

**EXCERPT MINUTES OF THE APRIL 16, 2015 WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION HEARING**

**VAC2015-00009: County request to vacate a platted street right-of-way,**  
generally located south of 47th Street South, west of K-15 and Clifton Avenue  
and west of Cedardale Avenue.

- APPLICANT/AGENT:** Oaklawn Improvement District (applicant/owner) MKEC, c/o Brian Lindebak (agent)
- LEGAL DESCRIPTION:** Generally described as vacating (a) that portion of the Oaklawn Drive right-of-way located approximately 226-feet west of the Oaklawn Drive – Cedardale intersection, abutting portions of Reserves D & F and abutting Reserves C, H & E AND (b) that portion of the Idlewild Drive right-of-way located west of the west lot lines of Lot 1, Block 9 and Lot 25, Block 10, and abutting Reserve H, ALL in the Oaklawn Subdivision, Sedgwick County, Kansas
- LOCATION:** Generally located south of 47th Street South, west of K-15 and Clifton Avenue and west of Cedardale Avenue (BoCC #5)
- REASON FOR REQUEST:** Vacated unimproved street right-of-ways to be used for recreational development
- CURRENT ZONING:** The site is a public street right-of-way. Abutting properties are zoned SF-5 Single-Family Residential and SF-20 Single-Family Residential

The applicant is requesting the vacation of:

- (a) that portion of the 60-foot wide Oaklawn Drive right-of-way located approximately 226-feet west of the Oaklawn Drive – Cedardale intersection, abutting portions of Reserves D & F and abutting Reserves C, H & E, the Oaklawn Subdivision, Sedgwick County, Kansas.
- (b) that portion of the 50-foot wide Idlewild Drive right-of-way located west of the west lot lines of Lot 1, Block 9 and Lot 25, Block 10, and abutting Reserve H, all in the Oaklawn Subdivision, Sedgwick County, Kansas.

The Oaklawn – Idlewild street right-of-ways are designed as an internal loop within the Oaklawn Improvement District’s property. Currently this portion of Oaklawn Drive ends as it merges into drives that serve the Oaklawn Improvement District’s baseball fields. This portion of Idlewild Drive dead-ends at the Oaklawn Improvement District’s east side of Reserve H. No properties will be denied access to public street right-of-way by the vacation request. There are no public utilities located in the described portions Oaklawn Drive - Idlewild Drive right-of-ways. Westar has equipment in the area of the vacation request. The Oaklawn Subdivision was recorded with the Register of Deeds December 5, 1951.

Although the case is located in Sedgwick County it is also located within the City of Wichita's 3-mile ring subdivision jurisdiction. This means the Wichita City Council must consider the request and make a recommendation prior to the request going to the Sedgwick County Commission for final action.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from County/City Public Works, Water & Sewer, 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 the unimproved, platted street right-of-ways.

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

- 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 March 26, 2015, which was at least 20 days prior to this public hearing.
  2. That no private rights will be injured or endangered by vacating the described portions of the platted street right-of-ways and that 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) If needed dedicate portions of the described vacated portion of the unimproved, platted street right-of-ways as a utility easement for utilities. If these are public easements provide to Planning prior to the case going to County Commission and subsequent recording with the Register of Deeds. If these are private easements, provide Planning with approval from the participating franchised utility.
- (2) Any relocation or reconstruction of all utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense shall be to County Standards. If needed provide a private project for relocation of utilities. The approved private project number must be provided to Planning prior to the case going to County Commission and subsequent recording with the Register of Deeds. If these are franchised utilities, provide Planning with approval from the participating franchised utility.
- (3) Provide original restrictive covenant(s) binding and tying the vacated portions of the described street right-of-ways to applicants' abutting property. These must be provided to Planning prior to the case going to the County Commission and subsequent recording with the Register of Deeds.
- (4) Provide Planning with a legal description of the vacated street right-of-ways on a Word document, via e-mail. This must be provided to Planning prior to the case going to County Commission for final action.

- (5) Provide County Fire and Public Works with any needed improvements, per County Standards and at the applicants' expense. Provide County Fire with an emergency access easement, which in turn must be provided to Planning prior to the case going to the County Commission for final action and subsequent recording with the Register of Deeds.
- (6) Provide County Public Works with dedication of street right-of-way which in turn must be provided to Planning prior to the case going to the County Commission for final action and subsequent recording with the Register of Deeds.
- (7) 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) If needed dedicate portions of the described vacated portion of the unimproved, platted street right-of-ways as a utility easement for utilities. If these are public easements provide to Planning prior to the case going to County Commission and subsequent recording with the Register of Deeds. If these are private easements, provide Planning with approval from the participating franchised utility.
- (2) Any relocation or reconstruction of all utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense shall be to County Standards. If needed provide a private project for relocation of utilities. The approved private project number must be provided to Planning prior to the case going to County Commission and subsequent recording with the Register of Deeds. If these are franchised utilities, provide Planning with approval from the participating franchised utility.
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- (4) Provide Planning with a legal description of the vacated street right-of-ways on a Word document, via e-mail. This must be provided to Planning prior to the case going to County Commission for final action.
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- (6) Provide County Public Works with dedication of street right-of-way which in turn must be provided to Planning prior to the case goes to the County Commission for final action and subsequent recording with the Register of Deeds.
- (7) 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.

**MCKAY** moved, **B. JOHNSON** seconded the motion, and it carried (11-0).