

Planning Agenda # \_\_\_\_\_

**City of Wichita  
City Council Meeting  
September 11, 2001**

Agenda Report # \_\_\_\_\_

**TO:** Mayor and City Council

**SUBJECT:** VAC2001-00027 - REQUEST TO VACATE PLAT LOCATED  
SOUTHWEST OF 63<sup>RD</sup> STREET SOUTH AND HYDRAULIC.  
(6555 S. HYDRAULIC)  
(District III)

**INITIATED BY:** Metropolitan Area Planning Department

**AGENDA ACTION:** Planning

*Markout  
DHE*

-----

Staff Recommendation: Approve vacation of plat.

MAPC Recommendation: Approve vacation of plat. (unanimous)

Background: The applicant is requesting consideration to vacate the entire 10 acres of the L&D Taylor Addition final plat. The plat was approved by the City of Haysville on 04-28-97 and by the Sedgwick County Commission on 06-18-97. It was recorded 06-20-97. The property was annexed into the City of Wichita in 2000. The applicant is seeking to delay the payment of special assessments 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 of the property has not been developed. The conditions for consideration of 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 applicant meets conditions 1, 4 and 5. The applicant's property is classified under the

KSCAMA system land use code as #811; Farm – Ranch with Residential & Farm improvements. This corresponds with the MAPD Land Use category as Agriculture, thus the applicant meets condition #3. The applicant's property is platted, so it does not meet condition 2, thus the applicant's request. The property is developed with a house, garage and lagoon; prior to developing the property the applicant was required to plat it. This case is unique because of the financial hardship it places on the applicant, who desires City 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.

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

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

IN THE MATTER OF THE VACATION OF  
PLAT

GENERALLY LOCATED  
SOUTHWEST OF 63<sup>RD</sup> STREET AND  
HYDRAULIC (6555 S. HYDRAULIC)

MORE FULLY DESCRIBED BELOW



Case No. VAC2001-00027

*Judy Paget*  
Deputy

MICROFILMED  
OF RECORD

REGISTER OF DEEDS  
BILL MEEK

OCT 17 4 12 PM '01

STATE OF KANSAS )  
SEDGWICK COUNTY ) SS

VAC 2001-00027-1

VACATION ORDER

NOW on this 11<sup>th</sup> day of September, 2001, comes on for hearing the petition for vacation filed by Donnah Taylor, praying for the vacation of the following described plat, to-wit:

Lot 1, Block A, L&D Taylor 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 July 19, 2001, 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 plat, 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.

800  
CI

*City Clerk*

Vacation Order  
VAC2001-00027

Page 2 of 2

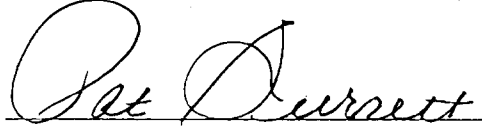
5. The applicant shall retain access control along Hydraulic frontage, retain utility easements and retain Hydraulic right-of-way. Any relocation or reconstruction of utilities made necessary by this vacation is the responsibility of the applicant. All improvements shall be to City Standards.

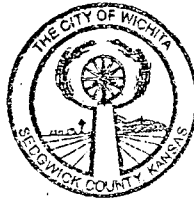
6. The vacation of plat described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 11<sup>th</sup> day of September 2001, ordered that the above-described 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 Burnett, City Clerk



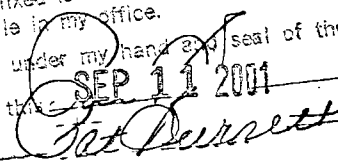
Approved as to Form:

  
\_\_\_\_\_  
Gary Rebenstorf, Director of Law



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

I, Pat Burnett, 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 my office.

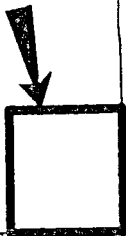
Given under my hand and seal of the City of Wichita, this SEP 11 2001  
  
\_\_\_\_\_  
Pat Burnett, City Clerk

WICHITA

63RD ST S



SEDGWICK COUNTY



HYPHENALIC

MADISON

PINE BAY

WICHITA

SAND POINTE

WICHITA

SEDGWICK COUNTY