

Planning Agenda # _____

**City of Wichita
City Council Meeting
November 19, 2002**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: VAC2002-00011 - REQUEST TO VACATE PLATTED ACCESS
CONTROL LOCATED NORTHEAST OF THE I-235 - SOUTH
SENECA INTERSECTION. 701 W. 33RD STREET SOUTH.
(District IV)

INITIATED BY: Metropolitan Area Planning Department *DM*

AGENDA ACTION: Planning

Staff Recommendation: Approve

MAPC Recommendation: Approve (unanimous)

Background: The applicant proposes to build Enterprise Elementary School on this site. The site plan for the new school building shows 4 openings onto to Gold Street. The openings are for school personnel – visitor parking, service vehicles and a pick up – drop off area. Planning Staff recommends the request for vacation of the current access control allowing one opening. The site plan the applicant has submitted shows the proposed 4 openings as they have been reviewed and recommended by City Staff.

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 with the condition that a certified copy of dedication by separate instrument will be recorded with the Register of Deeds for an Abutter's Access Rights allowing 4 openings to and from Gold Street from Lot 1, Block 1, South High School Addition.

Recommendations/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

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

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

**GENERALLY LOCATED
NORTHEAST OF THE I-235 SOUTH SENECA
INTERSECTION**

MORE FULLY DESCRIBED BELOW

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) **Case No. VAC2002-00011**
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VACATION ORDER

NOW on this 19th day of November, 2002, comes on for hearing the petition for vacation filed by USD 259 c/o Joe Hoover, praying for the vacation of the following described platted access control, to-wit:

Platted Access Control except for one opening along Mclean Blvd - Gold St, on Lot 1, South High School 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:

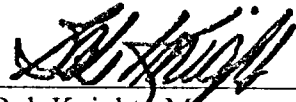
1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle on April 18, 2002, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described platted access control, 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 platted access control described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 19th day of November 2002, ordered that the above-described platted 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.

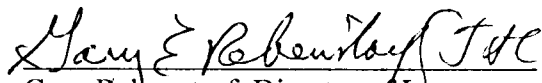
ATTEST:


Pat Burnett, City Clerk




Bob Knight, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

33RD

S SENECA AVE

35TH

GOLD

