

9
Planning Agenda # _____

**City of Wichita
City Council Meeting
June 27, 1995**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1913 REQUEST TO VACATE ACCESS CONTROL
TO 21ST STREET NORTH IN AN AREA EAST OF TYLER.
(District #5)

INITIATED BY: Metropolitan Area Planning Department *M. Kratt*

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of access control.

MAPC Recommendation: Approve vacation of access control. (11 - 3)

Background: In order to provide a separate entrance for a planned use on a portion of the involved lot, a second opening is being requested to 21st St. North. Presently, only one (1) opening was platted for this site (lot). Planning staff had indicated some concern with this request, but the Traffic Engineering indicated that the additional opening should not be a detriment. At the immediate intersection of 21st and Tyler Streets, the applicant expanded the area protected by complete access controls, and the applicant has submitted appropriate dedications. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions. In their motion, the Planning Commission also recommended that left turns not be permitted from the proposed opening; however, in subsequent discussion with the Traffic Engineer, he indicated that this restriction was not necessary.

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

Recommendations/Actions:

Accept the dedications of access control; close the public hearing; approve the vacation; authorize the Mayor to sign the Vacation Order; and record a certified copy of the Vacation Order and the dedications; recording costs to be billed to:
150029-2909

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

MICROFILMED
OF RECORD

IN THE MATTER OF THE VACATION OF
ACCESS CONTROL

GENERALLY LOCATED
SOUTH OF 21ST ST. N. AND EAST
OF TYLER

MORE FULLY DESCRIBED BELOW



Case No. V-1913 STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AT
10:00 AM
1465793-4248
PAT KETTLER
REGISTER OF DEEDS

VACATION ORDER

NOW on this 27th day of June, 1995, comes on for hearing the petition for vacation filed by Phil Meyer, agent for Total Petroleum, Inc., praying for the vacation of the following described access control, to-wit:

The access control as platted to 21st Street North across the north line of Lot 1, Westwind 3rd Addition, Wichita, 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 Daily Reporter of notice of this vacation proceeding for consecutive weeks on 6/19/95 + 6/26/95
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. That access control shall be retained except for two (2) openings.
6. The vacation of the access control described herein should be approved.

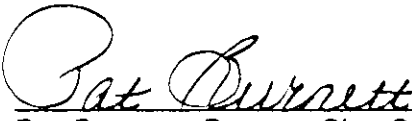
8.00

Vacation Order
V -1913

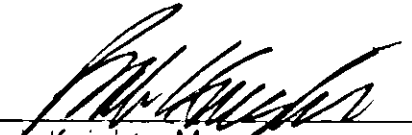
Page 2 of 2

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 27th day of June, 1995, 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.

ATTEST:


Pat Burnett, Deputy City Clerk




Bob Knight, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

State of Kansas)
Sedgwick County) ss
City of Wichita)

I, Tom Schneider, Deputy 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 the the City Clerk.

Given under my hand and seal of the City of Wichita, this July 12, 1995
Tom Schneider Deputy City Clerk
Tom Schneider

21ST ST VO.

TYLER RD

2

WESTWIND

3RD

5

3 ADDITION

PART OF
WESTWIND
38 4TH ADD.

GOL

RES. A

VESTLAWN

40

2 CEDAR
MEADOWS
ADD.

37

WESTLAWN CT.

CIRCLE

30

29

15

20

25

PART OF
OX-BOW
ADD. 2

7

4

CARSON
ADD.

9TH

25

26

26

24

DONALD
CART
ADD. 1