

Published in the Wichita Beacon on August 2, 1968

ORDINANCE NO. 30-122

JOINT ORDINANCE OF THE CITY OF WICHITA, KANSAS, AND RESOLUTION OF THE BOARD OF COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, ESTABLISHING THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION AS THE REVIEWING AND RECOMMENDING AGENCY FOR ALL REQUESTS FOR VACATONS OF PLATS, STREETS, EASEMENTS, SETBACKS, ACCESS, AND OTHER PUBLIC RIGHTS, AND THE VACATION OF CITY LIMIT LINES, PROVIDING FOR THE EXCLUSION OF CERTAIN AREAS FROM CITIES; ESTABLISHING THE AREA OF JURISDICTION FOR SUCH ACTION; PROVIDING FOR FEES AND OWNERSHIP LISTS AND PROVIDING FOR AUTHORITY FOR THE METROPOLITAN AREA PLANNING DEPARTMENT TO INITIATE VACATION CASES WHEN DETERMINED IN THE PUBLIC INTEREST.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA;

AND

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, BEING IN REGULAR SESSION IN THE OFFICE AT THE COURTHOUSE IN WICHITA, KANSAS, THIS 24TH DAY OF JULY, 1968.

SECTION 1. The Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC), is hereby designated to review and make recommendations on all requests for vacation of any public right-of-way, street, alley, easement, plat, setback or access control, and the vacation of any city limit providing for the exclusion of territory for any incorporated city within Sedgwick County. Such recommendation shall be received by the governing body prior to taking any action on the request for vacation. The Planning Commission shall submit its recommendation within 60 days of the date within which the vacation application was filed with the Planning Department. In the event no recommendation is received from the MAPC, said vacation application shall be deemed approved by the Planning Commission. Provided, further, however, that such 60 day period may be extended with the consent of the applicant or applicants.

SECTION 2. Jurisdiction - The area within which the Wichita-Sedgwick County Metropolitan Area Planning Commission shall make recommendation or vacations shall be the geographical area within which the Planning Commission exercises subdivision jurisdiction.

SECTION 3. Applications and Fees. All applications for vacation shall be filed on forms provided by the Wichita-Sedgwick County Metropolitan Area Planning Department in the manner prescribed by that office. With each application, a filing fee of \$50 shall be paid to defray the cost of the proceeding before the Planning Commission and its Committee. A written receipt shall be issued to the person or persons making such payment and records thereof shall be kept in a manner prescribed by law. No fee shall be required when said application is submitted by any department of the City, County, State, or Federal government. No fee shall be refunded in the event of disapproval by the Commission or the governing bodies. All applications for vacation shall be accompanied by the signatures of all abutting property owners of their authorized agents. An ownership list of abutting or other property owners prepared by an abstract company doing business in Sedgwick County may be required by Metropolitan Area Planning Department with an application for vacation.

SECTION 4. Initiation of Vacation Applications. The Wichita-Sedgwick County Metropolitan Area Planning Department is hereby authorized to initiate, on behalf of the Planning Commission or the governing bodies, when authorized by law, a request for vacation of any public right-of-way, street, alley,

easement, plat, setback or access control, or city limit line, when it is deemed within the public interest to do so. All applications initiated in this fashion shall provide for the notification of all abutting property owners prior to consideration by the Planning Commission or any of its committees.

SECTION 5. Contents of Recommendations. The recommendation of the Planning Commission or its committees shall contain a recommendation as to whether the vacation should be approved or disapproved or approved subject to conditions. If approved subject to conditions, the conditions shall be specified and if there be costs associated with the vacation, the recommendation as to how such costs shall be borne shall be included in such recommendation.

SECTION 6. Referral. All recommendations of the Metropolitan Area Planning Commission shall be referred to the City Commission of the City of Wichita if such vacation shall be located within the City of Wichita or within three miles thereof, except any area under the subdivision jurisdiction of any other city. In those instances where a vacation is in an unincorporated area and lies adjacent to a city other than the City of Wichita, such recommendation shall be referred to the City and/or its planning commission, if there be one, prior to the recommendation being forwarded to the Board of County Commissioners.

PASSED AND APPROVED AT WICHITA, KANSAS, this 30th day of July, 1968.

WILLIAM D. ANDERSON, JR., Mayor
Attest: Ralph C. Eberly, City Clerk

(SEAL)

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, this 24th day of July, 1968, after due consideration of all members being present and voting as follows:

ELMER S. PETERS, Aye
TOM SCOTT -----
EARL E. RUSH, Aye

DATED AT WICHITA, KANSAS, this 24th day of July, 1968

BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS

ELMER S. PETERS, Chairman
EARL E. RUSH, Commissioner

Attest: MARIE WARDEN, County Clerk
By SHIRLEY MARKEY, Deputy

(SEAL)