



Wichita-Sedgwick County Metropolitan Area Planning Department

July 7, 2009

21st and Cranbrook LLC
10333 E. 21st Street North
Wichita, KS 67206

Re: **VAC2008-00031** – City request to vacate a portion of platted complete access control, generally located east of Webb Road on the south side of 21st Street North.

Dear Ladies and Gentlemen:

At its regular meeting on Tuesday, July 7, 2009, 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,

A handwritten signature in black ink, appearing to read 'Bill Longnecker', written over the word '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, Mailstop 1-71
Julianne Kallman, Public Works Engineering, Mailstop 1-71
Ruggles & Bohm, c/o Pat Baer, 924 N. Main, Wichita, KS 67203
Quarters at Cambridge LP, 7180 W. 107th #6, Overland Park, KS 66212
Cambridge Owners Association Inc., c/o Fred L. Hanley, 439 N. Belmont, Wichita, KS 67208
Cutchall Property Management, LLC, 14353 Q Street, Omaha, NE 68137
Telephone Employees Credit Union, 6300 W. 21st N, Wichita, KS 67205
Team Players, LLC, c/o Kwik Shop, Inc., Savage, Savage & Brown, P.O. Box 22845/Ste E., Oklahoma City, OK 73123
Slawson Investment Corporation, c/o Slawson Resources, P.O. Box 2907, Wichita, KS 67201

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Date Recorded: 7/15/2009 3:51:02 PM



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

**IN THE MATTER OF THE VACATION OF)
PORTIONS OF PLATTED COMPLETE ACCESS)
CONTROL)**

**GENERALLY LOCATED)
EAST OF WEBB ROAD, ON THE SOUTHEAST)
CORNER OF 21ST STREET NORTH AND)
CRANBROOK STREET)**

Case No. VAC2008-00031

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 7th day of July, 2009 comes on for hearing the petition for vacation filed by 21st and Cranbrook, LLC, c/o Clifford A. Nies praying for the vacation of the following described portions of complete access control to-wit:

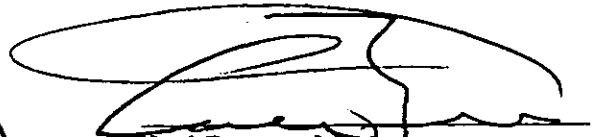
Lot 1, Block 1, Remington Place Addition, Wichita, Sedgwick County, Kansas, shall have two drives for access onto 21st Street North, one being right-in-right-out, the other being full movement, spaced a minimum of 200-feet apart at their centers, as approved by the Traffic Engineer of the City of Wichita.

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 October 2, 2008, which was at least 20 days prior to the public hearing.

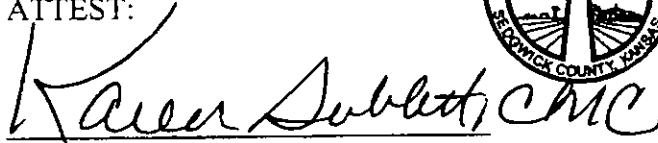
- 2. No private rights will be injured or endangered by the vacation of the above-described portions of platted complete access control, and the public will suffer no loss or inconvenience thereby.
- 3. Dedication of access control by separate instrument will be recorded with the Register of Deeds.
- 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 portions of platted complete access control described herein should be approved.

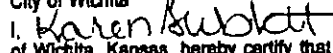
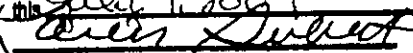
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 7th day of July 2009 ordered that the above-described portions of platted complete access control are hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.


Carl Brewer, Mayor

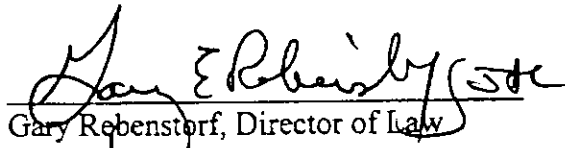


ATTEST:


Karen Sublett, City Clerk

State of Kansas
Sedgwick County
City of Wichita
I,  City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is affixed is a true and correct copy of the original on file in the office of the City Clerk.
Given under my hand and seal of the City of Wichita, Kansas this July 7, 2009
 City Clerk

Approved as to Form:


Gary Rebenstorf, Director of Law



STAFF REPORT

CASE NUMBER: VAC2008-00031 City request to vacate portions of platted complete access control

OWNER/AGENT: 21st and Cranbrook, LLC, c/o Clifford Nies (applicant/owner)
Ruggles & Bohm, PA, c/o Pat Baer (agent)

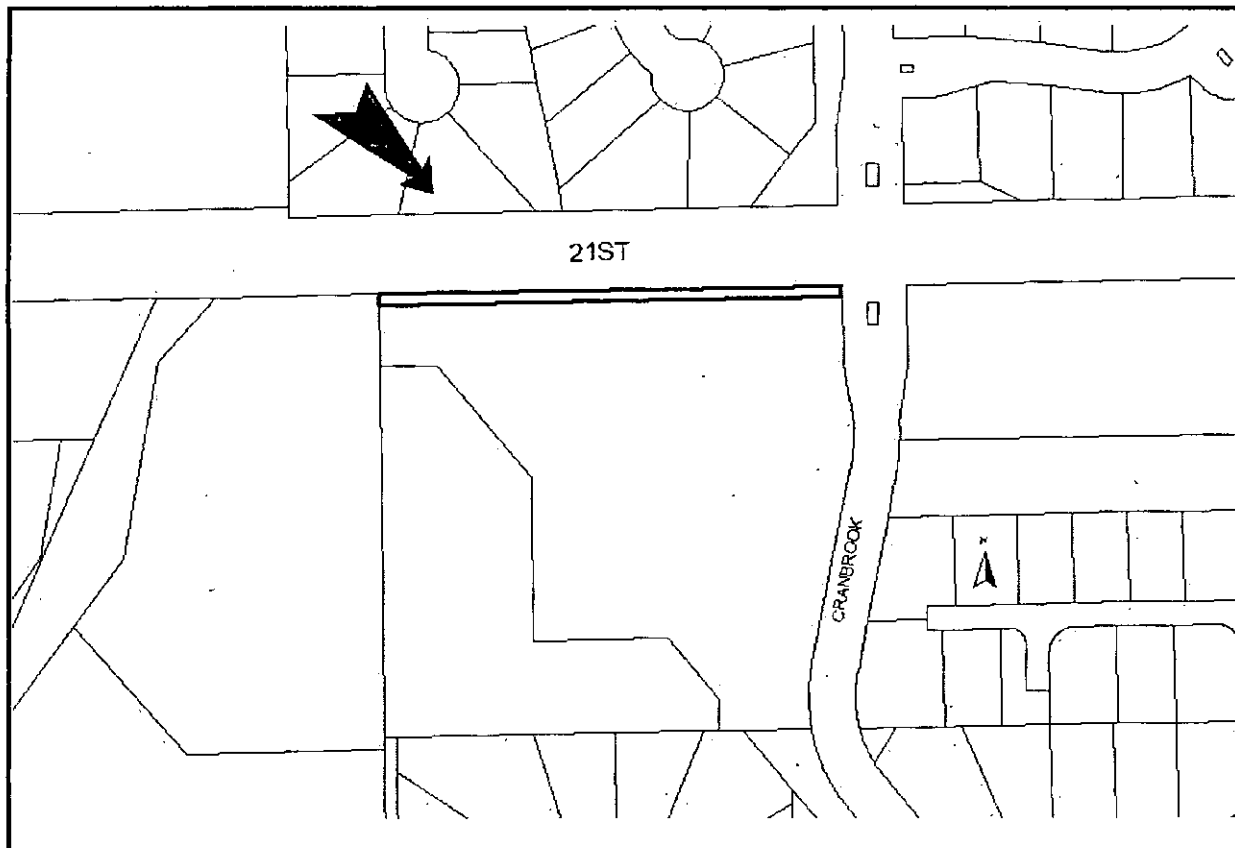
LEGAL DESCRIPTION: Generally described as vacating the platted complete access control to allow one (1) full movement drive and one (1) right-in/right-out drive along the 21st Street North frontage of Lot 1, Block 1, Remington Place Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located east of Webb Road, on the southeast corner of 21st Street North and Cranbrook Street (WCC #2)

REASON FOR REQUEST: Allow one (1) full movement drive and one (1) right-in/right-out drive

CURRENT ZONING: The site and adjacent eastern property are zoned MF-18 Multifamily Residential ("MF-18"). Abutting southern and adjacent northern and eastern and properties are zoned SF-5 Single-family Residential ("SF-5"). Abutting western property is zoned B Multi-family Residential

VICINITY MAP:



The applicant proposes one (1) full movement drive and one (1) right-in/right-out drive along the site's 21st Street frontage. The applicant proposes 200 feet of separation between the two drives. 21st is classified as a principal arterial. 21st is a paved 4-lane road with center and frontage turn lanes. The 2030 Transportation Plan shows no change to the status of this road. There are no drives located north of the site, across 21st, as this is developed as a single-family subdivision. There is a drive into an apartment complex, located approximately 180 feet west of the site's west lot line. There is a drive into an office building located approximately 400 feet east of Cranbrook Street, a residential road that abuts the east side of the site. There is no public water or sewer located along the site's 21st frontage. Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the site's north lot line. The Remington Place Addition was recorded with the Register of Deeds May 9, 2001.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from the Traffic Engineer, franchised utility representatives and other interested parties, Planning Staff recommends approval of the request to vacate a portion of platted complete access control with conditions:

- (1) Vacate the platted complete access control along the site's 21st Street frontage to allow one (1) full movement drive and one (1) right-in/right-out drive, with a minimum of 200-foot of separation and as approved by the Traffic Engineer. Dedicate complete access control along the site's 21st Street frontage. Provide to Planning 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 of the applicants and at the applicants' expense.
- (3) All improvements shall be according to City Standards and at the applicant's expense, including the new driveways from private property onto public ROW. Provide Public Works with a guarantee to ensure that those improvements will be made. If the drives are not being immediately constructed, provide drive approach certificate, which will be recorded with the Register of Deeds. Either the guarantee or the drive approach certificate must be provided to Public Works (guarantee) or Planning (drive approach certificate) prior to the case going to Council for final action.
- (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.

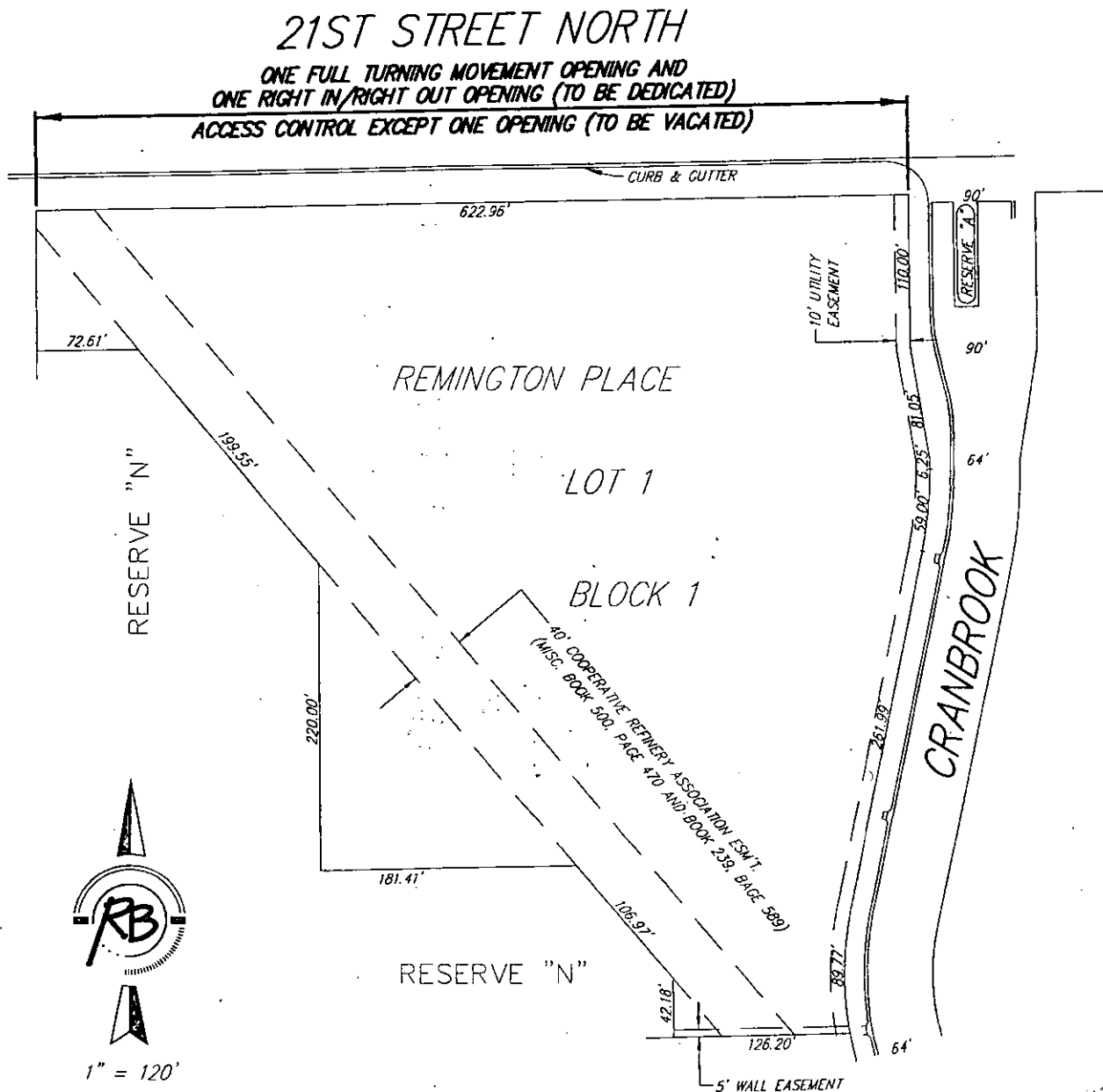
VAC2008-31

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Wichita, Kansas 67203

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SITE PLAN



DWG FILE: EXHIBIT
PROJECT NO. 3328V

