

AGENDA
SUBDIVISION AND UTILITY ADVISORY COMMITTEE
THURSDAY, AUGUST 23, 2012
10:00 A.M.

The regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission will be held on Thursday, **August 23, 2012** at 10:00 a.m. in the Planning Department Conference Room, City Hall, 10th Floor, 455 N. Main Street, Wichita, Kansas.

NOTE: Vacation legal descriptions are available for public inspection in the Metropolitan Area Planning Department.

1. **VAC2012-00029: City request to vacate a portion of a platted front building setback;** generally located east of Edgemoor Drive, south of Kellogg Street and west of Fabrique Drive (5927 E. Kellogg).

2. **VAC2012-00030: City request to vacate a portion of platted access control;** generally located on the west side of Webb Road and south of 34th Street North.

3. **SUB2012-00019: One-Step Final Plat – QUIKTRIP 12TH ADDITION;** located on the southeast corner of Kellogg Drive and Broadway.

Engineer: MKEC Engineering Consultants
Acreage: 2.8 acres
Lots: 2

STAFF REPORT
(One-Step Final Plat)

CASE NUMBER: SUB2012-00019 – QUIKTRIP 12th ADDITION

OWNER/APPLICANT: Jerry A. Sims, LLC, Attn: Jerry Sims, 1020 East Bluestem Court, Andover, KS 67002-7958

SURVEYOR/AGENT: MKEC Engineering Consultants, 411 North Webb, Wichita, KS 67206

LOCATION: Southeast corner of Kellogg Drive and Broadway (District I)

SITE SIZE: 2.8 acres

NUMBER OF LOTS

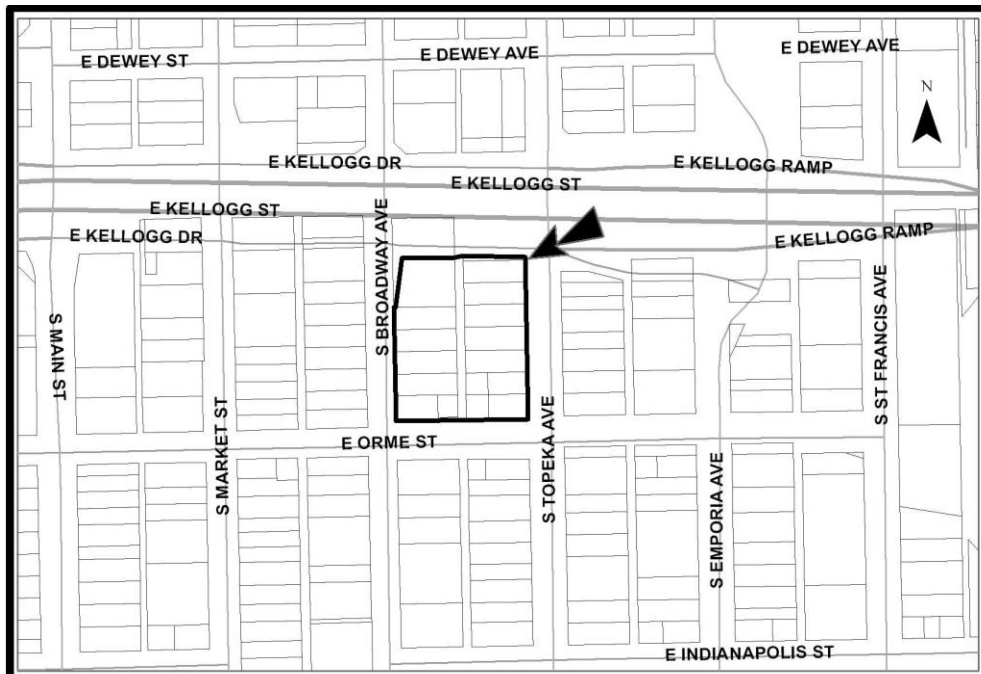
Residential:	
Office:	
Commercial:	2
Industrial:	—
Total:	2

MINIMUM LOT AREA: 1.03 acres

CURRENT ZONING: GC General Commercial

PROPOSED ZONING: Same

VICINITY MAP



**SUB2012-00019 -- One-Step Final Plat of QUIKTRIP 12TH ADDITION
AUGUST 23, 2012 - Page 2**

NOTE: This is a replat of the Orme and Phillips Addition which includes the vacation of the north 17 feet of Orme. The alley was previously vacated (VAC2007-00005),

The Subdivision Committee may recommend a modification of the design criteria in Article 7 of the Subdivision Regulations only if it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department advises that water and sewer services are available to serve both lots being platted.
- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- C. City Stormwater Management has approved the applicant's drainage plan.
- D. County Surveying requests that the legend include (P).
- E. County Surveying requests monument annotation type for the southwest corner of Lot 24 and the southeast corner of Lot 23.
- F. Traffic Engineering has requested the plat include access controls along Broadway and Topeka in accordance with the site plan. The final plat shall reference the dedication of access controls in the plat's text.
- G. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings. A Driveway Closure Certificate in lieu of a guarantee may be provided.
- H. The spelling of "rights-of-way" needs corrected in surveyor's certificate. "Benchmark" should be revised to one word. "Stormwater" needs to be revised to one word. On the preliminary plat, the applicant is advised that Lot 15 in the Lewis Young's Addition is not shown and that downspout and guardrail are single words.
- I. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer and unobstructed to allow for the conveyance of stormwater.
- J. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- K. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- L. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.

**SUB2012-00019 -- One-Step Final Plat of QUIKTRIP 12TH ADDITION
AUGUST 23, 2012 - Page 3**

- M. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- N. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- O. Perimeter closure computations shall be submitted with the final plat tracing.
- P. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.
- Q. A compact disc (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disc. If a disc is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

STAFF REPORT

- CASE NUMBER:** VAC2012-000029 - Request to vacate a portion of a platted setback
- OWNER/AGENT:** Norma J. Davis, c/o Eric J. Larson (owner) Spangenberg Philips Tice
Architecture, c/o Randy Phillips
- LEGAL DESCRIPTION:** The south 6 feet of the platted 35-foot front yard setback that runs parallel to the north lot line of Lot 1, Davis-Moore 5th Addition, Wichita, Sedgwick County, Kansas.
- LOCATION:** Generally located east of Edgemoor Drive, south of Kellogg Street/US 54 and west of Fabrique Drive (5927 E. Kellogg, WCC #III)
- REASON FOR REQUEST:** Existing building encroachment and proposed additional encroachment
- CURRENT ZONING:** Subject property and all abutting west, east and southern properties are zoned LC Limited Commercial ("LC"). The subject property has the overlay CUP DP-183. Adjacent northern (across Kellogg/US 54) properties are zoned Single-family Residential ("SF-5").

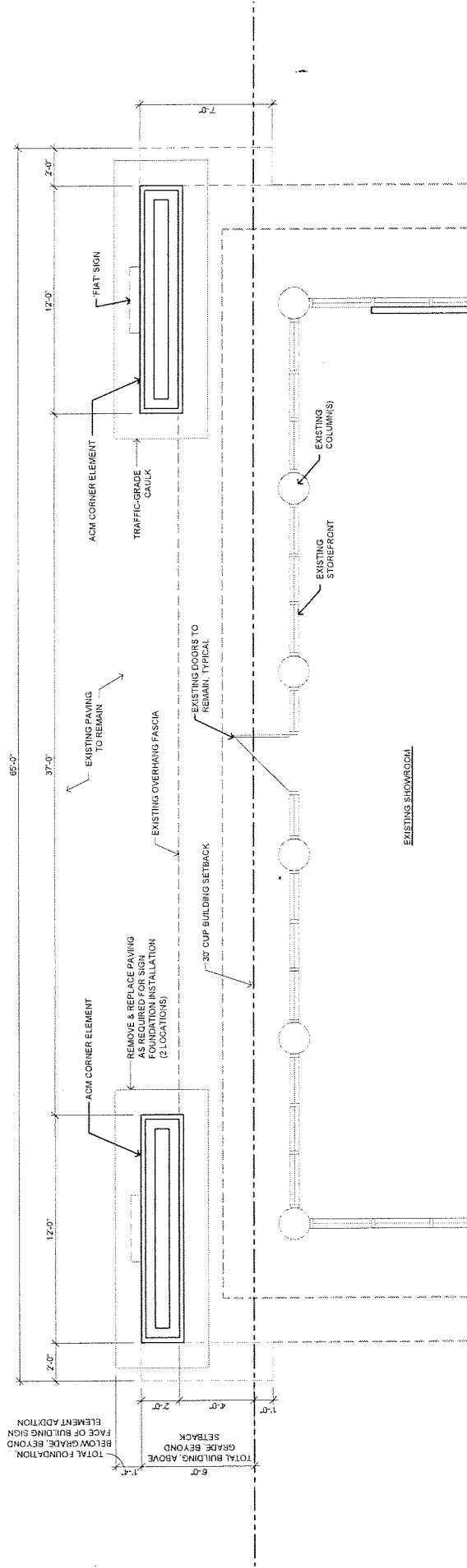
VICINITY MAP:



The applicants propose to vacate the south 6 feet of the platted 35-foot front yard setback, on the described lot. There has been a long standing encroachment into this setback as aerial photos from 1997 show the encroachment. The UZC's minimum front yard setback for the SF-5 zoning district is 25 feet. If the setback was not platted the applicants could request an Administrative Adjustment that would reduce the SF-5 zoning district's minimum 25-foot street side yard setback by 20%, resulting in a 20-foot front yard setback. Reduction beyond the 20-foot front yard setback would require a variance, which is a separate public hearing process. There are no platted easements within the platted setback; utilities are located in the abutting street ROW. There appear to be no utilities are within the described portion of the platted setback. The Davis-Moore 5th Addition was recorded with the Register of Deeds September 20, 1988.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works, Water & Sewer, Storm Water, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of the platted setback.

- (1) Vacate the south 6 feet of the platted 35-foot front yard setback that runs parallel to the north lot line of Lot 1, Davis-Moore 5th Addition, Wichita, Sedgwick County, Kansas, where the encroachment will be. Provide Planning Staff with a legal description of the approved vacated portion of the complete access control on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. This must be provided to Planning prior to the case going to Council for final action
- (2) File an Administrative Adjustment to CUP DP-183 to reduce the setback as approved by this vacation case. This must be provided to Planning prior to the case going to Council for final action
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant.
- (4) All improvements shall be according to City Standards and at the applicant's expense.
- (5) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.



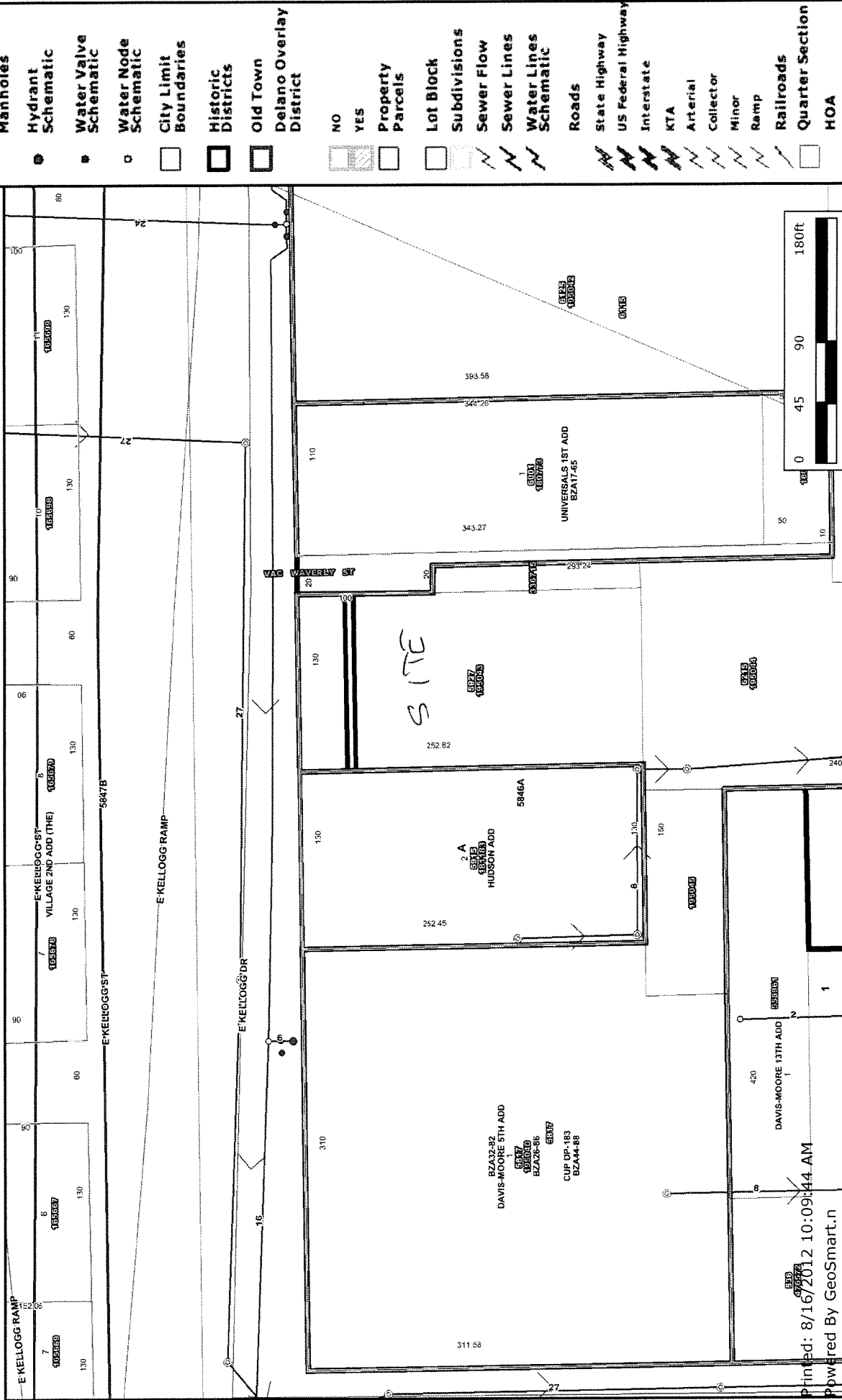
PARTIAL SITE PLAN





Vac2012-29

water & sewer



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	McConnell AOI		NO		Property Parcels		Lot Block		Subdivisions		Sewer Flow		Sewer Lines Schematic		Roads		State Highway		US Federal Highway		Interstate		KTA		Arterial		Collector		Minor		Ramp		Railroads		Quarter Section		HOA
	Sewer Manholes		YES		Water Valve Schematic		Sewer Flow		Sewer Lines Schematic		Roads		Water Lines Schematic		State Highway		US Federal Highway		Interstate		KTA		Arterial		Collector		Minor		Ramp		Railroads		Quarter Section		HOA		
	Sewer Observation Manholes		City Limit Boundaries		Historic Districts		Old Town		Delano Overlay District		Hydrant Schematic		Water Valve Schematic		Water Node Schematic		City Limit Boundaries		Historic Districts		Old Town		Delano Overlay District		Hydrant Schematic		Water Valve Schematic		Water Node Schematic		City Limit Boundaries		Historic Districts		Old Town		Delano Overlay District

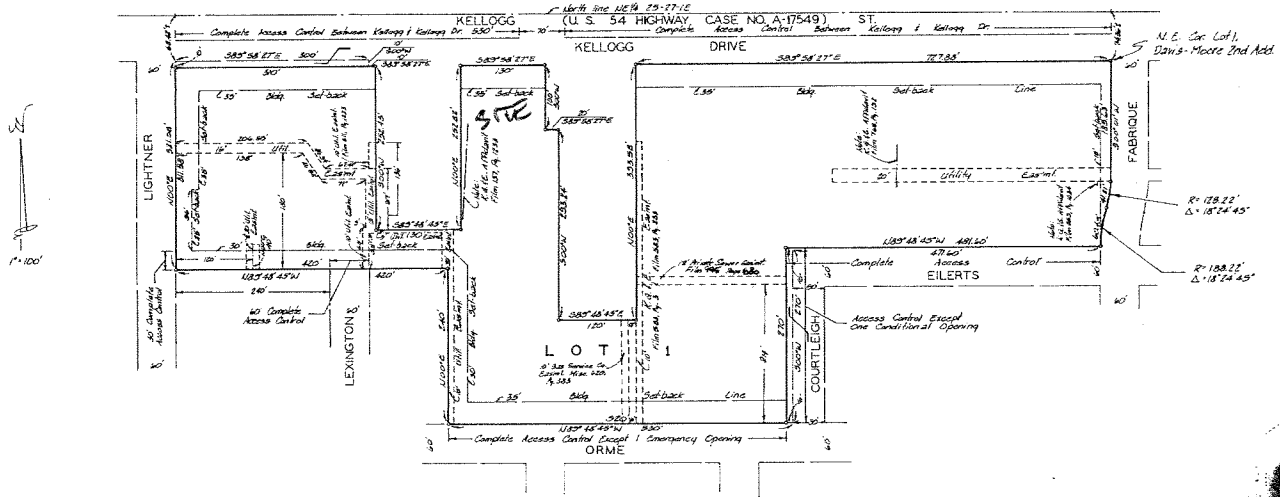


Every reasonable effort has been made to assure the accuracy of the maps and associated data provided herein. This information is provided with the understanding that the data are susceptible to a degree of error, and conclusions drawn from such information are the responsibility of the reader. The City of Wichita makes no warranty, representation, or guaranty as to the content, accuracy, timeliness, or completeness of any of the data provided herein. Some data provided here and used for the preparation of these maps has been obtained from public records not created or maintained by the City of Wichita. The City of Wichita shall assume no liability for any decisions made or actions taken or not taken by the reader in reliance upon any information or data furnished hereunder. The user should consult with the appropriate departmental staff member, e.g. Planning, Parks & Recreation, etc. to confirm the accuracy of information appearing in the visual presentations accessible through these web pages.



DAVIS-MOORE 5TH ADDITION

WICHITA, KANSAS



E 7-27

State of Kansas 7.5.5 We, Baughman Company, P.A. Surveyors in aforesaid county and state do hereby certify that we have surveyed and platted "DAVIS-MOORE 5TH ADDITION", Wichita, Kansas, and that the accompanying plat is a true and correct exhibit of the property surveyed, described as and being a replat of Lot 1, Lewis Addition to Wichita, Sedgewick County, Kansas, Lot 1, Hudson Addition to Wichita, Sedgewick County, Kansas, the west 10 feet of Lot 2, Hudson Addition to Wichita, Sedgewick County, Kansas, the east 100 feet of Lot 2, Hudson Addition to Wichita, Sedgewick County, Kansas, the west 30 feet of Vacated Waverly, the west 20 feet of the east 30 feet of Vacated Waverly, except the north 100 feet thereof, the east 10 feet of the south 160 feet of Vacated Waverly, Lot 1, except the west 100 feet thereof, Universal First Addition to Wichita, Kansas, Lot 2, east the north 60 feet of the west 100 feet Universal First Addition to Wichita, Kansas, Lots 1, 2, 3, 4, 5, 10, 11, and 20, Drivers Addition to Wichita, Kansas, together with Lexington Street lying between said Lots 10 and 11, Drivers Addition to Wichita, Kansas, Lot 1, Davis-Moore 2nd Addition, Wichita, Kansas, Vacated Courtleigh lying west of and adjacent to Lot 1, Davis-Moore 2nd Addition, Wichita, Kansas, being situated in the NE 1/4 of Sec. 23, Twp. 27-S, R-1-E of the 6th PM, Sedgewick County, Kansas. Utility easements, building setbacks and Lexington Street being vacated by virtue of R.S.A. 12-512 (b).

Show all men by these presents that we, the undersigned, have caused the land described in the surveyors certificate to be platted into a lot and streets to be known as "DAVIS-MOORE 5TH ADDITION", Wichita, Kansas. The utility easements are hereby granted as indicated for the construction and maintenance of all public utilities. The streets are hereby dedicated to and for the use of the public. All egress rights of access to or from Lightner over and across the west line of the south 30 feet of Lot 1, and to or from the terminus of Lexington, over and across the south line of Lot 1, and to or from Orme, over and across the south line of Lot 1, and to or from Courtleigh over and across the east line of Lot 1, and to or from Eilerts, over and across the south line of Lot 1 are hereby granted to the City of Wichita, Kansas, provided however, that Lot 1, shall have access to Orme for emergency purposes only, at one location and that Lot 1 shall be permitted to have access to Courtleigh at one location until such time as a building is constructed along the subject property line, at which time no openings will be allowed, all as shall be determined by the City Engineer of the City of Wichita, Kansas.

This plat of "DAVIS-MOORE 5TH ADDITION", Wichita, Kansas, has been submitted to and approved by the Wichita-Sedgewick County Metropolitan Area Planning Commission, Wichita, Kansas.

Dated this 20th day of September, 1988.
 Chairman
 Secretary

This plat approved and all dedications shown hereon accepted by the City Council of the City of Wichita, Kansas, this 21st day of September, 1988.
 Vice Mayor
 Deputy City Clerk

Entered on transfer record this 20th day of September, 1988.
 County Clerk

By Mark S. Davis Surveyor
 Baughman Company, P.A.
 15-788

We, the undersigned, holders of a mortgage on the above described property do hereby consent to the plat of "DAVIS-MOORE 5TH ADDITION", Wichita, Kansas.
 Union National Bank of Wichita
 Richard P. Mann, VP

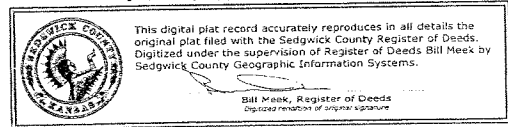
D & M Investments, a Partnership by all partners as follows:
 Partner
 Partner
 Robert J. Mann
 Lynn D. Moore

State of Kansas 7.5.5 This is to certify that this plat has been filed for record in the office of the Register of Deeds this 21st day of September, 1988, at 2:00 o'clock P.M. and is duly recorded.
 Register of Deeds
 Deputy

State of Kansas 7.5.5 The foregoing instrument acknowledged before me this 20th day of September, 1988, by Richard P. Mann of Union National Bank of Wichita, on behalf of the bank.
 Notary Public
 My App't Exp. 1-1-91
 My App't Exp. 7-20-91

State of Kansas 7.5.5 The foregoing instrument acknowledged before me this 20th day of September, 1988, by T.G. Davis, Jr. and Robert J. Mann partners of D & M Investments, a Partnership on behalf of the partnership, T.G. Davis, Jr. aka's Grant Davis and Norma J. Davis, his wife, and Robert J. Moore aka's Bob Moore and Lynn D. Moore, his wife.
 Notary Public
 My App't Exp. 4-6-91
 My App't Exp. 4-20-91

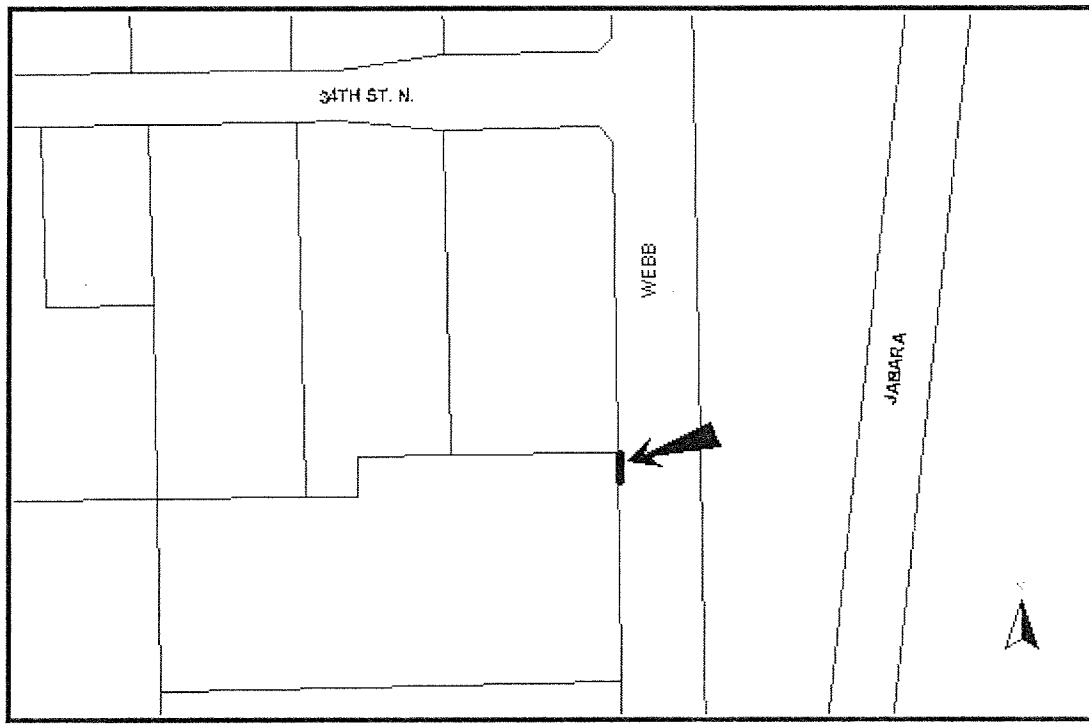
E 7-27



STAFF REPORT

- CASE NUMBER:** VAC2012-00030 Request to vacate a portion of platted access control
- APPLICANT/AGENT:** Goodwill Industries of Kansas, Inc., c/o Emily Compton (applicant/owner)
Baughman Co., P.A., c/o Phil Meyer Schaefer, Johnson, Cox and Frey,
c/o Joe Johnson (agents)
- LEGAL DESCRIPTION:** Generally described as allowing one 40-foot wide drive in the north 40 feet of Lot 3, Block 4, Mediterranean Plaza Addition
- LOCATION:** Generally located on the west side of Webb Road and south of 34th Street North (WCC #II)
- REASON FOR REQUEST:** Improve circulation onto and within the site
- CURRENT ZONING:** Subject property and abutting western and southern properties are zoned LI Limited Industrial ("LI"). Adjacent northern and eastern properties (across Webb Road) are zoned LI.

VICINITY MAP:



The applicant is requesting consideration to vacate the described portion of the platted access control on Lot 3, Block 4, Mediterranean Plaza Addition to allow an additional 40-foot wide drive in the north 40 feet of the site onto Webb Road. The applicant proposes the additional drive to improve access onto and off the site and to improve vehicular circulation within the site. Lot 3 has 309.64 feet of Webb Road frontage. The plat permits one drive onto Webb and that drive is currently located in the south 45 feet of the site. The proposed drive will be located approximately 240 feet from the site's existing drive. The proposed drive will be located approximately 100 feet from a drive on the northern abutting property; VAC2012-00027. Webb Road is a four-lane arterial, without turn lanes or raised median at this location. Jabara Airport is located directly east of the site, across Webb Road. There is platted complete access control on the Colonel James Jabara Airport Addition (Jabara Airport) between 35th Street North and Jabara Road, which is the portion of the Colonel James Jabara Airport Addition that is located directly east of the site. Subdivision standards requires a 200-foot offset for drives not lined up on the opposite sides of an arterial and not having conflicting left turns; there are no permitted drives opposite the site, thus no conflicting left turns. Subdivision standards require a 200-foot spacing for right-in – right-out drives, however the Subdivision Regulations (“SD”) allow consideration of modifications to those standards; SD 10-104.

There is public water and Westar equipment located within the Webb Road right-of-way. The Mediterranean Plaza Addition was recorded March 16, 1988.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works, Water & Sewer, Storm Water, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of the platted access control.

- (1) Per the approval of the Traffic Engineer, vacate the platted access control along the site's Webb Road frontage to allow one additional opening to Lot 3, Block 4, Mediterranean Plaza Addition. Provide Planning Staff with a legal description of the approved vacated portion of the complete access control on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. This must be provided to Planning prior to the case going to Council for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. If necessary provide all plans and any guarantees needed by Public Works to ensure any relocation or reconstruction of utilities will be completed. Either the guarantee(s) and/or approved plans must be provided to Public Works prior to the case going to Council for final action. Regarding Westar Energy equipment, the applicant can contact Becky Thompson, the Construction Services representative for this area at 316-261-6320.
- (3) All improvements shall be according to City Standards and at the applicant's expense, including; the construction of a new drive from the site onto Webb Road. Provide Public Works with a guarantee (approved project/plans) to ensure that these and any other associated improvements will be made. If the drives are not being immediately constructed, provide a drive approach certificate, which will be recorded with the Register of Deeds. Either the guarantee(s) and/or the drive approach certificate must be provided to Public Works (guarantee) or Planning (drive approach certificate) prior to the case going to Council for final action.

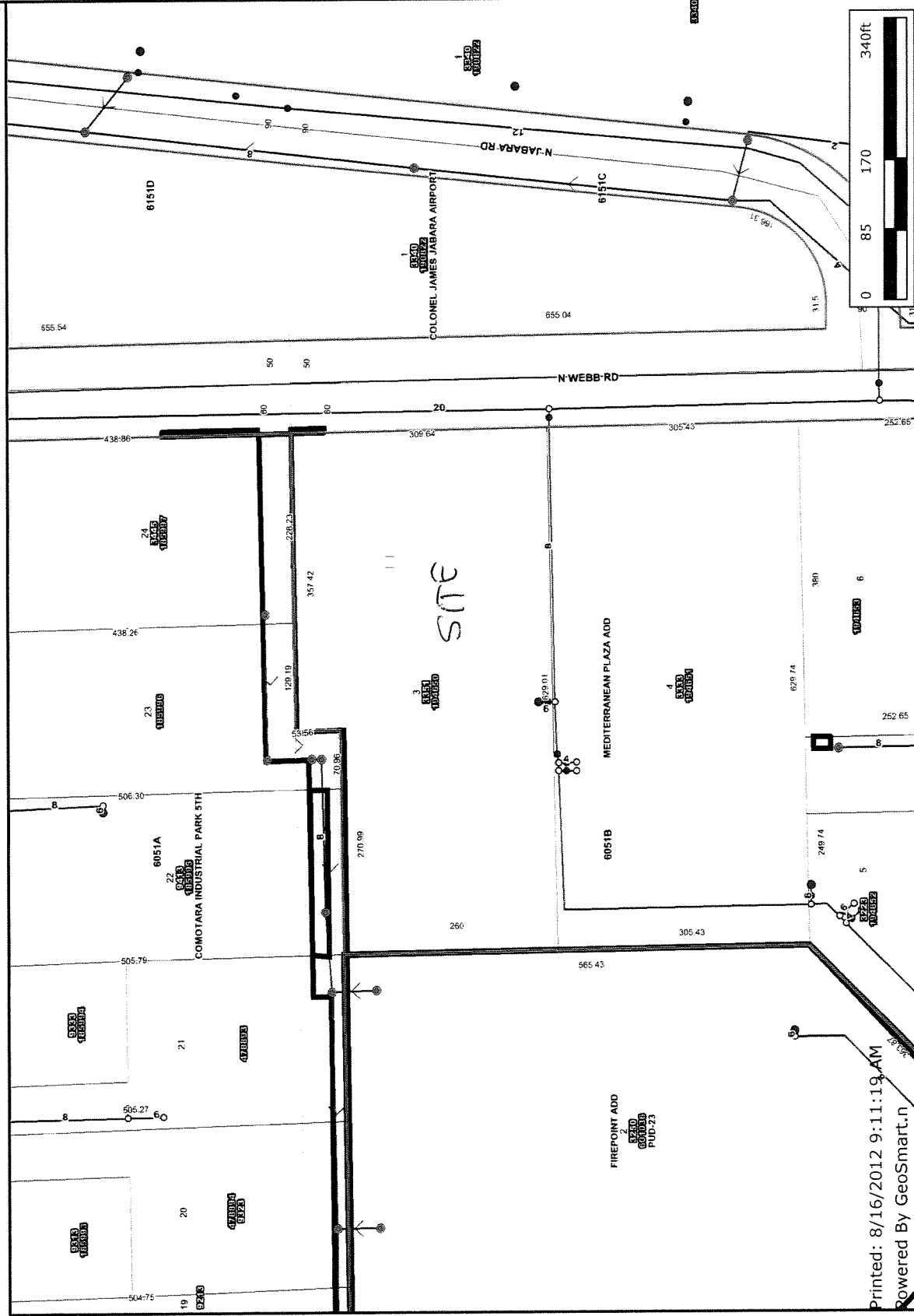
- (4) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.



VAC2012-30

water & sewer

	McConnell AOI
	Sewer Manholes
	Sewer Observation Manholes
	Hydrant Schematic
	Water Valve Schematic
	Water Node Schematic
	City Limit Boundaries
	Historic Districts
	Old Town Delano Overlay District
	NO
	YES
	Property Parcels
	Lot Block
	Subdivisions
	Sewer Flow
	Sewer Lines
	Water Lines Schematic
	Roads
	State Highway
	US Federal Highway
	Interstate
	KTA
	Arterial
	Collector
	Minor
	Ramp
	Railroads
	Quarter Section
	HOA

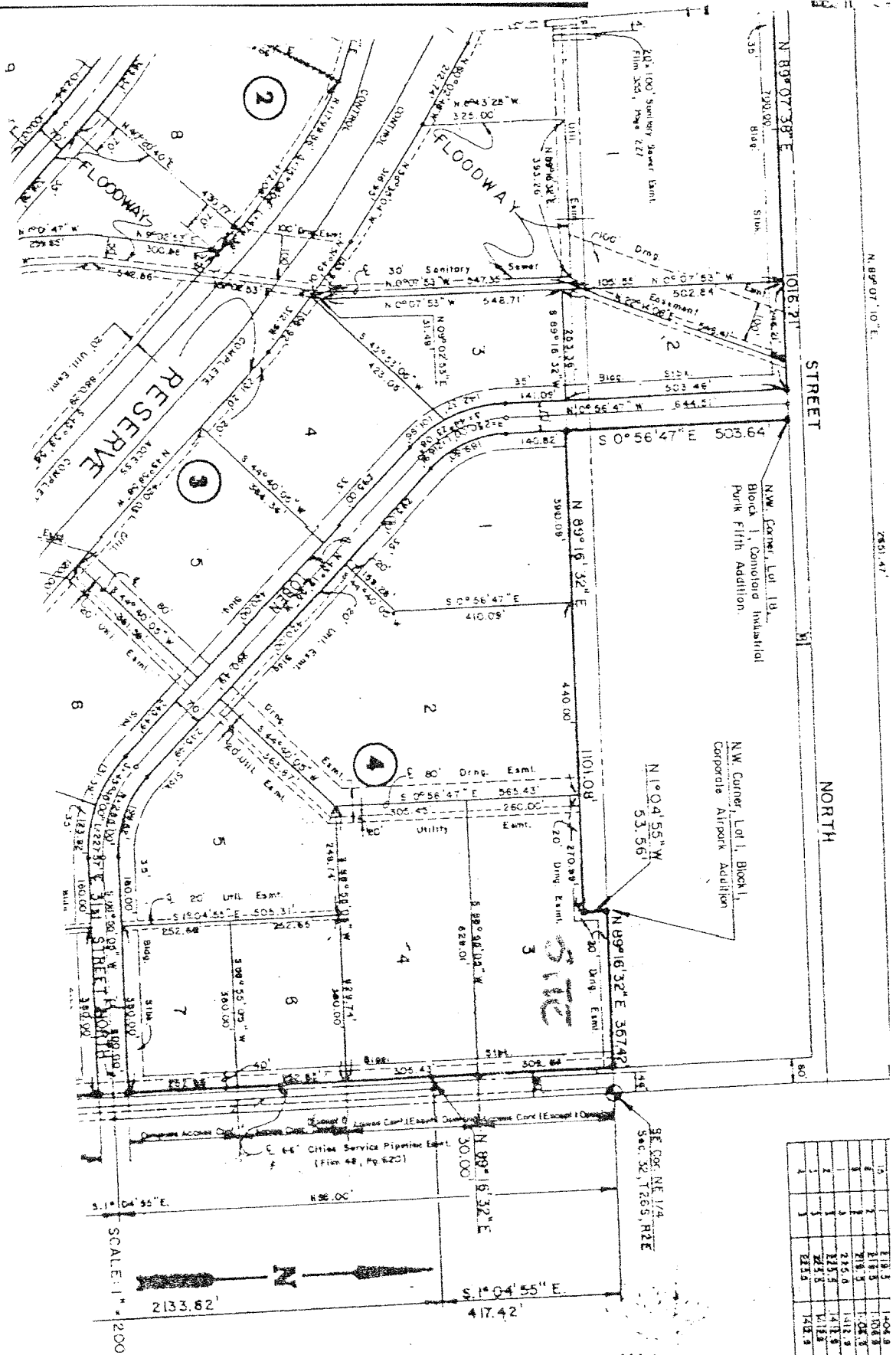


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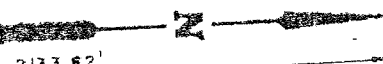


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VOC2012-30



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10	218.5	1008.8



SCALE: 1" = 200'

2133.62'

417.42'

STREET

NORTH

N.W. Corner, Lot 1, Block 1, Containing Industrial Public Fifth Addition.

N.W. Corner, Lot 1, Block 1, Containing Airport Addition.

512

N 89° 07' 10" E

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	Selected Features		NO
	McConnell AOI		YES
	Sewer Manholes		Property Parcels
	Sewer Observation Manholes		Lot Block
	Hydrant Schematic		Subdivisions
	Water Valve Schematic		Sewer Flow
	Water Node Schematic		Sewer Lines
	City Limit Boundaries		Water Lines Schematic
	Historic Districts		Roads
	Old Town		State Highway
	Delano Overlay District		US Federal Highway
			Interstate
			KTA
			Arterial
			Collector
			Minor
			Ramp
			Railroads
			Quarter Section

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