

City of Wichita
City Council Meeting
September 9, 2003

Agenda Report No.

TO: Mayor and City Council

SUBJECT: VAC2003-00036 REQUEST TO VACATE PLATTED ACCESS CONTROL AND A RESERVE LOCATED NORTHEAST OF THE 13TH STREET NORTH – WEBB ROAD INTERSECTION, 1401 WATERFRONT PARKWAY.
(District II)

INITIATED BY: Metropolitan Area Planning Department JLS

AGENDA: Planning

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Background: The applicant proposes vacation of the current complete access control along the 13th Street North side of Lot 8, The Waterfront Addition and vacation of the uses of Reserve H. The Waterfront Addition was recorded 01-24-2003.

Analysis: Currently there is 371.76-feet of complete access control along east side of Lot 8's 13th Street North frontage. The west end of Lot 8's 13th Street North frontage has 60-feet of right-in – right-out access onto 13th Street North. The applicant proposes 200-feet of complete access control along the east side of Lot 8's 13th Street North frontage, with the remaining west 231.76-feet of Lot 8's 13th Street North frontage having one opening of right-in – right-out. The size and location of this access within the 231.76-feet has not been specified. Reserve H was platted for monuments, landscaping, irrigation, and open space. Reserve H is located on the southeast corner of Lot 8 and is confined within the intersection of two 25-foot utility easements.

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. No written protests have been filed.

Financial Considerations: None

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds

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

RECEIVED

SEP 13 2003

METROPOLITAN PLANNING
ROUTE _____

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

**IN THE MATTER OF THE VACATION OF)
PLATTED COMPLETE ACCESS CONTROL AND)
USES OF A RESERVE)**

**GENERALLY LOCATED)
NORTHEAST OF THE 13TH STREET NORTH -)
WEBB ROAD INTERSECTION)**

Case No. VAC2003-00036

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 9th day of September, 2003, comes on for hearing the petition for vacation filed by The Waterfront Commercial Properties, LLC c/o Johnny Stevens, praying for the vacation of the following described platted complete access control and uses of a reserve, to-wit:

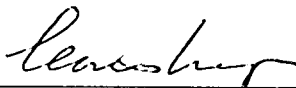
The east 231.76-feet of the platted 371.76-feet of complete access control, running parallel to 13th Street North on Lot 8, The Waterfront Addition, Wichita, Sedgwick County, Kansas, to allow one opening for right-in - right-out access.

The uses of platted Reserve H, located on the southwest corner of Lot 8, Block 1, The Waterfront 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 Derby Reporter on July 17, 2003, 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 complete access control and uses of a reserve, 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 the platted complete access control and uses of a reserve described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 9th day of September 2003, ordered that the above-described platted complete access control and uses of a reserve 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.



Carlos Mayans, Mayor

ATTEST:



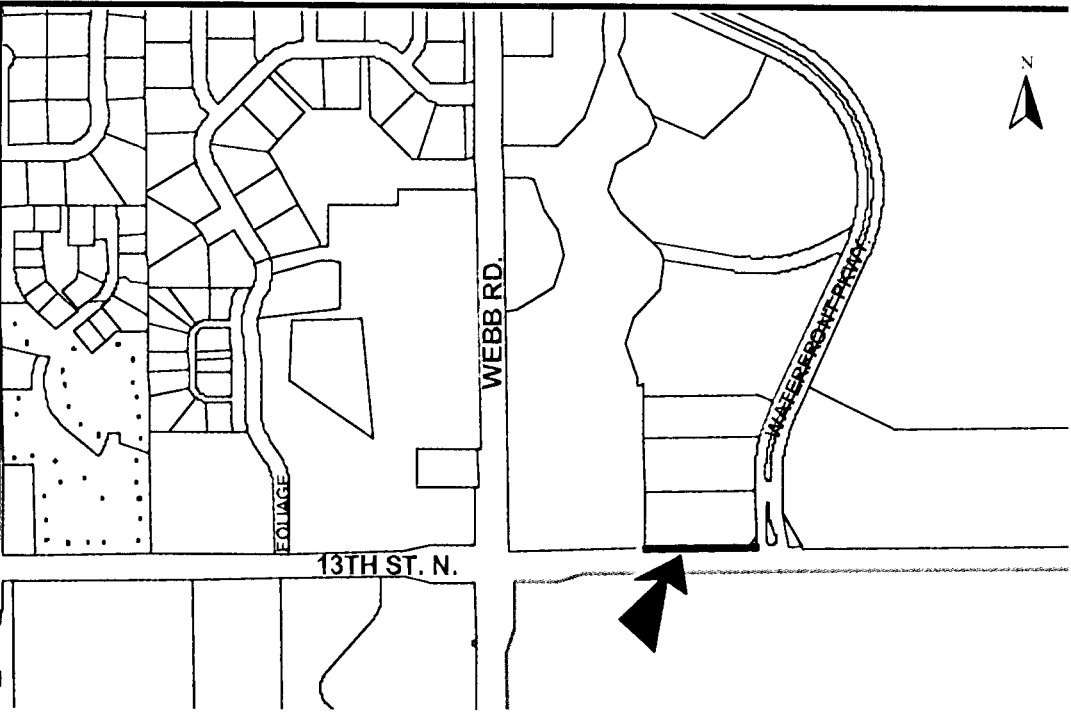
Pat Graves, City Clerk

Approved as to Form:





Gary Rebenstorf, Director of Law



WEBB RD.

EOLAGE

13TH ST. N.

WATERFRONT PARK

