

STAFF REPORT

CASE NUMBER: VAC2018-00011 - County Vacation of a portion of platted access controls minimum pad elevation to allow a wider opening to the home site on property zoned RR Rural Residential

OWNER/APPLICANT: Baughman Company (Agent) | Daniel and Ariann Goebel (Applicants)

LEGAL DESCRIPTION: The west 50.00 feet of the east 375.00 feet of the north line of Lot 2, Block A, G. Leonard Addition, Sedgwick County, Kansas.

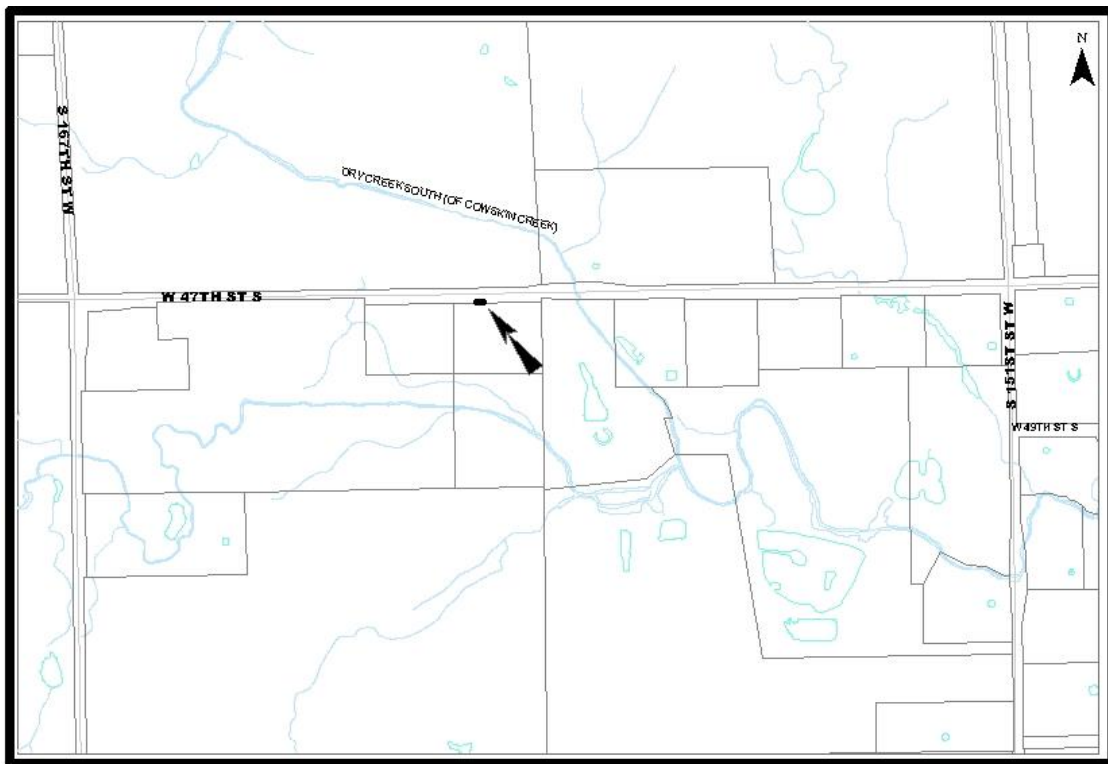
The minimum pad elevation for Lot 2, Block A, G. Leonard Addition, Sedgwick County, Kansas shall be established at 1368.4 NAVD88.

LOCATION: Generally located on the south side of West 47th Street South and approximately 2,000 feet east of South 167th Street West.

REASON FOR REQUEST: To allow a wider opening to the home site and to lower the minimum pad elevation for this lot.

CURRENT ZONING: The site is zoned RR Rural Residential

VICINITY MAP:



The applicant has requested the vacation of platted access controls as well as platted pad elevation on property platted in the G Leonard Addition, located within unincorporated Sedgwick County. The proposal would widen the platted access controls from 50 feet to 100 feet, as well as raise the minimum pad elevation from 1366.4 to 1368.4.

The applicant has stated that the reason for this request is that the minimum pad elevation was intended to be changed previously when the applicant vacated the platted floodway reserve, the change in elevation is related to that. There is a utility pole along the street right of way that impacts the opening onto the street, which is the reason for the vacation of the additional 50 feet of access control.

Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the subject area. The G. Leonard Addition was recorded 9 April 2013.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Stormwater, 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 portion of the platted complete access control.

- A. That after being duly and fully informed as to fully understanding 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 at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the platter's text to amend the access controls 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.

The Subdivision Committee recommends approval subject to the following stipulations:

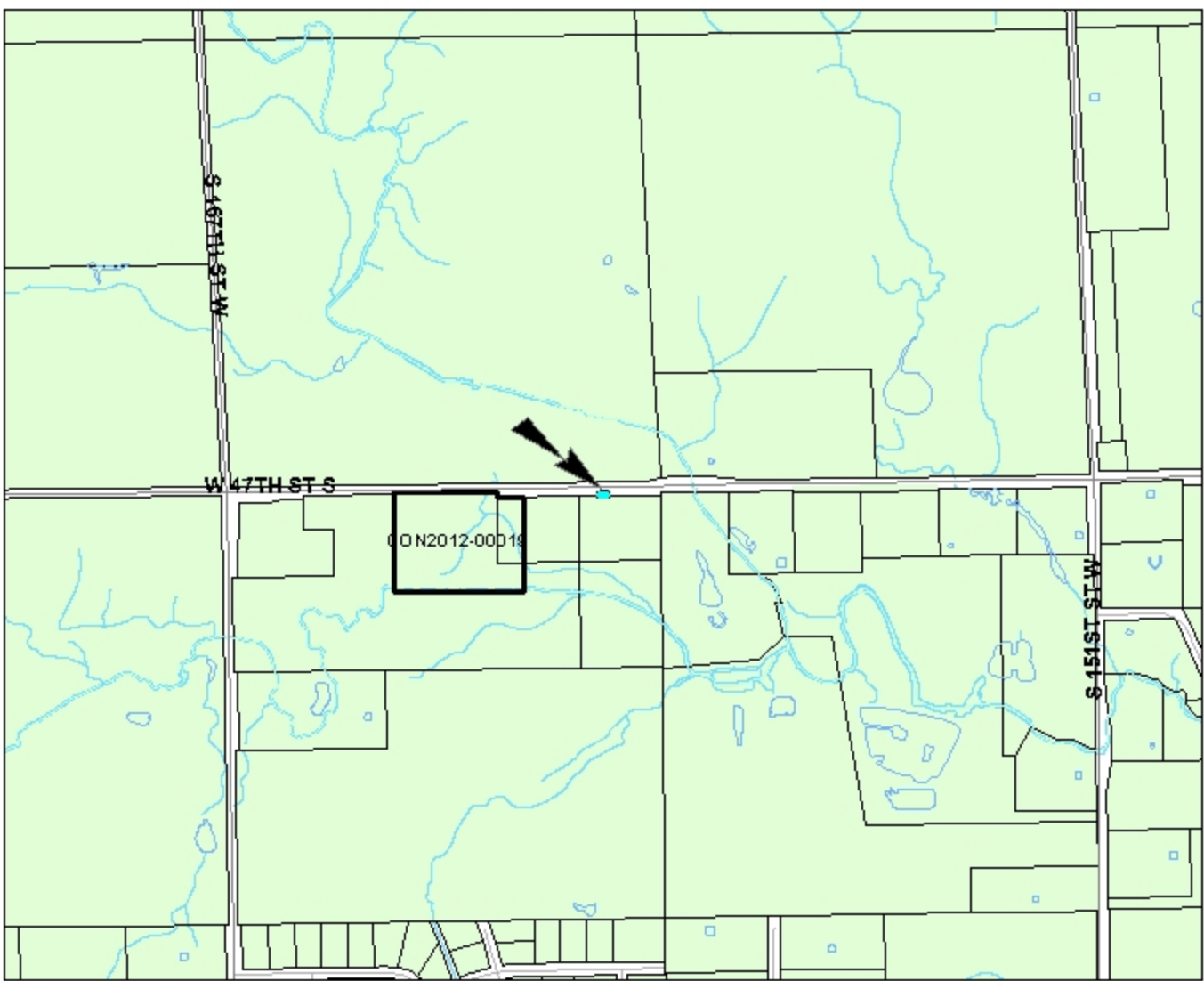
- (1) If needed provide Planning with dedication of utility easements by separate instruments with original signatures to go with the Vacation Order to County Commission for final action and subsequent recording with the Vacation Order at the Register of Deeds. All to be provided to the Planning Department prior to this case going to County Commission for final action.
- (2) All improvements shall adhere to County Standards and at the applicants' expense.
- (3) 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.



W 47TH ST S

S 167TH ST W





ZONING

RR

SF-20

SF-10

SF-5

TF-3

MF-18

MF-29

B

MH

NO

GO

NR

LC

GC

CBD

OW

IP

LI

IP-A

GI

AFB

U

PUD

AIRPORT

OLD TOWN

N



April 11, 2018

VACATION CASE
LEGAL DESCRIPTION – COMPLETE ACCESS CONTROL

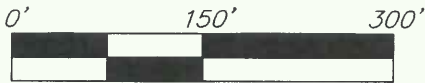
The west 50.00 feet of the east 375.00 feet of the north line of Lot 2, Block A, G. Leonard Addition, Sedgwick County, Kansas.

The minimum pad elevation for Lot 2, Block A, G. Leonard Addition, Sedgwick County, Kansas shall be established at 1368.4 NAVD88.



EXHIBIT

VACATION OF PART OF THE COMPLETE ACCESS CONTROL FOR LOT 2, BLOCK A, G. LEONARD ADDITION, SEDGWICK COUNTY, KANSAS



CAC = COMPLETE ACCESS CONTROL

50' PLATTED CAC TO BE
VACATED TO ALLOW ONE 50'
ACCESS OPENING (PROPOSED)

325' CAC TO REMAIN
(PROPOSED)

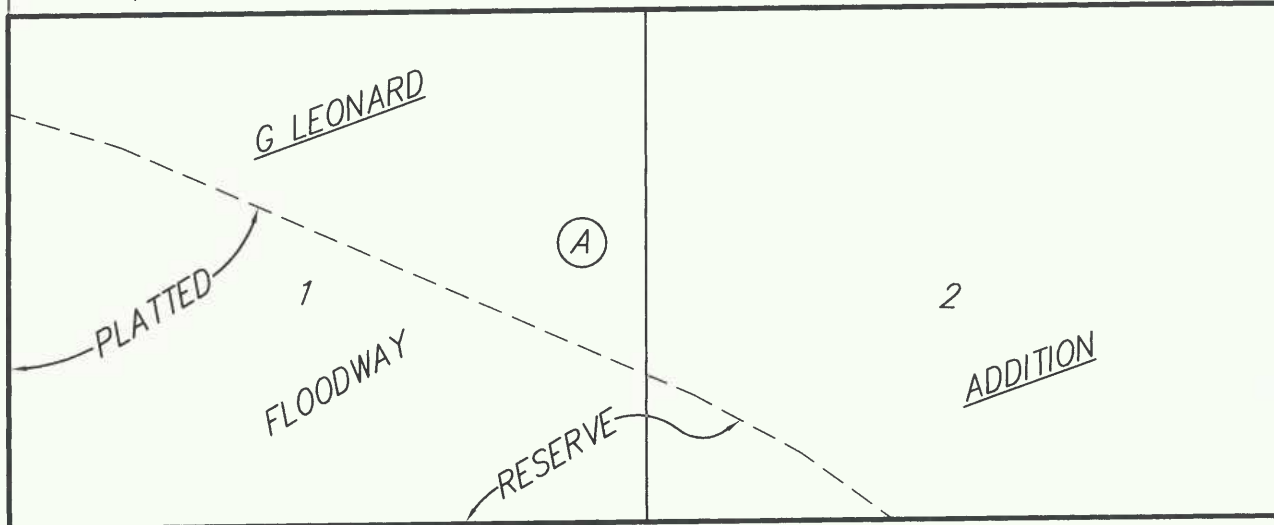
CAC EXCEPT ONE
150' OPENING (PLATTED)
110' CAC
(PLATTED)

CAC EXCEPT ONE
50' OPENING (PLATTED)
75' CAC (PLATTED)
250' CAC (PLATTED)

375' CAC (PLATTED)

WEST 47TH STREET SOUTH

167TH STREET WEST



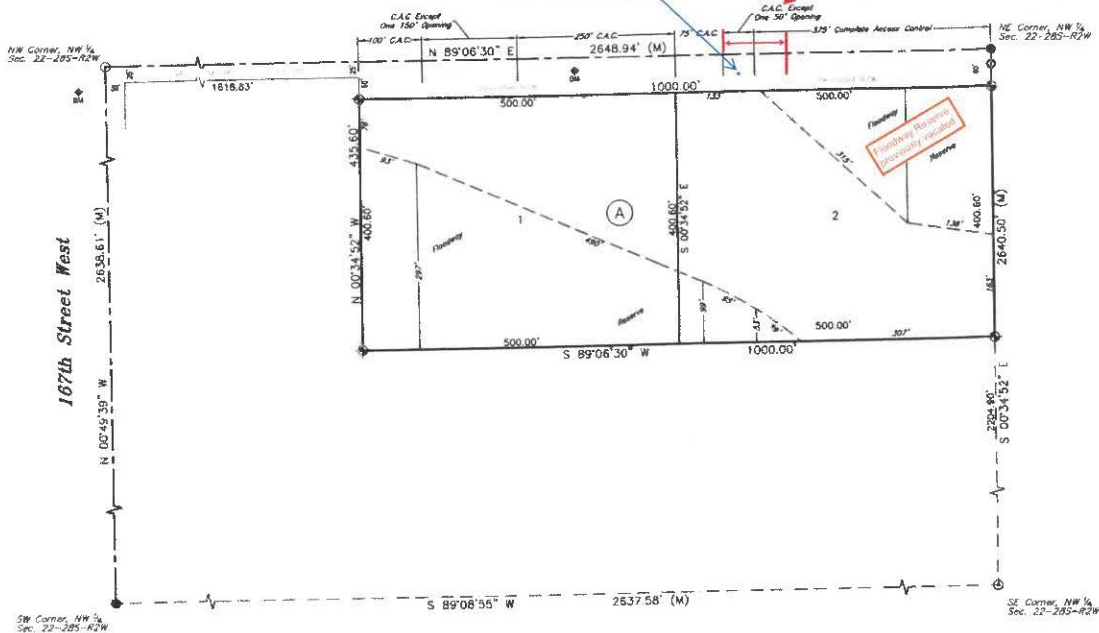
11 APR 2018

 **Baughman Company, P.A.**
315 Ellis St. Wichita, KS 67211 P 316-262-7271 F 316-262-0149
Baughman ENGINEERING | SURVEYING | PLANNING | LANDSCAPE ARCHITECTURE

Power Pole centered in Platted 50' opening
Propose 100' Opening - Additional 50' to the East of current platted opening

G. Leonard Addition Sedgwick County, Kansas

Part of the NW 1/4, Section 22, Township 28 South, Range 2 West of the 6th. P.M.



State of Kansas }
County of Sedgwick } SS

State of Kansas }
County of Sedgwick } SS

I, Bradley C. Ward, a licensed land surveyor of the State of Kansas, do hereby certify that the following described tract of land was surveyed on the 22nd day of October, 2012 and the accompanying final plat prepared and that all the monuments shown herein actually exist and their positions are correctly shown to the best of my knowledge and belief.

This plat of G. Leonard Addition, Sedgwick County, Kansas, has been submitted to and approved by the Wichita-Sedgwick County Metropolitan Area Planning Commission, Sedgwick County, Kansas, listed this 22nd day of October, 2012. Wichita-Sedgwick County Metropolitan Area Planning Commission.

LEGAL DESCRIPTION

The East 1000.00 feet of the North 460.60 feet, Except road right-of-way, of the NW 1/4, Section 22, Township 28 South, Range 2 West, of the Sixth Principal Meridian, Sedgwick County, Kansas.

David Engle
David Engle, Engineer
John L. Spitzer
John L. Spitzer, Secretary

All easements and rights-of-way within said tract are hereby vacated by virtue of KSA 12-512b amended.

This plat approved and all dedications shown herein accepted by the Board of County Commissioners of Sedgwick County, Kansas, this 22nd day of April, 2013.

Attest:
Bradley C. Ward, L.S. #120

At the Direction of the Board of County Commissioners of Sedgwick County, Kansas:
John A. Johnson, RPH, D.D.
John A. Johnson, RPH, D.D., Director
Kelly B. Arnold
Kelly B. Arnold, County Clerk

State of Kansas }
County of Sedgwick } SS

Entered in transfer record this 22nd day of April, 2013.
Kelly B. Arnold
Kelly B. Arnold, County Clerk

Know all men by these presents, that we, the undersigned, have caused the land described in the surveyor's certificate to be platted into lots and a Block, to be known as G. Leonard Addition, Sedgwick County, Kansas. The streets are hereby dedicated to and for the use of the public as denoted on the plat. Any easements are hereby granted as indicated for constructing, maintaining, operating, and repairing public utilities. The access easements are hereby granted to the appropriate governing body as shown hereon. The Roadway Reserve is hereby reserved for Roadway purposes. The Roadway shall be the responsibility of the owner of Lots 1 and 2 until such time as the governing body exercising jurisdiction elects to assume maintenance responsibility and improvement of the drainage provided further that no structure shall be constructed on or within said Roadway, nor shall any fill, change of grade, creation of channel or other work be carried on without the permission of the engineer of the appropriate governing body. A drainage plan has been developed for the plat and shall remain at established grade or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater. And further that the lands contained herein are and shall be conveyed subject to any applicable restrictions, reservations and covenants now on file or hereafter filed in the Office of the Register of Deeds of Sedgwick County, Kansas.

State of Kansas }
County of Sedgwick } SS

This is to certify that this plat has been filed for record in the Office of the Register of Deeds this 22nd day of April, 2013, at 3:02:00 o'clock P.M., and is duly recorded.

For *Chad G. Leonard*
Chad G. Leonard, Owner
Tanya Buckingham
Tanya Buckingham, Deputy

By: *Chad G. Leonard*, owner Date

Reviewed in accordance with KSA 58-2025 on this day of 2013.

By: *Lori F. Leonard*, owner Date

State of Kansas }
County of Sedgwick } SS

Lori F. Leonard
Lori F. Leonard, Owner

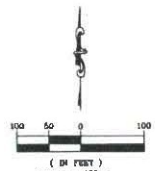
This instrument was acknowledged before me on this 22nd day of April, 2013, by Chad G. Leonard, owner.

Tanya Buckingham
Tanya Buckingham, Deputy

Notary Public
My Commission Expires

This instrument was acknowledged before me on this 22nd day of April, 2013, by Lori F. Leonard, owner.

Notary Public
My Commission Expires



LEGEND:
M Measured
● 1/2" Iron Pipe (found)
○ 3/4" Iron Pipe (found)
○ 1/2" Rebar (found)
⊕ 1/8" Rebar (set)
KEMPA CLS #137

BFE on new maps = 1366.4 NAVD88
Propose to vacate/change min pad to 1368.4

Low Elevation
Minimum Flood Elevation = 1369.0 NAVD 88

BENCHMARKS:
6.00 inch, 42 3/4" South of Northwest Corner of Section 22, Township 28 South, Range 2 West. Elevation = 1379.81 NAVD 88
1" Rebar, 5' N. of PP 3rd PP # of the E. line of the plat or 680' W. of the NE corner of the NW 1/4, of Section 22, Township 28 South, Range 2 West. Elevation = 1369.66 NAVD 88



kemiller
engineering
415 S. Market, Wichita, KS 67202 (316)264-0242