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# Sedgwick County

525 North Main Street 3rd  
Floor  
Wichita, KS 67203

## Legislation Details (With Text)

**File #:** 17-405      **Version:** 1      **Name:**

**Type:** Resolution      **Status:** Passed

**File created:** 4/13/2017      **In control:** Board of Sedgwick County Commissioners

**On agenda:** 5/3/2017      **Final action:** 5/3/2017

**Title:** PUBLIC HEARING FOR ROAD VACATION PURSUANT TO CHARTER RESOLUTION NUMBER 64. Presented by: Jim Weber, Deputy Director of Public Works and Justin Waggoner, Assistant County Counselor.

**RECOMMENDED ACTION:** Open the public hearing, receive comments, and close the public hearing. Make the findings required by Charter Resolution Number 64, and direct the County Counselor's Office to prepare an order consistent with said findings. The recommended action from County staff is to make findings that would support an order to vacate of this portion of the road.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Notice of Public Hearing for Charter Res No 64, 2. Publication of Notice, 3. Notice Letters for Road Vacation, 4. Map of Area Proposed to be Vacated

Date	Ver.	Action By	Action	Result
5/3/2017	1	Board of Sedgwick County Commissioners	Approved	Pass

### **PUBLIC HEARING FOR ROAD VACATION PURSUANT TO CHARTER RESOLUTION NUMBER 64.**

Presented by: Jim Weber, Deputy Director of Public Works and Justin Waggoner, Assistant County Counselor.

**RECOMMENDED ACTION:** Open the public hearing, receive comments, and close the public hearing. Make the findings required by Charter Resolution Number 64, and direct the County Counselor's Office to prepare an order consistent with said findings. The recommended action from County staff is to make findings that would support an order to vacate of this portion of the road.

As a result of the expansion of the Cook Airfield that occurred as a result of action under zoning actions including CON2010-00038 and ZON2010-00040, a portion of 71<sup>st</sup> Street South to the west of its intersection with 143<sup>rd</sup> Street East was rerouted further to the south. Construction of that rerouted portion of 71<sup>st</sup> Street South was completed late in 2016. Much of the former portion of 71<sup>st</sup> Street South that includes land owned by Crosswinds Aviation Inc. (the owner of record for the real property that includes Cook Airfield) is no longer County road right-of-way due to the platting of Downwind Estates 2nd Addition. However, a roughly 450 foot portion of 71<sup>st</sup> Street South that is closest to its intersection with 143<sup>rd</sup> Street East remains County road right-of-way. The public hearing date of May 3, 2017, was set by the Board of County Commissioners at their meeting on March 15, 2017. Notice of the public hearing was published in the Derby Informer on March 22, 2017.

Sedgwick County Charter Resolution No. 64 allows for the vacation of County roads. These vacations can be initiated by the Board of County Commissioners or by the adjoining landowners. In

this instance, the vacation process has been initiated by the Board of County Commissioners.

During the public hearing, the Board of County Commissioners, “shall consider the matter, and make findings whether”:

- (a) All required notices were provided as required within Charter Resolution No. 64;
- (b) The road does not provide any public utility by reason of neglect, nonuse or inconvenience, or other cause or causes;
- (c) Any present or future public utility does not justify the expenditure of necessary funds to repair the road or put it in condition for public travel; and
- (d) The public will not suffer any unreasonable loss or inconvenience and no private rights will be endangered or injured.

Alternatives: (1) Make findings to order the vacation of the portion of the road;  
(2) make findings and decide not to order the vacation of the portion of the road; or  
(3) refer the matter to the Metropolitan Area Planning Commission for review and recommendation.

Financial Considerations: This portion of 71st St. South is maintained by Rockford Township. All adjacent properties are served by 143rd St. East. Operating costs for Rockford Township will be reduced if they are no longer required to maintain this sub street. No additional budget authority is being requested.

Legal Considerations: Pursuant to Charter Resolution No. 64, the notice of public hearing on this item was published in the official County newspaper on March 22, 2017. Notice has also been sent to parties required to receive notice pursuant to Charter Resolution No. 64. A simple majority vote would be required for the Board of County Commissioners to vacate the portion of the road.

Policy Considerations: N/A

Outside Attendees: Unknown

Multimedia Presentation: