



Wichita-Sedgwick County Metropolitan Area Planning Department

March 21, 2007

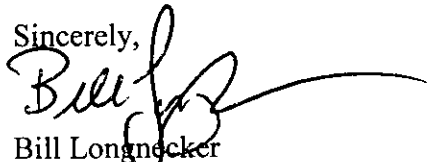
George Johnston
3121 E. Cairo
Springfield, MO, 65802

Re: **VAC2006-00045** - Request to vacate a portion of platted complete access control, generally located northeast of the West Street - 31st Street South intersection.

Dear Mr. Johnston:

At its regular meeting on Tuesday, March 20, 2007, 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
Richard Coldwell, 3838 W. 31st Street South, Wichita, KS 67217
George Walter Johnston Jr & Patricia Sue Revocable Living Trusts, 3918 Eaglescliff Dr,
Springfield MO 65809
Steven F. Twietmeyer Trust, mail to: 3920 W. 31st Street South, Wichita, KS 67217
~~7516 Westport, Wichita, KS 67213~~
Dels Complete Auto Repair LLC, 3842 W. 31st Street South, Wichita, KS 67217
Stoneborough Real Estate Inc., 655 Caddy, Wichita, KS 67212
Albert L. Berry, 3203 S. Illinois, Wichita, KS 67217
Kelley & Coleman Inc., 1218 N. Shore Ct., Wichita, KS 67212
Nancy A. Wessling, 1388 Crestline, Wichita, KS 67212
Village Homeowners Association, c/o Nancy Wessling, 1388 N. Crestline, Wichita, KS
67212

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

**IN THE MATTER OF THE VACATION OF
A PORTION OF PLATTED COMPLETE
ACCESS CONTROL**

**GENERALLY LOCATED
EAST OF WEST STREET, ON THE NORTH SIDE
OF 31ST STREET SOUTH**

MORE FULLY DESCRIBED BELOW

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) **Case No. VAC2006-00045**
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VACATION ORDER

NOW on this 20th day of March, 2007 comes on for hearing the petition for vacation filed by George W. Johnston praying for the vacation of the following described portion of platted complete access control, to-wit:

The east 30-feet of the platted complete access control located on the south lot line of Lot 10, Block 1, Kessler-Koch 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 December 14, 2006, 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 portion of platted complete access control, and the public will suffer no loss or inconvenience thereby.

3. Dedicate by separate instrument an additional 10-feet of public right-of-way to run parallel to the south lot line of Lot 10, Block 1, Kessler-Koch Addition.

4. Provide Public Works with a guarantee to ensure the drive (allowed by the described vacated platted complete access control) from Lot 10, Block 1, Kessler-Koch Addition onto 31st Street South is constructed to City Standards.

5. In justice to the petitioner(s), the prayer of the petition ought to be granted.

6. 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.

7. The vacation of the portion of platted complete access control described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 20th day of March 2007 ordered that the above-described portion of platted complete 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.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary Rebenstorf, Director of Law

STAFF REPORT

CASE NUMBER: VAC2006-00045 Request to vacate a portion of platted complete access control

OWNERS: George W Johnson

APPLICANT: Richard Coldwell

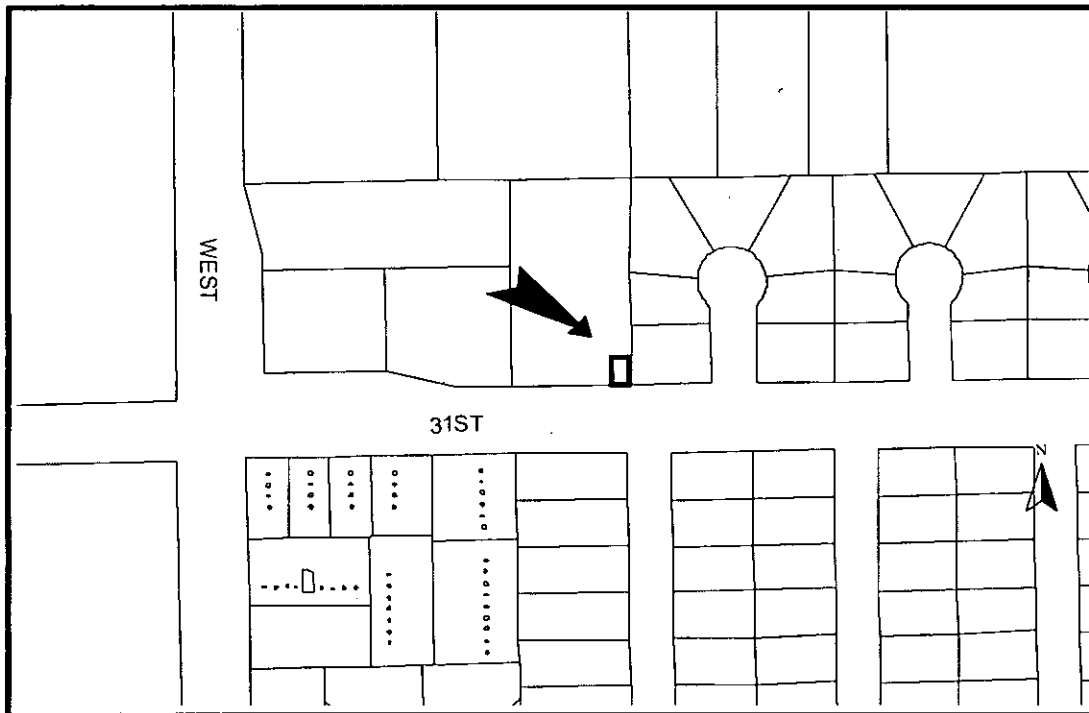
LEGAL DESCRIPTION: The east 30-feet of the platted complete access control located on the south lot line of Lot 10, Block 1, Kessler-Koch Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located east of West Street, on the north side of 31st Street South (WCC District #IV)

REASON FOR REQUEST: Improve on site circulation for trucks

CURRENT ZONING: The site and the abutting eastern properties are zoned "GC" General Commercial. The northern abutting and western adjacent properties are zoned "LI" Limited Industrial. Adjacent southern property is zoned "LC" Limited Commercial.

VICINITY MAP:



The applicant has applied for the vacation of the complete access control along the site's east 30-foot of its 31st Street South frontage. The request will allow two points of access onto the site to allow better circulation of the site's truck/fright traffic. The site currently shares access (30-foot joint access) with the abutting western property, Lot 3, Kessler Addition. The proposed access is approximately 130-feet from its shared/joint access (west) and a public street, Illinois Circle (east). The proposed access is not located in line with the street (Illinois) south, across 31st Street South, from it, but is offset to the west. There are no manholes, sewer or water lines in the proposed access, nor are their platted easements. The Kessler-Koch Addition was recorded with the Register of Deeds September 26, 1975. A subsequent replat of this subdivision created the Kessler Addition (December 21, 1992) resulting in the site's current configuration and the shared/joint access on its west side. There is a restrictive covenant, Covenant #11, on this property with restrictions on uses, outside storage, noise, and additional screening requirements.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from Public Works, the Traffic Engineer, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate a portion of the platted access control, per the approval of the Traffic Engineer, 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 December 14, 2006 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 portion of platted complete access control and the platted wall easement 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 a portion of the platted complete access control described in the petition should be approved with conditions;

- (1) Vacate that portion of platted access control along the site's east 31st Street South frontage, as approved by the Traffic Engineer to establish access.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
- (3) All improvements shall be according to City Standards and at the applicant's expense, including any driveways from private property onto public ROW. Provide Public Works with a guarantee to ensure that those improvements will be made.

- (4) Dedicate 10-foot of right-of-way along the site's 31st Street South frontage.
- (5) Per MAPC Policy Statement #7, all conditions to be completed within one year 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 the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions;

- (1) Vacate that portion of platted access control along the site's east 31st Street South frontage, as approved by the Traffic Engineer to establish access.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants.
- (3) All improvements shall be according to City Standards, including any driveways from private property onto public ROW. Provide Public Works with a guarantee to ensure that those improvements will be made.
- (4) Dedicate 10-foot of right-of-way along the site's 31st Street South frontage.
- (5) Per MAPC Policy Statement #7, all conditions to be completed within one year 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 the necessary documents have been recorded with the Register of Deeds.

MC COMAS CIR.