEDICATED PUBLIC ROW

GENERALLY LOCATED
NORTHWEST OF THE 21ST STREET NORTH -
MAIZE ROAD INTERSECTION

MORE FULLY DESCRIBED BELOW

Case No. VAC2002-00027

RECEIVED

SEP 13 2002

METROPOLITAN PLANNING
ROUTE ☐ _____

VACATION ORDER

NOW on this 10th day of September, 2002, comes on for hearing the petition for vacation filed by Socara Village Company, c/o Larry Chambers, praying for the vacation of the following described dedicated public ROW, to-wit:

A portion of Parkdale Street, located in the Evergreen Addition, Wichita, Sedgwick County, Kansas; more particularly described as Parkdale Street from the south right-of-way of Greenspoint Street to the south property line of the Evergreen Addition.

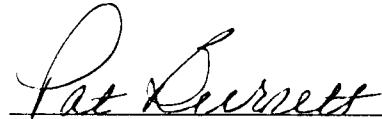
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

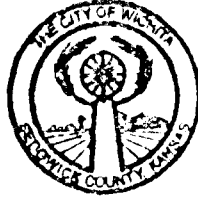
1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle on August 15, 2002, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described dedicated public ROW, 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.

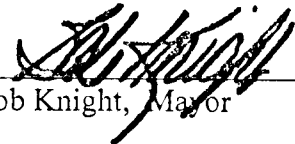
5. The vacation of the dedicated public ROW described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 10th day of September 2002, ordered that the above-described dedicated public ROW 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.

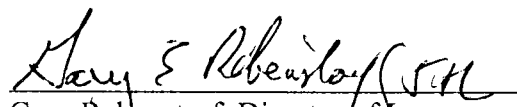
ATTEST:


Pat Burnett, City Clerk




Bob Knight, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

