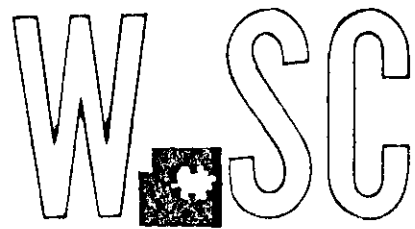


WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1538
(316) 268-4421
FAX (316) 268-4390

July 22, 1999

Marie and Greg Goscha
7026 Timberon
Wichita, KS 67206
AND
Michael and Amy Bankston
7017 Stonegate
Wichita, KS 67206

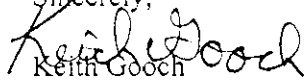
Re: V-2185 - Request to vacate 16 foot walk easement

Dear Mr & Mrs Goscha and Mr. & Mrs. Bankston:

On Tuesday, July 20, 1999, the City Council considered the above-referenced request. The Council failed to approve the request, therefore the action is equivalent to a Denial.

If you have any further questions concerning this matter, please contact the Planning Department office at 268-4421.

Sincerely,


Keith Gooch
Senior Planner

KG:le



Planning Agenda # _____

**City of Wichita
City Council Meeting
July 20, 1999**

Agenda Report # _____

TO: Mayor and City Council

**SUBJECT: V-2185 - REQUEST TO VACATE 16 FOOT PLATTED WALK
EASEMENT LOCATED NORTH OF 13TH STREET NORTH
AND WEST OF GOVERNEOUR.
(District II)**

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Unfinished Business

*MAPC
D-1-10*

Staff Recommendation: Deny the vacation of 16-foot platted walk easement

MAPC Recommendation: Approve vacation of 16-foot platted walk easement. (7-6)

CPO Recommendation: Deny the vacation of 16-foot platted walk easement. (7-0)

Background: The applicants are requesting to vacate the 16-foot platted walk easement which runs between their two homes. The applicants have stated that there have been problems with individuals walking along this easement and vandalizing their property. This sidewalk is used by children and others to go to and come from Coleman Middle School and a public park. If this walk is vacated, individuals attempting to reach the middle school would have to walk along 13th Street North, a four-lane arterial with current traffic counts of 22,088 between Woodlawn and Gouverneur, or cross Gouverneur at 14th Street, an uncontrolled crossing.

Staff did request a report from the Wichita Police Department about any problems that have been reported in this area for the past two years. The only report which was filed was a disorderly conduct at 1400 North Gouverneur (Park property), which is east of this easement.

A request by the adjoining property owners to vacate the sidewalk easement was reviewed extensively by CPO 2 and the MAPC, and was ultimately denied by the Wichita City Council in 1997. Materials from the previous case file are attached, as is a report to the City Council last month which summarizes the previous case and provides an update on activity in the area since the City Council denied the vacation.

At the July 12th CPO 2 hearing the two lot owners indicated continuing nuisances and, joined by one other neighbor, urged that the vacation be approved. Several neighbors spoke in opposition to vacating this walk easement. These individuals voiced concerns about safety for school children having to walk along 13th Street or 14th Street instead of the sidewalk easement. CPO members referred to the Rockhurst covenants which require that this sidewalk remain open, the comparison to gating of communities to keep unwanted individuals out, and suggested that the closing of the sidewalk would be contrary to the recently received title of All American City. The CPO council voted unanimously to deny this request.

At the July 15th MAPC hearing, a spokesperson for the lot owners described continuing problems (trash in the applicants' yards, using vulgarities to and at their children, writing vulgarities on the sidewalk, urinating on the fences, motorcycles). Four persons spoke in opposition to this request and voiced similar concerns as those expressed at the CPO hearing. After reviewing all of the testimony, the MAPC failed (6-7) to approve a motion to deny the request. The MAPC then voted (7-6) to approve the vacation request, subject to retaining it as a utility easement. The MAPC then voted on a motion to the Wichita City Council to look at constructing a sidewalk along 14th Street and a crosswalk across Gouverneur to allow children to have a "replacement" sidewalk in addition to 13th Street. This motion passed 11-2. The two dissenting voices believed that if a sidewalk is needed, the existing sidewalk should not be vacated just to construct a new sidewalk, a few hundred feet to the north.

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Recommendations/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the Mayor to sign.

