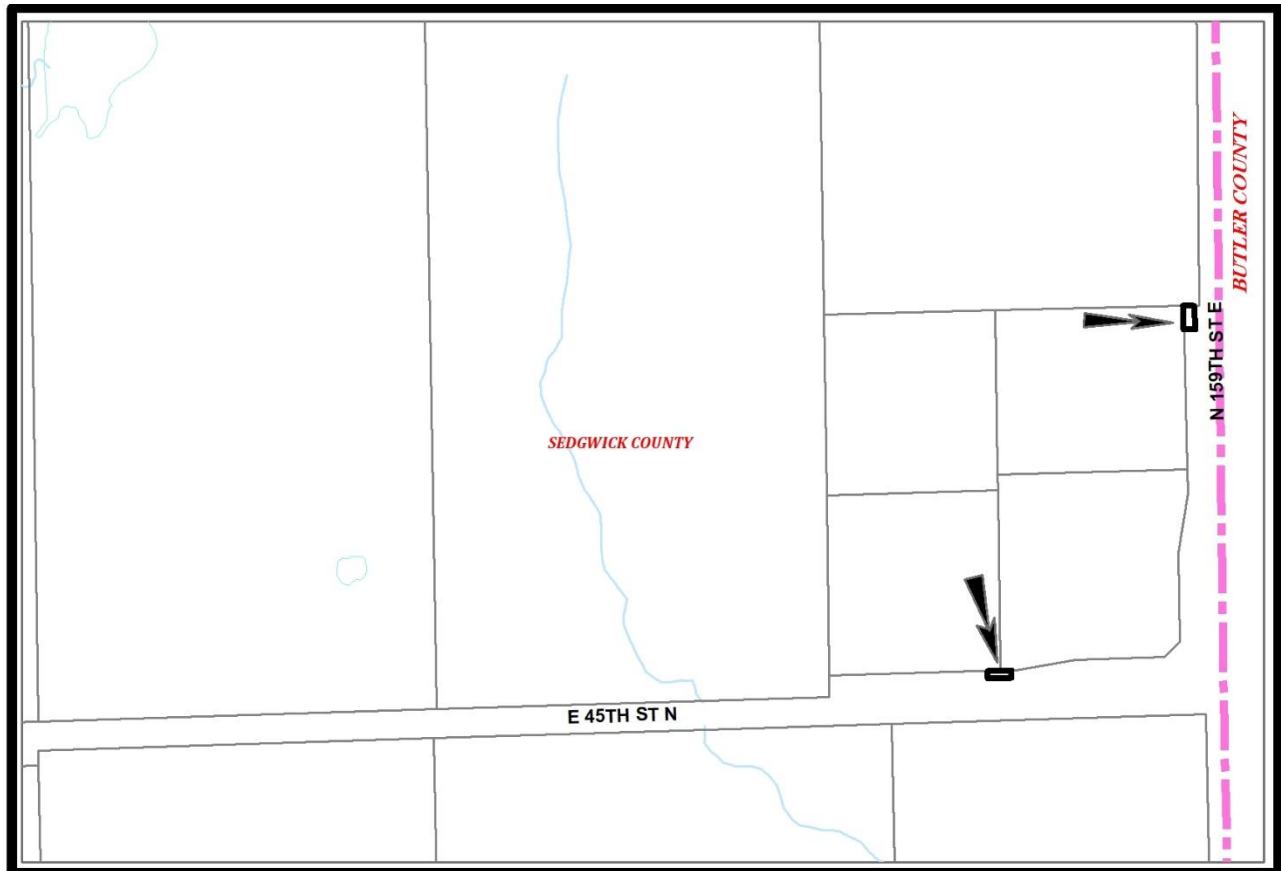


STAFF REPORT

- CASE NUMBER:** VAC2019-00041 – County vacation request to vacate a portion of access control along East 45th Street North and North 159th Street East.
- APPLICANT/AGENT:** Christopher A Pierce (applicant)/ Mark A Savoy (agent).
- LEGAL DESCRIPTION:** Generally described as vacating the west 40 feet of Lot 4, the south 20 feet of Lot 2 and the north 20 feet of Lot 1, Hanging Rock Ranch Addition, Sedgwick County Kansas.
- LOCATION:** Generally located on the northwest corner of East 45th Street North and North 159th Street East (BoCC I)
- REASON FOR REQUEST:** To change the proposed location of a joint drive entrance on 45th Street North and a joint drive entrance on 159th street East.
- CURRENT ZONING:** The site and abutting property to the north, west, and south are zoned RR Rural Residential. Property to the east undeveloped agricultural land in Butler County.
- VICINITY MAP:**



The applicant is requesting vacation of access control of the north 40 feet of Lot 2, the west 20 feet of Lot 1 and the east 20 feet of Lot 4 of the Hanging Rock Ranch Addition. The property is located in the County on the northwest corner of East 45th Street North and North 159th Street East. The property was recently platted and is undeveloped. The applicant's request is to change the location of the platted joint access drives along both E 45th Street North and North 159th Street. The plat shows the current locations with a single access point on the west side of Lot 4 and a shared drive for Lots 1 and 2 along North 159th. The applicant is asking to change it to have a single access point on the north side of Lot 2 and a shared drive for Lots 1 and 4. The shared drive would be a full movement driveway that is (+/-) 280 feet from the intersection. The original shared drive access was (+/-) 294 feet from the intersection, and it was approved by County Public Works to be a full movement driveway. Neither distance meets the guidelines for access control on county arterials. There are no public utilities in the described area requested for vacation. The application area is outside of Every territory. The Hanging Rock Ranch Addition was recorded May 9, 2019.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from County Traffic, Public Works/Water & Sewer/Stormwater, 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 portions of the platted complete access control.

- 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 December 19, 2019, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the described portion of the platted access control and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Vacate the described portion of complete access control and provide planning with a dedication of access control by separate instrument, with original signatures to go with the Vacation Order. This must be provided to Planning prior to the case going to Board of County Commission for final action.
- (2) As needed provide Planning with dedication of easements by separate instruments with original signatures to go with the Vacation Order to the Board of County Commission for final action and subsequent recording with the Vacation Order at the Register of Deeds. All to be provided to the Planning Department prior to this case going to Board of County Commission for final action.
- (3) All improvements shall be according to County Standards and at the applicant's expense.
- (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 Sedgewick 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 per staff recommendations.



