



Wichita-Sedgwick County Metropolitan Area Planning Department

April 13, 2005

Daniel M. Carney & J A Mull Jr.
8100 E. 22nd St
Bldg. 1900
Wichita, KS 67226-2319

Re: **VAC2005-00004** - Request to vacate platted contingent street right-of-way, generally located northwest of the Kellogg Drive – Ridge Road intersection, more specifically south of University Avenue, on the west side of Holland Lane.

Dear Ladies and Gentlemen:

At its regular meeting on Tuesday, April 12, 2005, the Wichita City Council considered the request. The action of the City Council was to APPROVE subject to the recommendation by the MAPC.

If you have any questions about this matter, please call 268-4494.

Sincerely,

Bill Longnecker
Senior Planner

BL:le

cc: Jim Armour, City Engineer, Public Works Department, Mail Stop 1-71
Paul Gunzelman/Carla Jones, Public Works Engineering, Mail Stop 1-71
Sedgwick County Electric Coop, Attention: Allen Henning & Wayne Voss, P.O. Box 220,
Cheney, KS, 67205-0220
Michael Bahnmaier, 7800 W. Kellogg, Wichita, KS 67209-2092
Baughman Company, P.A., Attention: Phil Meyer, 315 Ellis, Wichita, KS 67211
Mike Higgins, 254 S. Laura, Wichita, KS 67211
Sona Inc., 600 S. Holland, Wichita, KS 67209
D Keith Leshar, 7521 E. 10th St Cr, Wichita, KS 67206
Valorie Starr, 548 Woodchuck, Wichita, KS 67209
Sturdy Family Trust, 22902 N. Las Vegas Dr, Sun City West, AZ 85375

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www.wichita.gov

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

**IN THE MATTER OF THE VACATION OF)
PLATTED CONTINGENT DEDICATION OF)
STREET RIGHT-OF-WAY)
)
GENERALLY LOCATED)
WEST OF HOLLAND LANE AND NORTH OF)
KELLOGG DRIVE)
)
)
)
)
)
)
MORE FULLY DESCRIBED BELOW)**

Case No. VAC2005-00004

VACATION ORDER

NOW on this 12th day of April, 2005 comes on for hearing the petition for vacation filed by Michael Bahnmaier, Daniel M. Carney, Robert Martin, Betty L. and Lewis M. Mull, & Robert E. Kirsch Revocable Trust c/o Mark A. Kirsch praying for the vacation of the following described platted contingent dedication of street right-of-way (ROW), to-wit:

That portion of the platted contingent dedication of street right-of-way located on Lots 12 & 13, all in Block 1, the Ridge Plaza 4th Addition, Wichita, Sedgwick County, Kansas

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 February 17, 2005, 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 contingent dedication of street right-of-way, 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 platted contingent dedication of street right-of-way described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 12th day of April 2005 ordered that the above-described platted contingent dedication of street right-of-way 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.

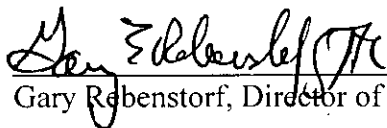


ATTEST:

Carlos Mayans, Mayor

Karen Sublett, City Clerk

Approved as to Form:



Gary Rebenstorf, Director of Law

STAFF REPORT

CASE NUMBER: VAC2005-00004: Request to vacate platted contingent dedication of street right-of-way

APPLICANTS: Michael Bahnmaier, Daniel M Carney, Robert Martin, Betty L Mull
Robert Martin & Robert E Kirsch Revocable Trust

AGENT: Baughman Company, PA, c/o Phil Meyer

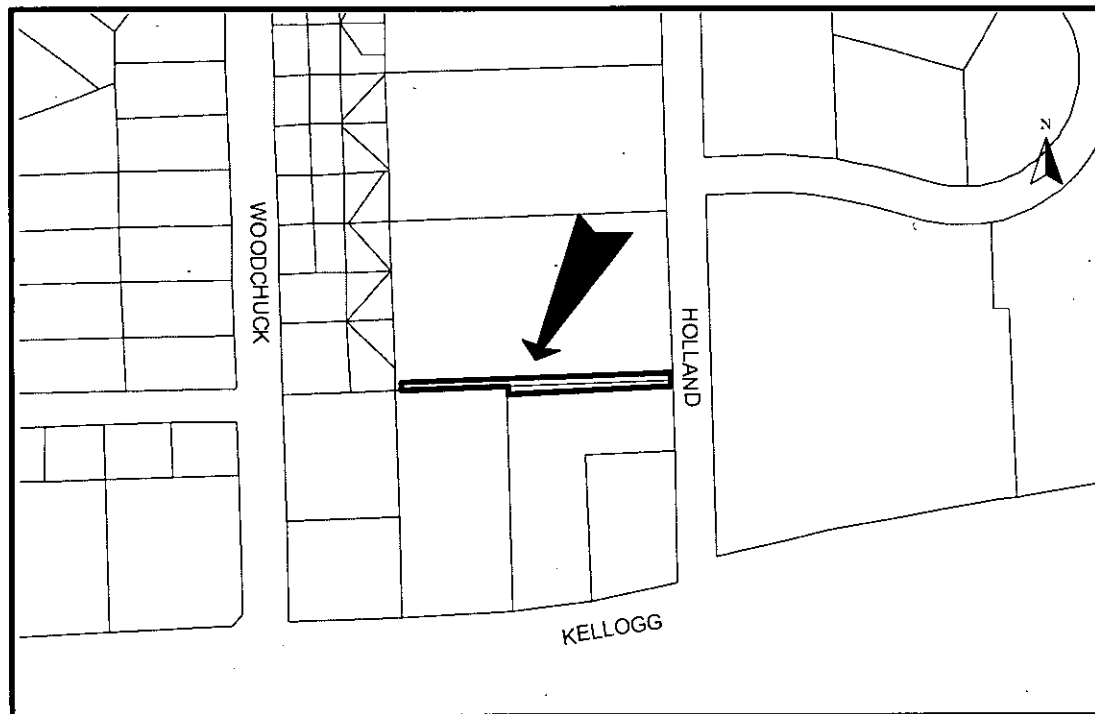
LEGAL DESCRIPTION: That portion of the platted contingent street dedication laying between Lots 12 & 13, all in Block 1, the Ridge Plaza 4th Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located west of Holland Lane and north of Kellogg Drive (District V)

REASON FOR REQUEST: Development

CURRENT ZONING: The site is platted contingent dedication of public ROW. The subject properties and properties north, south and east of them are zoned "LC" Limited Commercial. Property west of the subject site is zoned "TF-3" Duplex Residential

VICINITY MAP:



The applicant is requesting vacation of the platted contingent dedication of street ROW as described. The Ridge Plaza 4th Addition was recorded with the Register of Deeds July 23, 1973.

The plat at the time of its recording shown a contingent dedication of street ROW extending from Holland Lane to Woodchuck Lane. A portion of the Ridge Plaza 4th Addition was replatted as the Woodchuck Villas Addition and was recorded with the Register of Deeds October 9, 1978. The replat vacated the western portion of the contingent dedication of street ROW, causing the remaining contingent dedication of street ROW in the Ridge Plaza 4th Addition to become a dead end. A subsequent replat of the Woodchuck Villas Addition into the Woodchuck Villas 2nd Addition did not reinsert the ROW to its original Woodchuck Lane intersection, thus the remaining contingent dedication of street ROW in the Ridge Plaza 4th Addition remains a dead end. The site is in CUP DP-37.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works, franchised utility representatives, and other interested parties Planning Staff recommends approval to vacate the contingent dedication of street ROW, with conditions:

- 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 February 17, 2005 which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by the vacation of the above-described contingent dedication of street ROW and the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

Therefore, the vacation of the contingent dedication of street ROW described in the petition should be approved with conditions;

- (1) Vacate the contingent dedication for public street ROW, per the legal description.
- (2) Retain the platted utility easement that runs within the contingent dedication of street ROW.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant. Provide easement(s) as needed for any relocated utilities.
- (4) All improvements shall be according to City Standards.
- (5) All conditions to be completed within 6 months of approval by the MAPC or the vacation request will be considered null and void. All vacation request 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 recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the contingent dedication for public street ROW, per the legal description.
- (2) Retain the platted utility easement that runs within the contingent dedication of street ROW.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant. Provide easement(s) as needed for any relocated utilities.
- (4) All improvements shall be according to City Standards.
- (5) All conditions to be completed within 6 months of approval by the MAPC or the vacation request will be considered null and void. All vacation request 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 recorded with the Register of Deeds.

UNIVERSITY

NOTE - (Z) = 24' RIGHT-OF-WAY EASEMENT FILM 366 OF WOODCHUCK VILLAS 2ND ADDITION

NOTE - (X) = 30' PRIVATE WATER EASEMENT FILM 366 PAGE 571 OF WOODCHUCK VILLAS 2ND ADDITION

WOODCHUCK AGREEMENT RECORDED 8-9-57

R.O.W.

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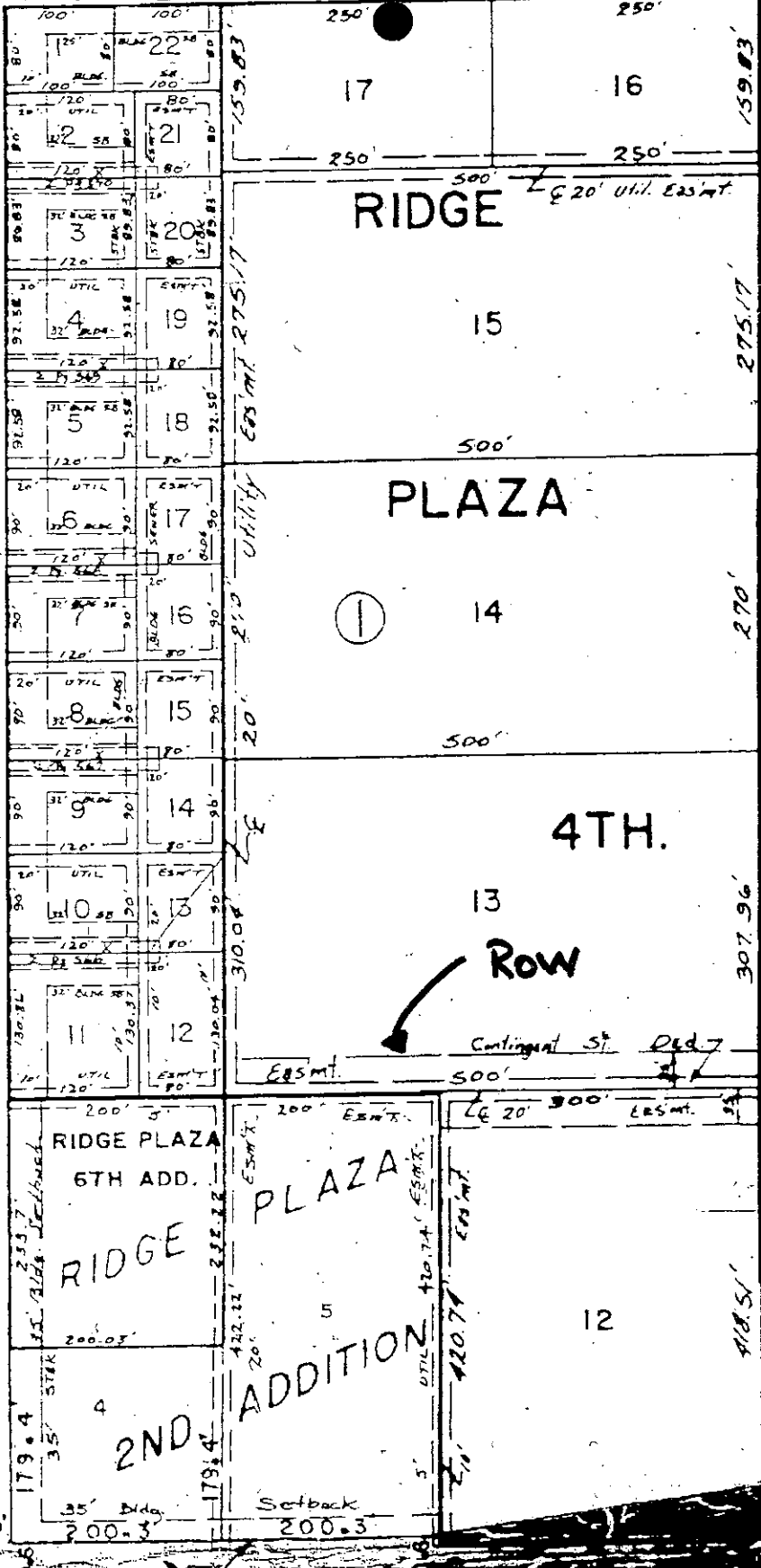
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WOODCHUCK LANE

HOLLAND

VAC 05-04

Film 353 Pg 39

Perm Easement Borrow Agreement Access Control Film 353 Pg 41

CONDE

