

Planning Agenda # _____

City of Wichita
City Council Meeting
May 4, 1999

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: V-2139 - PUBLIC HEARING REQUEST TO VACATE
ACCESS CONTROL LOCATED IN AN AREA SOUTH OF
13TH STREET NORTH AND EAST OF OLIVER
(District I)

INITIATED BY: Metropolitan Area Planning Department 

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of access control.

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

Background: The applicant recently amended the Lambsdale C.U.P. (DP-135) to allow for self-storage units to be constructed on Parcel 3 of this C.U.P. However, the approved site plan for the storage units shows the opening to 13th Street North in an area which is not permitted access by the plat. The plat currently limits the two lots which make up Parcel 3 of the Williamsburg C.U.P. to one opening a piece. If the vacation is approved it will reduce the number of access points to 13th Street North by one. The applicant is requesting to vacate the platted access control to match the amended C.U.P.

No one spoke in opposition to this request at the MAPC's hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, subject to the applicant dedicating access control on Lots 25 and 26, except for one opening located in the eastern 50 feet of Lot 25, Williamsburg Addition. The applicant has dedicated this access control. No written protests have been filed.

Legal Considerations: The City Clerk needs to certify as to proper notification and no filing of written protest. A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Recommendations/Actions: Close the public hearing; and approve the dedication and the Vacation Order and authorize the Mayor to sign.

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

**IN THE MATTER OF THE VACATION OF
ACCESS CONTROL**

**GENERALLY LOCATED
SOUTH OF 13TH STREET NORTH AND
EAST OF OLIVER**

MORE FULLY DESCRIBED BELOW

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) **Case No. V-2139**
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VACATION ORDER

NOW on this 4th day of May, 1999, comes on for hearing the petition for vacation filed by BR2, praying for the vacation of the following described access control, to-wit:

The east 50 feet of Lot 25; Block 1, Williamsburg an addition to 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:

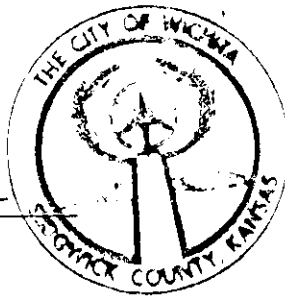
1. That due and legal notice has been given by publication as required by law, by publication in the Daily Reporter on April 12, 1999, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described access control, and 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. The vacation of the access control described herein should be approved, subject to the following condition:

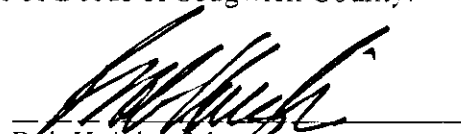
- A) The applicant shall dedicate access control except for one opening along the frontage of Lot 25 and 26 Williamsburg Addition.
- B) Any relocation or reconstruction of any utilities made necessary by this vacation shall be the responsibility of the applicant.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 4th day of May, 1999, 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.

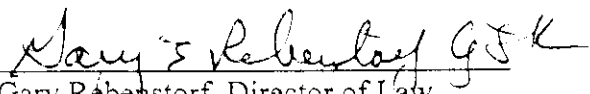
ATTEST:


Pat Burnett, City Clerk




Bob Knight, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

THIRTEENTH

OLIVER

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WILLIAMSBURG

LAMBSDALE

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