



Wichita-Sedgwick County Metropolitan Area Planning Department

August 4, 2009

Catholic Diocese of Wichita
424 North Broadway
Wichita, KS 67202

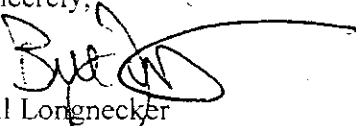
Re: **VAC2008-00024** - Request to vacate a portion of Washington Avenue and Cashel Street in Clonmel, Kansas; generally located northwest of the intersection of K-42 and W. 71st Street South.

Dear Ladies and Gentlemen:

At its regular meeting on Wednesday, July 15, 2009, 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

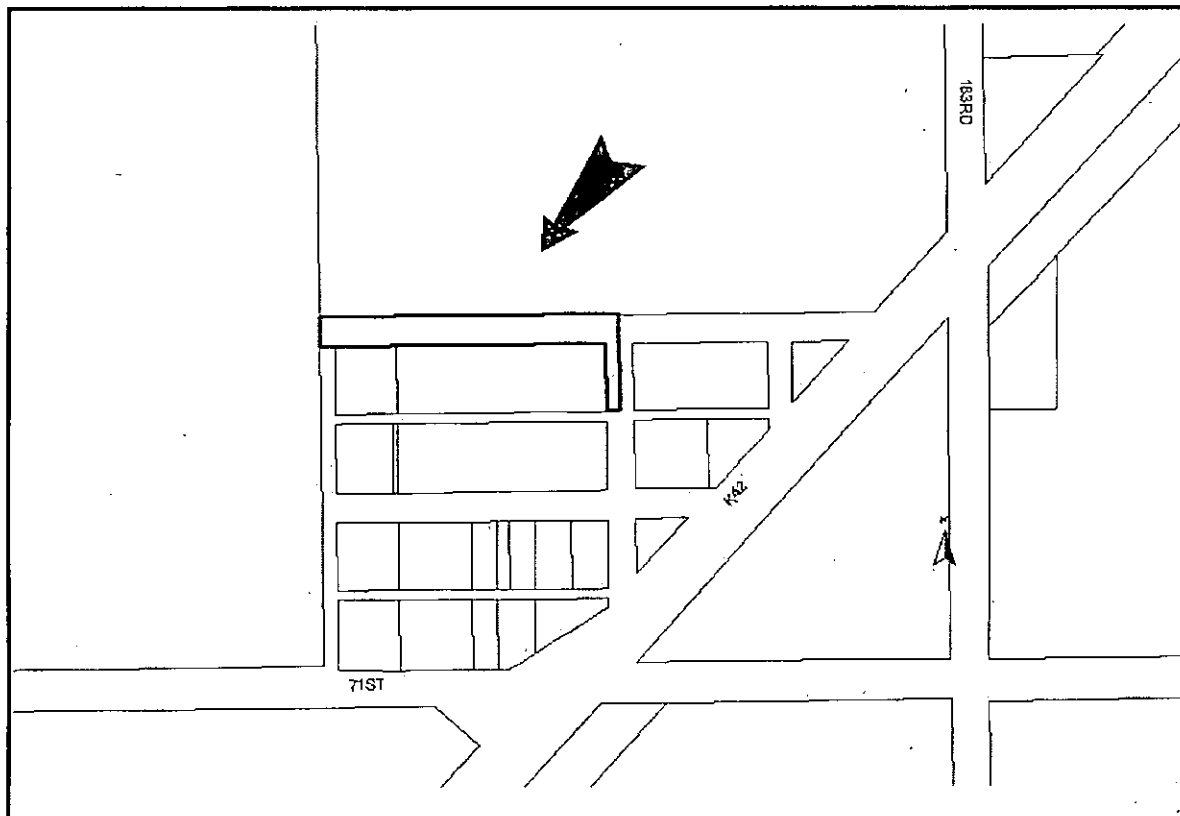
BL:le

cc: Jim Weber, Sedgwick County Engineer, Public Works Department, 1144 S. Seneca, Wichita, KS 67213
Karl N. Hesse, 1551 North Waterfront Parkway, Suite 100, Wichita, KS 67206-4466
Kenneth W. Clay, Donnel J. Clay, 7110 S. 183rd St. W., Viola, KS 67149
Elsie M. Steffens, Trustee Benard J. Steffens & Elsie M. Steffens Revocable Living Trust, 18822 W. 71st St. S. Viola, KS 67149
Gary H. Ladd, 18200 W. 71st St. S., Viola, KS 67149

STAFF REPORT

- CASE NUMBER:** VAC2008-00024 Request to vacate a portions of a platted street right-of-ways (ROWs).
- APPLICANT/AGENT:** Catholic Diocese of Wichita (owner/applicant), c/o Karl N. Hesse (agent)
- LEGAL DESCRIPTION:** Generally described as that portion of the platted Washington Avenue (60-foot ROW), abutting the north sides Lots 2-44(even) and extending into its intersection of Orchard Street (west side, 30-foot ROW) and half way into its intersection with Cashel Street (east side, 60-foot ROW). The 30-foot half street ROW of Cashel Street that abuts the east side of Lot 44. All described ROWs and lots are in the Walls Addition to Clonmell, Sedgwick County, Kansas.
- LOCATION:** Generally located northwest of the K-42 – 71st Street South intersection (BoCC #3).
- REASON FOR REQUEST:** Expand existing cemetery.
- CURRENT ZONING:** The site is a platted, undeveloped public street ROWs. All abutting properties are zoned RR Rural Residential ("RR").

VICINITY MAP:



The applicant is requesting the vacation of the described portions of the platted, unimproved public street ROWs. As the applicant has noted about this small, isolated, rural county subdivision for a town, the unimproved, platted streets "have never been used for vehicular or pedestrian traffic." In fact the only development in the subdivision appears to be church, a cemetery and a civic club. The applicant owns the cemetery which abuts half of the described ROWs. The cemetery will expand into the vacated ROWs and there is an associated Conditional Use, CON2008-35, for that expansion. A part of the expansion of the existing cemetery goes into an abutting agricultural field located on the north side of Washington. This field is owned by the only other property owner of the subdivision and his properties abut the other half of the described ROWs. That being noted, the applicant needs the signature of that other abutting property owner. The proposed vacation creates a dead end street and a half street ROW, but does not deny either property owner access to any of their properties. Per the Subdivision Regulations, 10-104, Modification of Design Criteria, the MAPC may modify design criteria. In the past staff has recommended modified design criteria, which has been approved by the MAPC. There is no public water or sewer and the site is located outside of Rural Water. Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the described ROWs. The Walls Addition to Clonmell appears to have been recorded with the Register of Deeds in 1907.

- (1) Get the signature of the other abutting property owner on the petition to vacate.
- (2) As approved by the County Engineer, provide Planning staff with an accurate legal description of the approved vacated ROW on a word document via e-mail.
- (3) All improvements shall be according to County Standards and at the applicant's expense.
- (4) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicant's expense.
- (5) 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



Sedgwick County
Register of Deeds - Bill Meek
DOC.#/FLM-PG: 29077752

Receipt #: 1723533
Pages Recorded: 3
Cashier Initials: LAS

Recording Fee: 00H
Authorized By:

Date Recorded: 7/20/2009 4:36:28 PM



BEFORE THE COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF)
PORTIONS OF PLATTED STREET)
RIGHT-OF-WAYS)

GENERALLY LOCATED NORTHWEST OF)
THE K-42 - 71ST STREET SOUTH INTERSECTION)

CASE NO. VAC2008-00024

VACATION ORDER

NOW on this 15th day of July, 2009, at 9:00 o'clock A.M., comes the petition filed by Catholic Diocese of Wichita, c/o Karl N. Hesse and Elsie Steffens, praying for the vacation of the following-described portions of platted street right-of-ways, to-wit:

Washington Avenue:

That portion of Washington Avenue lying west of the east line of Cashel Street extended to the north line of Washington Avenue and east of the east line of Orchard Street, as platted in Wall's Addition to Clonmell, Sedgwick County, Kansas;

&

Cashel Street:

That portion of Cashel Street lying north of the north line of the alley north of Church Street as platted in Wall's Addition to Clonmell, Sedgwick County, Kansas;

County Clerk

WHEREUPON, it is shown that proper notice has been given by publication once at least 20 days prior to the date of hearing in the official county newspaper, such publication having occurred on August 21, 2008; and it is further shown that proper proof of such publication has been filed herein. The Board finds that such notice is in lawful form and that it conforms to K.S.A. 58-2613, and amendments thereto.


THEREAFTER, the Board, being duly advised in the premises, finds and determines that no private rights will be injured or endangered by such vacation; that the public will suffer no loss or inconvenience thereby; that no written objections hereto have been filed with the Sedgwick County Clerk; and that, in justice to the petitioner, the petition's prayer should be granted.

The Board further finds that the Metropolitan Area Planning Commission held a public hearing on the 11th day of September 2008, and recommended that the vacation petition herein be approved.

THEREFORE, IT IS ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, that the portions of platted street right-of-ways hereinabove described be and the same is hereby vacated.

DATED this 15th day of July, 2009.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS



Kelly Parks, Chairman
Fourth District

ATTEST:

Vacation Order
VAC2008-00024

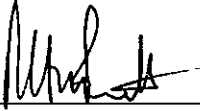
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Kelly B. Arnold, County Clerk



APPROVED AS TO FORM:



Robert W. Parnacott
Assistant County Counselor