



Wichita-Sedgwick County Metropolitan Area Planning Department

May 9, 2019

Mike Strelow
9508 W. Moss Rose
Maize, KS 67101

Ref: VAC2018-00032: City Vacation of West Esthner Street right-of-way between South Anna Street and I-235, generally located one-quarter mile south of West Harry Street and one-half mile west of South West Street.

Dear Mr. Strelow:

At its regular meeting on Tuesday, May 7, 2019, the Wichita City Council considered the above-referenced 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 268-4421.

Sincerely,


Philip Zevenbergen
Associate Planner

PZ:kw

cc: John Webber, 4801 W Harry, Wichita KS 67209



Authorized By *Tonya Buckingham*

Cashier: cmanyden

Date Recorded: 05/14/2019 02:48:54 PM



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

**IN THE MATTER OF THE VACATION OF A PORTION
OF STREET RIGHT OF WAY**

**GENERALLY LOCATED ONE-QUARTER MILE SOUTH
OF WEST HARRY STREET AND ONE-HALF MILE WEST
OF SOUTH WEST STREET**

VAC2018-00032

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 7th day of May, 2019, comes on for hearing the petition for vacation filed by Mark Strelow and John Weber (applicants), praying for the vacation of described portion of platted street right-of-way, to-wit:

A portion of platted Street Right-of-Way:

West Esthner Street right-of-way between Interstate 235 and South Anna Street platted in the R & P Addition, Wichita Sedgwick County, Kansas and the R & P 2nd 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, in The Wichita Eagle on November 29, 2018, 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 described portions of the platted street right-of-way, and the public will suffer no loss or inconvenience thereby.
3. A dedication of utility easement by separate instrument will be recorded with the Vacation Order at the Register of Deeds of Sedgwick County.
4. A dedication of access easement by separate instrument will be recorded with the

Vacation Order at the Register of Deed of Sedgwick County.

5. A dedication of restrictive covenants binding and tying the vacated described public street right-of-way to the abutting properties will be recorded with the Vacation Order at the Register of Deeds of Sedgwick County.


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

7. 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.

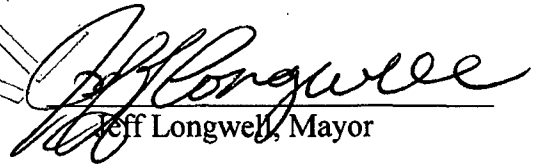
8. The vacation of the described portions of the platted street right-of-way should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 7th day of May, 2019, ordered that the described portions of the platted street right-of-way dedicated by separate instrument are hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Register of Deeds of Sedgwick County.

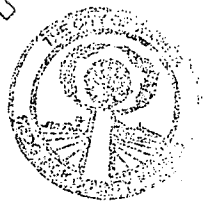
ATTEST:



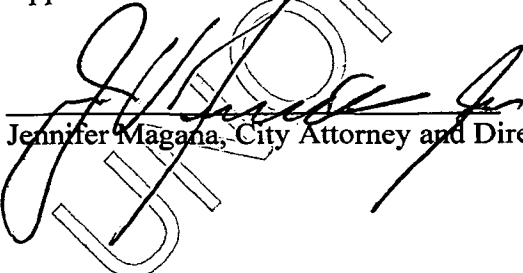
Karen Sublett, City Clerk



Jeff Longwell, Mayor



Approved as to Form:

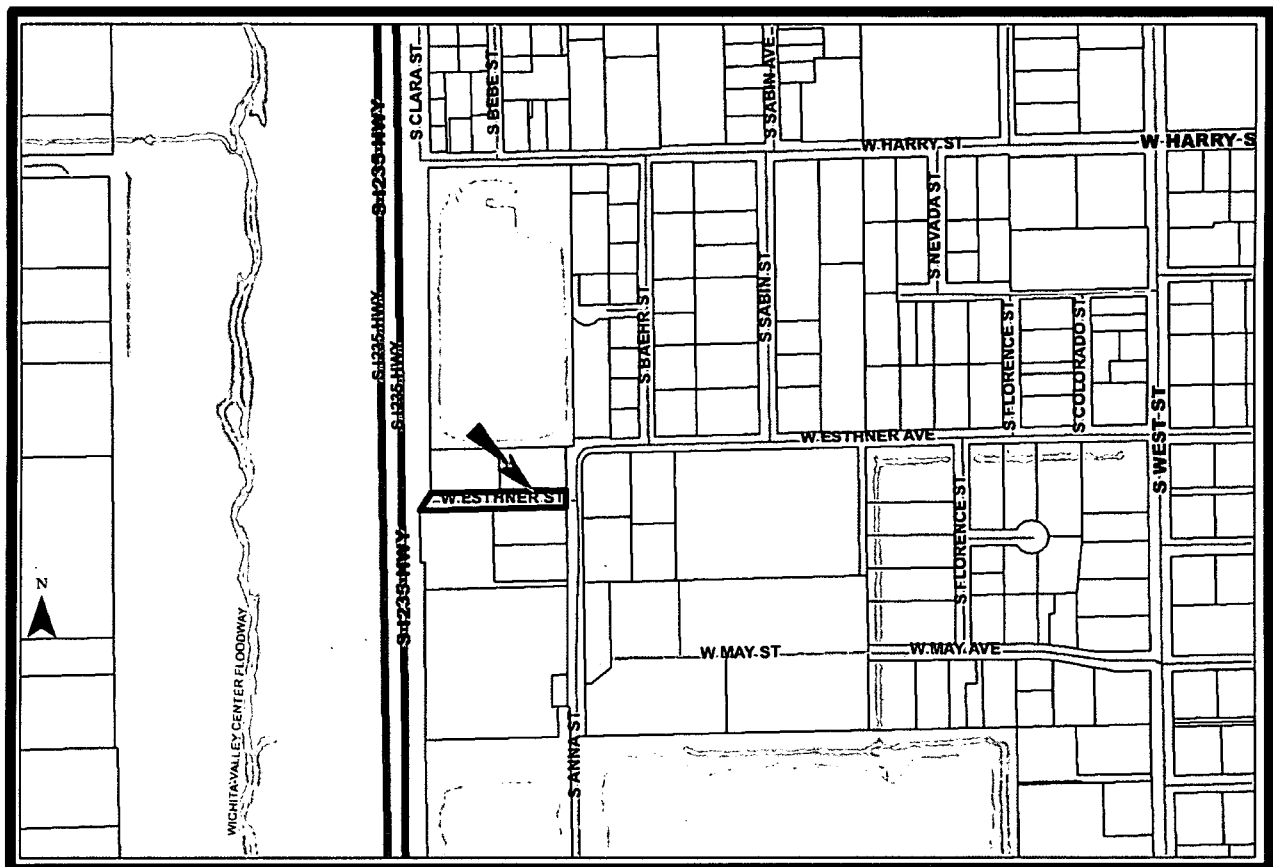


Jennifer Magana, City Attorney and Director of Law

METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT

- CASE NUMBER:** VAC2018-00032 – City vacation of West Esthner Street right-of-way
- APPLICANT:** Mike Strelow, John Weber (applicants)
- LEGAL DESCRIPTION:** West Esthner Street between South Anna Street and 235 Highway
- LOCATION:** Generally located one-quarter mile south of West Harry Street and one-half mile west of South West Street
- REASON FOR REQUEST:** To allow for private maintenance of the street
- CURRENT ZONING:** MH Manufacture Housing to the north; LI Limited Industrial to the south
- VICINITY MAP:**



The applicant is requesting the vacation of the unpaved, platted east-west 80-foot wide part of West Esthner Street lying between I-235 and South Anna Street. There is a water line located in the vacation area. The applicant will need to dedicate a 20-foot utility easement over the waterline. 4900 West Esthner would lose access to Anna Street with this vacation. The applicant will need to dedicate an access easement for 4900 West Esthner to access Anna Street. Cox Communications and Westar have no objections to the vacation. The R & P Addition was recorded with the Register of Deeds August 2, 1968. The R & P 2nd Addition was recorded with the Register of Deeds June 8, 1973.

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, Stormwater, Traffic, Fire, 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 public street right-of-way.

- 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 29, 2018, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the described portion of the public street right-of-way and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Dedicate a 20-foot wide utility easement by separate instrument, with original signatures, over the waterline located in the public street right-of-way. This must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (2) Dedicate an access easement by separate instrument, with original signatures, for 4900 West Esthner to access Anna Street. This must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (3) Provide restrictive covenants, with original signatures, binding and tying the vacated described public street right-of-way to the abutting properties. This must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (4) As needed provide utilities with any needed project plans for the relocation of utilities for review and approval. Any relocation/reconstruction of utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number(s) to Planning prior to the case going to City Council for final action.
- (5) All improvements shall be according to City Standards and at the applicants' expense.

- (6) 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 per staff recommendations.

Access Easement Parcel I & II- Esthner Avenue Boundary Description

April 11, 2019

Parcel I: The north 10.00 feet of the South 1/2 of Esthner Avenue, R&P Addition, Wichita, Sedgwick County, Kansas. It is the intent of the terminal end of the above described 10.00 foot wide tract of land to fully extend to and terminate at the west right of way line of Anna Street, and it is the intent of the terminal end of the above described 10.00 foot wide tract of land to fully extend to and terminate at the east right of way line of Interstate Highway 1-235, as granted in condemnation case A-76777.

Parcel II: The south 10.00 feet of the North 1/2 of Esthner Avenue, R&P Addition, Wichita, Sedgwick County, Kansas. It is the intent of the terminal end of the above described 10.00 foot wide tract of land to fully extend to and terminate at the west right of way line of Anna Street, and it is the intent of the terminal end of the above described 10.00 foot wide tract of land to fully extend to and terminate at the east right of way line of Interstate Highway 1-235, as granted in condemnation case A-76777.

