



**Wichita-Sedgwick County Metropolitan Area Planning Department**

June 15, 2005

Rita Neville  
9625 W. Maple  
Wichita, KS 67209

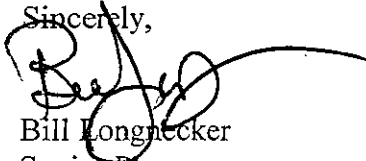
Re: **VAC2005-00017** - Request to vacate platted access control, generally located on the northeast corner of Central Avenue and Tyler Road.

Dear Ms. Neville:

At its regular meeting on Tuesday, June 7, 2005, the Wichita City Council considered the request. The action of the City Council was to APPROVE subject to the recommendation by the MAPC.

If you have any questions about this matter, please call 268-4494.


Sincerely,



Bill Longnecker  
Senior Planner

BL:le



Sedgwick County  
 Register of Deeds - Bill Meek  
 DOC.#/FLM-PG: 28687386  
 Receipt #: 1589989  
 Pages Recorded: 2  
 Recording Fee: DDH  
 Cashier Initials: OH  
 Authorized By:   
 Date Recorded: 6/29/2005 11:44:13 AM

also  
 D17592

Approved / Accepted By City Council  
 This 6-7-05  
**BEFORE THE CITY COUNCIL OF THE**  
**CITY OF WICHITA, SEDGWICK COUNTY, KANSAS**

TY CLERK'S ORIGINAL  
 RETURN TO CITY CLERK

**IN THE MATTER OF THE VACATION OF** )  
**PLATTED ACCESS CONTROL** )  
 )  
 )  
**GENERALLY LOCATED ON THE** )  
**NORTHEAST CORNER OF THE CENTRAL** )  
**AVENUE AND TYLER ROAD INTERSECTION.** )  
 )  
 )  
 )  
**MORE FULLY DESCRIBED BELOW** )

Case No. **VAC2005-00017**

**VACATION ORDER**

NOW on this 7<sup>th</sup> day of June, 2005 comes on for hearing the petition for vacation filed by Rita A. Neville Landwehr praying for the vacation of the following described platted access control, to-wit:

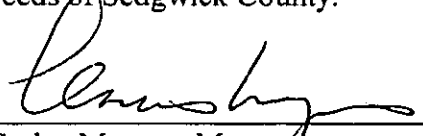
The west 35.00 feet of the most southerly south line of Lot 1, Tyler Acres Fifth Addition, Wichita, Kansas.

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 Wichita Eagle on April 21, 2005, 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 platted 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. Dedication by separate instrument of an Abutter's Access Rights will be filed for recording with the Register of Deeds.
5. Dedication by separate instrument of a Drive Approach Closure Certificate will be filed for recording with the Register of Deeds.
6. 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.
7. The vacation of platted access control described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 7<sup>th</sup> day of June 2005 ordered that the above-described platted 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.

  
 Carlos Mayans, Mayor

ATTEST:

  
 Karen Sublett, City Clerk



Approved as to Form:

  
 Gary Rebenstorf, Director of Law




State of Kansas )  
 Sedgwick County )  
 City of Wichita )

I, **Karen Sublett** 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, Kansas

this

 6-7-05  
 City Clerk

STAFF REPORT

CASE NUMBER: VAC2005-00017 Request to vacate platted access control

APPLICANTS/OWNERS: Rita Neville

AGENT: Baughman Company PA, c/o Russ Ewy

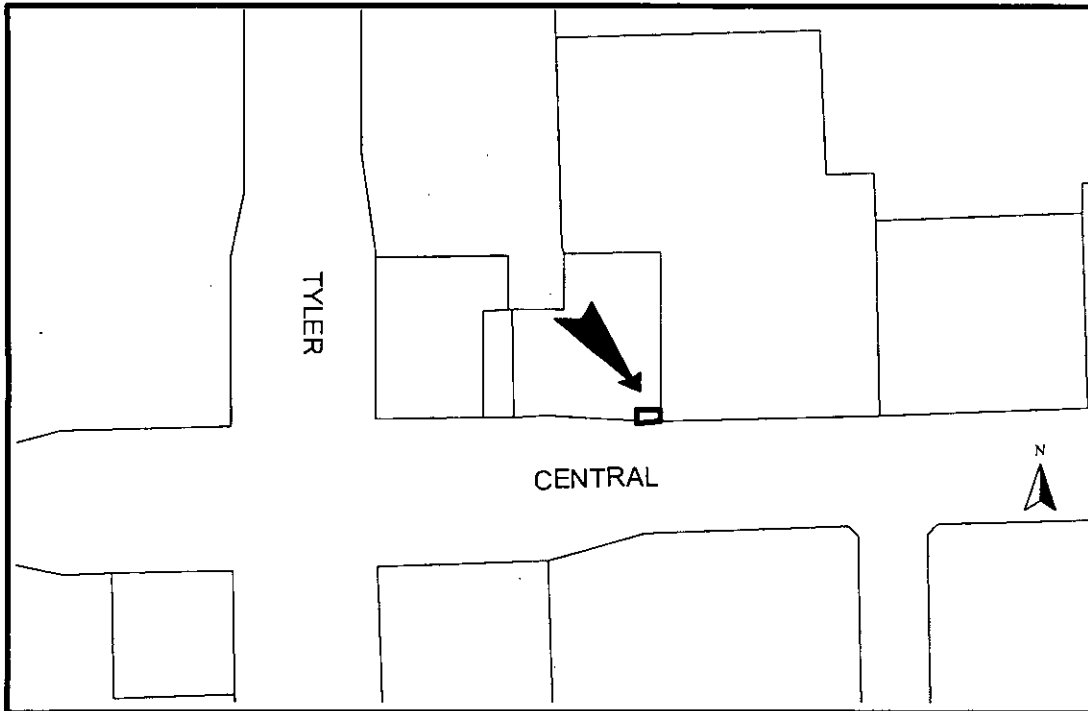
LEGAL DESCRIPTION: Generally described as the platted access control on Lots 3 & 1, Tyler Acres 5<sup>th</sup> Addition, Wichita, Sedgwick County, Kansas, running parallel to Central Avenue

LOCATION: Generally located approximately 240 - 300-feet east of Tyler Road, on the north side of Central Avenue (WCC District #V)

REASON FOR REQUEST: To relocate existing drive

CURRENT ZONING: The site and all abutting and adjacent properties are zoned "LC" Limited Commercial. The site is part of CUP DP-11

VICINITY MAP:



The applicant has applied for the vacation of the complete access control along the site's east 240 - 300-feet of its Central Avenue frontage. The request will remove the eastern drive located on the site and realign it approximately 25 - 30-feet east of its current location. The subject site is part of CUP DP-11, which has integrated access, circulation and parking, including three existing/permitted platted access/drives onto Central Avenue from the site. At this location Central Avenue is a four-lane arterial with a turn lanes on its north and south sides and a center turn lane. South of the site, across Central Avenue, are two existing drives, which line up approximately with the site's existing drives and the proposed realigned drive. There are no franchised utilities, water or sewer lines located in this side of the Central Avenue right-of-way (ROW). The Tyler Acres 5<sup>th</sup> Addition was recorded with the Register of Deeds September 2, 1983.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from Public Works, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate a portion of the platted access control, per the approval of the Traffic Engineer, with conditions.

- 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, by publication in the Wichita Eagle of notice of this vacation proceeding one time April 21, 2005 which was at least 20 days prior to this public hearing.
  2. That no private rights will be injured or endangered by the vacation of the above-described portion of platted complete access control and the public will suffer no loss or inconvenience thereby.
  3. In justice to the petitioner, the prayer of the petition ought to be granted.

Therefore, the vacation of a portion of the platted complete access control described in the petition should be approved with conditions;

- (1) Vacate that portion of platted access control along the site's Central Avenue frontage, as approved by the Traffic Engineer to realign the eastern drive. Provide Staff with an e-mail word document of the metes and bounds description of the location of the new drive.
- (2) Provide Staff with dedication of access control, re-establishing access control over the old drive's location.
- (3) Provide a guarantee for continuation of curbing and all improvements over the existing and soon to be closed drive onto the site.
- (4) Any relocation or reconstruction of utilities made necessary by this vacation shall be the

responsibility of the applicants.

- (5) All improvements shall be according to City Standards, including any driveways from private property onto public ROW.
- (6) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick 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 subject to the following conditions;

- (1) Vacate that portion of platted access control along the site's Central Avenue frontage, as approved by the Traffic Engineer to realign the eastern drive. Provide Staff with an e-mail word document of the metes and bounds description of the location of the new drive.
- (2) Provide Staff with dedication of access control, re-establishing access control over the old drive's location.
- (3) Provide a guarantee for continuation of curbing and all improvements over the existing and soon to be closed drive onto the site.
- (4) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants.
- (5) All improvements shall be according to City Standards, including any driveways from private property onto public ROW.
- (6) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick 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.

VAC2005-17

Tyler Road

BURGER KING

OSCO

Tyler's Acres Fifth Add.

NE Cor., Lot 3, Tyler's Acres Fifth Addition

NE Cor., Lot 3, Tyler's Acres Fifth Addition

Tyler's Acres

Tyler (00 in 07)

Lot 3 Tyler's Acres Fifth Add.

NE Cor., Lot 3, Tyler's Acres Fifth Addition

NE Cor., Lot 3, Tyler's Acres Fifth Addition

NE Cor., Lot 3, Tyler's Acres Fifth Addition

NE Cor., Lot 3, Tyler's Acres Fifth Addition

Access Control, Except Three Openings (Per Recorded Plat)

Central Avenue

NEW CURB CUT

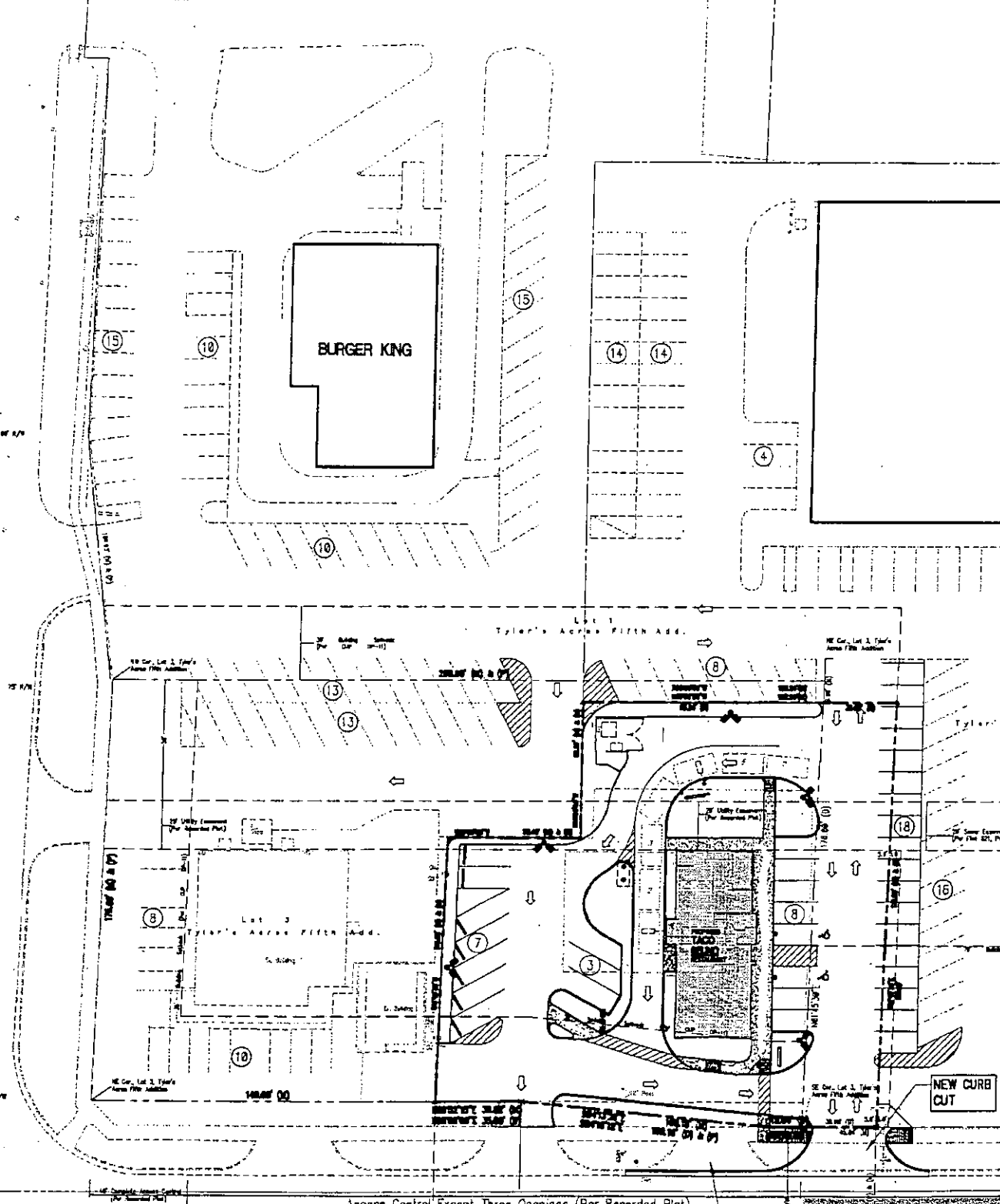
EXISTING CURB CUT TO BE CLOSED

EX  
PR  
AU

NE Cor. 30 1/2' x 120' 0" 1-2-2 3-1-0

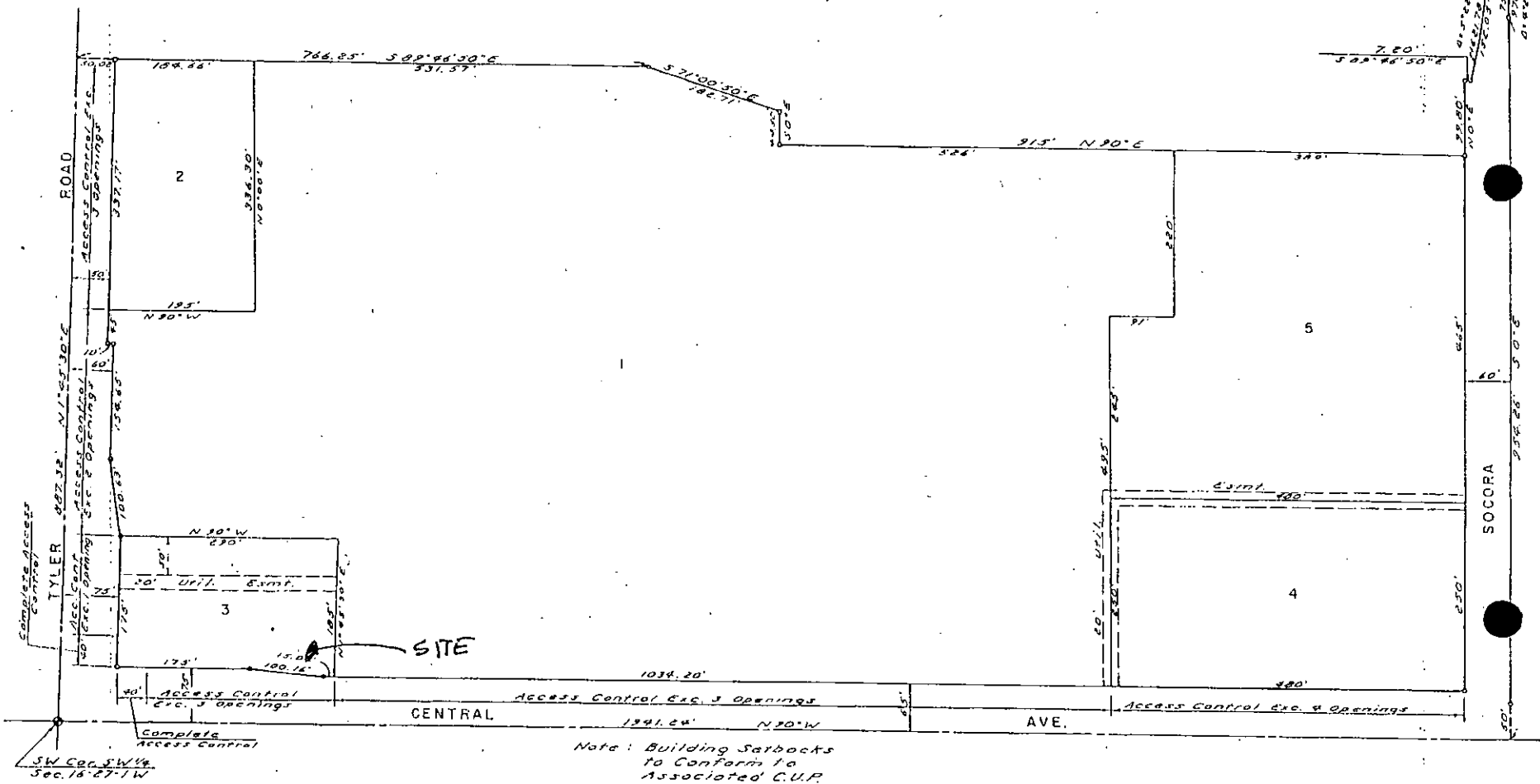
Scale of Survey 1/8" = 10'-0"

1994.30.09



# TYLER ACRES FIFTH ADDITION

WICHITA, KANSAS



Note: Building Setbacks to Conform to Associated C.U.P.

State of Kansas } S.S. We, Baughman Company, P.A.  
 Sedgwick County } Surveyors in aforesaid county and state, do hereby  
 certify that we have surveyed and platted  
 "TYLER ACRES FIFTH ADDITION", Wichita, Kansas,  
 and that the accompanying plot is a true and  
 correct exhibit of the property surveyed and  
 described as a replat of that part of Block 2,  
 Tyler Acres First Addition on addition in Sedg-  
 wick County, Kansas, lying south of a line  
 780 feet north and parallel to the south line  
 of said SW 1/4, and including Delano Ave. now  
 vacated, and being a replat of all of Tyler  
 Acres Second and Fourth Additions, Wichita,  
 Kansas, and part of the SW 1/4 of Section 16,  
 T 8 N, R 1 W, Sedgwick County, Kansas, being  
 more particularly described as follows:  
 Beginning at the SW corner of said SW 1/4;

Know all men by these presents,  
 that we, the undersigned, have caused  
 the land described in the  
 surveyors certificate to be platted  
 into lots and streets to be known as  
 "TYLER ACRES FIFTH ADDITION", Wichita,  
 Kansas. The easements are hereby grant-  
 ed as indicated for the construction  
 and maintenance of all public utilities.  
 The streets are hereby dedicated to  
 and for the use of the public. All abutters  
 rights of access to Tyler Rd. and Central  
 Ave. are hereby granted to the City of  
 Wichita, Kansas, except, however, that  
 Lot 1 shall have access to Central Ave.  
 at three locations and to Tyler Rd. at  
 two locations; Lot 2 shall have access  
 to Tyler Rd. at three locations; Lot 3

We, the First National  
 in Wichita, holder of a  
 on part of the above d.  
 property, do hereby cons-  
 plot of "TYLER ACRES FIF-

First National Bank in Wic

State of Kansas } S.S. The  
 Sedgwick County } instrument was acknowl-  
 me this 22 day of MARCH  
 First National Bank in  
 R. J. Mastick