



Wichita-Sedgwick County Metropolitan Area Planning Department

March 4, 2009

Ferris Consulting, c/o Greg Ferris
P.O. Box 573
Wichita, KS 67201

Robert Gore
20828 Trailhead Ave.,
Eagle River, AK 99577

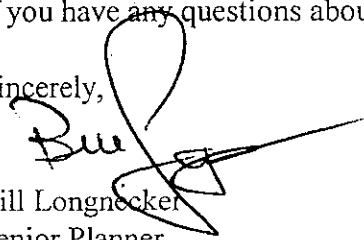
Re: **VAC2008-00040** – City request to vacate a portion of platted complete access control, generally located midway between I-235 and Seneca Street, south of MacArthur Road, on the west side of Gold Street.

Dear Mr. Gore:

At its regular meeting on Tuesday, March 3, 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,


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
Tamara S. & Roark & Robert L. Gore, 10970 Old Scenic Dr., Neosho, MO 64850
Dennis Ray & Linda Faye Shipman, 19021 W. 897th S., Viola, KS 67149
Michael J. Dawson, 4102 Gold, Wichita, KS 67217
Toni J. Berry, c/o Toni J. Meier, 3338 S. St. Clair, Wichita, KS 67217
Donald J. & Rita J. Trimble, 4111 S. Waco, Wichita, KS 67217
Jared R. Jorstad, 4112 S. Gold, Wichita, KS 67217

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Sedgwick County
Register of Deeds - Bill Meek
DOC.#/FLM-PG: 29042522

Receipt #: 1711897
Pages Recorded: 2
Cashier Initials: OH

Authorized By:  Recording Fee: 00H

Date Recorded: 3/5/2009 2:52:22 PM



CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

3-3-09
V-2

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

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

GENERALLY LOCATED)
MIDWAY BETWEEN I-235 AND SENECA STREET,)
SOUTH OF MACARTHUR ROAD, ON THE WEST)
SIDE OF GOLD STREET)

Case No. VAC2008-00040

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 3rd day of March, 2009 comes on for hearing the petition for vacation filed by Mark Ysidro praying for the vacation of the following described portion of platted complete access control, to-wit:

Vacate a 30-foot wide portion of the platted complete access located along the east lot line of Lot 5, Block 1, MacArthur Beach Addition to allow one drive onto Gold Street, as approved by the City Traffic Engineer, all in 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 on January 1, 2009, which was at least 20 days prior to the public hearing.

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Vacation Order
VAC2008-00040

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

3. Dedication by separate instrument of complete access control, to be recorded with the Vacation Order at the Register of Deeds.

4. Record with the Vacation Order at the Register of Deeds a covenant restricting the permitted 30-foot wide drive to being one common drive for no more than more than three single-family residences on Lot 5, Block 1, MacArthur Beach Addition, Wichita, Sedgwick County, Kansas.

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

6. 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.

7. The vacation of the described portion of the platted complete access control described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 3rd day of March 2009 ordered that the above described portion of the 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.



ATTEST:

Karen Sublett, City Clerk
Karen Sublett, City Clerk

Carl Brewer, Mayor
Carl Brewer, Mayor

State of Kansas)
Sedgwick County)
City of Wichita)
I, *Karen Sublett* 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 *3rd* day of *March*, 2009
Karen Sublett City Clerk

Approved as to Form:

Gary Rebersdorf
Gary Rebersdorf, Director of Law



STAFF REPORT

CASE NUMBER: VAC2008-00040 City request to vacate a portion of platted complete access control

APPLICANT/AGENT: Ferris Consulting, c/o Greg Ferris (agent)

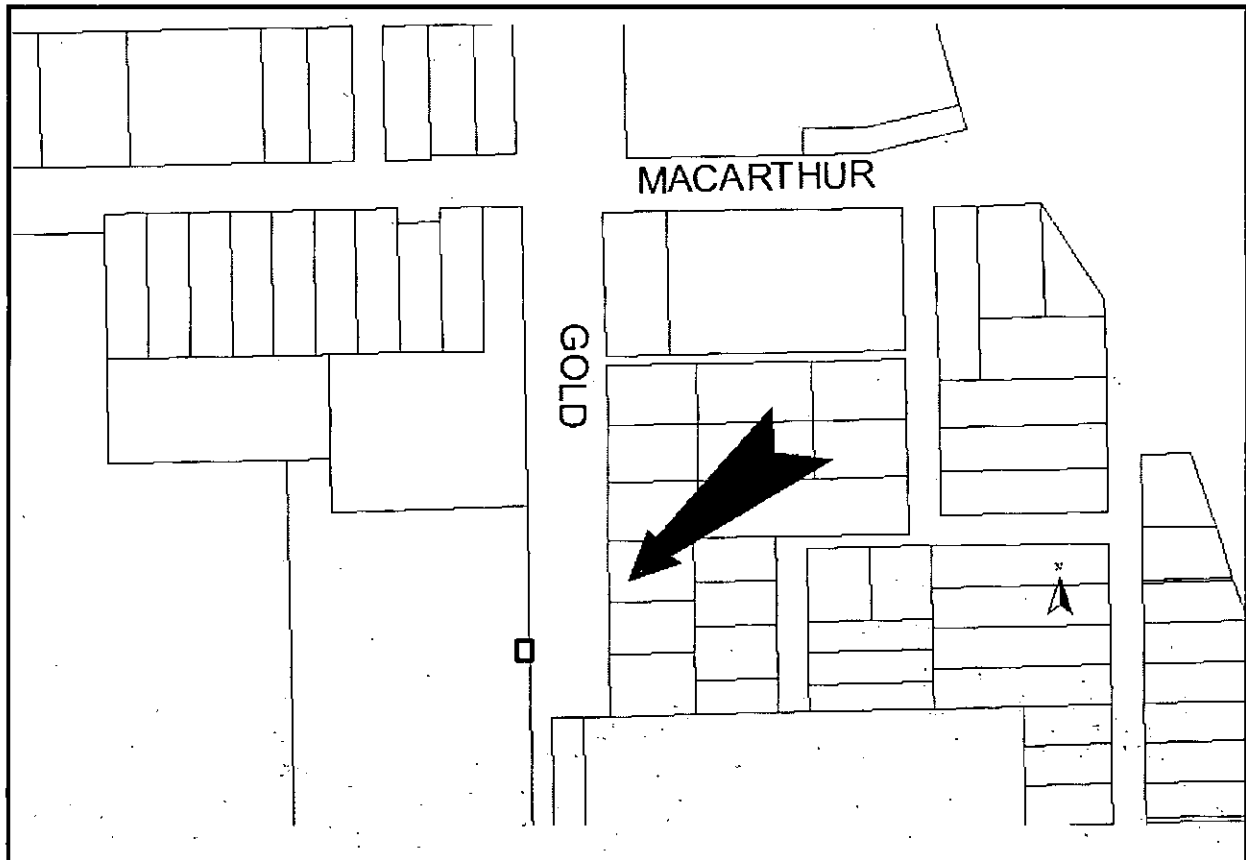
LEGAL DESCRIPTION: Generally described as vacating a portion of the platted complete access control to allow one (1) full movement drive onto Gold Street off of Lot 5, Block 1, MacArthur Beach Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located between I-235 and Seneca Street, south of MacArthur Road, on the west side of Gold Street (WCC #IV)

REASON FOR REQUEST: Allow one (1) full movement drive

CURRENT ZONING: The site and abutting southern, western and some northern properties are zoned MF-29 Multifamily Residential ("MF-19"). Some abutting northern property is zoned SF-5 Single-family Residential ("SF-5"). Adjacent eastern properties are zoned SF-5 and GC General Commercial ("GC")

VICINITY MAP:



The applicant proposes one (1), 30-foot wide, full movement drive along the site's Gold Street frontage. Gold is a residential street located within an abandoned Midland Valley Railroad ROW. The proposed drive is located approximately 877 feet south of MacArthur (an arterial). The drive is for a proposed single-family residence (permitted by right on the site's MF-29 zoning) that will line up with two (2) other driveways for single-family residences, located on the opposite, east, side of Gold Street. Because of the site's MF-29 zoning this is problematic, in that if the site was ever redeveloped as multi-family, the traffic generated by multifamily would be aimed at the SF-5 zoned single-family residences. A restrictive covenant limiting the use of the drive to only one (1) single-family residence would eliminate that possibility. This site is part of CUP DP-72, which is partially developed with apartments on its west side, across a sand pit from the subject site. There is public sewer located along the site's Gold frontage. There are also platted water, drainage and access easements running parallel to the site's Gold frontage. Franchised utilities have no issues with the proposed vacation. The MacArthur Beach Addition was recorded with the Register of Deeds November 28, 1978; a re-file to show a correction.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works/Water & Sewer/Storm Water, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of platted complete access control.

- 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 and the Derby Reporter, of notice of this vacation proceeding one time January 1, 2009 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, with conditions.
- (1) Vacate the platted complete access control along the site's Gold Street frontage to allow one (1), 30-foot wide full movement drive, as approved by the Traffic Engineer. Dedicate complete access control by separate instrument along the site's Gold Street frontage. Provide to Planning prior to the case going to Council for final action.
 - (2) Provide Planning with a restrictive covenant to be recorded with the Register of Deeds having the drive being shared by two (2) single -family residences, in the case of a Lot Split or limiting it to being used by one (1) single-family residence. Provide to Planning prior to the case going to Council for final action.
 - (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.

- (4) All improvements shall be according to City Standards and at the applicant's expense, including the new drive from the site onto public ROW. Provide Public Works with a guarantee to ensure that those improvements will be made. If the drive is not being immediately constructed, provide a 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.
- (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.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

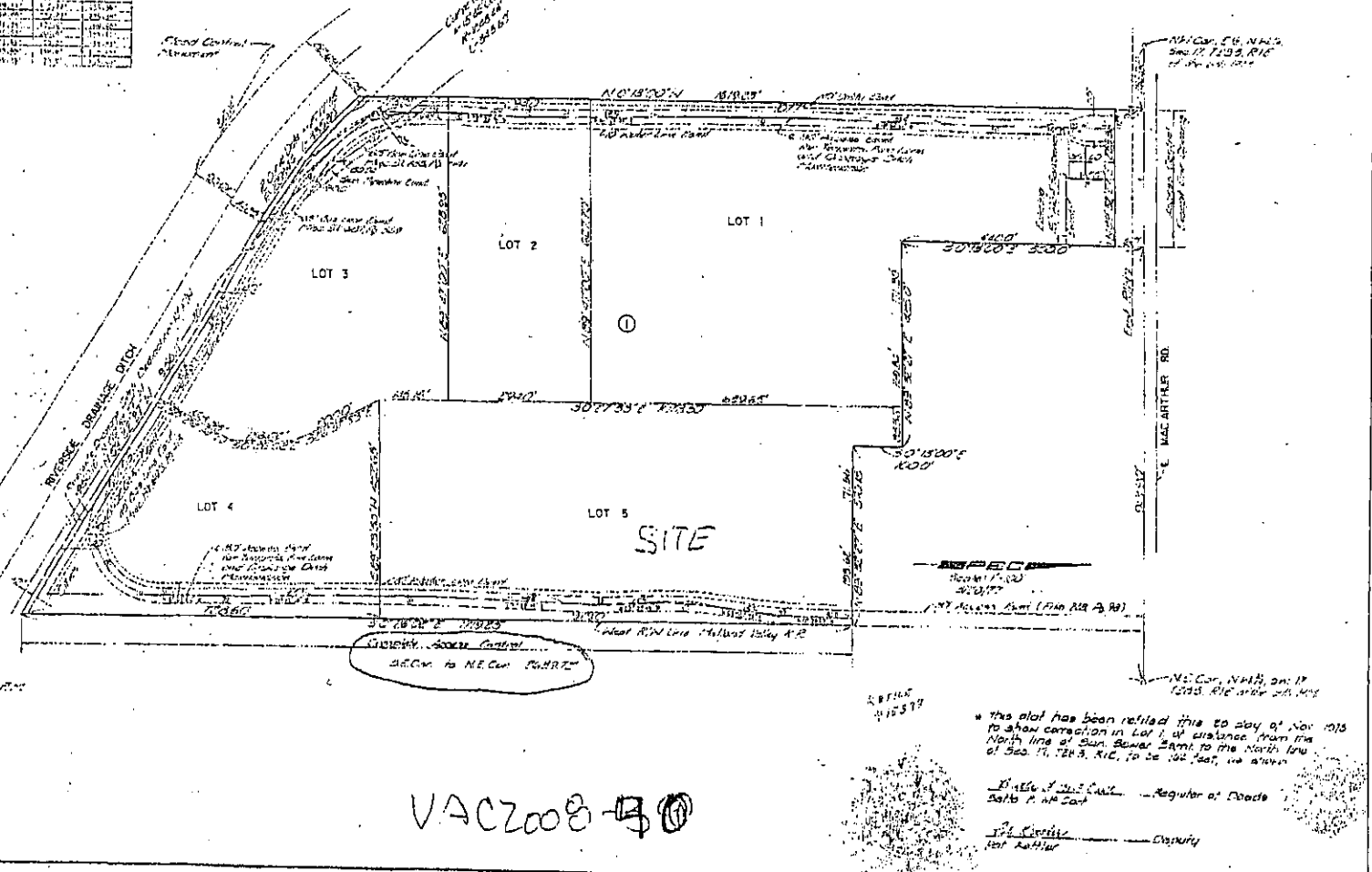
The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the platted complete access control along the site's Gold Street frontage to allow one (1), 30-foot wide full movement drive, as approved by the Traffic Engineer. Dedicate complete access control by separate instrument along the site's Gold Street frontage. Provide to Planning prior to the case going to Council for final action.
- (2) Provide Planning with a restrictive covenant to be recorded with the Register of Deeds having the drive being shared by two (2) single-family residences, in the case of a Lot Split or limiting it to being used by one (1) single-family residence. Provide to Planning prior to the case going to Council for final action.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
- (4) All improvements shall be according to City Standards and at the applicant's expense, including the new drive from the site onto public ROW. Provide Public Works with a guarantee to ensure that those improvements will be made. If the drive is not being immediately constructed, provide a 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.
- (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.

MAC ARTHUR BEACH AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS

E. ACCESS ROAD
CURVE DATA (ARC DEFINITION)

| STATION | CHORD BEARING | CHORD DIST. | ARC BEARING | ARC DIST. | CHORD BEARING | CHORD DIST. | ARC BEARING | ARC DIST. |
|---------|-----------------|-------------|--------------|-----------|-----------------|-------------|-------------|-----------|
| 1+00 | S 89° 15' 00" W | 100.00 | 171° 00' 00" | 100.00 | N 89° 15' 00" E | 100.00 | 82° 45' 00" | 100.00 |
| 2+00 | S 89° 15' 00" W | 100.00 | 171° 00' 00" | 100.00 | N 89° 15' 00" E | 100.00 | 82° 45' 00" | 100.00 |
| 3+00 | S 89° 15' 00" W | 100.00 | 171° 00' 00" | 100.00 | N 89° 15' 00" E | 100.00 | 82° 45' 00" | 100.00 |
| 4+00 | S 89° 15' 00" W | 100.00 | 171° 00' 00" | 100.00 | N 89° 15' 00" E | 100.00 | 82° 45' 00" | 100.00 |
| 5+00 | S 89° 15' 00" W | 100.00 | 171° 00' 00" | 100.00 | N 89° 15' 00" E | 100.00 | 82° 45' 00" | 100.00 |
| 6+00 | S 89° 15' 00" W | 100.00 | 171° 00' 00" | 100.00 | N 89° 15' 00" E | 100.00 | 82° 45' 00" | 100.00 |
| 7+00 | S 89° 15' 00" W | 100.00 | 171° 00' 00" | 100.00 | N 89° 15' 00" E | 100.00 | 82° 45' 00" | 100.00 |
| 8+00 | S 89° 15' 00" W | 100.00 | 171° 00' 00" | 100.00 | N 89° 15' 00" E | 100.00 | 82° 45' 00" | 100.00 |
| 9+00 | S 89° 15' 00" W | 100.00 | 171° 00' 00" | 100.00 | N 89° 15' 00" E | 100.00 | 82° 45' 00" | 100.00 |
| 10+00 | S 89° 15' 00" W | 100.00 | 171° 00' 00" | 100.00 | N 89° 15' 00" E | 100.00 | 82° 45' 00" | 100.00 |



VAC2008-13

SHEET 1 OF 2

