



**Wichita-Sedgwick County Metropolitan Area Planning Department**

January 14, 2008

Barney Capps  
2012 N. Gow  
Wichita, KS 67203

Re: **VAC2007-00036** - Request to vacate a portion of platted street right-of-way, generally located north of Pawnee Avenue and west of Meridian Avenue, between Custard & Sheridan Avenues.

Dear Mr. Capps:

At its regular meeting on Tuesday, January 8, 2008, 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,

A handwritten signature in black ink, appearing to read 'Bill Longnecker', written over a horizontal line.

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  
Garrett Addison, 5620 Esthner, Wichita, KS 67209.  
Glee L. Long, 1710 Payton Cr., Eldorado, KS 67042.  
Capps Manufacturing Inc., 2121 S. Edwards St., Wichita, KS 67213  
Builders Inc., P.O. Box 20050, Wichita, KS 67208  
Nance Properties LLC, P.O. Box 13195, Wichita, KS 67213  
DL & MB Investments LLC, 6506 School Cr., Wichita, KS 67212



2. No private rights will be injured or endangered by the vacation of the above-described portion of platted 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 the portion of platted street right-of-way described herein should be approved.

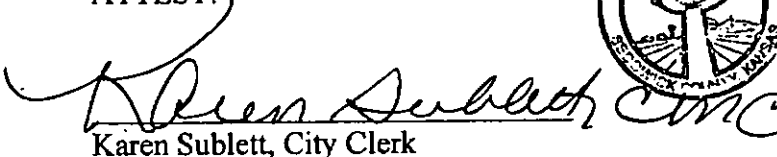
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 8<sup>th</sup> day of January 2008 ordered that the above-described portion of the platted street right-of-way is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.



Carl Brewer, Mayor

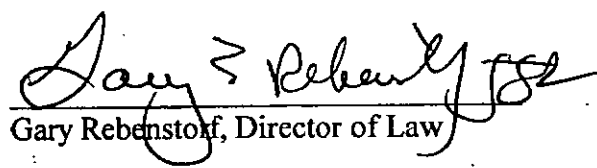


ATTEST:



Karen Sublett, City Clerk

Approved as to Form:



Gary Rebenstorf, Director of Law

STAFF REPORT

**CASE NUMBER:** VAC2007-00036 Request to vacate a portion of a platted street right-of-way (ROW)

**APPLICANTS:** Barney Capps Glee L Long

**AGENT:** Garrett Addison

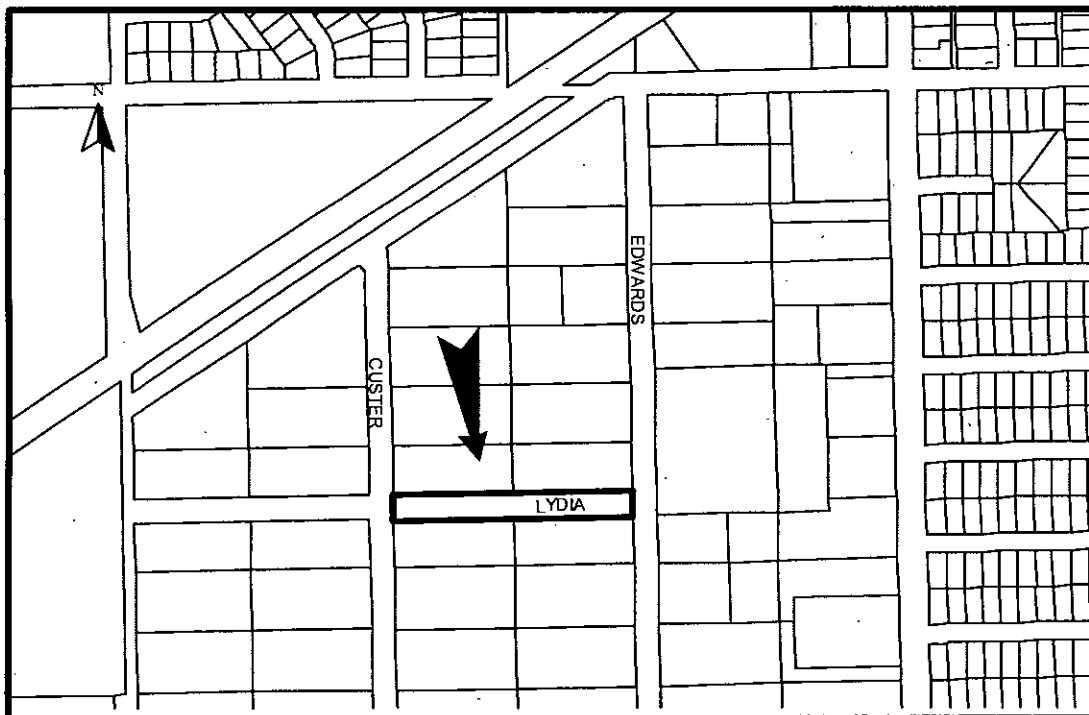
**LEGAL DESCRIPTION:** Generally described as the 80-foot (x) 800-foot portion of Lydia Street between Custard and Edwards Streets, abutting the south lot lines of Lots 5 & 6, Block 4 and the north lot lines of Lots 1 & 12, Block 3, all in the Southwest Industrial Addition, Wichita, Sedgwick County, Kansas.

**LOCATION:** Generally located north of Pawnee Avenue, west of Meridian Avenue, south of Douglas Avenue, between Custard and Edwards Streets (WCC #IV)

**REASON FOR REQUEST:** Revert to private drive

**CURRENT ZONING:** The site is a platted, partially developed public street ROW, all abutting and adjacent properties are zoned "LI" Limited Industrial

**VICINITY MAP:**



The applicants are requesting the vacation of the described portion of Lydia Street. At some time Lydia had been an asphalt slag/mat finish at this location. Although the applicant has stated that the vacation of the ROW is to allow for future expansion of the manufacturing facility, the submitted site plan shows no expansion into the ROW. There have been three street vacation cases in the Southwest Industrial Addition:

- (1) V-1408, approved July 1986; Vacation of Lydia Street between Edwards Street & Meridian Avenue (located immediately east of the current site/request), with conditions being the reconstruction (provide a guarantee) of the street returns to private drive standards and providing sufficient easement for utilities.
- (2) V-2063, approved January 1998; Vacation of Orient Boulevard, between Sheridan Avenue & May Street, with conditions being the guarantee for a cul-de-sac on Custard Street and retention of the track easement for the rail spur.
- (3) (3) V-2115, withdrawn August 1998; proposed vacation of the portion of Lydia that is today's case. The applicants then are the applicants today.

V-1408 & V-2063 have had the effect of leaving the Edwards & May Streets' intersection as the sole remaining access (east) onto Meridian from this nearly ½-mile partially developed "LI" zoned area, the only other access (south) is onto Pawnee from the north to south running Sheridan, Custard & Edwards Streets. The proposed vacation would shut off access onto and off of Meridian for approximately half of this industrial site; Staff would prefer to leave this portion of Lydia open, to allow the remaining access to Meridian open for this area. Water and sewer appear to be out of the Lydia ROW, but there may be a fire hydrant in the ROW. There are no franchised utilities located within the described ROW. The Southwest Industrial Addition was recorded with the Register of Deeds August 8, 1953.

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 platted street ROW, with the following 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, in the Wichita Eagle, of notice of this vacation proceeding one time November 15, 2007 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 platted 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 platted street ROW described in the petition should be approved with conditions;

- (1) Vacate the described Lydia Street ROW, between Custard and Sheridan Streets. Retain the 50-foot track easement.

- (2) Construct the entrances onto Custard and Lydia Streets from Lydia Streets per City standards as private drives at the applicants' expense. Provide the City with a guarantee for these improvements prior to the case going to WCC for final action.
- (3) Provide any needed improvements for storm water and franchised utilities that are within/affected by the private drives onto Custard and Lydia Streets from Lydia Streets per City standards at the applicants' expense. Provide the City with a guarantee for these improvements prior to the case going to WCC for final action.
- (4) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
- (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:**

- (1) Vacate the described Lydia Street ROW, between Custard and Sheridan Streets. Retain the 50-foot track easement.
- (2) Construct the entrances onto Custard and Lydia Streets from Lydia Streets per City standards as private drives at the applicants' expense. Provide the City with a guarantee for these improvements prior to the case going to WCC for final action.
- (3) Provide any needed improvements for storm water and franchised utilities that are within/affected by the private drives onto Custard and Lydia Streets from Lydia Streets per City standards at the applicants' expense. Provide the City with a guarantee for these improvements prior to the case going to WCC for final action.
- (4) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
- (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



