



Wichita-Sedgwick County Metropolitan Area Planning Department

May 17, 2002

City of Wichita
Attention: John Philbrick
455 N. Main
13th Floor, City Hall
Wichita, KS 67202

Re: **VAC2002-00008** - Request to vacate Orme Street and Dowell Street as platted in Leslie Addition generally located Southeast of The Kellogg and Greenwich Road intersection.

Dear Mr. Philbrick:

At the Thursday, May 9, 2002, meeting of the Metropolitan Area Planning Commission the above-referenced vacation request was approved subject to the conditions recommended by the Subdivision Committee and stated in our letter of April 30, 2002. The conditions attached to VA2002-00008, which had to be completed before the vacation case would go to the WCC for final action, were completed by the Final Plat, Stevens 3rd Addition, which was recorded with the Register of Deeds August 13, 2002. VAC2002-00008 has been completed and is closed.

If you have any questions about this matter, please call 268-4494.

Sincerely,

Bill Longnecker
Senior Planner

BL:le

cc: Jim Armour, City Engineer, Public Works Department, Mail Stop 1-71
Paul Gunzelman/Carla Jones, Public Works Engineering, Mail Stop 1-71
Baughman Company, P.A., 315 Ellis, Wichita, KS 67211
Michael Steven, c/o Harold Johnson, 11211 E. Kellogg, Wichita, KS 67207
Michael E. Steven, P.O. Box 789762, Wichita, KS 67278
Wichita East, LLC, c/o The R H Johnson Co., 801 W. 47th Street #219, Kansas City, MO 64112
Walmart Real Estate Business Trust, c/o Walton Dev., Complex, 2001 SE 10th Street, Bentonville, AR 72716



Wichita-Sedgwick County Metropolitan Area Planning Department

April 30, 2002

City of Wichita
Attention: John Philbrick
455 N. Main
13th Floor, City Hall
Wichita, KS 67202

Re: **VAC2002-00008**- Request to vacate Orme Street and Dowell Street as platted in Leslie Addition generally located Southeast of The Kellogg and Greenwich Road intersection.

Dear Mr. Philbrick:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission on Thursday, April 25, 2002, the above-captioned vacation request was considered. The action of the Committee was to recommend that this vacation be approved subject to:

1. Dedicate utility easements for those portions of Orme and Dowell that contain utilities.
2. Guarantee the closure of Orme and Dowell or develop as private drive.
3. Resubmit legal description and exhibit of vacated portions of Orme and Dowell.

This matter is set for public hearing by the Metropolitan Area Planning Commission on Thursday, May 9, 2002 at 1:30 p.m. in the Planning Conference Room, Tenth Floor, City Hall, 455 North Main, Wichita, Kansas. If you have any questions, please call at 268-4494.

Sincerely,

Bill Longnecker
Senior Planner

BL:le

cc: Mike Lindebak, City Engineer, Public Works Department, Mail Stop 1-71
Paul Gunzelman/Carla Jones, Public Works Engineering, Mail Stop 1-71
Baughman Company, P.A., 315 Ellis, Wichita, KS 67211
Michael Steven, c/o Harold Johnson, 11211 E. Kellogg, Wichita, KS 67207
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STAFF REPORT

CASE NUMBER: VAC2002-00008: Request to vacate dedicated public right-of-way.

OWNER/APPLICANT: Michael Steven
City of Wichita c/o John Philbrick

AGENT: Baughman Company, PA c/o Phil Myers

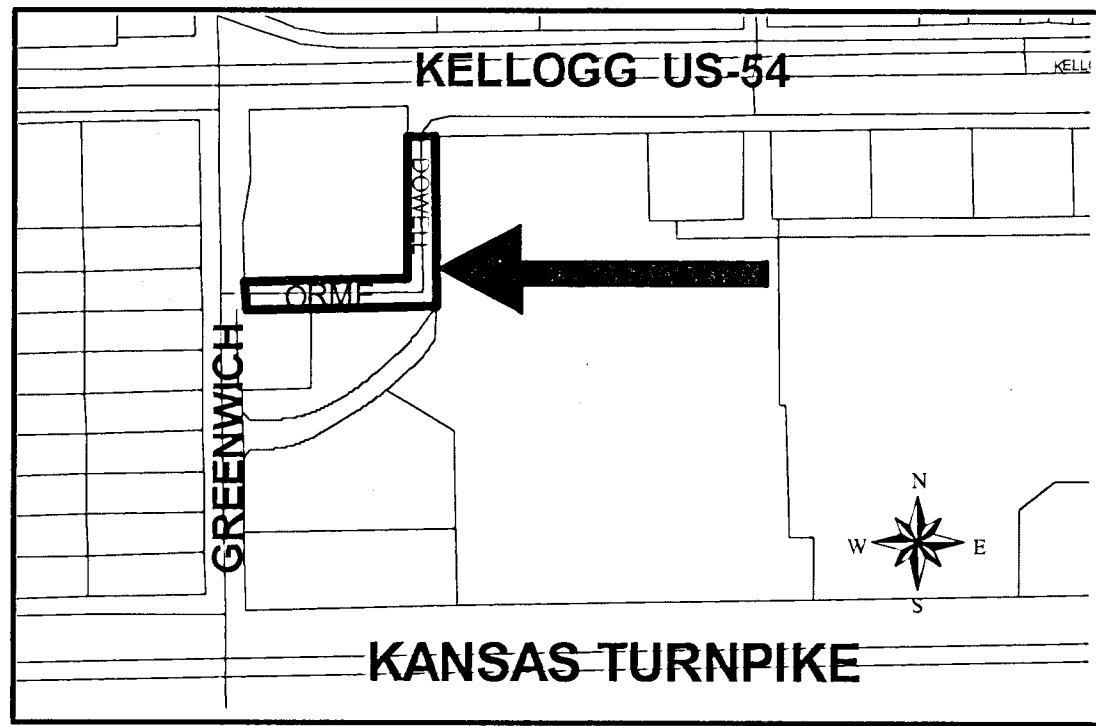
LEGAL DESCRIPTION: All of Dowell and Orme as shown on the exhibit.

LOCATION: Generally located southeast of the E Kellogg - S Greenwich Rd intersection.

REASON FOR REQUEST: Future development of this corner.

CURRENT ZONING: Subject is dedicated public ROW. Property to the north is zoned GC General Commercial. Property to the west is zoned GC General Commercial and SF-5 Single Family Residential. Property to the south is zoned SF-5 Single Family Residential and LI Limited Industrial. Property to the east is zoned GC General Commercial and LI Limited Industrial.

VICINITY MAP:



The applicant proposes to vacate the public ROW, as dedicated on the Lesline Addition, Lot 1, Blk 1, for expansion of a car lot on Lot 1. The ROW consists of Orme St abutting the subdivision on the south and Dowell St abutting it on the east. The width of the ROW is 70-ft for both streets. Lot 1 has access to Greenwich Rd at two points, per the plat. The applicant also owns the unplatted property across Orme, south of Lot 1. This property was re-zoned from SF-5 to GC, contingent on it being platted within a year as referenced in ZON2002-00001 and approved by the WCC March 19, 2002. The applicant's expansion will include the incorporation of the tract that was re-zoned in ZON2002-00001. The property to the east, One Kellogg Place 2nd Addition, abutting Dowell has access to Greenwich through 'Reserve A' per the plat. The City of Wichita Property Management has contacted the owner of One Kellogg Place 2nd Addition, Wal-Mart, in regards to access to Dowell and they have indicated that Wal-Mart will not protest the vacation of Dowell.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC 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 of notice of this vacation proceeding one time April 18, 2002, which was at least 20 days prior to this public hearing.
 2. That private rights will not be injured or endangered by the vacation of the above-described portion of the platted ROW and the public will not suffer loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be approved.
- B. Therefore, the vacation of the portion of the platted ROWs of Orme and Dowell described in the petition should be approved subject to the following conditions:
- (1) Vacate only that portion of the platted ROWs of Orme and Dowell as described in the submitted legal description and shown on the submitted site plan.
 - (2) Guarantee the closing of Dowell and Orme or maintain them as private drives.
 - (3) Dedicate by separate instrument those portions of Dowell and Orme that have utilities in them as easement.
 - (4) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
 - (5) All improvements shall be according to City Standards.