

City of Wichita
City Commission Meeting
May 13, 1986

Agenda Report # _____

TO: Mayor and City Commissioners

SUBJECT: V-1368 - VACATION OF COMPLETE ACCESS CONTROL,
GENERALLY LOCATED AT THE SOUTHEAST CORNER OF
CENTRAL AND EISENHOWER.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve vacation of complete access control.

Background: Diamond Head of Wichita, Inc., c/o Chung Wah Cheng, 3137-220 South Seneca, Wichita, KS 67217, has requested this vacation of access control to permit a driveway to Central. The "complete access control" being vacated was dedicated by a previous owner of the property. This access control was dedicated in order to avoid special assessments associated with the improvement of Central Avenue. The Engineering Division requested that a condition of vacation case approval be the reimbursement of approximately \$3,800.00 to cover the cost of special assessments not levied against the subject property because of the existence of the "complete access control". The Planning Commission did not, however, make this a requirement of vacation case approval.

Analysis: The Planning Commission recommends the City Commission find: (1) that no private rights will be injured or endangered; and (2) the public will suffer no loss or inconvenience by granting by order the vacation, subject to:

1. Proper publication of notice of public hearing;
2. The absence of proper written protest filed with the City Clerk;
3. All proceedings being without cost to the City, County or any utility company;
4. Any relocation or reconstruction of utilities necessitated by this vacation shall be at the sole expense of the applicant;
5. The Vacation Order shall retain "Access control except for one opening" to Central, across the north line of the subject lot; and
6. The applicant shall execute a petition for the paving of Eisenhower Street from the south line of Central to the south line of Lot 1, Suter Addition.

Legal Considerations: The City Clerk certifies as to proper notification and no filing of written protest.

Recommendations/Action: Close public hearing; approve vacation; authorize the Mayor to sign the Vacation Order; and record certified copy of Order, recording costs to be billed to owner.

BEFORE THE BOARD OF CITY COMMISSIONERS
OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF COMPLETE
ACCESS CONTROL DEDICATED BY AN INSTRUMENT
FILED ON FILM 245, PAGE 1599.

) Approved by Board of Commissioners
) this MAY 13 1986

GENERALLY LOCATED AT THE SOUTHEAST CORNER OF
CENTRAL AND EISENHOWER. (V-1368)

STATE OF KANSAS }
SEDCWICK COUNTY } SS
FILED FOR RECORD AT
Wichita MO

MORE FULLY DESCRIBED BELOW

MICROFILMED
OF RECORD

JUN 9 1986

NO. 8 10397

PAT KETTLER
REGISTER OF DEEDS

VACATION ORDER

Ed Pera
Deputy

NOW on this 13th day of May, 1986, comes on for hearing the petition for vacation filed by Diamond Head of Wichita, Inc., praying for the vacation of the following described complete access control, to-wit:

Complete access control granted to Central Street, across the north line of Lot 1, Suter Addition, Wichita, Kansas, as established by Film 245, Page 1599.

The City Commission, 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 Daily Record of notice of this vacation proceeding for consecutive weeks on APR 30 & MAY 7, 1986.
2. No private rights will be injured or endangered by the vacation of the above-described access control, 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. "Access control except for one (1) opening" is hereby retained.
6. The vacation of the access control described herein should be approved.

IT IS, THEREFORE, BY THE BOARD OF CITY COMMISSIONERS, on this 13th day of May, 1986, ordered that the above-described 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.

ATTEST:

Tony Casado
Tony Casado, Mayor

Donald C. Crisick
Donald C. Crisick, City Clerk

Approved as to Form:

John Dekker
John Dekker, Director of Law

500 city clerk

NO.

Has there ever been
a vacation case filed
on this property?

Existing residential-width
approach. (applicant desires
to rebuild to 30 foot wide approach)

