

APPLICATION

Case UDC2010-35

This form MUST be completed and filed at the Planning Department, Tenth Floor, City Hall, 455 N. Main St., Wichita, KS, 67202 in accordance with directions on the accompanying instruction sheet. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED. Check the appropriate box below for type of application being submitted. A separate application form and filing fee is required for each application. A preapplication conference with the planning staff is recommended before filing this application.

SECTION I

This property is located within: Wichita Sedgwick County (unincorporated)

Metropolitan Area Planning Commission:

- Zone Change: From zoning district: _____ to _____
- Planned Unit Development: Approval Amendment to PUD _____ Adjustment to PUD _____
- Community Unit Plan: Approval Amendment to CUP _____ Adjustment to CUP _____
- Protective Overlay: Approval Amendment to PO _____ Adjustment to PO _____
- Conditional Use: To allow: _____ zone district: _____
 Adjustment to CU/CON No. _____
- Vacation of: Part of a 75 foot street right-of-way zone district: RR
(Use a separate sheet for legal description, if necessary.)
- Administrative Permit: To allow: _____ foot high wireless communication facility. zone district: _____
- Off-Site Billboard Sign within _____ feet of a residential lot/structure. zone district: _____

Board of Zoning Appeals:

- Variance: To allow: _____ zone district: _____
- Appeal of: _____ zone district: _____
- Zoning Adjustment: To allow: _____ zone district: _____
- Sign Code Adjustment: To allow: _____ zone district: _____

SECTION II

1. The application area is legally described as Lot(s) SEE ATTACHED ; Block(s) _____ , _____ Addition, (Wichita) Sedgwick County, KS. If appropriate, a metes and bounds description may be attached.
2. The application area contains 20.40 acres.
3. This property is located at (address) 5920 S. Webb Rd. which is generally located at (relation to nearest streets) Webb Rd. and 55th St. S.
4. We file this request for the following reasons: _____
To allow for the construction of a residence drive and private gates.
5. County control number: 266195

(Continued)

6. The names of the owners of all property included in this application MUST be listed as applicants. Contract purchasers, lessees or others directly associated with the property may also be listed if they desire to be advised of the proceedings. (Use a separate sheet for additional applicants if needed.)

A. APPLICANT Jon S. and Peggy J. Hayes PHONE 316.683.1964
 ADDRESS 1031 Woodridge Ct., Wichita, KS ZIP CODE 67208

AGENT MKEC Engineering Consultants, Inc. Attn: Greg Allison PHONE 316.684.9600
 ADDRESS 411 N. Webb Rd. Wichita, KS ZIP CODE 67208


B. APPLICANT _____ PHONE _____
 ADDRESS _____ ZIP CODE _____


AGENT _____ PHONE _____
 ADDRESS _____ ZIP CODE _____

C. APPLICANT _____ PHONE _____
 ADDRESS _____ ZIP CODE _____

AGENT _____ PHONE _____
 ADDRESS _____ ZIP CODE _____

7. We acknowledge receipt of the instruction sheet explaining the method of submitting this application. We realize that this application cannot be processed unless it is completely filled in; is accompanied by a current abstractor's certificate as required in the instruction sheet; and is accompanied by the appropriate fee. We further certify that the foregoing information is true and correct to the best of our knowledge. We authorize unannounced inspections of the subject property by City and/or County staff for the purpose of collecting information to review and analyze this request. We acknowledge that the MAPC, Governing Body, or Board of Zoning Appeals shall have authority to impose such conditions as it deems necessary in order to serve the public interest and welfare.

Jon S. Hayes  By _____
 Applicant's Signature Authorized Agent (If Any)

Peggy J. Hayes  By _____
 Applicant's Signature Authorized Agent (If Any)

_____ By _____
 Applicant's Signature Authorized Agent (If Any)

The Petition must bear the signature(s) of the property owner(s). If an authorized agent signs on the owner's behalf, the agent shall sign his own name and attach the owner's written notarized authorization to this application.

FOR OFFICE USE ONLY

Map _____ Zoning (N) _____ (S) _____ (E) _____ (W) _____ MAPC/BZA _____ Township _____
 Council/Commission District _____ DAB _____ Sm. City PC _____
 NA/HOA _____
 Date _____ Fee _____ Received By _____

Required Documents:

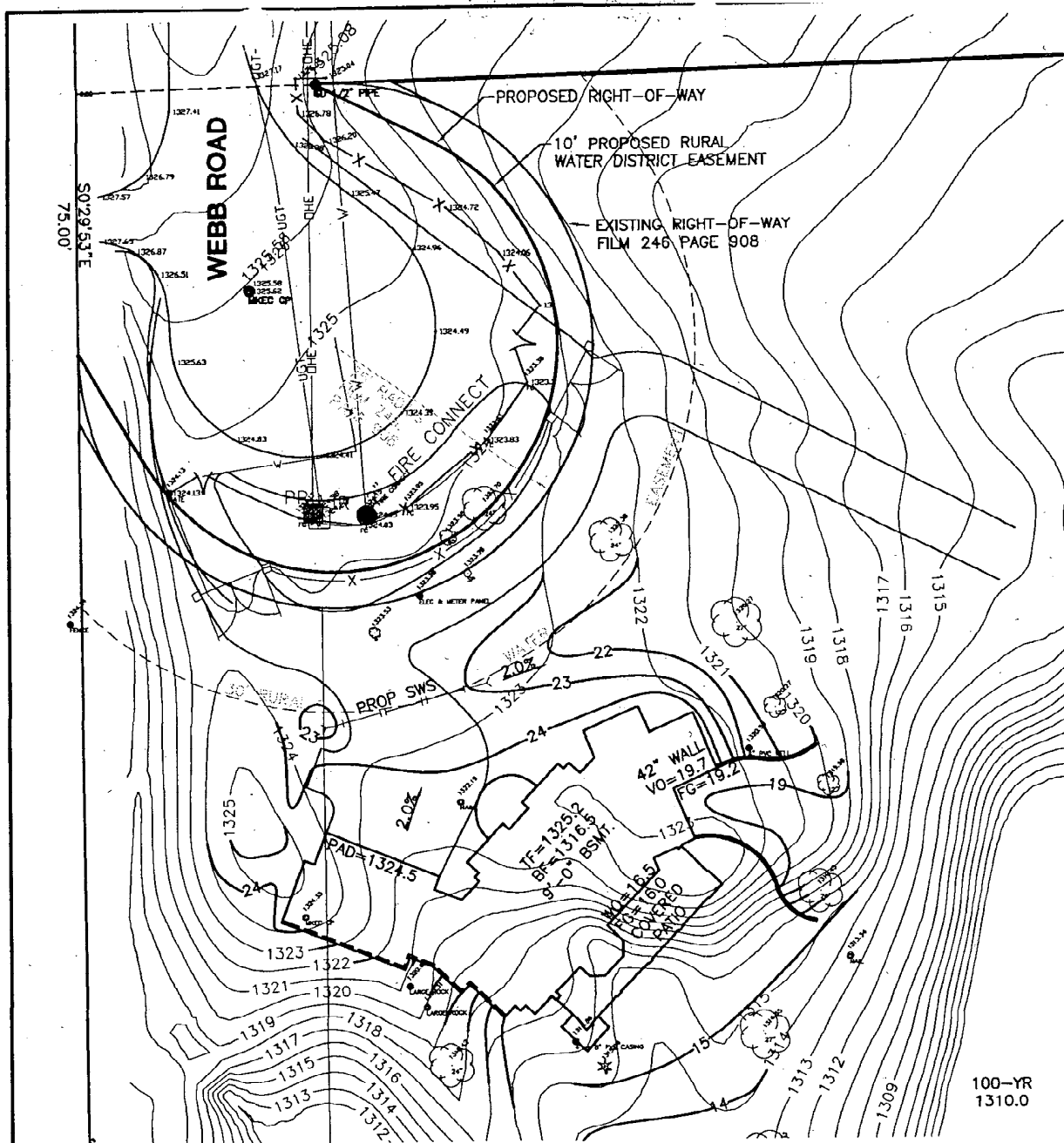
- Ownership List
- BZA Justification
- Legal Description
- Vacation Petition
- Site Plan
- Signs

DESCRIPTION OF
VACATION OF Webb ROAD R/W

A tract of land lying within the South half of the Southwest Quarter of the Northwest Quarter, of Section 28, Township 28 South, Range 2 East, of the Sixth Principle Meridian, Sedgwick, Kansas, said tract being more particularly described as follow:

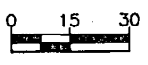
COMMENCING at the northwest corner of said South Half, thence along the west line of said South Half on an assumed bearing of $S00^{\circ}29'53''E$, 75.00 feet to the POINT OF BEGINNING, thence $S31^{\circ}29'01''E$, 37.25 feet to a point on a non-tangent curve to the left; thence along the said curve 241.44 feet, said curve having a central angle of $212^{\circ}49'16''$, a radius of 65.00 feet, and a long chord distance of 124.70 feet, bearing $N42^{\circ}15'06''E$; thence $N64^{\circ}09'32''W$, 37.55 feet to a point on the north line of said South Half, being 70.19 feet east of said northwest corner and being a point on a non-tangent curve to the right; thence along the said curve and Webb Road right-of-way recorded on Film 246, Page 908, 356.94 feet to the POINT OF BEGINNING, said curve having a central angle of $272^{\circ}36'02''$, a radius of 75.02 feet, and a long chord distance of 103.66 feet, bearing $S42^{\circ}06'35''W$.

CONTAINING: 3,111 square feet or 0.07 acres of land, more or less.



LEGEND

BENCHMARK:	DISTANCE FROM HOUSE TO PROPERTY LINE
1. THE SITE BENCHMARK IS THE TOP OF A 3/4" REBAR ±173' SOUTHWEST OF THE SOUTHWEST CORNER OF THE BARN, AND ±244' EAST OF THE CL. OF THE HEDGE ROW ON THE SECTION LINE. ELEVATION=1313.34 (NVD66)	FRONT 67.99 REAR — LEFT 183.86 RIGHT 56.85
TF	Top of Foundation
BF	Basement Floor
VO	View Out
WO	Walk Out
WO PIT	Walk-Out Pit/Walk Out Walkup
TW	Top of Wall
FG	Finished Ground
Add 1 Step	Step from Garage Floor to Finish Floor
PAD	Elevation @ Garage Door Opening
TC	Top of Curb
R	Flow Line
HP	High Point
GRD.	Ground
XX.X	Proposed Elevations
000.00	Existing Elevations
2.0%	Flow Arrow & Percent Slope
	Drop Siding or Brick Ledge



GENERAL NOTES

1. Builder shall provide retaining walls along property line for grade transitions when required to maintain proper slopes between houses.
2. This drawing is provided for grading purposes only.
 - drawing does not represent a boundary or mortgage title inspection. Easement and Building Setback information shown is from the recorded plat unless otherwise indicated.
 - Utilities shown are for information only, and builder shall verify depths and locations prior to construction. Builder will be required to provide a minimum advance notice of seventy-two (72) hours to utility companies prior to starting any excavation as follows: Kansas One Call 1-800-344-7233 or 687-2470 (local Wichita).

BUILDER: DB CONSTRUCTION

MKEC ENGINEERING CONSULTANTS, INC.		5820 S. WEBB ROAD WICHITA, KS. 67208 314-944-5666	
REVISIONS		DATE	BY
BF	1316.5		
Sanitary Sewer	X		
BF - Sanitary Sewer	X		
Minimum Pad	N/A		
100 Year Flood	1310.0		

REVISED: 10-11-10 (GRADING)

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

DECEMBER 2, 2010

2-1. SUB 2010-57: One-Step Final Plat -- STONEY POINTE ADDITION.	
3-1. VAC 2010-35: County request to vacate a portion of section line road.	
3-2. VAC 2010-36: County request to vacate a portion of section line road.	
3-3. VAC 2010-37: City request to vacate easements dedicated by separate instrument.	
3-4. VAC 2010-38: City request to vacate platted easement.	

1 Hillman McKay 9-0 A

3-1, 3-2, 3-3 Farney/Rosving 9-0 A

3-4 McKay/Hutzler 9-0 A

LISA E.

SUBDIVISION AND
UTILITY ADVISORY COMMITTEE MEETING

NOVEMBER 24, 2010

2. VAC 2010-35: County request to vacate a portion of section line road.	<i>[Signature]</i> 7-0
3. VAC 2010-36: County request to vacate a portion of section line road.	"
4. VAC 2010-37: City request to vacate easements dedicated by separate instrument.	"
5. VAC 2010-38: City request to vacate platted easement.	1



Wichita-Sedgwick County Metropolitan Area Planning Department

December 3, 2010

Jon S. & Peggy J. Hayes
1031 Woodridge Ct
Wichita, KS 67208

Re: **VAC2010 -00035** - County request to vacate a portion of section line road, generally located 1/4-mile south of 55th Street South, at the end of Webb Road .

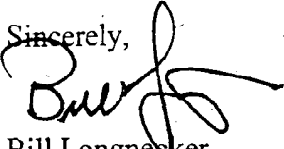
Dear Mr. & Mrs. Hayes:

At the Thursday, December 2, 2010, 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 November 24, 2010. This case will be scheduled for final approval by the Sedgwick County Board of Commissioners at the first appropriate date after all conditions have been met.

Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268-4494.

Sincerely,


Bill Longnecker
Senior Planner

BL:le

cc: Sedgwick County Electric Coop, Attention: Allen Henning & Wayne Voss, P.O. Box 220,
Cheney, KS, 67205-0220
Jim Weber, Sedgwick County Engineer, Public Works Department, 1144 S. Seneca, Wichita,

City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

T 316.268.4421 F 316.268.4390

www.wichita.gov



Wichita-Sedgwick County Metropolitan Area Planning Department

November 24, 2010

Jon S. & Peggy J. Hayes
1031 Woodridge Ct
Wichita, KS 67208

Re: VAC2010 -00035 - County request to vacate a portion of section line road, generally located 1/4-mile south of 55th Street South, at the end of Webb Road.

Dear Mr. & Mrs. Hayes:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission on Wednesday, November 24, 2010 the above-captioned vacation request was considered. The action of the Committee was to recommend that this vacation be approved subject to:

- (1) Vacate only that portion of the width of the cul-de-sac as approved by Sedgwick County Public Works and Fire. Provide Planning with the County Public Works/Fires' approved legal description of the vacated portion of the public street right-of-way on a Word document, via e-mail, to be used on the Vacation Petition and the Vacation Order.
- (2) Provide Staff with any required dedication of public utility easements by separate instrument, as needed and approved by County Public Works, prior to the case going to the BoCC for final action and subsequent filing with the Sedgwick County Register of Deeds.
- (3) Provide any franchised utility, including Rural Water District #3, with any required dedication of easements, prior to the case going to the BoCC for final action and subsequent filing with the Sedgwick County Register of Deeds.
- (4) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. If necessary provide franchised utilities with any needed plans for review for location of utilities and retain the easement(s)/provide a temporary easement until utilities are relocated.
- (5) Incorporate the City of Derby's recommendation into conditions needed to vacate the described portion of Webb Road.

City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

T 316.268.4421 F 316.268.4390

www.wichita.gov



Wichita-Sedgwick County Metropolitan Area Planning Department

November 8, 2010

Jon S. & Peggy J. Hayes
1031 Woodridge Ct
Wichita, KS 67208

Re: **VAC2010 -00035** - County request to vacate a portion of section line road, generally located 1/4-mile south of 55th Street South, at the end of Webb Road .

Dear Mr. & Mrs. Hayes:

Your request to vacate the above referenced a portion of section line road has been scheduled for review by the Subdivision Committee of the Metropolitan Area Planning Commission at their next meeting on **Wednesday, November 24, 2010**. This meeting will begin at **10:00 a.m.** in the Planning Conference Room, Tenth Floor, City Hall, 455 North Main, Wichita, Kansas.

The Metropolitan Area Planning Commission will also consider your request in a public hearing on Thursday, December 2, 2010. The meeting will begin at **1:30 p.m.** in the Planning Conference Room, Tenth Floor, City Hall, 455 North Main Street, Wichita, Kansas.

You should be present at both of these meetings in order to address any questions, which may arise about this vacation request. Those neighboring property owners who are receiving a copy of this letter may also attend either the Subdivision Committee meeting or the public hearing meeting by the Metropolitan Area Planning Commission in order to express their views about this vacation request. Should you have any questions, please feel free to call me at 268-4494.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bill Longnecker', written over the word 'Sincerely,'.

Bill Longnecker
Senior Planner

BL:le

KANSAS
Date Recorded: 5/14/2008 11:01:46 AM



0631185

004518

GENERAL WARRANTY DEED
Joint Tenancy
(Statutory)

Judith K. Linnebur, A single person

convey and warrant to

Jon S. Hayes and Peggy J. Hayes,

as joint tenants with the right of survivorship and not as tenants in common,

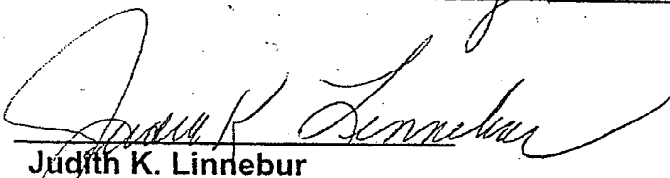
all the following REAL ESTATE in the County of SEDGWICK, and the State of Kansas, to-wit:

The South half of the Southwest Quarter of the Northwest Quarter of Section 28, Township 28 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, except the West 70 feet thereof, and except a 150 foot cul-de-sac at the Northwest corner of said tract reserved for road right of way

for the sum of one dollar and other good and valuable consideration.

EXCEPT AND SUBJECT TO: Easements, restrictions and assessments of record, and all the taxes and assessments that may be levied, imposed or become payable hereafter.

Dated this 7 day of May, 2008.


Judith K. Linnebur

STATE OF KANSAS, SEDGWICK COUNTY:

OWNERSHIP LIST

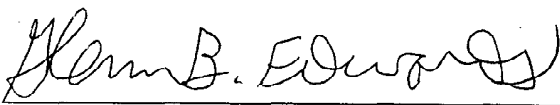
PROPERTY DESCRIPTION

PROPERTY OWNER

The S/2 of the NW/4 exc row on the W 28-28-2E		Jon S. & Peggy J. Hayes 1031 Woodridge Ct. Wichita, KS 67208
The N/2 of the N/2 of the SW/4 of the NW/4 exc 70' for road 28-28-2E		Kenneth & Judith Jenelle Koftan 5810 S. Webb Derby, KS 67037
The S/2 of the N/2 of the SW/4 of the NW/4 exc the W 70' for road 28-28-2E		Douglas M. Perrill 600 Rockford St. Derby, KS 67037
The W/2 of the NW/4 of the NW/4 exc the N 50' & the W 70' for roads 28-28-2E		Dewey K. & Rebecca A. Shulda 9827 E. 55 th South Derby, KS 67037
The N 665.93' of the E/2 of the NE/4 29-28-2E		Ross H. Rogalski & Martha J. Rall 5645 S. Webb Road Derby, KS 67037
The S 665.93' of the N 1331.86' of the E/2 of the NE/4 29-28-2E		Kevin C. Lindsey & Barbara K. Decker-Lindsey 5737 S. Webb Road Derby, KS 67037
The S 655.93' of the N 1997.80' of the E/2 of the NE/4 29-28-2E		Robert L. & Suree Snellenberg 5839 S. Webb Road Derby, KS 67037
Beg at the SE cor of the NE/4; th W 523.95'; th N 665.08'; th E 523.95'; th S 665.21' to beg 29-28-2E		Perry L. & Janet L. Duncan 5901 S. Webb Road Derby, KS 67037
The SW/4 exc the N 600' of the W 435.6' & exc the S 330' of the E 660' of the W/2 thereof & exc that part for road on the S 21-28-2E		Leo E. Engels Living Trust & Marjorie E. Engels Living Trust 9800 E. 55 th St. South Derby, KS 67037
Lot 8, Blk 1	Country Meadows Addition	Steps to Life Inc. P.O. Box 782828 Wichita, KS 67278

We hereby certify the foregoing to be a true and correct list of the property owners as shown by the last deed of record filed in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 29th day of September, 2010 at 7:00 A.M.

Security 1st Title LLC

By: 

Licensed Abstracter

Order 2016924

TR

AFFIDAVIT

STATE OF KANSAS \
- SS.
County of Sedgwick /

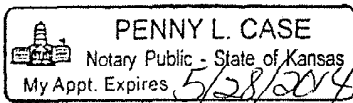
Mark Fletchall, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle for 1 issues, that the first publication of said notice was

made as aforesaid on the 11th of
 November A.D. 2010 , with
subsequent publications being made on
the following dates:

And affiant further says that he has personal knowledge of the statements above set forth and that they are true:

Mark Fletchall

Subscribed and sworn to before me this
 11th day of November, 2010


PENNY L. CASE
Notary Public - State of Kansas
My Appt. Expires 5/28/2014

Penny L. Case
Notary Public Sedgwick County, Kansas

Printer's Fee : \$45.00

LEGAL PUBLICATION

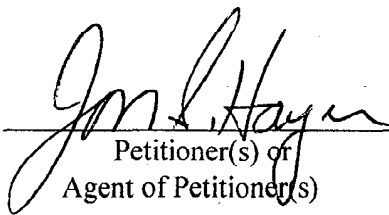
First Published in The Wichita Eagle
November 11, 2010 (3081578)
MAPC December 2, 2010
OFFICIAL HEARING NOTICE
NOTICE IS HEREBY GIVEN that on
Thursday, December 2, 2010, no earlier
than 1:30 p.m., the Wichita-Sedgwick County
Metropolitan Area Planning Commission will
consider the following applications in the
Planning Department Conference Room, 10th
Floor, Wichita City Hall, 455 N. Main St.,
Wichita, Kansas. If you have any question
regarding the meeting or items on this
notice, please call the Wichita-Sedgwick
County Metropolitan Area Planning
Department at (316) 268.4421.
VAC2010-00035 - County request to vacate a
portion of section line road, generally
located 1/4-mile south of 55th Street South,
at the end of Webb Road.
VAC2010-00036 - County request to vacate a
portion of section line road, that portion of
Ridge Road generally located approximately
2,700 feet north of 63rd Street South.
VAC2010-00037 - City request to vacate
easements dedicated by separate
instrument, generally located southeast of
Rock Road and 21st Street North, south of
Wilson Estates Parkway, on the east side of
Bradley Fair Parkway.
VAC2010-00038 - City request to vacate
platted easement, generally located on the
northwest corner of 13th Street North and
West Street.
ZON2010-00042 - City zone change request
from TF-3 Two-Family Residential to GC
General Commercial, generally located east
of Grove Avenue on the southwest corner of
Green and 13th Streets North.
ZON2010-00043 - City zone change request
from SF-5 Single-Family Residential to LC
Limited Commercial, with a PO Protective
Overlay, generally located east of Ridge
Road, south of Maple Street, on the
southwest corner of Summitlawn Street and
University Avenue.
CON2010-00043 - County Conditional Use
request for a temporary accessory
manufactured home on property zoned RR
Rural Residential, generally located on the
southeast corner of the 343rd Street West -
15th Street South intersection.
CON2010-00044 - City Conditional Use
request for a wireless communication
facility on property zoned LI Limited
Industrial, generally located west of the 29th
Street North - Greenwich Road intersection.
Complete legal descriptions are available for
public inspection at the Metropolitan Area
Planning Department, Wichita City Hall -
10th Floor. As provided in Section V of the
Wichita-Sedgwick County Unified Zoning
Code, the same will then and there be
discussed and considered by the said
MAPC, and all persons interested in said
matters will be heard at this time concerning
their views and wishes in the premises, and
any protest against any of the provisions of
the proposed changes to the zoning
regulations will be considered by the MAPC
as by law provided.
WITNESS MY HAND this
8th day of November, 2010
John L. Schlegel, Secretary
Wichita-Sedgwick County
Metropolitan Area
Planning Commission

RECEIVED

NOV 15 2010

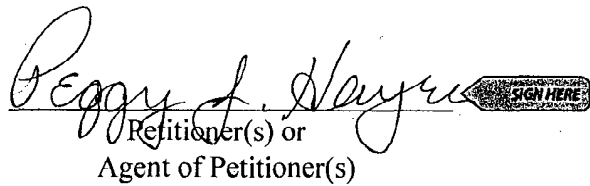
METROPOLITAN PLANNING
ROUTE

WHEREFORE, petitioner(s) pray(s) that this petition be set for hearing before the Wichita Sedgwick County Metropolitan Area Planning Commission, that notice of said hearing be given as provided by K.S.A. § 58-2613, et seq., as amended that at such time and place and at such hearing, the Wichita-Sedgwick County Metropolitan Area Planning Commission orders the vacation of the above described _____.



Petitioner(s) or
Agent of Petitioner(s)





Petitioner(s) or
Agent of Petitioner(s)



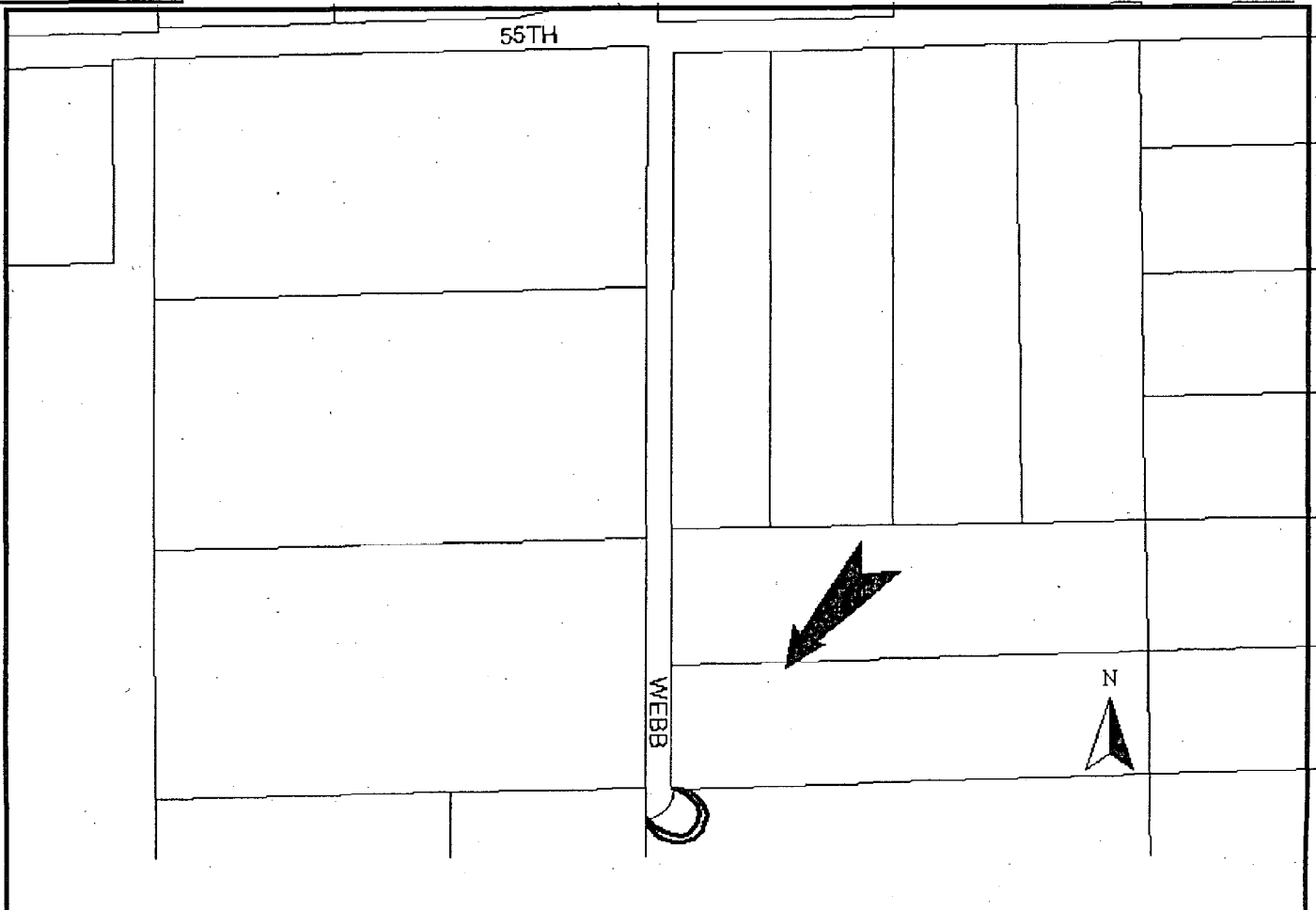
10/25/10
Date

10/25/10
Date

STAFF REPORT

- CASE NUMBER:** VAC2010-00035 - Request to vacate a portion of a section line road.
- APPLICANT/AGENT:** Jon S. & Peggy J. Hayes (applicants) MKEC (agent)
- LEGAL DESCRIPTION:** Generally described as vacating 10 feet of the width of the Webb Road cul-de-sac.
- LOCATION:** Generally located a ¼-mile south of the 55th Street South – Webb Road intersection, in Sedgwick County. (BoCC #5)
- REASON FOR REQUEST:** Gated entrance.
- CURRENT ZONING:** The subject site is public street right-of-way; a sand and gravel Sedgwick County section line road ending as a cul-de-sac. All abutting and adjacent properties are zoned RR Rural Residential ("RR").

VICINITY MAP:



The applicants propose to vacate 10 feet of the 75-foot radius of the Webb Road cul-de-sac, as recorded on FILM 246/PAGE 908. The proposed vacated portion of the sand and gravel cul-de-sac is abuts applicants property. The agent's exhibit shows a proposed 10-foot wide Rural Water District #3 easement in place of the street right-of-way (ROW). There appears to be no County utilities in the subject (ROW). The agent's site exhibit does not clearly show utilities in the subject ROW, nor is there a statement acknowledging utilities or a lack of utilities. Comments from franchised utilities are needed to determine if they have utilities located within the described platted easements. An extensive flood zone appears to have disrupted the progress of Webb Road from going south beyond the applicants' property. The site is located in the Derby Subdivision Jurisdiction and will go to the Derby Planning Commission and the Derby City Council for review and recommendation, prior to it proceeding to the BoCC for final action, as instructed by County Law.

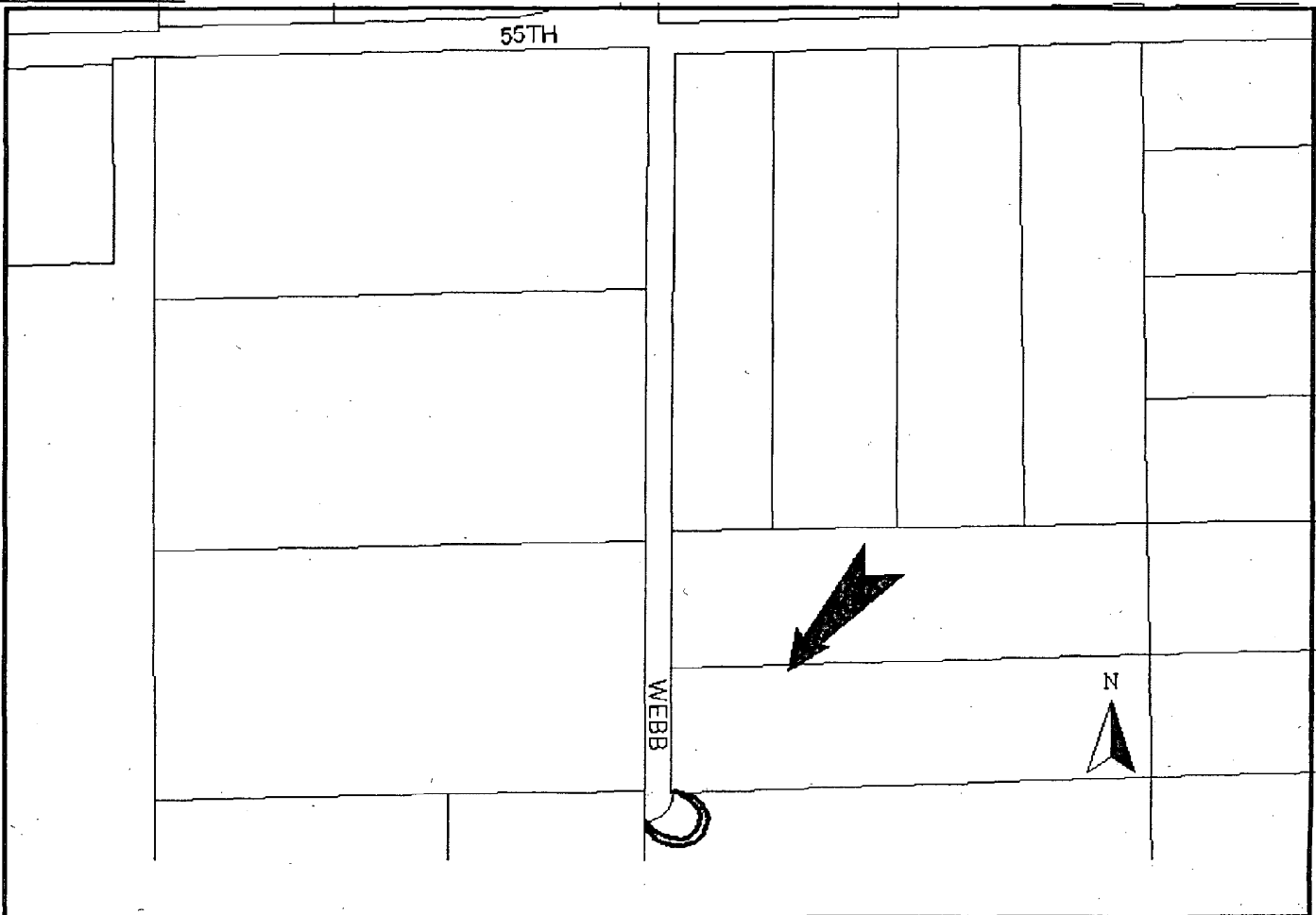
Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from County Public Works/Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of section line road/public street right-of-way.

- (1) Vacate only that portion of the width of the cul-de-sac as approved by Sedgwick County Public Works and Fire. Provide Planning staff with the County Public Works'/Fires' approved legal description of the vacated portion of the public street right-of-way on a Word document, via e-mail, to be used on the Vacation Petition and the Vacation Order.
- (2) Provide Staff with any required dedication of public utility easements by separate instrument, as needed and approved by County Public Works, prior to the case going to the BoCC for final action and subsequent filing with the Sedgwick County Register of Deeds.
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- (4) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. If necessary provide franchised utilities with any needed plans for review for location of utilities and retain the easement(s)/provide a temporary easement until utilities are relocated.
- (5) Incorporate the City of Derby's recommendation into conditions needed to vacate the described portion of Webb Road.
- (6) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

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VICINITY MAP:



The applicants propose to vacate 10 feet of the 75-foot radius of the Webb Road cul-de-sac, as recorded on FILM 246/PAGE 908. The proposed vacated portion of the sand and gravel cul-de-sac is abuts applicants property. The agent's exhibit shows a proposed 10-foot wide Rural Water District #3 easement in place of the street right-of-way (ROW). There appears to be no County utilities in the subject (ROW). Comments from franchised utilities are needed to determine if they have utilities located within the described platted easements. An extensive flood zone appears to have disrupted the progress of Webb Road from going south beyond the applicants' property. The site is located in the Derby Subdivision Jurisdiction and will go to the Derby Planning Commission and the Derby City Council for review and recommendation, prior to it proceeding to the BoCC for final action, as instructed by County Law.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from County Public Works/Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of section line road/public street right-of-way.

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, in the Wichita Eagle, of notice of this vacation proceeding one time November 11, 2010, which was at least 20 days prior to this public hearing.
2. That no private rights will be injured or endangered by the vacation of the described platted drainage and utility easement and the described section line road/public street right-of-way and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Vacate only that portion of the width of the cul-de-sac as approved by Sedgwick County Public Works and Fire. Provide Planning with the County Public Works'/Fires' approved legal description of the vacated portion of the public street right-of-way on a Word document, via e-mail, to be used on the Vacation Petition and the Vacation Order.
- (2) Provide Staff with any required dedication of public utility easements by separate instrument, as needed and approved by County Public Works, prior to the case going to the BoCC for final action and subsequent filing with the Sedgwick County Register of Deeds.
- (3) Provide any franchised utility, including Rural Water District #3, with any required dedication of easements, prior to the case going to the BoCC for final action and subsequent filing with the Sedgwick County Register of Deeds.

- (4) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. If necessary provide franchised utilities with any needed plans for review for location of utilities and retain the easement(s)/provide a temporary easement until utilities are relocated.
- (5) Incorporate the City of Derby's recommendation into conditions needed to vacate the described portion of Webb Road.
- (6) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate only that portion of the width of the cul-de-sac as approved by Sedgwick County Public Works and Fire. Provide Planning with the County Public Works/Fires' approved legal description of the vacated portion of the public street right-of-way on a Word document, via e-mail, to be used on the Vacation Petition and the Vacation Order.
- (2) Provide Staff with any required dedication of public utility easements by separate instrument, as needed and approved by County Public Works, prior to the case going to the BoCC for final action and subsequent filing with the Sedgwick County Register of Deeds.
- (3) Provide any franchised utility, including Rural Water District #3, with any required dedication of easements, prior to the case going to the BoCC for final action and subsequent filing with the Sedgwick County Register of Deeds.
- (4) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. If necessary provide franchised utilities with any needed plans for review for location of utilities and retain the easement(s)/provide a temporary easement until utilities are relocated.
- (5) Incorporate the City of Derby's recommendation into conditions needed to vacate the described portion of Webb Road.
- (6) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.

DD. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.

EE. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.

FF. Perimeter closure computations shall be submitted with the final plat tracing.

GG. A compact disc (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send the information via e-mail to Cheryl Holloway (E-Mail address: cholloway@wichita.gov). Please include the name of the plat on the disc.

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

HILLMAN moved, **MCKAY** seconded the motion, and it carried (9-0).

3. PUBLIC HEARING – VACATION ITEMS

3-1. VAC2010-35: County request to vacate a portion of section line road.

APPLICANT/AGENT: Jon S. & Peggy J. Hayes (applicants) MKEC (agent)

LEGAL DESCRIPTION: Generally described as vacating 10 feet of the width of the Webb Road cul-de-sac.

LOCATION: Generally located a ¼-mile south of the 55th Street South – Webb Road intersection, in Sedgwick County. (BoCC #5)

REASON FOR REQUEST: Gated entrance.

CURRENT ZONING: The subject site is public street right-of-way; a sand and gravel Sedgwick County section line road ending as a cul-de-sac. All abutting and adjacent properties are zoned RR Rural Residential ("RR").

The applicants propose to vacate 10 feet of the 75-foot radius of the Webb Road cul-de-sac, as recorded on FILM 246/PAGE 908. The proposed vacated portion of the sand and gravel cul-de-sac abuts applicants property. The agent's exhibit shows a proposed 10-foot wide Rural Water District #3 easement in place of the street right-of-way (ROW). There appears to be no County utilities in the subject (ROW). Comments from franchised utilities are needed to determine if they have utilities located within the described platted easements. An extensive flood zone appears to have disrupted the progress of Webb Road from going south beyond the applicants' property. The site is located in the Derby Subdivision Jurisdiction and will go to the Derby Planning Commission and the Derby City Council for review and recommendation, prior to it proceeding to the BoCC for final action, as instructed by County Law.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from County Public Works/Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of section line road/public street right-of-way.

- 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, in the Wichita Eagle, of notice of this vacation proceeding one time November 11, 2010, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by the vacation of the described platted drainage and utility easement and the described section line road/public street right-of-way and the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Vacate only that portion of the width of the cul-de-sac as approved by Sedgwick County Public Works and Fire. Provide Planning with the County Public Works'/Fires' approved legal description of the vacated portion of the public street right-of-way on a Word document, via e-mail, to be used on the Vacation Petition and the Vacation Order.
- (2) Provide Staff with any required dedication of public utility easements by separate instrument, as needed and approved by County Public Works, prior to the case going to

the BoCC for final action and subsequent filing with the Sedgwick County Register of Deeds.

- (3) Provide any franchised utility, including Rural Water District #3, with any required dedication of easements, prior to the case going to the BoCC for final action and subsequent filing with the Sedgwick County Register of Deeds.
- (4) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. If necessary provide franchised utilities with any needed plans for review for location of utilities and retain the easement(s)/provide a temporary easement until utilities are relocated.
- (5) Incorporate the City of Derby's recommendation into conditions needed to vacate the described portion of Webb Road.
- (6) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate only that portion of the width of the cul-de-sac as approved by Sedgwick County Public Works and Fire. Provide Planning with the County Public Works/Fires' approved legal description of the vacated portion of the public street right-of-way on a Word document, via e-mail, to be used on the Vacation Petition and the Vacation Order.
- (2) Provide Staff with any required dedication of public utility easements by separate instrument, as needed and approved by County Public Works, prior to the case going to the BoCC for final action and subsequent filing with the Sedgwick County Register of Deeds.
- (3) Provide any franchised utility, including Rural Water District #3, with any required dedication of easements, prior to the case going to the BoCC for final action and subsequent filing with the Sedgwick County Register of Deeds.
- (4) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. If necessary provide franchised utilities with any needed plans for review for location of utilities and retain the easement(s)/provide a temporary easement until utilities are relocated.

- (5) Incorporate the City of Derby's recommendation into conditions needed to vacate the described portion of Webb Road.
- (6) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

FARNEY moved, DOWNING seconded the motion, and it carried (9-0).

3-2. VAC2010-36: County request to vacate a portion of section line road that portion of Ridge Road.

- APPLICANT/AGENT:** Occidental Chemical Corp., c/o John W. Hildebrand (applicant)
MKEC (agent)
- LEGAL DESCRIPTION:** Generally described as vacating 40 – 25 feet of the east side of 71st Street West/Ridge Road's width, beginning on the north side of the 63rd Street South – 71st Street West/Ridge Road intersection, then running north for approximately 2,645.53 feet.
- LOCATION:** Generally located north of the 63rd Street South – 71st Street West/Ridge Road intersection, in Sedgwick County. (BoCC #2)
- REASON FOR REQUEST:** Comply with Homeland Security standards for security around a chemical plant.
- CURRENT ZONING:** The subject site is public street right-of-way; a paved two-lane Sedgwick County section line road. Abutting and adjacent eastern, western and northern properties are zoned GI General Industrial ("GI"). Adjacent southern and western properties are zoned RR Rural Residential ("RR") and SF-20 Single-Family Residential ("SF-20").

The applicant, the Occidental Chemical Corp., proposes to vacate the generally described east portion of 71st Street West/Ridge Road (Ridge Road). This east portion (as well as the west portion) of Ridge Road has 75 feet of 1/2-street right-of-way (ROW) at its intersection with 63rd Street South, which narrows to 60 feet of 1/2-street ROW as it proceeds north of the intersection. The applicant owns the properties on both the west and east sides of Ridge. Franchised utility