

City of Wichita  
City Council Meeting  
July 19, 1988

Agenda Report # \_\_\_\_\_

TO: Mayor and City Council Members

SUBJECT: V-1483 - REQUEST TO VACATE A PORTION OF BYRON STREET  
RIGHT-OF-WAY, LOCATED SOUTH OF KELLOGG, IN AN AREA WEST  
OF TYLER ROAD. (District #5)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

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MAPC Recommendation: Approve vacation of street right-of-way. (unanimous)

Staff Recommendation: Deny vacation of street right-of-way.

Background: In August of 1987, the Subdivision Committee of the Planning Commission voted to deny this vacation request because City Engineering advised that a portion of the subject street right-of-way would be needed for a future freeway interchange at Kellogg and Tyler Road. In May of this year, the applicant filed an amended application which they believe excludes needed right-of-way for the future interchange. The applicant is requesting this vacation in order to gain more area for his ownership at this location.

When the case was resubmitted to the Subdivision Committee of the Planning Commission, Engineering staff stated their reservations about the application, however, recommended approval if the applicant would contingently dedicate a portion of their property to the west as street. Engineering's rationale for supporting this request, if the contingent dedication is made, centers around the fact that only preliminary plans exist for the Tyler/Kellogg interchange and more right-of-way may be needed from the vacated street when final plans have been prepared. Preliminary plans do show a taking from the applicant's property to the west of the subject street. It is staff's belief that the risk of not excluding enough right-of-way from a vacation case, at this time, will be adequately counter-balanced by the off-site contingent dedication. The Subdivision Committee choose to recommend that the amended vacation application be approved, but without requiring the contingent dedication as requested by staff. (Minutes Attached)

When the case was reviewed by the full Planning Commission, staff once again stated their recommended condition of approval for the contingent dedication. The Planning Commission choose to recommend approval without requiring the contingent dedication. (Minutes Attached)

The Vacation Order retains drainage and utility easements as required by City Engineering. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions.

Legal Considerations: The City Clerk needs to certify as to proper notification and no filing of written protest.

Recommendations/Action: Close public hearing; approve vacation;  
authorize the Mayor to sign the Vacation  
Order; and record certified copy of  
Order, recording costs to be billed to:

755-68-360-50000-295-000-000

or

Close public hearing; deny vacation.

KELLOGG ST (US HIGHWAY 54)



1" = 20'

## EXHIBIT

### PARTIAL VACATION OF BYRON AVE

#### LEGAL DESCRIPTION:

A portion of the  $\frac{1}{2}$  of Byron Ave., lying east of and adjacent to Lot 1, Block N, Westport Addition, Sedgwick County, Kansas, described as commencing at the N.E. Corner of said Lot 1; thence S  $01^{\circ}32'53''$  E, along the east line of said Lot 1, 62.33 feet to a point on a curve, having a radius of 733.94 feet for a place of beginning; thence easterly, along said curve, having a chord bearing of N  $82^{\circ}23'36.6''$  E, a chord distance of 30.16 feet, a central angle of  $02^{\circ}21'18''$  and an arc length of 30.16 feet to the center line of Byron Ave.; thence S  $01^{\circ}32'53''$  E, along the center line of Byron Ave., 177.46 feet to the southerly line of Lot 1 extended northeasterly; thence S  $64^{\circ}23'27''$  W, along said extended line, 32.85 feet to the S.E. Corner of said Lot 1; thence N  $01^{\circ}32'53''$  W, along the east line of said Lot 1, 187.67 feet to the place of beginning

AND

A portion of the  $\frac{1}{2}$  of Byron Ave., lying west of and adjacent to Lot 4, Block M, Westport Addition, Sedgwick County, Kansas described as commencing at the N.E. Corner of Lot 1, Block N, in said Westport Addition; thence S  $01^{\circ}32'53''$  E, along the east line of said Lot 1, 62.33 feet to a point on a curve having a radius of 733.94 feet; thence easterly, along said curve, having a chord bearing of N  $82^{\circ}23'36.6''$  E, a chord distance of 30.16 feet, a central angle of  $02^{\circ}21'18''$  and an arc length of 30.16 feet to the center line of Byron Ave., for a place of beginning; thence continuing easterly, along said curve, through a central angle of  $02^{\circ}20'48''$ , having a chord bearing of N  $84^{\circ}44'39.6''$  E, a chord distance of 30.06 and an arc length of 30.06 feet to the west line of said Lot 4; thence S  $01^{\circ}32'53''$  E, along the west line of said Lot 4, 166.01 feet to the S.W. Corner of said Lot 4; thence S  $64^{\circ}23'27''$  W, along the extended southerly line of said Lot 4, 32.85 feet to the center line of Byron Ave.; thence N  $01^{\circ}32'53''$  W, along the center line of Byron Ave., 177.46 feet to the place of beginning.

The above described vacated street being retained as utility and drainage easement except for that part of the  $\frac{1}{2}$  of Byron Ave., described as commencing at the N.E. Corner of Lot 1, Block N, Westport Addition, Sedgwick County, Kansas; thence S  $01^{\circ}32'53''$  E, along the east line of said Lot 1, 62.33 feet to a point on a curve, having a radius of 733.94 feet for a place of beginning; thence easterly, along said curve, having a chord bearing of N  $81^{\circ}55'24''$  E, a chord distance of 18.12 feet, a central angle of  $01^{\circ}24'52''$  and an arc length of 18.12 feet; thence S  $01^{\circ}32'53''$  E, parallel with the east line of said Lot 1, 93.18 feet; thence S  $24^{\circ}40'36''$  W, 40.73 feet to the east line of said Lot 1; thence N  $01^{\circ}32'53''$  W, 127.67 feet to the place of beginning.

RIGHT-OF-WAY BEING RETAINED  
FOR DRAINAGE & UTILITIES.

V-1483