

Planning Agenda # _____

**City of Wichita
City Council Meeting
August 9, 1994**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1851 REQUEST TO VACATE ACCESS CONTROL
IN AN AREA WEST OF ROCK ROAD AND SOUTH OF 37TH STREET
NORTH
(District #2)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

W. K. Kaut

Staff Recommendation: Approve vacation of access control.

MAPC Recommendation: Approve vacation of access control. (unanimous)

Background: The vacation is basically being requested to relocate an opening. The applicant is dedicating complete access control on a lot to the east, while the vacation allows for one (1) additional opening on the property involved in the vacation. In addition, the applicant has submitted a petition to extend a deceleration lane in order to better serve the planned opening. This petition also provides for the closure of an opening located in the area now being dedicated for complete access control. A Certificate of Petitions has been provided in regard to these improvements. Both City and Traffic Engineering have indicated that the vacation is acceptable. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions.

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

Recommendations/Actions: Accept the dedication of access control; close the public hearing, approve the vacation; authorize the Mayor to sign the Vacation Order; record the certified copy of the Vacation Order, the Certificate of Petitions and dedication of access control; recording costs to be billed to:

150029-2909

FILE COPY

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

IN THE MATTER OF THE VACATION OF
ACCESS CONTROL

GENERALLY LOCATED WEST OF ROCK
ROAD AND SOUTH OF 37TH STREET
NORTH

MORE FULLY DESCRIBED BELOW

STATE OF KANSAS }
SEDGWICK COUNTY }
FILED FOR RECORD AT
1:00 P.M.

Case No. V-1851

OCT 5 1994

NO. 1413502
PAT KETTLER
REGISTER OF DEEDS



*Ed Reed
Deputy*

VACATION ORDER

NOW on this 9th day of August, 1994, comes on for hearing the petition for vacation filed by David C. Nesbitt for Northrock Realty Partners, praying for the vacation of the following described access control, to-wit:

The access control as platted to 37th St. N. across the north line of Lot 1, Block 1, Killarney Plaza First Addition, an Addition to 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 Daily Reporter of notice of this vacation proceeding for consecutive weeks on 7-22-94 & 7-29-94
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. That access control except for three (3) openings is retained by the City.
6. The vacation of the access control described herein should be approved.

MICROFILMED
OF RECORD

30

City Clerk

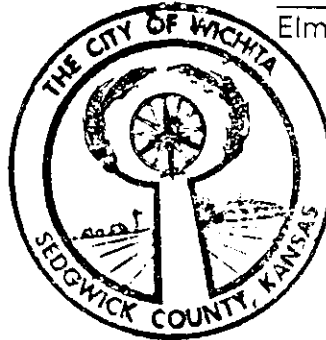
Vacation Order
V - 1851 Northrock Realty Partners

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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 9th day of August, 1994, 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:

Pat Burnett
Pat Burnett, Deputy City Clerk

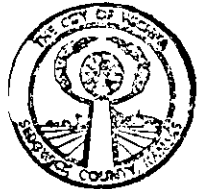


Elma Broadfoot
Elma Broadfoot, Mayor

Approved as to Form:

Gary F. Rebenstorf, Jr.
Gary Rebenstorf, Director of Law

State of Kansas)
Sedgwick County) ss
City of Wichita)
I, John H. Heston, Deputy City Clerk of the City
of Wichita, Kansas, hereby certify that the document
to which this is affixed is a true and correct copy of
the original on file in the office of the City Clerk.
Given under my hand and seal of the City of
Wichita, this September 1, 1994
John H. Heston Deputy City Clerk



INWOOD

37 TH.

ROCK

ADD.

KILLARNEY

PLAZA

FIRST ADD.

37th

2

3

ROCK

ROAD

36 TH. ST. N

2

2

COMOTARA