

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

INSTRUCTIONS FOR VACATION REQUEST

1. Prior to submitting an application for a Vacation, a pre-application meeting with the Metropolitan Area Planning Department (MAPD) is advised to determine the public and private entities that have an interest in the proposed Vacation. MAPD staff typically does not recommend approval of a Vacation request if any of the entities with an interest oppose the Vacation.
2. The attached form must be completed before it can be presented to the Metropolitan Area Planning Commission. All spaces should be filled in or marked as "not applicable", i.e. (N.A.).
3. The completed form should be submitted to the Metropolitan Area Planning Department, City Hall – 10th Fl., 455 N. Main St., Wichita, KS 67202-1688.
4. A Vacation application shall be accompanied by a current ownership list certified by a title company containing a legal description of the area in the application as well as the name of the owner, shall include the names and mailing address (with zip codes) of all property owners within the area defined as the ‘Type of Vacation’ (see below for additional detail).

The certified ownership list shall also be provided in an electronic format that is compatible with Microsoft Word 2007. The electronic file shall be provided via E-mail (LEstrada@wichita.gov and MCrockett@wichita.gov) or on a CD. An application shall not be considered complete until the ownership list has been provided in the required electronic format.

Type of Vacation

- a. Street or Alley Right-of-Way. All owners of property adjacent to a street or alley petitioned to be vacated. In the event a vacation would leave a deadend street or alley, all of the owners of property adjacent to the remaining segment of street or alley shall also receive written notice. If the Planning Director determines the vacation of the street or alley could have an effect upon traffic circulation in the vicinity, the Director may require that the owners of property within a radius of up to 2 blocks shall also be entitled to notice and, within the City of Wichita, set a hearing before the appropriate District Advisory Board through the same written notice.
- b. Access Controls. All lots or tracts involved, plus all lots and tracts on the same side of the street within the same block, plus all lots and tracts on the opposite side of the street from the property involved, and if involving areas greater than one block in length, then the owners of all lots and tracts in the next block. In the event of a partial block, the balance of the block shall be included for notification purposes.
- c. Building Setbacks. For a building setback along the front of a lot, the same procedure as for access controls. For a building setback along a side or rear lot line, the owners of property abutting thereupon.

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- d. Drainage and/or Utility Easements. Owners of all lots or tracts on which the easement is located and owners of all lots or tracts which abut the easement to be vacated.
 - e. Reserves. If the vacation is to permit the construction of building or structure on a reserve dedicated to open space, the same policy as for building setbacks. If for a vacation of an entire reserve, then all owners of property within the subdivision from which the reserve was first dedicated.
 - f. Plat. Owners of all lots or parcels within the plat or tracts of land included within the area proposed to be vacated. Also, all owners of land abutting the plat to be vacated.
 - g. Exclusion of Land from City. Owners of all lots or parcels within the area proposed to be excluded from the city, as well as owners of all lots or parcels abutting said area.
 - h. Special Cases. In the event a petition for vacation involves some special dedication, such as pedestrian access or avigation rights, or any other dedication not specifically identified above, the notification area shall be determined by the Planning Director.
5. Applications for vacation must be accompanied by a filing fee in the amount of \$385.00 (make check payable to "City of Wichita"). Reprocessing of a vacation case must be accompanied by a filing fee in the amount of \$195.00.
 6. The applicant shall submit an accurate site plan. The site plan shall be drawn to scale and show the location of property lines and buildings, parking areas, driveways and other improvements or facilities which necessitate the Variance. One (1) 8.5" x 11" or 11" x 17" copy of the site plan shall be submitted. Other plans, drawings or information which the MAPD deems necessary to enable proper consideration of the request may be required.
 7. Applications for Vacation must be accompanied by a Vacation petition with the original signatures of the property owners. The applicant is not to complete the title page (page 1) of the vacation petition; the title page will be completed by MAPD staff.
 8. The Vacation request will be scheduled for public hearing by the Metropolitan Area Planning Commission (MAPC). It will be scheduled for review and recommendation by the Subdivision Committee, usually one week prior to the MAPC hearing. A MAPC recommendation for approval will not be placed on the agenda for consideration by the appropriate governing body until such time as all requirements made by the MAPC have been met by the applicant. In the event the applicant disagrees with the recommendation or a condition made by the MAPC, the Vacation request may be appealed to the appropriate governing body. No Vacation request is final until acted upon by the appropriate governing body.
 9. Any dedications, covenants or special documents involved in a Vacation request will be provided to MAPD staff (in the original form with the owner's original signature) prior to the Vacation request being forwarded to the governing body for final action.

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10. After approval of the Vacation request by the Metropolitan Area Planning Commission, the original documents (dedications, covenants, etc.) associated with the Vacation request shall be submitted to MAPD staff for recording with the Vacation Order by the Sedgwick County Register of Deeds. The applicant shall not directly submit the required documents to the Register of Deeds. The applicant shall provide a check to MAPD staff payable to “Register of Deeds” for each document that is required with the Vacation Order. The current fee structure for the Register of Deeds is \$8.00 for the first page (with a 3-inch margin at the top of the page) and \$4.00 for each subsequent page.

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**VACATION
CHECKLIST OF REQUIRED APPLICATION MATERIALS**

- Application form
- Vacation petition
- Site plan
- Legal description of area to be vacated
- Certified ownership list (original document and electronic copy)
- Filing fee

**BEFORE THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA
PLANNING COMMISSION**

IN THE MATTER OF THE VACATION OF)	
)	
)	MAPD CASE NO.
GENERALLY LOCATED)	VAC
)	
)	

PETITION FOR VACATION

COMES NOW your petitioner(s), _____, an d pray(s) for the vacation of the following described _____, to wit:

>

and in support thereof states and declares:

1. That the petitioner(s) is/are owner(s) of real property adjacent to and abutting the herein described _____.

2. That no private rights will be injured or endangered by the vacation of _____ described herein, and that the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner(s) hereof, the prayer(s) of the petitioner(s) for the vacation of _____ should be granted.

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)

Date

Petitioner(s) or
Agent of Petitioner(s)

Date

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 _____ PHONE _____
 ADDRESS _____ ZIP CODE _____

AGENT _____ PHONE _____
 ADDRESS _____ ZIP CODE _____

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.

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