

City of Wichita
City Council Meeting
October 19, 2004

Agenda Report No. _____

TO: Mayor and City Council

SUBJECT: VAC2004-00038 Request to vacate the uses allowed in a platted reserve, generally located southwest of the Webb Road and K-96 interchange, on the north side of 29th Street North.
(District II)

INITIATED BY: Metropolitan Area Planning Department 

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimously)

Background: The applicant is requesting consideration for the vacation of the restriction of uses of the 9.8-acre platted Reserve D, Kansas Surgery and Recovery Center Addition. The Kansas Surgery and Recovery Center Addition was recorded with the Register of Deeds May 25, 1994.

Analysis: The uses that Reserve D has been set aside for include irrigation, drainage, landscaping, pedestrian improvements and utilities confined to easements. The applicant requests the vacation to allow the additional uses of medical services, bike path, office and parking, while retaining the existing allowed uses in the Reserve. The site is in CUP DP-192 and the applicant has applied for an adjustment/amendment to reflect the vacation request. The applicant has also applied for a zone change from "SF-5" Single-family Residential to "GO" General Office. The amendment to CUP DP-192 (case CUP2004-38) and the zone change request (ZON2004-43) were approved by the Wichita City Council at their October 12, 2004 meeting.

The MAPC, voted unanimously to approve the vacation request. There was one vote against the request at the MAPC's Subdivision Committee meeting. No one spoke in opposition to this request at the MAPC's advertised public hearing and its Subdivision Committee meeting. There was one written protest against the request, but that protest was resolved.

Financial Considerations: None

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds.

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

1. That due and legal notice has been given by publication as required by law, by publication in The Wichita Eagle on August 19, 2004, which was at least 20 days prior to the public hearing.

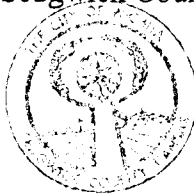
2. No private rights will be injured or endangered by the vacation of the above-described restriction of uses in the plat's text to allow additional uses in a platted reserve, and the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner(s), the prayer of the petition ought to be granted.

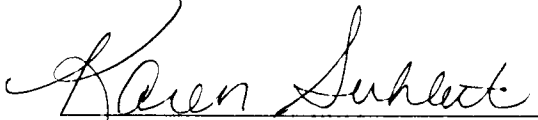
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

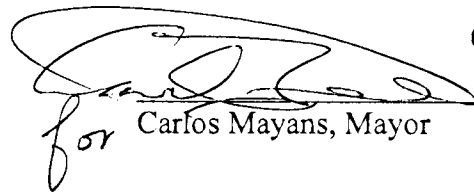
5. The vacation of the restriction of uses in the plat's text to allow additional uses in a platted reserve described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 19th day of October 2004 ordered that the restriction of uses in the plat's text to allow additional uses in a platted reserve 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.



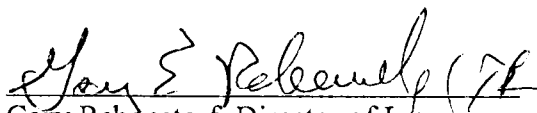
ATTEST:

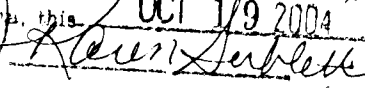

Karen Sublett, City Clerk


for Carlos Mayans, Mayor

Carl Brewer
VICE MAYOR

Approved as to Form:


Gary Rebenstorf, Director of Law

State of Kansas)
Sedgwick County) ss
City of Wichita)
I, Karen Sublett City Clerk of the City
of Wichita, Kansas, hereby certify that the document
in which this is affixed is a true and correct copy of
the original on file in the office of the City Clerk.
Witness my hand and seal of the City of
Wichita, this OCT 19 2004
 City Clerk

