



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

August 11, 2006

Northwest Free Methodist  
c/o Scott Vang  
2424 N. Maize Rd  
Wichita, KS, 67205

Re: **VAC2006-00027** - Request to vacate a portion of the platted complete access control and a platted wall easement, generally located ¼ north of 21<sup>st</sup> Street North, on the east side of Maize Road.

Dear Mr. Vang:

At its regular meeting on Tuesday, August 8, 2006, 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

cc: Jim Armour, City Engineer, Public Works Department, Mail Stop 1-71  
Paul Gunzelman/Carla Jones, Public Works Engineering, Mail Stop 1-71  
Baughman Company, P.A., Attn: Phil Meyer, 315 Ellis, Wichita, KS 67211  
Countryside West, LLC, Attn: P.O. Box 3069, Hutchinson, KS 67504-3069  
Landmark Commercial Real Estate, Attn: Brad Saville, 155 N. Market, Suite 501, Wichita, KS 67202  
Chadworth Development, LLC, Attn: Larry Bottenberg, 2330 N. Maize Rd, Ste 1300, Wichita, KS 67206

RECEIVED

AUG - 9 2006

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 PLATTED ACCESS CONTROL )  
AND A PLATTED WALL EASEMENT )**

**GENERALLY LOCATED ON THE )  
EAST SIDE OF MAIZE ROAD, APPROXIMATELY )  
1/4 -MILE NORTH OF 21<sup>ST</sup> STREET NORTH )**

**Case No. VAC2006-00027**

**MORE FULLY DESCRIBED BELOW )**

**VACATION ORDER**

NOW on this 8<sup>TH</sup> day of August, 2006 comes on for hearing the petition for vacation filed by Chadworth Development LLC, c/o Larry Bottenberg and Countryside West, LLC, c/o David Allen praying for the vacation of the following described portion of a platted access control and a platted wall easement, to-wit:

That part of the platted 5-foot wall easement as recorded on the Chadsworth Commercial 2nd Addition, Wichita, Sedgwick County, Kansas lying south of, parallel with, and abutting the north line of Lots 1 and 2 in said Chadsworth Commercial 2nd Addition, EXCEPT the east 5.00 feet thereof.

The north 30.00 feet of the west line of Lot 1, Chadsworth Commercial 2nd 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 Wichita Eagle on June 15, 2006, 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 platted access control and a platted wall easement, and the public will suffer no loss or inconvenience thereby.

3. The described vacated completed access control will be used for joint right-in and right-out access onto Maize Road for development onto Lot 1, Chadsworth Commercial 2nd Addition and the abutting northern property.

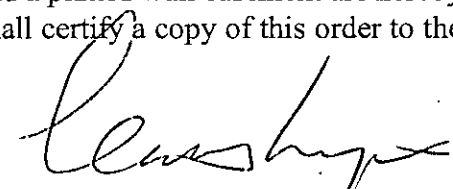
3. Retain the described platted 5-foot wall easement as a drainage easement.

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.

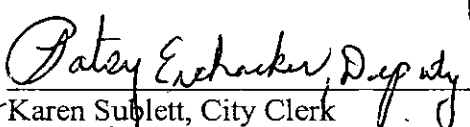
5. The vacation of a portion of platted access control and a platted wall easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 8th day of August 2006 ordered that the above-described a portion of platted access control and a platted wall easement are 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.

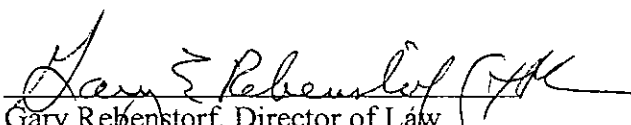
  
Carlos Mayans, Mayor

ATTEST:



*for*   
Karen Sublett, City Clerk

Approved as to Form:

  
Gary Rebenstorf, Director of Law

STAFF REPORT

**CASE NUMBER:** VAC2006-00027 Request to vacate a portion of platted access control and a platted wall easement

**APPLICANTS/OWNERS:** Chadsworth Development LLC                      Countryside West, LLC

**AGENT:** Baughman Company PA, c/o Phil Meyer

**LEGAL DESCRIPTION:** The platted complete access control located on the north 30-feet of the west line of Lot 1, Chadsworth Commercial 2<sup>nd</sup> Addition, Wichita, Sedgwick County, Kansas

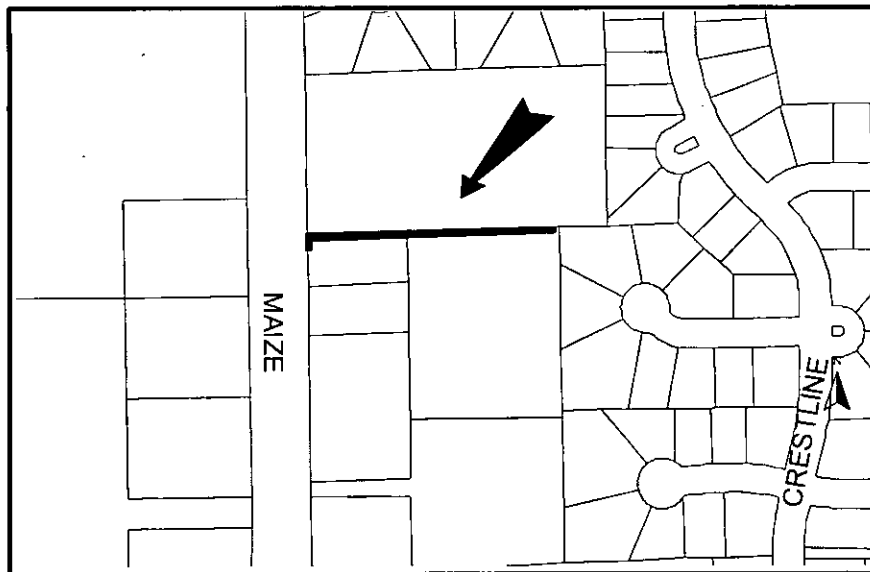
The platted 5-foot wall easement located along the north line of Lots 1 & 2 (except the east 5-feet), Chadsworth Commercial 2<sup>nd</sup> Addition, Wichita, Sedgwick County, Kansas

**LOCATION:** Generally located on the east side of Maize Road, approximately ¼ - mile north of 21<sup>st</sup> Street North (WCC District #V)

**REASON FOR REQUEST:** Joint access for commercial development

**CURRENT ZONING:** The site and the abutting southern property are zoned "LC" Limited Commercial. The northern and eastern abutting properties are zoned "SF-5" Single-family Residential. Adjacent western property is zoned "LC" and "GC" General Commercial. The site is part of CUP DP-204

**VICINITY MAP:**



The applicant has applied for the vacation of the complete access control along the site's north 30 - feet of its Maize Road frontage. The request will allow a proposed 40-foot joint right in – right out drive between the subject site (30-feet) and the abutting northern property. The proposed joint access also adds an additional point of access onto the site. There is an existing 50-foot (approximate) drive, a portion of which is located on the south 15-feet of the subject site. The proposed joint access would be 155-feet north of this described existing drive. There is another existing drive on the west side of Maize Road (across from the site) that is located approximately 100-feet south of the site. At this location Maize Road has a center turn lane, continuous right hand turn lanes and four through lanes. There is water located in this side of the Maize Road right-of-way (ROW), but no sewer lines or manholes. The applicant also proposes to vacate the described platted 5-foot wall. There is a platted 20-foot drainage-utility easement that runs parallel to the platted wall easement that will remain. The Chadsworth Commercial 2<sup>nd</sup> Addition was recorded with the Register of Deeds August 14, 1995.

NOTE: The abutting northern property is associated with ZON2005-54/CUP2005-72 DP-293. A requirement of the zoning cases was a replat (currently the Agape Addition, recorded January 11, 1987) of the abutting northern property; SUB2006-43, approved by the MAPC May 18, 2006. The replat shows 10-feet of the described proposed 40-foot joint right in – right out access on this abutting northern property. When the zoning is completed there will be no need for a wall between the subject site and this site.

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, and the platted wall easement, 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 June 15, 2006 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 platted wall easement 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 and the platted wall easement described in the petition should be approved with conditions;

- (1) Vacate that portion of platted access control along the site's Maize Road frontage, as approved by the Traffic Engineer to establish the joint right-in – right-out access across the subject site and the abutting northern property. This needs to be coordinated with the complete access

control that is approved on the replat (SUB2006-43) of the Agape Addition.

- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants.
- (3) All improvements shall be according to City Standards, including any driveways from private property onto public ROW.
- (4) Retain the platted 5-foot wall easement as a drainage easement.
- (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.

**SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:**

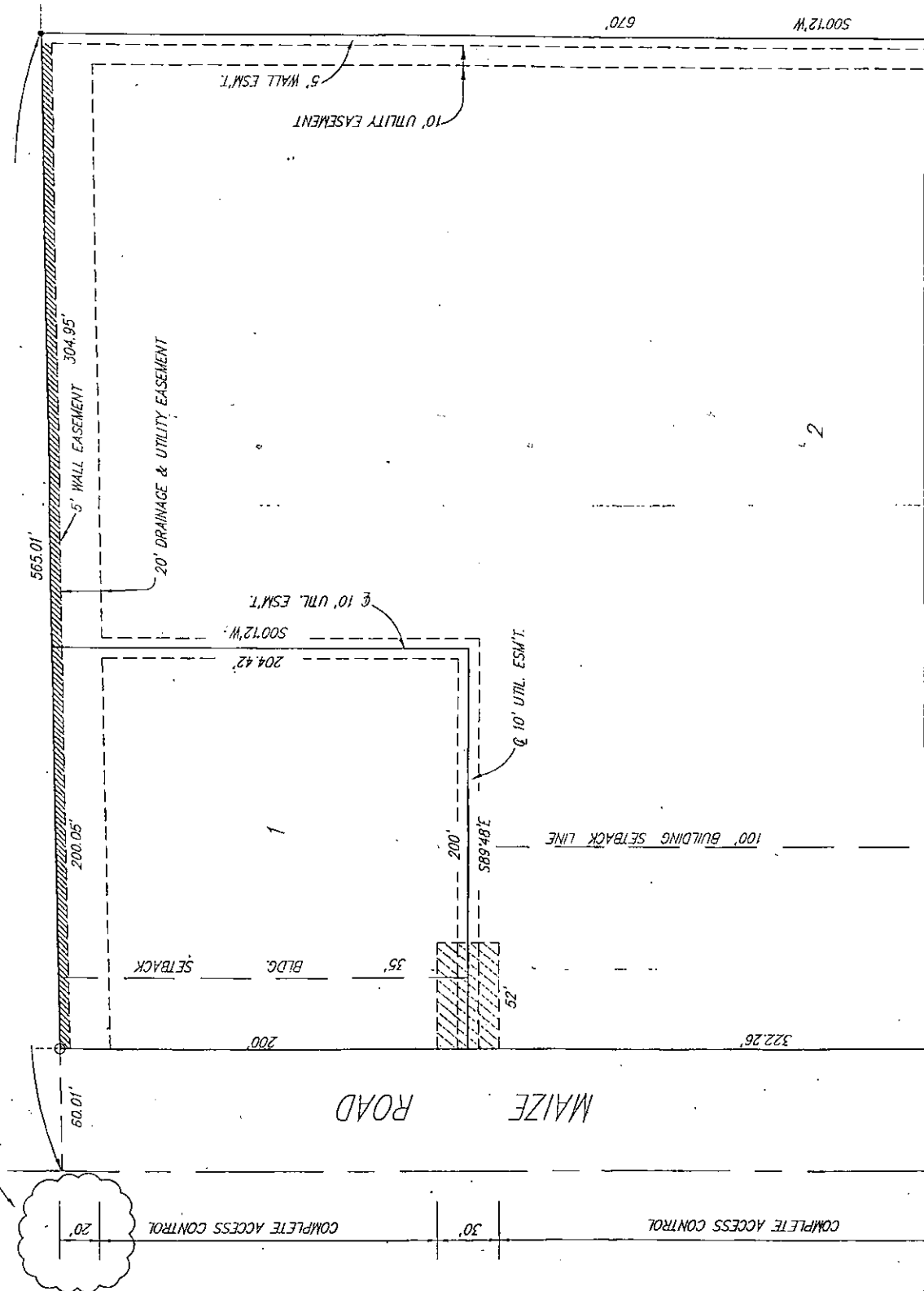
The Subdivision Committee recommends approval subject to the following conditions;

- (1) Vacate that portion of platted access control along the site's Maize Road frontage, as approved by the Traffic Engineer to establish the joint right-in – right-out access across the subject site and the abutting northern property. This needs to be coordinated with the complete access control that is approved on the replat (SUB2006-43) of the Agape Addition.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants.
- (3) All improvements shall be according to City Standards, including any driveways from private property onto public ROW.
- (4) Retain the 5-foot wall easement as a drainage easement.
- (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.

VAC 2006-61

VAC 2006-27

20' OF VACATED ACCESS CONTROL



SCALE: 1" = 50'

# EXHIBIT

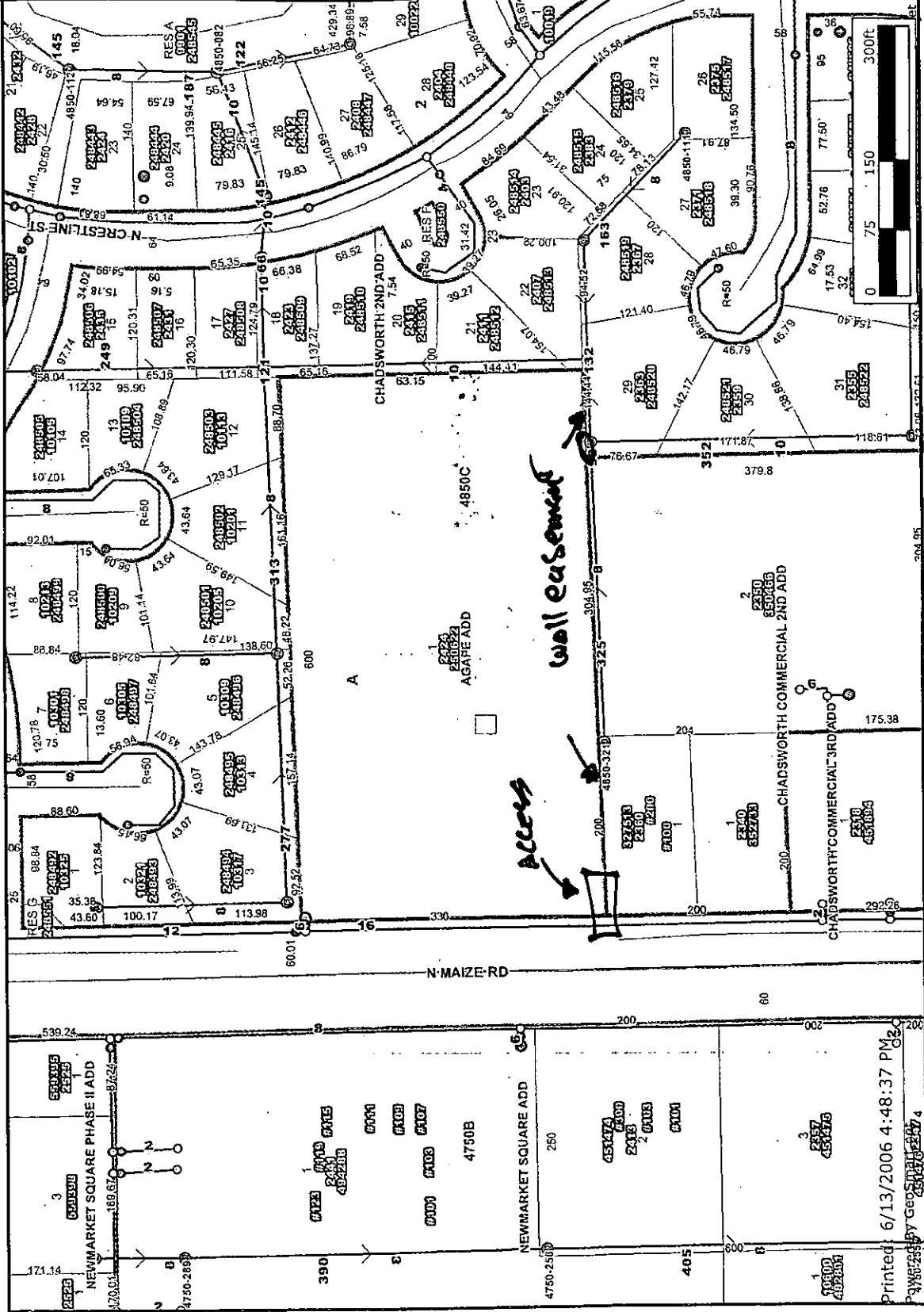
CHADSWORTH  
 COMMERCIAL END ADDITION  
 VAC2006-177



# vac2006-27

## water & sewer

Label Structure Addresses	⊙
Sewer Line Diameter	⊙
Sewer Line Length	⊙
Sewer Manholes	⊙
Sewer Observation Manholes	⊙
Hydrant Schematic	⊙
Water Valve Schematic	⊙
Water Node Schematic	⊙
City Limit Boundaries	—
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	—
Quarter Section	□
Waterways	—
Streams	—
City Limits	—



*Access*

*wall easement*

Every reasonable effort has been made to assure the accuracy of the maps and associated data provided herein. This information is provided with the understanding that the data are susceptible to a degree of error, and conclusions drawn from such information are the responsibility of the reader. The City of Wichita makes no warranty, representation or guaranty as to the content, accuracy, timeliness or completeness of any of the data provided herein. Some data provided here and used for the preparation of these maps has been obtained from public records not created or maintained by the City of Wichita. The City of Wichita shall assume no liability for any decisions made or actions taken or not taken by the reader in reliance upon any information or data furnished hereunder. The user should consult with the appropriate departmental staff member, e.g. Planning, Parks & Recreation, etc. to confirm the accuracy of information appearing in the visual presentations accessible through these web pages.

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