



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

August 22, 2005

Vulcan Materials Company & Vulcan Chemicals  
c/o Steve Nikkel, Plant Manager  
P.O. Box 12283  
Wichita, KS 67277

Re: **VAC2005-00025** - Sedgwick County request to vacate public right-of-way, generally located on the north side of 55th Street South and west of the Wichita-Valley Center Floodway. This case is within the 3-mile ring of the City of Wichita's city limits.

Dear Mr. Nikkel:

At its regular meeting on Tuesday, August 16, 2005, the Wichita City Council considered the request. The action of the City Council was to APPROVE subject to the recommendation by the MAPC.

At its regular meeting on Wednesday, August 17, 2005, the Board of County Commission considered request. The action of the Board of County Commissioners 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

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AUG 29 2005

METROPOLITAN PLANNING  
ROUTE  \_\_\_\_\_

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

**IN THE MATTER OF THE VACATION OF A )  
PORTION OF PUBLIC STREET )  
RIGHT-OF-WAY )**

**GENERALLY LOCATED )  
ON THE NORTH SIDE OF 55<sup>TH</sup> STREET SOUTH )  
AND WEST OF WICHITA-VALLEY CENTER )  
FLOODWAY EASEMENT )**

**MAPD CASE NO.  
VAC2005-00025**

**MORE FULLY DESCRIBED BELOW )**

**VACATION ORDER**

NOW on this 16<sup>th</sup> day of August, 2005 comes on for hearing the petition for vacation filed by Vulcan Materials Company & Vulcan Chemicals c/o Tracy L. Winter and Ernest & Arleen Sponsel, praying for the vacation of the following described portion of public street right-of-way to-wit:

Legal description for vacating a portion of West Street described as follows:

The West 30 feet of the Southwest Quarter of Section 24, Township 28 South, Range 1 West of the 6<sup>th</sup> P.M., Sedgwick County, Kansas, lying South of that part taken for Floodway in Condemnation Case No. A-29459. Except the South 60 feet thereof.

And

The East 30 feet of the Southeast Quarter of Section 23, Township 28 South, Range 1 West of the 6<sup>th</sup> P.M., Sedgwick County, Kansas lying South of that part taken for Floodway in Condemnation Case No. A-29459. Except the South 60 feet thereof.

And

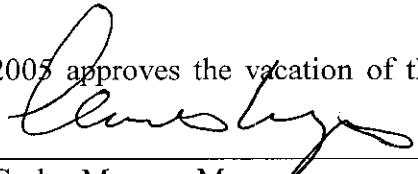
Beginning at a point 1000 feet North and 30 feet West of the Southwest Corner of the Southeast Quarter of Section 23, Township 28 South, Range 1 West of the 6<sup>th</sup> P.M.,

Sedgwick County, Kansas; thence West 5 feet; thence Northerly to a point 1800 feet North and 55 feet West of the Southeast Corner of the Southeast Quarter of said Section 23; thence North parallel to the East line of said Southeast Quarter a distance of 100 feet; thence East 25 feet to a point 30 feet West of said East line; thence South parallel to said East line to the Point of Beginning.

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 June 23, 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 portion of public street right-of-way and the public will suffer no loss or inconvenience thereby.
3. Retain the above-described portion of public street right-of-way as a utility easement and an ingress-egress easement for all utilities, Public Works, Fire and the Wichita – Valley Center Flood Control Easement.
4. In justice to the petitioner(s), the prayer of the petition ought to be granted.
5. 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.
6. The vacation of the portion of public street right-of-way described herein should be approved.

THE CITY COUNCIL, on this 16<sup>th</sup> day of August 2005 approves the vacation of the above-described portion of public street right-of-way.


  
Carlos Mayans, Mayor

ATTEST:

  
Karen Sublett, City Clerk



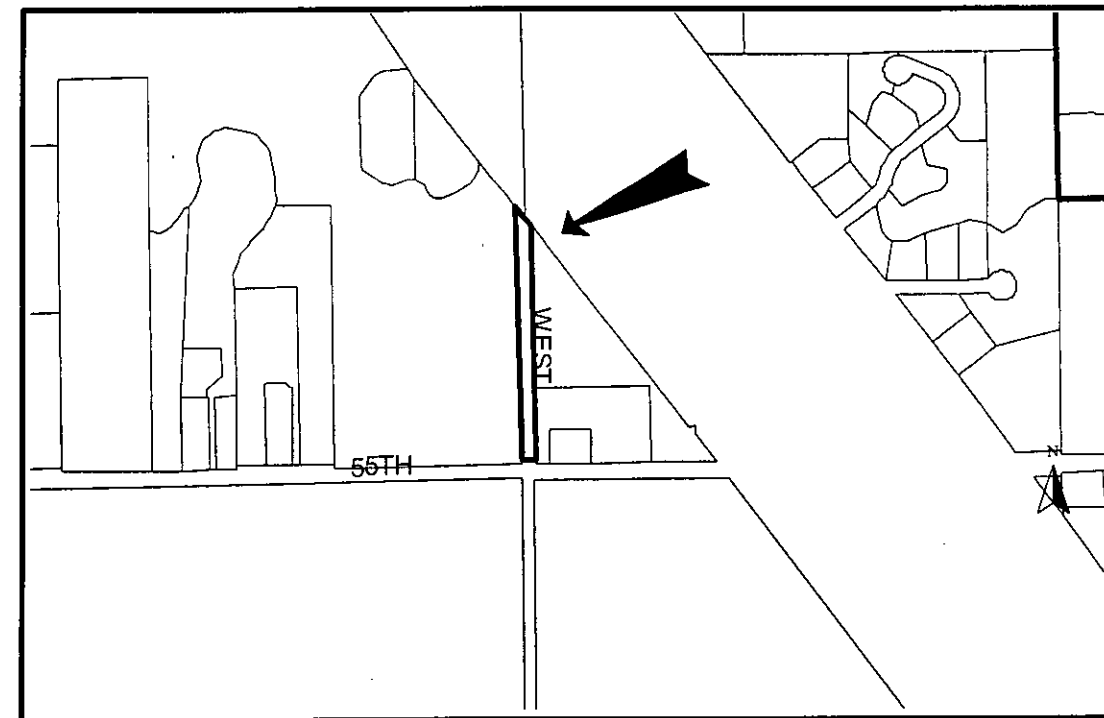
Approved as to Form:

  
Gary Rebenstorf, Director of Law

STAFF REPORT

- CASE NUMBER:** VAC2005-00025: Request to vacate public right-of-way (ROW)
- APPLICANT:** Vulcan Chemicals c/o Steve Nikkel Mr & Mrs Ernest Sponsel
- AGENT:** Arn, Mullins, Unruh, Kuhn & Willson, LLP c/o Milo M Unruh Jr
- LEGAL DESCRIPTION:** Generally described as that portion of West Street north of its intersection with 55<sup>th</sup> Street South and south of the Wichita – Valley Center Flood Control easement (see attached legal)
- LOCATION:** Generally located a mile east of Hoover Road, immediately west and south of the Wichita – Valley Center Flood Control easement and north of 55<sup>th</sup> Street South. Sedgwick County and within the City of Wichita's 3-mile jurisdiction
- REASON FOR REQUEST:** To eliminate dumping and uncontrolled access
- CURRENT ZONING:** Subject property is Public ROW. The southeast and southwest abutting properties are zoned "LC" Limited Commercial. The northeast and northwest abutting properties are zoned "SF-20"

**VICINITY MAP:**



The applicant proposes closing this unimproved portion of West Street, north of its intersection with 55<sup>th</sup> Street South, to control access onto the abutting properties and eliminate illegal dumping. This portion of West Street dead-ends on its north side against the Wichita-Valley Center Flood Control easement. There are no plans to extend West Street across the Wichita-Valley Center Flood Control easement. There are no manholes, sewer or water lines in the ROW. Comments from franchised utilities have not been received and are needed to determine if they have utilities in the easement. West Street at this location is an unimproved Waco Township road.

This site is located in an unincorporated portion of Sedgwick County and within the City of Wichita's 3-mile ring jurisdiction, which triggers the requirement of first the Wichita City Council recommending approval or denial of the vacation request before the request proceeds to the Sedgwick County Board of County Commissioners for final action.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from County & City Public Works, Storm Water, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate the portion of the West Street ROW, as described with conditions.

(1) Retain this portion of West Street South, as described in the legal description, as a utility and ingress-egress easement for utilities, Sedgwick County and the Wichita-Valley Center Flood Control personnel.

(2) Apply to obtain from Sedgwick County closure of the entrance off of 55<sup>th</sup> Street South, per County standards.

(3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.

(4) All improvements shall be according to City Standards.

(5) 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.



# vac2005-25



- Sewer Manholes
- ⊗ Sewer Observation Manholes
- Hydrant Schematic
- Water Valve Schematic
- Water Node Schematic
- ▨ 55 Main BD District
- Property Parcels
- Lot Block
- Subdivisions
- ~ Sewer Flow
- ~ Sewer Lines
- ~ Water Lines Schematic
- Major Roads**
- ⚡ State Highway
- ⚡ US Federal Highway
- ⚡ Interstate
- ⚡ KTA
- ⚡ Arterial
- ⚡ Collector
- ⚡ Ramp
- ⚡ Roads
- ⚡ Railroads
- Township and Range
- Section
- Quarter Section
- Waterways
- ~ Streams
- 2000 County Aerial Photo
- 2003 Wichita Aerial Photo



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