



Wichita-Sedgwick County Metropolitan Area Planning Department

January 14, 2008

Barney Capps
2012 N. Gow
Wichita, KS 67203

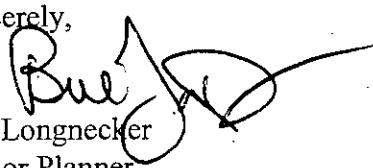
Re: **VAC2007-00036** - Request to vacate a portion of platted street right-of-way, generally located north of Pawnee Avenue and west of Meridian Avenue, between Custard & Sheridan Avenues.

Dear Mr. Capps:

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
Garrett Addison, 5620 Esthner, Wichita, KS 67209
Glee L. Long, 1710 Payton Cr., Eldorado, KS 67042
Capps Manufacturing Inc., 2121 S. Edwards St., Wichita, KS 67213
Builders Inc., P.O. Box 20050, Wichita, KS 67208
Nance Properties LLC, P.O. Box 13195, Wichita, KS 67213
DL & MB Investments LLC, 6506 School Cr., Wichita, KS 67212



Sedgwick County
Register of Deeds - Bill Meek
DOC: #/FLM-PG: 28945050

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

Authorized By:
Recording Fee: 00H

Date Recorded: 1/11/2008 10:05:47 AM



CITY CLERK'S ORIGINAL BEFORE THE CITY COUNCIL OF THE
RETURN TO CITY CLERK CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

APPROVED / Accepted By City Council

1-8-08

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

GENERALLY LOCATED
NORTH OF PAWNEE AVENUE, WEST OF
MERIDIAN AVENUE, BETWEEN CUSTER
AND EDWARDS STREETS

Case No. VAC2006-00036

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 8th day of January 2008 comes on for hearing the petition for vacation filed by Barney L. Capps and Glee L. Long praying for the vacation of the following described portion of platted street right-of-way (ROW), to-wit:

That portion of Lydia Street between Custer and Edwards Streets, abutting the south lot lines of Lots 5 & 6, Block 4 and the north lot lines of Lots 1 & 12, Block 3, all in the Southwest Industrial 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 and The Derby Reporter on November 15, 2007, which was at least 20 days prior to the public hearing.

VAC 2006-00036

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.

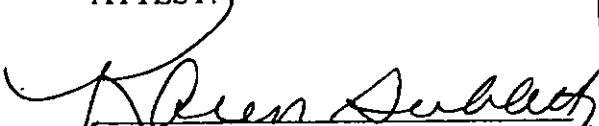
3. In justice to the petitioner(s), the prayer of the petition ought to be granted.

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 street right-of-way 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 the 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.

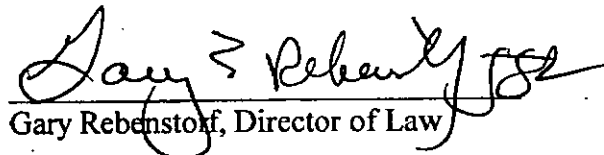
ATTEST:


Karen Sublett, City Clerk




Carl Brewer, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

STAFF REPORT

CASE NUMBER: VAC2007-00036 Request to vacate a portion of a platted street right-of-way (ROW)

APPLICANTS: Barney Capps Glee L Long

AGENT: Garrett Addison

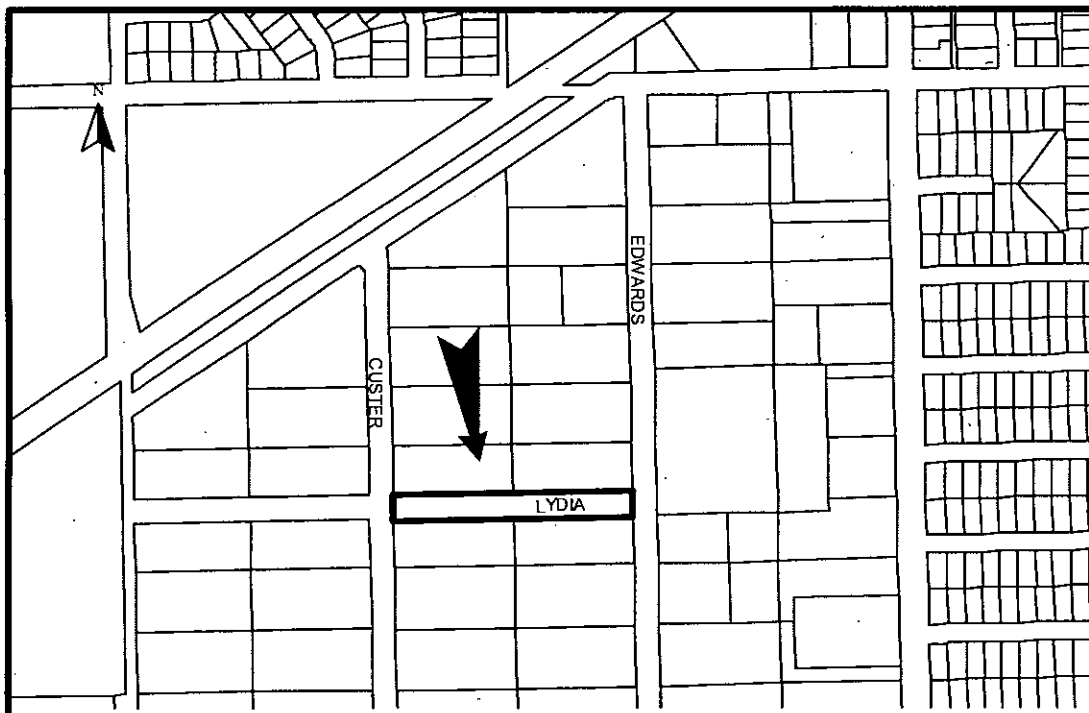
LEGAL DESCRIPTION: Generally described as the 80-foot (x) 800-foot portion of Lydia Street between Custard and Edwards Streets, abutting the south lot lines of Lots 5 & 6, Block 4 and the north lot lines of Lots 1 & 12, Block 3, all in the Southwest Industrial Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located north of Pawnee Avenue, west of Meridian Avenue, south of Douglas Avenue, between Custard and Edwards Streets (WCC #IV)

REASON FOR REQUEST: Revert to private drive

CURRENT ZONING: The site is a platted, partially developed public street ROW, all abutting and adjacent properties are zoned "LI" Limited Industrial

VICINITY MAP:



The applicants are requesting the vacation of the described portion of Lydia Street. At some time Lydia had been an asphalt slag/mat finish at this location. Although the applicant has stated that the vacation of the ROW is to allow for future expansion of the manufacturing facility, the submitted site plan shows no expansion into the ROW. There have been three street vacation cases in the Southwest Industrial Addition:

- (1) V-1408, approved July 1986; Vacation of Lydia Street between Edwards Street & Meridian Avenue (located immediately east of the current site/request), with conditions being the reconstruction (provide a guarantee) of the street returns to private drive standards and providing sufficient easement for utilities.
- (2) V-2063, approved January 1998; Vacation of Orient Boulevard, between Sheridan Avenue & May Street, with conditions being the guarantee for a cul-de-sac on Custard Street and retention of the track easement for the rail spur.
- (3) (3) V-2115, withdrawn August 1998; proposed vacation of the portion of Lydia that is today's case. The applicants then are the applicants today.

V-1408 & V-2063 have had the effect of leaving the Edwards & May Streets' intersection as the sole remaining access (east) onto Meridian from this nearly ½-mile partially developed "LI" zoned area, the only other access (south) is onto Pawnee from the north to south running Sheridan, Custard & Edwards Streets. The proposed vacation would shut off access onto and off of Meridian for approximately half of this industrial site; Staff would prefer to leave this portion of Lydia open, to allow the remaining access to Meridian open for this area. Water and sewer appear to be out of the Lydia ROW, but there may be a fire hydrant in the ROW. There are no franchised utilities located within the described ROW. The Southwest Industrial Addition was recorded with the Register of Deeds August 8, 1953.

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, 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, in the Wichita Eagle, 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 platted street ROW 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.

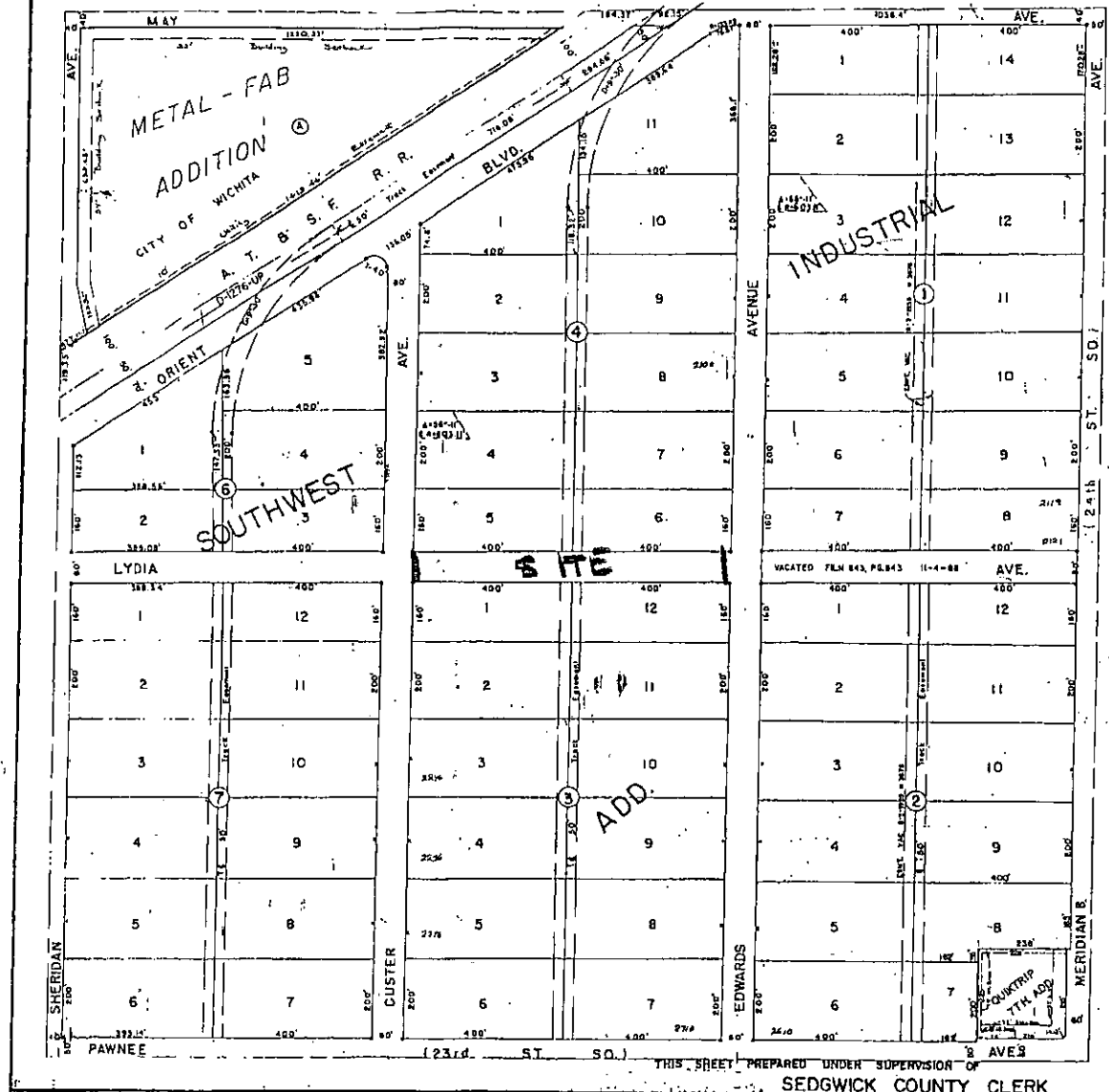
Therefore, the vacation of the platted street ROW described in the petition should be approved with conditions;

- (1) Vacate the described Lydia Street ROW, between Custard and Sheridan Streets. Retain the 50-foot track easement.

- (2) Construct the entrances onto Custard and Lydia Streets from Lydia Streets per City standards as private drives at the applicants' expense. Provide the City with a guarantee for these improvements prior to the case going to WCC for final action.
- (3) Provide any needed improvements for storm water and franchised utilities that are within/affected by the private drives onto Custard and Lydia Streets from Lydia Streets per City standards at the applicants' expense. Provide the City with a guarantee for these improvements prior to the case going to WCC for final action.
- (4) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
- (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

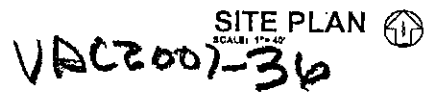
SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

- (1) Vacate the described Lydia Street ROW, between Custard and Sheridan Streets. Retain the 50-foot track easement.
- (2) Construct the entrances onto Custard and Lydia Streets from Lydia Streets per City standards as private drives at the applicants' expense. Provide the City with a guarantee for these improvements prior to the case going to WCC for final action.
- (3) Provide any needed improvements for storm water and franchised utilities that are within/affected by the private drives onto Custard and Lydia Streets from Lydia Streets per City standards at the applicants' expense. Provide the City with a guarantee for these improvements prior to the case going to WCC for final action.
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NO. STRIPS	DATE	ENTL.
1- Streets	10/10	RM
2- Boundary	10/10	RM
3- Percents	11/17/87	4.55

החלטתו של בית דין זה, תהיה כפופה להחלטת בית דין זה, וכל עוד לא יתקבל החלטת בית דין זה, תהיה כפופה להחלטת בית דין זה.



**CAPPS MANUFACTURING
NEW FACILITY**
2120 S. CUSTER AVE. WICHITA KS 67211

SANDY ROBERTS
SITE PLAN
CR2807
1"=40'
KAM
CMA
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