

City of Wichita
City Council Meeting
November 4, 2003

Agenda Report No.

TO: Mayor and City Council

SUBJECT: VAC2003-00049 Request to Vacate Portions of the North Street & West Street Right-of-Ways as Platted in the Greenwich Addition Located Northeast of the 111th Street East (Greenwich Road) – 53rd Street North Intersection, an Unincorporated Section of Sedgwick County. (Three Mile Ring)

INITIATED BY: Metropolitan Area Planning Department 

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Background: The applicants are requesting consideration to vacate portions of the platted North Street & West Street ROWs, located north of the West Street – West Central Intersection. The Greenwich Addition was recorded 08-03-1883.

Analysis: The applicants have noted that the rural site has never developed to the density that the plat anticipated. The eastern middle portion of the North Street ROW has been vacated. There is no sewer or water in the ROW. Setbacks are current and would remain in effect and move with the adjusted property lines. Reversion rights of the 24-foot West Street ROW and the 20-foot North Street ROW would go the platted (all in the Greenwich plat) abutting property owners; Lots 18-14, inclusive, Block 4, Greenwich Addition. All abutting property owners, but the owner of the unplatted tract north of the North Street ROW, have signed the petition and the application to vacate. This unplatted tract is used for agriculture and has direct access to Greenwich Road.

This site is in an unincoperted portion of Sedgwick County (County Commission District V) and in the County's Subdivision Jurisdiction, but it is also within the City of Wichita's 3-mile ring Subdivsion Jurisdiction, thus final action on this requested must be made by both the Sedgwick County Commission and the Wichita City Council. The Sedgwick County Commission will consider this item at their November 5, 2003 meeting.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Financial Considerations: None

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

**IN THE MATTER OF THE VACATION OF
PORTIONS OF THE NORTH STREET & WEST
STREETS RIGHT-OF-WAYS, AS PLATTED
IN THE GREENWICH ADDTION**

**GENERALLY LOCATED
NORTHEAST OF THE 111TH STREET EAST -
53RD STREET NORTH INTERSECTION**

Case No. VAC2003-00049

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 4th day of November, 2003, comes on for hearing the petition for vacation filed by McNeil Enterprises LC c/o Mike McNeil and Don Johnson, praying for the vacation of the following described platted right-of-ways, to-wit:

That platted portion of the North Street & West Street ROWs abutting Lots 8-14, inclusive, Block 4, Greenwich Addition, as dedicated, 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:

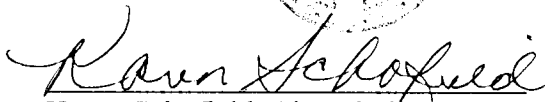
1. That due and legal notice has been given by publication as required by law, by publication in the Derby Reporter on September 18, 2003, which was at least 20 days prior to the public hearing.

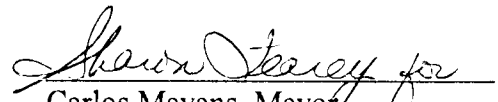
2. No private rights will be injured or endangered by the vacation of the above-described platted right-of-ways, and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner(s), the prayer of the petition ought to be granted.
4. No written objection to said vacation has 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 platted right-of-ways described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 4th day of November 2003, ordered that the above-described platted right-of-ways are 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.

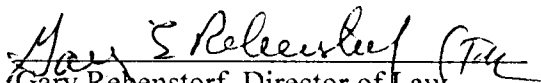
ATTEST:




Karen Schofield, City Clerk


Carlos Mayans, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

