



Wichita-Sedgwick County Metropolitan Area Planning Department

May 12, 2008

Land Ventures, LLC
William D. Hayes
8213 Meadow Park
Wichita, KS 67205

Re: **VAC2008-00008** County request to vacate a portion of platted complete access control, generally located on the southeast corner of 45th Street North & 247th Street West

Dear Mr. Hayes:

At its regular meeting on Wednesday, May 7, 2008, the Board of County Commission considered request. The action of the Board of County Commissioners 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 Weber, Sedgwick County Engineer, Public Works Department, 1144 S. Seneca, Wichita, KS 67213
Sedgwick County Electric Coop, Attention: Allen Henning & Wayne Voss, P.O. Box 220, Cheney, KS, 67205-0220
David R. Andree, 13914 W. Taylor Circle, Wichita, KS 67235
Dale L. Guthrie, 3872 N. Ridge Road, Suite 112, Wichita, KS 67205
Andrew & Jodie St. Vrain, 24640 W. 45th St. N., Andale, KS 67001
Curtis F. & Gina L. Mohr, 7515 N. 151st W., Colwich, KS 67030



Sedgwick County
Register of Deeds - Bill Meek
DOC.#/FLM-PG: 28975102

Receipt #: 1687572
Pages Recorded: 3
Cashier Initials: RJC

Recording Fee: 00H
Authorized By:

Date Recorded: 5/13/2008 11:51:47 AM



BEFORE THE COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

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

GENERALLY LOCATED)
AT THE SOUTHEAST CORNER OF 45TH STREET)
NORTH AND 247TH STREET WEST)

CASE NO. VAC2008-00008

VACATION ORDER

NOW on this 7th day of May, 2008, at 9:00 o'clock AM, comes the petition filed by Land Ventures, LLC, c/o William D. Hayes, praying for the vacation of the following-described portion of platted complete access control, to-wit:

Vacate the platted complete access control to allow one (1) 30-foot wide, full movement drive along the 45th Street North frontage of Lot 1, Block A, Hedgecreek Estates Addition, Sedgwick County, Kansas, as approved by the County Engineer.

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 official county newspaper, such publication having occurred

on March 20, 2008; 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.

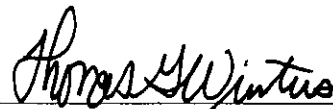
THEREAFTER, the Board, being duly advised in the premises, finds and determines that no private rights will be injured or endangered by such vacation; that the public will suffer no loss or inconvenience thereby; that no written objections hereto have been filed with the Sedgwick County Clerk; that complete access control dedicated by separate instrument will be filed with the register of Deeds for recording; and that, in justice to the petitioner, the petition's prayer should be granted.

The Board further finds that the Metropolitan Area Planning Commission held a public hearing on the 10th day of April 2008, and recommended that the vacation petition herein be approved.

THEREFORE, IT IS ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, that portion of platted complete access control hereinabove described is the same and is hereby vacated.

DATED this 12th day of May, 2008.

**BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS**

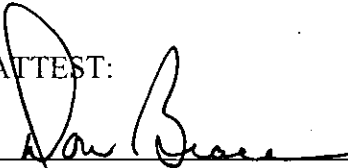


Thomas G. Winters, Chairman
Third District

Vacation Order
VAC2008-00008

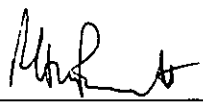
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ATTEST:


Don Brace, County Clerk



APPROVED AS TO FORM:


Robert W. Parnacott
Assistant County Counselor

STAFF REPORT

CASE NUMBER: VAC2008-00008 County request to vacate a portion of platted complete access control

APPLICANT/OWNER: Land Ventures, LLC, c/o William D Hayes

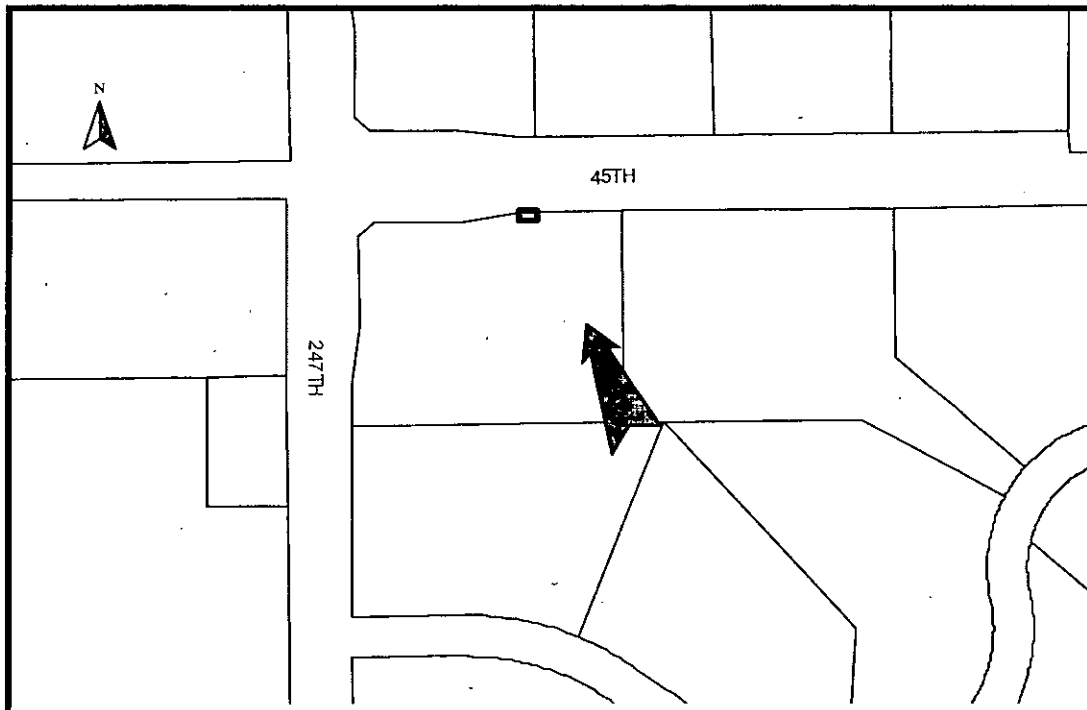
LEGAL DESCRIPTION: Generally described as vacating the platted complete access control to allow one (1) full movement drive along the 45th Street North frontage of Lot 1, Block A, Hedgecreek Estates Addition, Sedgwick County, Kansas

LOCATION: Generally located at the southeast corner of 45th Street North and 247th Street West (BoCC #3, inside Andale's Area of Zoning Influence)

REASON FOR REQUEST: Move platted/allowed drive off of 247th Street West to 45th Street North

CURRENT ZONING: The site and all adjacent and abutting properties are zoned RR Rural Residential ("RR")

VICINITY MAP:



The applicant proposes to remove the site's one (1) permitted/platted 30-foot drive/access along its 247th Street West frontage and relocate it on the site's 45th Street North frontage. The site is part of a large lot, single-family residential subdivision, the Hedgecreek Estates Addition. The site/lot and one other lot (Lot 2, Block B) are the only two lots in the subdivision that have no access onto its one platted public residential street. Both the current and proposed access onto the site are off of a section line road. 247th Street West is a paved, two-lane county highway. 45th Street North is a dirt/gravel, Sherman Township road. The 2030 Transportation Plan shows no change to the status of either of these roads. There is no public water or sewer on the site and the site is outside of any Rural Water District. The site appears to be in the Sedgwick County Electric Cooperative Assn., service area. Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the site's north lot line. The Hedgecreek Estates Addition was recorded with the Register of Deeds May 25, 2006 (FILM-PAGE: 28784197).

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from the County Engineer, franchised utility representatives and other interested parties, Planning Staff recommends approval of the request to vacate a portion of platted complete access control 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, in the Wichita Eagle and the Derby Reporter, of notice of this vacation proceeding one time March 20, 2008 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 the platted complete access control 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 portion of the platted complete access control described in the petition should be approved with conditions;

- (1) Vacate the platted complete access control along the site's (Lot 1, Block A, Hedge Creek Estates Addition) 45th Street North frontage to allow one (1) 30-foot full movement drive, as approved by the County Engineer. Dedicate complete access control along the site's (Lot 1, Block A, Hedge Creek Estates Addition) 247th Street frontage.
- (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 County Standards and at the applicant's expense, including the new driveway from private property onto public ROW and closing of any existing drives.
- (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.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the platted complete access control along the site's (Lot 1, Block A, Hedge Creek Estates Addition) 45th Street North frontage to allow one (1) 30-foot full movement drive, as approved by the County Engineer. Dedicate complete access control along the site's (Lot 1, Block A, Hedge Creek Estates Addition) 247th Street frontage.
- (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 County Standards and at the applicant's expense, including the new driveway from private property onto public ROW and closing of any existing drives.
- (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.

VAC 2008

RECORDED MAY 25, 2006
FILM/PAGE: 28784197

N.W. Cor. NW1/4
Sec. 26-26S-3W

Relocated

45th Street

B1

DRIVEWAY
ACCESS

Reserve "A"

Block B

5

