

**EXCERPT MINUTES OF THE APRIL 21, 2016 WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION HEARING**

**VAC2016-00014: County request to vacate a portion of platted complete access control on property**, located west of 183rd Street West on the south side of 29th Street North.

**APPLICANT/AGENT:** Donna Walker (applicant/owner) Baughman Company, P.A.,  
c/o Phil Meyer (agent)

**LEGAL DESCRIPTION:** Generally described as vacating a portion of the 310.57 feet of platted complete access control located on the north property line of Lot 3, Block A, Walker Estates Addition, Sedgwick County, Kansas.

**LOCATION:** Generally located west of 183rd Street West on the south side of 29th Street North (BoCC #3)

**REASON FOR REQUEST:** To allow a single drive onto 29<sup>th</sup> Street North

**CURRENT ZONING:** The site and all abutting and adjacent properties are zoned RR Rural Residential.

The applicant proposes to vacate a portion of the 310.57 feet of platted complete access control located on the north property line of Lot 3, Block A, Walker Estates Addition, to allow a drive onto 29<sup>th</sup> Street North. 29<sup>th</sup> Street North is a paved two-lane, two-way, County section line road at this intersection with 90 feet of right-of-way. The proposed drive would be located in a north portion of Lot 3 that is shown as a platted drainage reserve. A pond in this portion of the site limits the area where a drive could be established. There are two drives located north of the site, across 29<sup>th</sup> Street North, that line up with the west 180 feet of the subject site. There is another two drives located north of the site, across 29<sup>th</sup> Street North, approximately 790 and 900 feet east of the site. There are another two drives on the south side of 29<sup>th</sup> Street North located approximately 180 feet and 225 feet west of the site.

183<sup>rd</sup> Street West is located approximately 1,050 feet east of the site. Although Lot 3 does not have frontage onto 183<sup>rd</sup> Street West, it does have access to 18<sup>rd</sup> Street West, via two 30-foot wide access easements (private drives) dedicated by separate instrument, which are located in line with the two platted/permitted access points onto 183<sup>rd</sup> from the Walker Estates Addition. A "NOTE" on the plat states that a restrictive covenant has been filed that limits the use of the existing private drives to no more than three lots within the development. The 'development', i.e., the Walker Estates Addition is platted with five lots.

The site is located in Sedgwick County Rural Water District #4. Sewer is an on-site and appears to be septic. There are no utilities located within the area of the vacation. The Walker Estates Addition was recorded with the Register of Deeds March 18, 2004.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from County Public Works, 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 platted complete access control.

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 28, 2016, 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 portion of platted complete access control 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) Vacate that portion platted access control to allow one drive onto the sites' 29<sup>th</sup> Street North frontage, as approved by County Public Works. Provide Planning Staff with a legal description of the approved vacated portion of the platted access control on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. All Provide to Planning prior to the case going to the BoCC for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
- (3) All improvements shall be according to County Standards and at the applicant's expense, including all required County plans, permits, inspections and the construction of the drive onto 29<sup>th</sup> Street North and through the platted drainage reserve.
- (4) 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 that portion platted access control to allow one drive onto 29<sup>th</sup> Street North frontage, as approved by County Public Works. Provide Planning Staff with a legal description of the approved vacated portion of the platted access control on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. All Provide to Planning prior to the case going to the BoCC for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
- (3) All improvements shall be according to County Standards and at the applicant's expense, including all required County plans, permits, inspections and the construction of the drive onto 29<sup>th</sup> Street North and through the platted drainage reserve.
- (4) 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.

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

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