

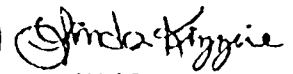
STATE OF KANSAS }
SEDGWICK COUNTY }BEFORE THE COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

MAY 2 4 01 PM '02

BILL MEEK
REGISTER OF DEEDSIN THE MATTER OF THE VACATION OF
63RD STREET SOUTHGENERALLY LOCATED
BETWEEN HOOVER ROAD AND RIDGE ROAD

CASE NO. VAC2002-00005

VACATION ORDER



Chief Deputy

NOW on this 24th day of April 2002, at 9:00 o'clock A.M., comes the petition filed by Vulcan Materials Company, A New Jersey Corp., Attention: Steve Nikkel, Plant Manager, praying for the vacation of the following-described portion of 63rd Street South, to-wit:

Existing roadway and abutting drainage ditches located in the South ½ of Section 27 and the North ½ of Section 34, Township 28 South Range 1 West, of the 6th PM, Sedgwick County, Kansas, said roadway and drainage ditches laying each side of a line described as beginning at a point on the south line of said Section 27 and 75 feet east of the Southwest Corner of said Section 27; thence along the south line of said Section 27 to a point 60 feet west of the Southeast corner of said Section 27; and all that portion of 63rd Street South as platted on Vulcan – Frontier Addition, Sedgwick County, Kansas except the west 75 feet thereof.

WHEREUPON, it is shown that proper notice has been given by publication once at least 20 days prior to the date of hearing in the Wichita Eagle newspaper, such publication having occurred on March 14, 2002; and it is further shown that proper proof of such publication has been filed herein. The Board finds that such notice is in lawful form and that it conforms to K.S.A. 58-2613, and amendments thereto.

THEREAFTER, the Board, being duly advised in the premises, finds and determines that no private rights will be injured or endangered by such vacation; that the public will suffer no loss or inconvenience thereby; that no written objections hereto have been filed with the Sedgwick County Clerk; and that, in justice to the petitioner, the petition's prayer should be

3.00

CC

County Clerk

VAC2002-00005

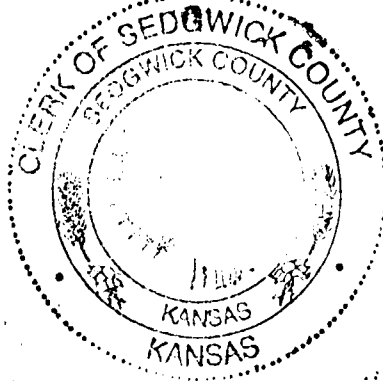
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granted subject to the following conditions;

- (1) The right-of-way shall be retained as an easement for utilities and county emergency services access.
- (2) The closure of the street entrances and any modifications to the right-of way shall be completed with the approval of the County Public Works Director.

The Board further finds that the Metropolitan Area Planning Commission held a public hearing on the 28th day of March 2002, and recommended that the vacation petition herein be approved; and on the 11th day of February, 2002, the Governing Body of Haysville, Kansas recommended that a similar petition for vacation of the remaining portion of 63rd Street South be approved.

THEREFORE, IT IS ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, that the portion of 63rd Street South herein above described be and the same is hereby vacated.



BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

Ben Sciortino

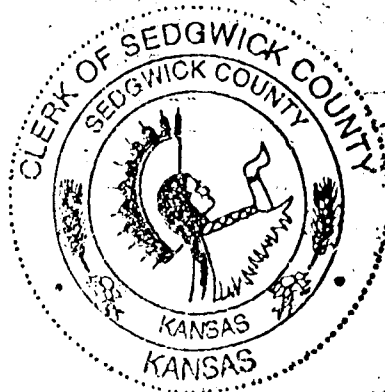
Ben Sciortino, Chairman
Fifth District

ATTEST:

for Don Brace
Don Brace
County Clerk

APPROVED AS TO FORM:

Robert W. Parnacott
Robert W. Parnacott
Assistant County Counselor



STAFF REPORT

CASE NUMBER: VAC2002-00005: Request to vacate 63rd Street South between Hoover Road and Ridge Road.

APPLICANT: Vulcan Chemicals c/o Steve Nikkel

AGENT: Milo M Unruh Jr

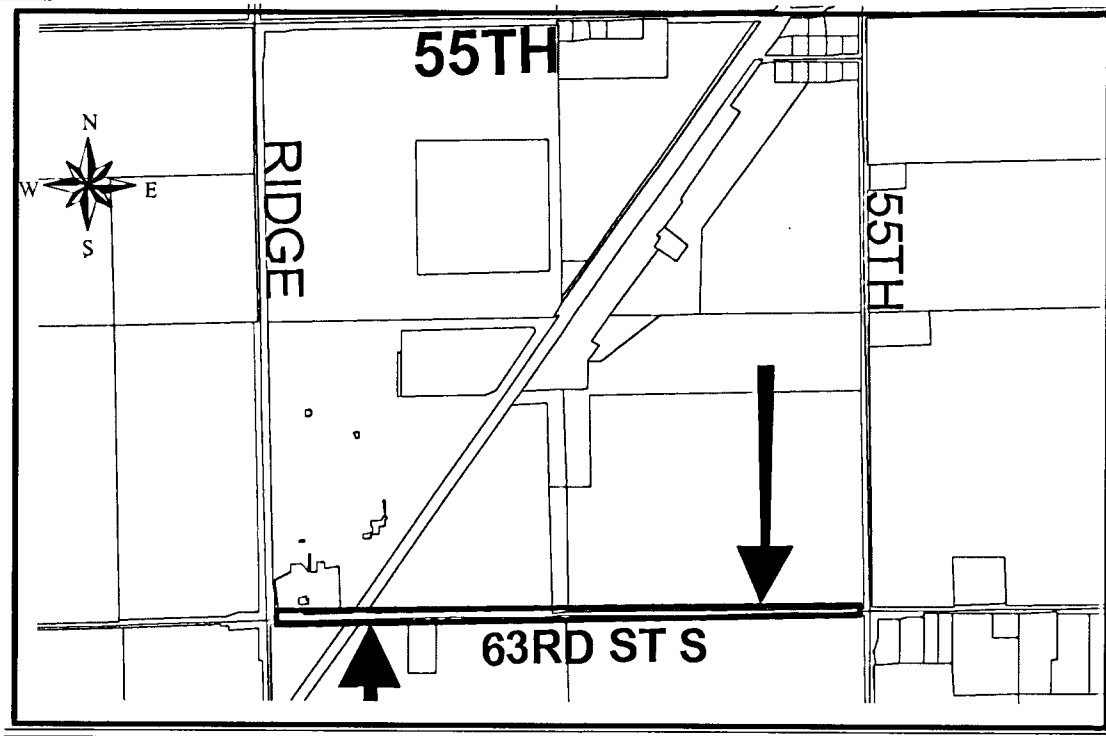
LEGAL DESCRIPTION: Existing roadway and abutting drainage ditches located in the South ½ of Section 27 and the north ½ of Section 34, Township 28 South Range 1 West, of the 6th PM, Sedgwick County, Kansas, said roadway and drainage ditches laying each side of a line described as beginning at a point on the south line of said Section 27 & 75-ft east of the Southwest corner of said Section 27; thence along the south line of Section 27; and all that portion of 63rd Street South as platted on the Vulcan – Frontier Addition, Sedgwick County, Kansas except the west 60-ft thereof.

LOCATION: Generally located between Hoover Rd and Ridge Rd

REASON FOR REQUEST: The applicant proposes closing road for continuation of its property.

CURRENT ZONING: Subject property is Dedicated Public ROW. Properties abutting 63rd St S on the south side are zoned RR Rural Residential. Properties abutting 63rd St S on the north side are zoned GI General industrial. Properties west of 63rd St S – Ridge Rd intersection are zoned GI General industrial. Properties east of 63rd St S – Hoover Rd intersection are zoned RR Rural Residential and a small property zoned GC General Commercial.

VICINITY MAP:



The applicant proposes closing 63rd St S for the purpose of joining its north and south properties, which are separated by this road. The applicant proposes to grade and fill in the road. The resulting uninterrupted properties are proposed to be a nature center. The applicant owns all abutting properties, with the northwest quarter developed for industrial use and the remaining 3 quarters not developed. There is extensive GI General Industrial and LI Limited Industrial zoning with industrial development or RR Rural Residential zoning and agricultural uses (some scattered residences) in the adjacent area that have access to either Hoover Rd, Ridge Rd, or 55th St S. 55th St S is a paved 2-lane County Arterial, west of Ridge Rd. Ridge Rd is a paved 2-lane County Arterial. Hoover Rd is a paved 2-lane County Arterial. 63rd Street S is an unimproved road at this location, with no current plans for improvements in the future. 63rd Street S does not provide direct access across the Wichita-Valley Center Flood Control easement, the nearest major barrier, which is east of the site. Access across the Wichita-Valley Center Flood Control easement is provided by 55th St S (a 2-lane County Arterial), 1 mile north and Meridian Ave (a 4 lane county arterial) 2 miles east.

This section of 63rd St S is split length ways by two Subdivision jurisdictions; the City of Haysville on the south and Sedgwick County on the north. This vacation request was approved by the City of Haysville as Resolution 02-02, February 11, 2002.

Planning Staff recommends the vacation request of the portion of 63rd St South as described in the legal description.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC 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 of notice of this vacation proceeding one time March 14, 2002, which was at least 20 days prior to this public hearing.
 2. That private rights will not be injured or endangered by the vacation of the above-described portion of 63rd Street South, and the public will not suffer loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be approved.
- B. Therefore, the vacation of the portion of 63rd Street South described in the petition should be approved subject to the following conditions:
- (1) Retain this portion of 63rd Street South, as described in the legal description, as a utility easement.
 - (2) Guarantee the closure of the this portion of 63rd St S or that it be maintained as a private drive according to County standards. If closed provide emergency access for the County and Safety Services.
 - (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
 - (4) All improvements shall be according to City Standards.