

Planning Agenda # _____

**City of Wichita
City Council Meeting
June 4, 2002**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: VAC2002-00004 - REQUEST TO VACATE PLATTED ACCESS CONTROL LOCATED NORTHEAST OF THE 37TH STREET NORTH - WOODLAWN BOULEVARD INTERSECTION. (District I)

INITIATED BY: Metropolitan Area Planning Department *M. Kraft*

AGENDA ACTION: Planning *and*

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimous).

Background: The applicant proposes relocation of the current permitted joint access opening by 50 feet to the east to conform to a boundary shift between Lots 5 & 6, Brush Creek 3rd Addition. An Administrative Adjustment to reflect the change in CUP DP-128, in reference to the relocated joint access and the boundary shift, was approved April 22, 2002.

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, with the conditions that a certified copy of a Dedication of Abutter's Access Rights will be recorded with the Register of Deeds, a certified copy of a Grant of Joint Access Easement will be recorded with the Register of Deeds, a Boundary Shift will be recorded with the Sedgwick County Clerk, and authorize the necessary signatures.

MORE FULLY DESCRIBED BELOW

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Case No. VAC2002-00004

VACATION ORDER

NOW on this 4th day of June, 2002, comes on for hearing the petition for vacation filed by William F. Farha Trust, praying for the vacation of the following described access control, to-wit:

The east 15-feet of Lot 5 together with the west 15-feet of Lot 6, Brush Creek 3rd Addition, 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 Wichita Eagle on February 28, 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 access control, 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 access control described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 4th day of June 2002, ordered that the above-described access control 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.

ATTEST:


Pat Burnett, City Clerk




Bob Knight, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

WOODLAWN

37TH

