

City of Wichita
City Council Meeting
September 1, 1987

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V-1480 - REQUEST TO VACATE COMPLETE ACCESS CONTROL TO 47TH STREET SOUTH.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of access control.

MAPC Recommendation: Approve vacation of access control. (unanimous)

Location: On the south side of 47th Street South, west of Laura. (District #4).

Applicant: I-135 Business Park, Inc., 409 N. Maize Road, Wichita, KS 67212

Site Size: The subject lot contains approximately 32,550 square feet.

Current Zoning: "E" (Light Industrial)

Background: Several years ago this applicant granted "complete access control" to 47th Street in order to avoid paying special assessments for that street's paving. Now, the applicant is planning on selling the property to Derby Refining Company for development of a service station. Derby desires to have an access point to 47th Street. This vacation case has been requested so the subject lot can regain its original one access point to 47th Street. The new owner of the property has acknowledged the fact that they should now be included within the benefit district to help pay for the adjacent street improvements. The Planning Commission established this acknowledgment as a condition of approval. Also, the Vacation Order retains "access control except for one opening". 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; instruct City Clerk to place 47th Street South paving assessment on subject property; 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

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

IN THE MATTER OF THE VACATION OF ACCESS CONTROL.

GENERALLY LOCATED ON THE SOUTH SIDE OF 47TH STREET SOUTH, IN AN AREA WEST OF LAURA. (V-1480)

MORE FULLY DESCRIBED BELOW

) Approved, Accepted By City Council
) This SEP 1 1987
) STATE OF KANSAS
) SEDGWICK COUNTY
) FILED FOR RECORD AT
) LCC R M

RECORDED
OF RECORD

SEP 10 1987

VACATION ORDER

Ed Rea
Deputy

NO. 9 06357
PAT KETTLER
REGISTER OF DEEDS

NOW on this 1st day of September, 1987, comes on for hearing the petition for vacation filed by Dean DeWitt, praying for the vacation of the following described access control, to-wit:

The complete access control granted by separate instrument to 47th Street South across the east 105.15 feet of the north line of Lot 1, Block 1, I-135 Business Park, Wichita, Kansas. (V-1480)

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 Daily Record of notice of this vacation proceeding for consecutive weeks on AUGUST 19 & 26, 1987.
2. No private rights will be injured or endangered by the vacation of the above-described access control, and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner(s) the prayer of the petition ought to be granted.
4. 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.
5. "Access control except for one opening" is hereby retained.
6. The vacation of the access control described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 1st day of September, 1987, ordered that the above-described 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.

Robert C. Knight
Robert C. Knight, Mayor

ATTEST
Dale E. Rea
Dale E. Rea, Deputy City Clerk

Approved, as to Form:
Thomas Powell
Thomas Powell, Interim Director of Law

State of Kansas
Sedgwick County
City of Wichita
Dale E. Rea, Deputy City Clerk of the City of Wichita, Kansas, hereby certifies that the document attached hereto is a true and correct copy of the original on file in the office of the City Clerk.
SEP 9 1987
Dale E. Rea
Deputy City Clerk

SKETCH.

