



Wichita-Sedgwick County Metropolitan Area Planning Department

January 14, 2008

Star Lumber & Supply Co., Inc.,
Attn: Christopher J. Goebel, President
P.O. Box 7712
Wichita, KS 67277

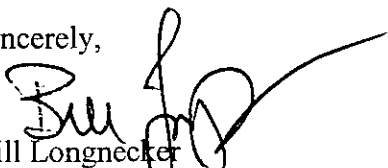
Re: **VAC2007-00029** - Request to vacate platted access control, generally located on the west side of Greenwich Road, north of K-96 highway, on the south side of 26th Street North.

Dear Mr. Goebel:

At its regular meeting on Tuesday, January 8, 2008, 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
MKEC Engineering Consultants Inc., Attn: Brian Lindebak, 411 N. Webb Road, Wichita, KS 67206
C & C Realty LLC, 2414 N. Woodlawn, Suite 170, Wichita, KS 67220
North Greenwich / 29th LLC, 8100 E. 22nd St. North, Building 1000, Wichita, KS 67226
Kansas Investment Properties Inc., P.O. Box 780149, Wichita, KS 67278
CMN LLC, 10333 E. 21st Street North, #303, Wichita, KS 67206



Sedgwick County
Register of Deeds - Bill Meek
DOC.#/FLM-PG: 28945049

Receipt #: 1676978
Pages Recorded: 2
Cashier Initials: LK

Authorized By:
Recording Fee: 0DH

Date Recorded: 1/11/2008 10:05:46 AM



CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

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

Approved / Accepted By City Council
This 1-8-08

**IN THE MATTER OF THE VACATION OF)
A PORTION OF PLATTED COMPLETE ACCESS)
CONTROL)**

**GENERALLY LOCATED ON THE WEST SIDE)
OF GREENWICH ROAD, NORTH OF K-96, AND)
ON THE SOUTH SIDE OF 26TH STREET NORTH)**

Case No. VAC2007-00029

MORE FULLY DESCRIBED BELOW

VAC2007-00029

VACATION ORDER

NOW on this 8th day of January 2008 comes on for hearing the petition for vacation filed by Star Lumber & Supply Company, c/o Christopher J. Goebel, praying for the vacation of the following described portion of platted complete access control, to-wit:

Vacate a portion of the platted "Complete Access Control" along the east line of Lot 13, Block 1, Regency Park Addition, an addition to Wichita, Sedgwick County, Kansas; to allow a right turn only lane onto Greenwich Road.

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 and The Derby Reporter on September 13, 2007, which was at least 20 days prior to the public hearing.

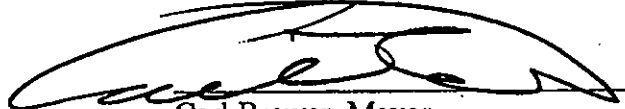
2. No private rights will be injured or endangered by the vacation of the above-described portion of platted complete access control, and the public will suffer no loss or inconvenience thereby.

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 the portion of platted completed access control described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 8th day of January 2008 ordered that the above-described portion of platted complete 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.

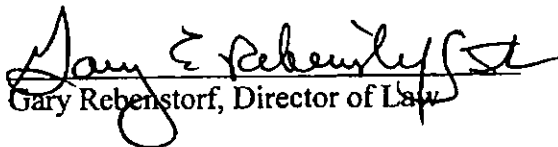


Carl Brewer, Mayor

ATTEST:


Karen Sublett, City Clerk

Approved as to Form:


Gary Rebenstorf, Director of Law

STAFF REPORT

CASE NUMBER: VAC2007-00029: Request to vacate a portion of platted complete access control

OWNER/AGENT: Star Lumber & Supply Company c/o J Goebel
MKEC c/o Brian Lindebak

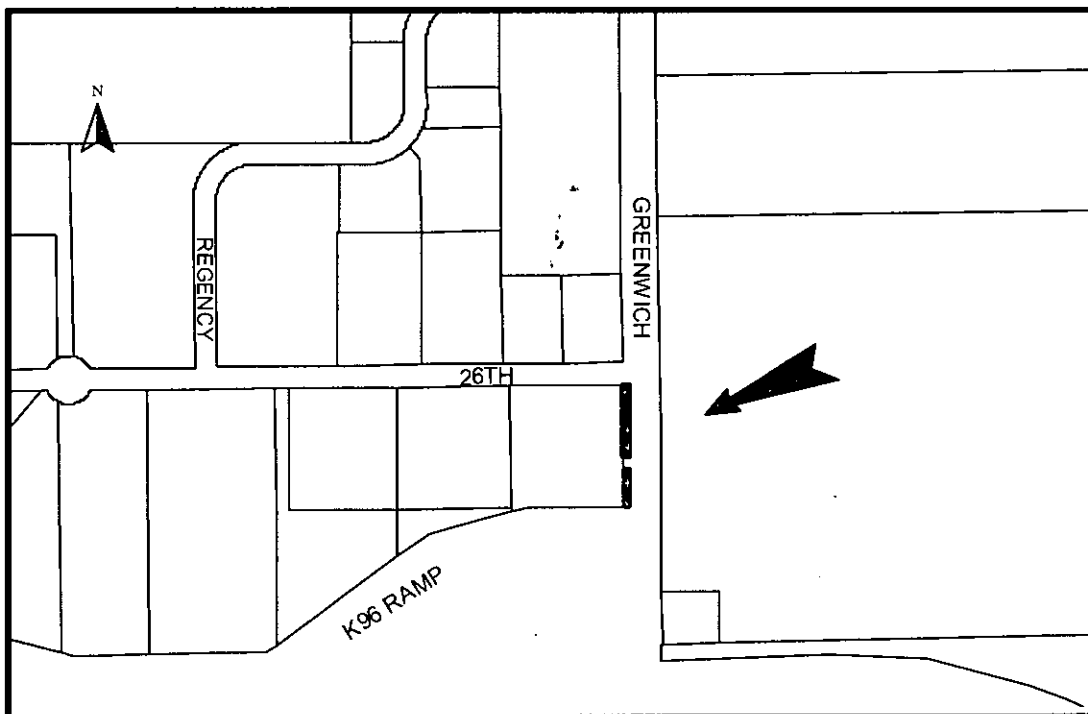
LEGAL DESCRIPTION: Generally described as allowing one right-turn only drive onto Greenwich Road off of the east lot line of Lot 13, Block 1, Regency Park Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located on the west side of Greenwich Road, north of K-96, and south side of 26th Street North (District #II)

REASON FOR REQUEST: Allow a right turn only onto Greenwich Road

CURRENT ZONING: The site and all abutting and adjacent northern and western properties are zoned "LI," Limited Industrial. Properties east of the site, across Greenwich, are zoned "SF-20" & "SF-5" Single-family Residential. K-96 ROW is south of the site.

VICINITY MAP:



The applicant has applied for vacation of a portion of complete access control along the site's 383-43-feet of Greenwich Road frontage. Greenwich Road is classified as an arterial at this location. Greenwich has a 60-foot half street right-of-way at this location. There is no complete access control along the site's 26th Street North frontage. 26th is a local street. There is complete access control along the site's south side, which abuts the K-96 – Greenwich interchange. The K-96 – Greenwich interchange is developed only on its western (the site's side) half. The proposed 40-foot right-turn only drive onto Greenwich is located 212-feet south of the 26th Street North – Greenwich Road intersection and 130.91-feet north of the Greenwich – K-96 interchange. There is an existing median on Greenwich at this location. Properties "SF-5." There is water in the Greenwich ROW and sewer along the site's Greenwich side. Comments from franchised utilities have not been received and are needed to determine if they have utilities that would be affected by the vacation of a portion of access control. The Regency Park Addition was recorded with the Register of Deeds February 29, 2000.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from Public Works, the Traffic Engineer, K-DOT, franchised utility representatives and other interested parties, Planning Staff recommends approval of the requested vacation of the described portion of complete access control, with the following conditions:

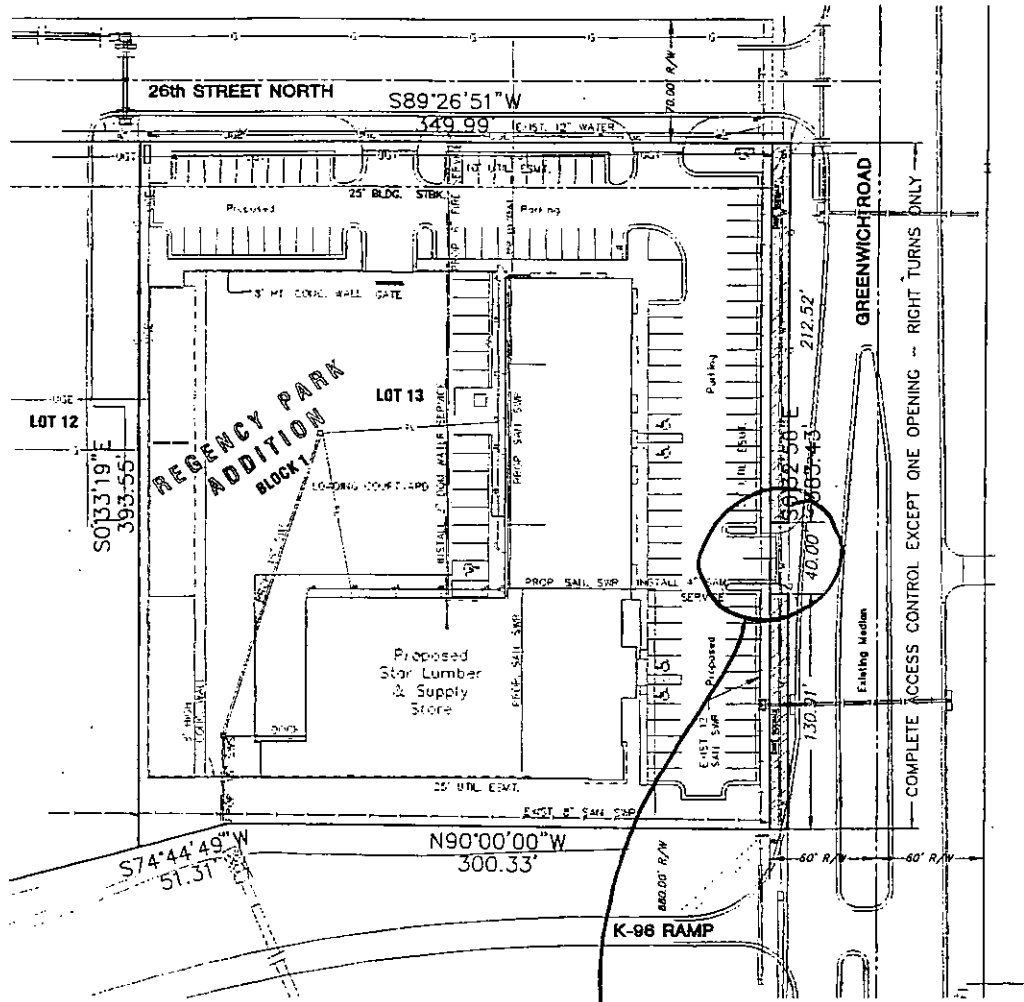
- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
 1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle and Derby Reporter of notice of this vacation proceeding one time September 13, 2007 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.
- B. Therefore, the vacation of the portion of platted complete access control described in the petition should be approved subject to the following conditions:
 - (1) Allow one drive, as approved by the Traffic Engineer (and K-DOT if necessary) onto Greenwich Road. If approved, provide Planning with a legal description of the vacated portion of complete access control on a Word document, via e-mail.
 - (2) Any relocation or reconstruction of utilities made necessary by the vacation shall be the responsibility and at the expense of the applicant.
 - (3) All improvements shall be to the City's standards and at the owner's expense.
 - (4) Per MAPC Policy Statement #7 all conditions are to be completed within one year of approval

by the MAPC or the vacation request will be considered null and void. All vacation requests 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.

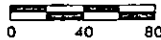
SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Allow one drive, as approved by the Traffic Engineer (and K-DOT if necessary) onto Greenwich Road. If approved, provide Planning with a legal description of the vacated portion of complete access control on a Word document, via e-mail.
- (2) Any relocation or reconstruction of utilities made necessary by the vacation shall be the responsibility and at the expense of the applicant.
- (3) All improvements shall be to the City's standards and at the owner's expense.
- (4) Per MAPC Policy Statement #7 all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests 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.



NORTH



Proposed Drive

VAC 2007-29

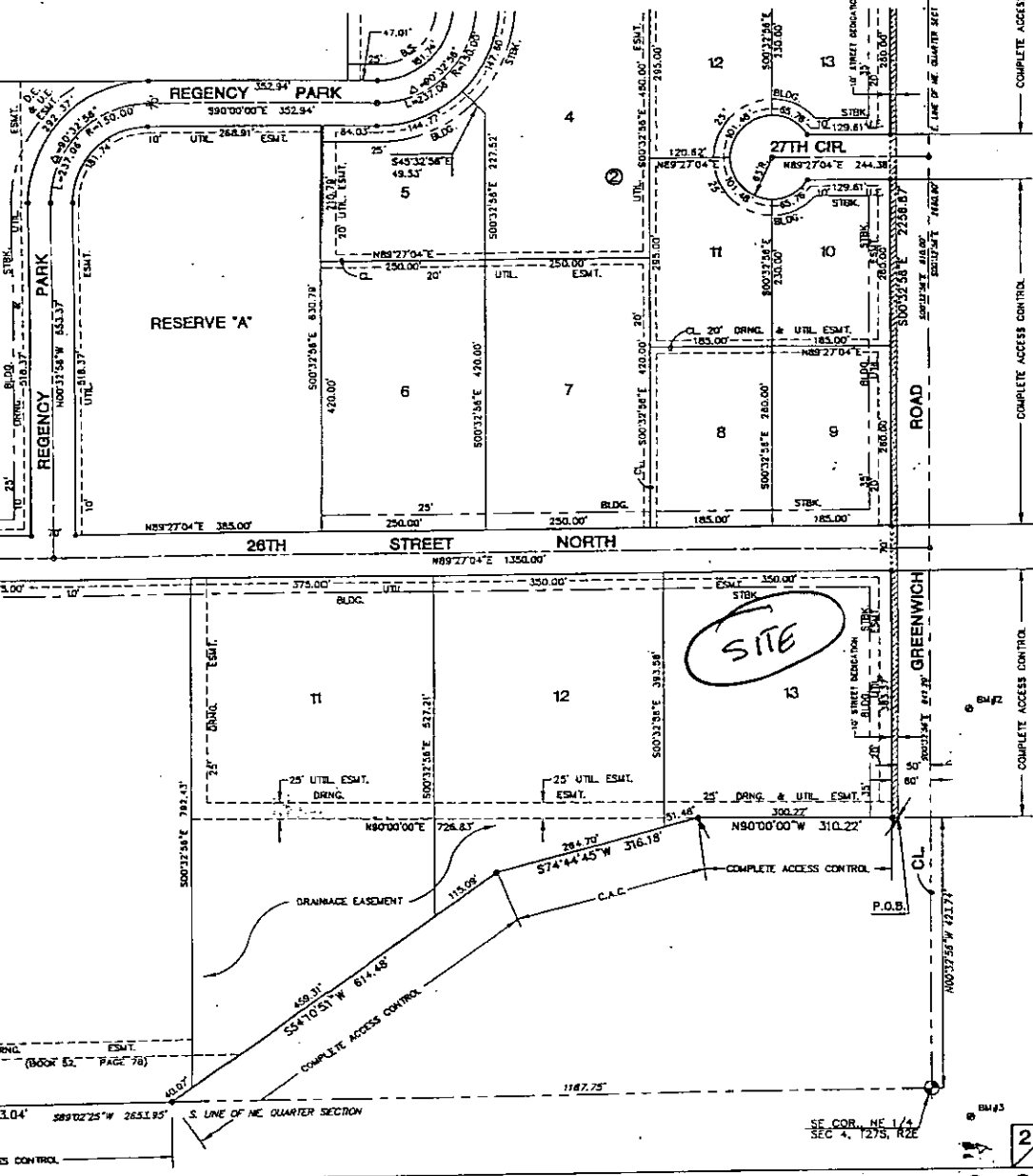
NOTES:

1. We are requesting the vacation of the "COMPLETE ACCESS CONTROL", along the east line of Lot 13, Block 1, Regency Park Addition.
2. One opening "RIGHT TURN ONLY" shall be allowed.
3. Utility location are shown from records; actual locations differs.

<p>MKEC ENGINEERING CONSULTANTS, INC.</p>	<p>LOT 13, BLOCK 1 REGENCY PARK - STAR LUMBER PROJECT NAME</p>
	<p>MAPC VAC2007 - XXXXX JOB NO. 11111</p>
<p>411 N. WEBB ROAD WICHITA, KS 67208 913-262-0000</p>	<p>JTC SZZ GJM</p>

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**LAT
RK ADDITION
EDGWICK COUNTY, KANSAS**



PC 110-8B

VAC2007-29

Details the
of Deeds.
Bill Meek by

RECORDED