

Planning Agenda # _____

City of Wichita
City Council Meeting
January 14, 2003

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: VAC2002-00039 - REQUEST TO VACATE A PORTION OF THE PLAT DESCRIBED AS LOT 31, VANDALE ADDITION LOCATED SOUTHWEST OF THE 55TH STREET SOUTH - SOUTH BROADWAY INTERSECTION.
(District IV)

INITIATED BY: Metropolitan Area Planning Department *DM*
by me

AGENDA ACTION: Planning

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Background: The applicant is requesting to vacate the whole 4.65 acres of Lot 31, Vandale Addition. The plat was recorded with the Sedgwick County Register of Deeds on 09-19-1921. The property was annexed into the City of Wichita in 2000.

The applicant is seeking to delay the payment of special assessments associated with the platted lot for the cost of constructing public improvements, in this case extending City water to the property. Charter Ordinance No. 139 provides City Council authorization to provide for a delay in payment of special assessments for the cost of constructing public improvements, not to exceed 15 years with a possible extension of 10 years, if 50% or less if the property has not been developed. The conditions for the delay of payment of special assessments for the cost of constructing public improvements are as follows;

- (1) The land is in excess of 2 ½ acres.
- (2) Has not been platted
- (3) Primarily used for agricultural purposes
- (4) Has a population density of less than one family per acre
- (5) Not served by public improvement

The vacation of Lot 31 will allow the applicant to meet all five of the conditions listed above, and qualify for the deferment. Staff has been advised that this case is considered unique because of the

financial hardship it places on the applicant. The applicant has lived on the site since 1946 and will continue to use well water.

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.

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds. The deferment of the payment for the special assessments for the cost of constructing public improvement will cease if any of the 5 conditions cease to be met or if there is a change in the ownership of the property.

Recommendations/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

This JAN 14 2003

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

**IN THE MATTER OF THE VACATION OF)
A PORTION OF THE PLAT DESCRIBED AS)
LOT 31, VANDALE ADDITION)**

**GENERALLY LOCATED)
SOUTHWEST OF THE 55TH STREET SOUTH -)
SOUTH BROADWAY INTERSECTION)**

Case No. VAC2002-00039

MORE FULLY DESCRIBED BELOW)

RECEIVED
JAN 17 2003
METROPOLITAN PLANNING
ROUTE _____

VACATION ORDER

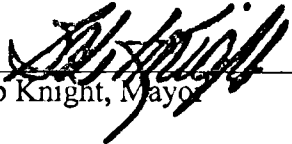
NOW on this 14th day of January, 2003, comes on for hearing the petition for vacation filed by Edith Wahlen, praying for the vacation of the following described portion of the plat described as the Vandale Addition, to-wit:

Lot 31, Vandale Addition.

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 Wichita Eagle on November 26, 2002, 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 portion of the plat described as the Vandale Addition, 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 that portion described as the Vandale Addition described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 14th day of January 2003, ordered that the above-described Van Dale Plat 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.



Bob Knight, Mayor

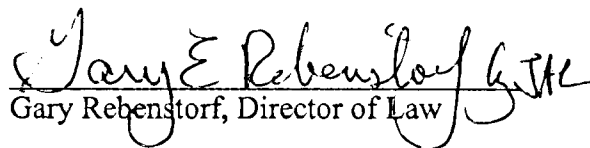
ATTEST:



Pat Graves, City Clerk



Approved as to Form:



Gary Rebenstorf, Director of Law

55TH ST S

BROADWAY

JONES

VANDALE

MINNIE



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