



Wichita-Sedgwick County Metropolitan Area Planning Department

February 14, 2008

Sisters of St. Joseph
3700 E. Lincoln
Wichita, KS 67218


Re: **VAC2007-00033** - Request to Vacate a portion of street right-of-way, generally located southeast of the Lincoln Street - Bluff Avenue intersection.

Dear Ladies and Gentlemen:

At its regular meeting on Tuesday, February 5, 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
Sister Pamela Young, Administrator, 3700 E. Lincoln, Wichita, KS 67218
Tom Ruggles, 924 N. Main, Wichita, KS 67203
Charles & Roberta L. Evans, 21221 Tower Lake Cr., Colwich, KS 67030
City of Wichita, Property Management Office, 13th Floor 1-134 mailstop
Terry L. Bollinger, 12754 SE Stony Creek Rd., Latham, KS 67072
George Teoharis, 3603 E. Skinner, Wichita, KS 67218
Kerris J. Cooper, 830 S. Bluff, Wichita, KS 67218
Brenda J. Baker, 824 S. Bluff, Wichita, KS 67218
Emory L. & Mary J. Swanson Estate, 818 S. Bluff, Wichita, KS 67218
Tamera S. & Donald L. Askren, 13275 SE Grove Rd., Leon, KS 67074
Kenneth W. & Judy O. Rollins, 12605 W. Birch St., Wichita, KS 67235
Reza Paydar Hosseini, 802 S. Bluff, Wichita, KS 67218
City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

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www.wichita.gov

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

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

**GENERALLY LOCATED)
SOUTHEAST OF THE LINCOLN STREET -)
BLUFF AVENUE INTERSECTION)**

Case No. VAC2007-00033

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 5th day of February 2008 comes on for hearing the petition for vacation filed by Sisters of St. Joseph c/o Sister Pamela C. Young, Assistant Secretary/Administrator praying for the vacation of the following described a portion of a platted street right-of-way, to-wit:

That part of Bluff Street and Lincoln Street right-of-way described as follows: Beginning at the intersection of the west line of Bluff and the north line of Sisters of St. Joseph 2nd Addition, Wichita, Sedgwick County, Kansas; thence north along the west line of Bluff, 182.69 feet to the SE corner of Block A, University Hill Addition to Wichita, Kansas; thence continuing north along the west line of Bluff, 49.71 feet; thence southeast 131.46 feet to a point on the south line of Lincoln, being 104.70 feet east of the west line of the SE ¼ of Section 26, T27S, R1E; thence west along said south line of Lincoln to its intersection with said west line of the SE ¼; thence south along said west line, 152.69 feet; thence west 30.00 feet to the point of beginning.

RECEIVED

FEB 08 2008

METROPOLITAN PLANNING
ROUTE

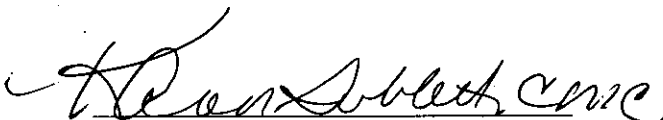
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

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 November 15, 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 street right-of-way, and the public will suffer no loss or inconvenience thereby.
3. A dedication of a utility easement by separate instrument shall be recorded with the Sedgwick County Register of Deeds, at the same time as the Vacation Order.
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 platted street right-of-way described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 5th day of February 2008 ordered that the above-described portion of platted street right-of-way 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.

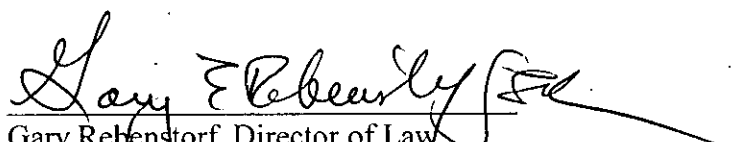

Carl Brewer, Mayor

ATTEST:


Karen Sublett, City Clerk



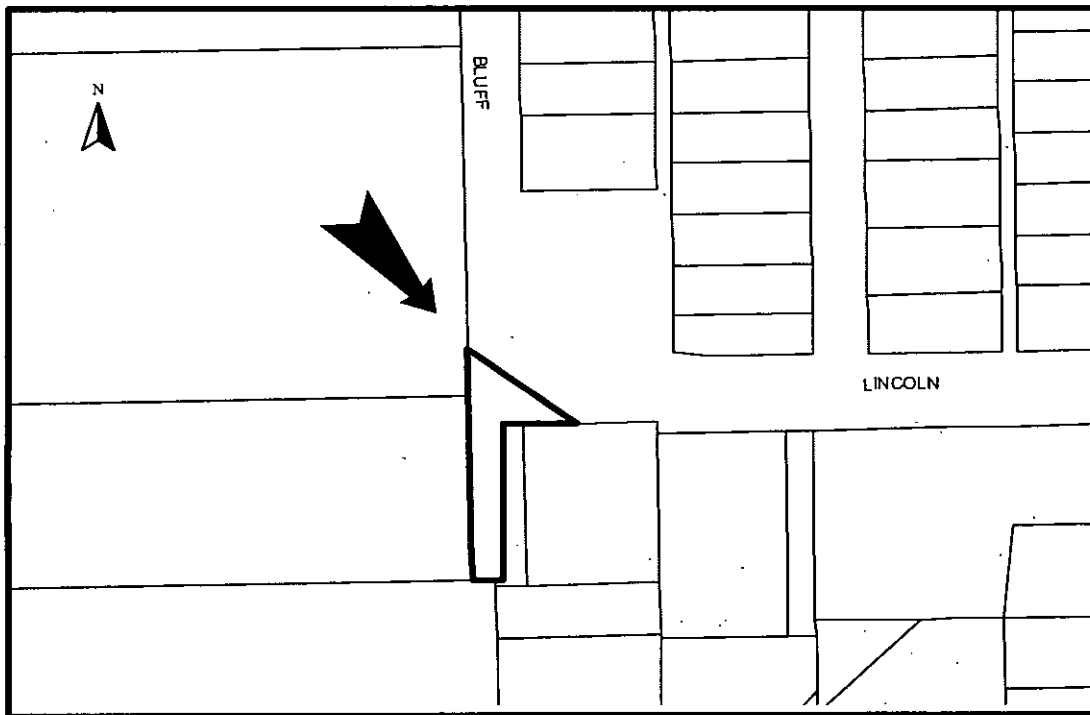
Approved as to Form:


Gary Rebenstorf, Director of Law

STAFF REPORT

- CASE NUMBER:** VAC2007-00033 Request to vacate a portion of a platted street right-of-way.
- APPLICANTS:** Sisters of St. Joseph c/o Sister Pamela Young, Administrator
- AGENTS:** Ruggles & Bohm, c/o Tom Ruggles
- LEGAL DESCRIPTION:** Generally described as a half-street stub of Bluff Avenue.
- LOCATION:** Generally located southeast of the Lincoln Street – Bluff Avenue intersection (WCC III)
- REASON FOR REQUEST:** Construct private drive and other uses.
- CURRENT ZONING:** The site is a dead end, undeveloped public street ROW. All abutting and adjacent properties are zoned "B" Multi-family Residential & "TF-3" Two-family Residential.

VICINITY MAP:



The applicant is requesting vacation of an unimproved, dead end, 30-foot half street stub (minimum 182-foot long) of Bluff Avenue, which appears to be left over from the platting of the Sisters of Saint Joseph Second Addition: recorded with the Register of Deeds May 23, 1975. The Sisters of Saint Joseph Second Addition incorporated some of the University Hill 2nd Addition (recorded February 12, 1887) into its plat. The subject portion of Bluff was dedicated on the University Hill 2nd Addition, as Fees Avenue. The applicant owns all abutting properties and has a private drive in the subject ROW, which the ROW more closely resembles and functions as. Westar has utilities in the ROW. The water line that crosses the ROW is a private line. There are no sewer line or manholes in the ROW.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate the platted street ROW, as described 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 and the Derby Reporter of notice of this vacation proceeding one time November 15, 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 the platted public street right-of-way 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 the platted public street right-of-way described in the petition should be approved subject to the following conditions:
- (1) Retain all or a portion of the ROW as a utility easement. If providing a portion of the ROW as easement(s) provide staff with an accurate survey of that portion of the vacated ROW to be retained as easement(s) showing the location of the existing utilities. Provide staff with an accurate legal description of the vacated ROW and that portion(s) retained as easement(s) on a word document via e-mail. All easements shall be a minimum of 20-feet wide, with utilities centered in the easements. Provide all to staff prior to the case going to Council for final action.
 - (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant.
 - (3) All improvements shall be according to City Standards and at the expense of the applicant.
 - (4) 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

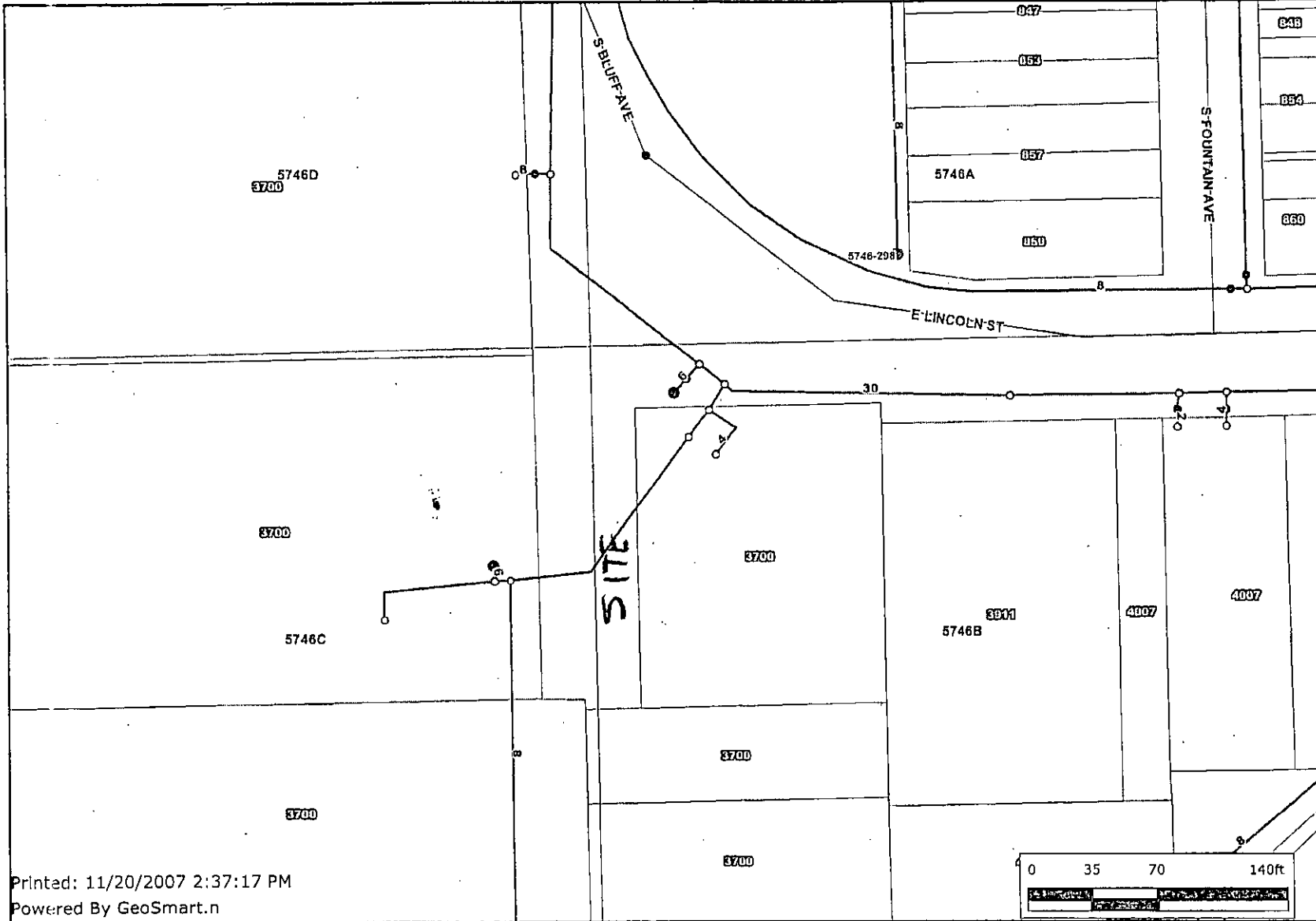
SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

- (1) Retain all or a portion of the ROW as a utility easement. If providing a portion of the ROW as easement(s) provide staff with an accurate survey of that portion of the vacated ROW to be retained as easement(s) showing the location of the existing utilities. Provide staff with an accurate legal description of the vacated ROW and that portion(s) retained as easement(s) on a word document via e-mail. All easements shall be a minimum of 20-feet wide, with utilities centered in the easements. Provide all to staff prior to the case going to Council for final action.
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water & sewer

VAC 2007-33



- ⊙ Sewer Manholes
- ⊙ Sewer Observation Manholes
- ⊙ Hydrant Schematic
- Water Valve Schematic
- ⊙ Water Node Schematic
- ▨ 59 Main BD District
- Property Parcels
- Lot Block
- ▨ Schools
- ~ Sewer Flow
- ~ Sewer Lines
- ~ Water Lines Schematic
- Roads
 - ▨ State Highway
 - ▨ US Federal Highway
 - ▨ Interstate
 - ▨ KTA
 - ▨ Arterial
 - ▨ Collector
 - ▨ Minor
 - ▨ Ramp
 - ▨ Railroads
- Quarter Section
- ▨ Waterways
- ▨ Streams
- ▨ Sewer Trap Areas
- City Limits
 - ▨ Andale
 - ▨ Bel Aire
 - ▨ Bentley
 - ▨ Cheney

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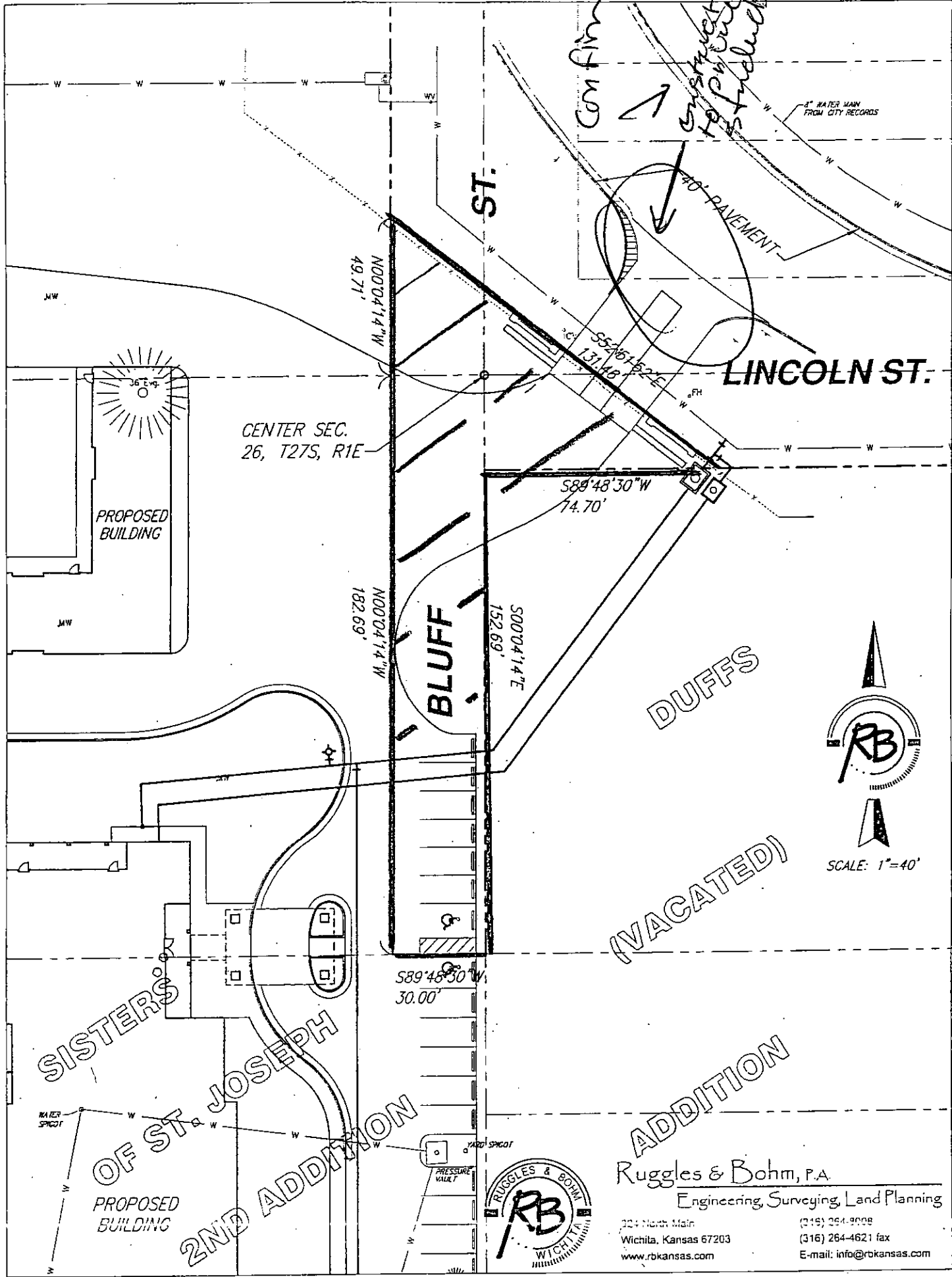


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VAC 2007-33

can fire
Suggest to place
fire hydrants



CENTER SEC.
26, T27S, R1E

PROPOSED
BUILDING

BLUFF

DUFFS

(VACATED)

SISTERS
OF ST. JOSEPH
2ND ADDITION

PROPOSED
BUILDING



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