

Planning Agenda # _____

City of Wichita
City Council Meeting
May 2, 2000

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: V-2074 - PUBLIC HEARING REQUEST TO VACATE A PORTION OF ACCESS CONTROL LOCATED NORTH OF 37TH STREET NORTH AND ON THE EAST SIDE OF WOODLAWN.
(District II)

INITIATED BY: Metropolitan Area Planning Department *MMA*

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of a portion of access control.

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

Background: The applicant is requesting to alter the access control along Woodlawn Boulevard for Lots 2, R & L Carpenter 3rd Addition, by adding a third access point (one full opening, one ingress and one egress). In Exchange, the one opening permitted to Woodlawn on the lot to the south (Lot "B", Block 1, Chisholm Creek Addition) will be closed. The proposed development on Lot 2 of R & L Carpenter 3rd Addition (a Sonic Drive-In) wishes to have two openings (one ingress and one egress) for that development. One of the openings serving the Coastal convenience store to the south is actually located on property in question. This was allowed by a previous owner of Lot 2, R & L Carpenter 3rd Addition. Since the plat for R & L Carpenter 3rd Addition restricted Lot 2 to the one opening (one ingress and one egress), and the development proposed calls for these openings and one additional opening, this adjustment is needed. The owners involved are taking steps to adjust property boundaries to resolve this problem. The vacation of part of the access control is also needed to accomplish this. The vacation will not increase the number of openings permitted from these lots to Woodlawn Boulevard.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation

Order, subject to the applicant shall guarantee the closure of the driveway on Lot B, Chisholm Creek Addition and shall dedicate complete access control for Lot B, Block 1, Chisholm Creek and the applicant shall be responsible for any relocation or reconstruction of utilities made necessary by this vacation. No written protests have been filed.

Legal Considerations: The Dedication of access and a certified copy of the Vacation Order will be recorded with the Register of Deeds.

Recommendations/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures to sign.

Dupl.

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

**IN THE MATTER OF THE VACATION OF)
A PORTION OF ACCESS CONTROL)
)
)
GENERALLY LOCATED)
NORTH OF 37TH STREET NORTH AND ON THE)
EAST SIDE OF WOODLAWN)
)
)
)
)
MORE FULLY DESCRIBED BELOW)**

Case No. V-2074

VACATION ORDER

NOW on this 2nd day of May, 2000, comes on for hearing the petition for vacation filed by R & L Carpenter Enterprises, LLC, Attention: Roger L. Carpenter, praying for the vacation of the following described a portion of access control, to-wit:

The south 30 feet of access control along the west line of Lot 2, R & L Carpenter 3rd Addition, 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 on April 12, 2000, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described a portion of 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. The vacation of a portion of access control described herein should be approved, subject to the following conditions:

- A) The applicant shall guarantee the closure of the driveway on Lot B, Chisholm Creek Addition and shall dedicate complete access control for Lot B, Block 1, Chisholm Creek Addition.
- B) The applicant shall be responsible for any relocation or reconstruction of utilities made necessary by this vacation.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 2nd day of May 2000, ordered that the above-described a portion of 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.



Bob Knight, Mayor

ATTEST:


Pat Burnett, City Clerk



Approved as to Form:

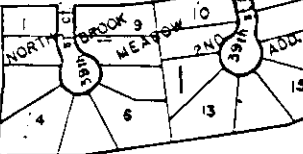


Gary Rebenstorf, Director of Law

WOODLAWN

39 TH. ST. NO.

NORTHBROOK



RESERVE "B"



CHISHOLM CREEK

ADD.

R & L
CARPENTER
3RD ADD.

2

B

37 TH ST NO