



Wichita-Sedgwick County Metropolitan Area Planning Department

June 27, 2005

Darren B. Hise
5509 Burlington Lane
Clearwater, KS 67026

Re: **VAC2005-00015** - Request to vacate a portion of a platted front setback, generally located north of 55th Street South & east of 167th Street West, more specifically northwest of the Burlington Lane – 55th Street South intersection.

Dear Mr. Hise:

At its regular meeting on Wednesday, June 22, 2005, the Board of County Commission considered request. The action of the Board of County Commissioners was to APPROVE subject to the recommendation by the MAPC.

If you have any questions about this matter, please call 268-4494.

Sincerely,


Bill Longnecker
Senior Planner

BL:le

cc: Jim Armour, City Engineer, Public Works Department, Mail Stop 1-71
Paul Gunzelman/Carla Jones, Public Works Engineering, Mail Stop 1-71
Sedgwick County Electric Coop, Attention: Allen Henning & Wayne Voss, P.O. Box 220, Cheney, KS, 67205-0220
David Hart, 3020 S. Broadway, Wichita, KS 67216
Benjamin E. & Gloria A. Coble, Rt. 1, Box 217, Clearwater, KS 67026

THEREAFTER, the Board, being duly advised in the premises, finds and determines that no private rights will be injured or endangered by such vacation; that the public will suffer no loss or inconvenience thereby; that no written objections hereto have been filed with the Sedgwick County Clerk; and that, in justice to the petitioner, the petition's prayer should be granted.

The Board further finds that the Metropolitan Area Planning Commission held a public hearing on the 12th day of May 2005, and recommended that the vacation petition herein be approved.

THEREFORE, IT IS ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, that the portion of a platted setback hereinabove described be and the same is hereby vacated.

DATED this _____ day of _____.

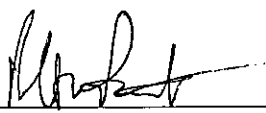
**BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS**

David M. Unruh, Chairman
First District

ATTEST:

Don Brace, County Clerk

APPROVED AS TO FORM:



Robert W. Parnacott
Assistant County Counselor

STAFF REPORT

CASE NUMBER: VAC2005-00015 Request to vacate a portion of a platted setback

APPLICANTS/OWNERS: Darren B Hise

AGENT: Davis Hart

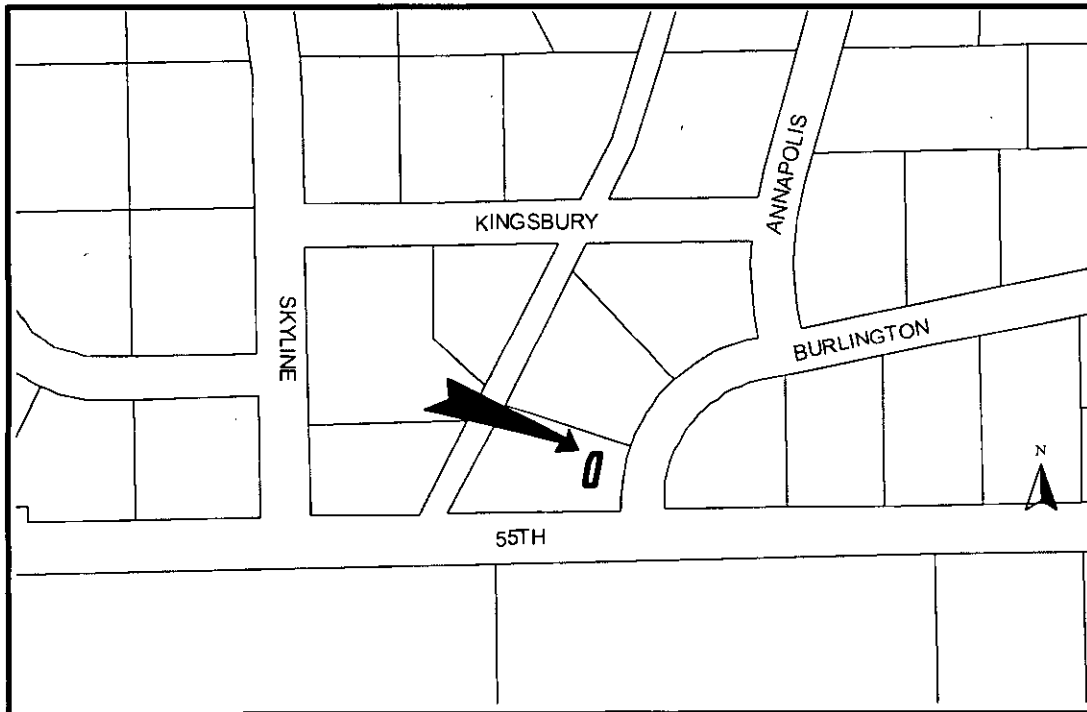
LEGAL DESCRIPTION: 7-Feet of the platted 50-foot front setback running parallel to the east lot line of Lot 7, Block 15, K-42 Estates Addition, Sedgwick County, Kansas

LOCATION: Generally located east of 167th Street West and north of 55th Street South, more specifically northwest of the Burlington Lane – 55th Street South intersection (BoCC District #3)

REASON FOR REQUEST: Rebuild

CURRENT ZONING: Site and all property in the area are zoned "RR" Rural Residential.

VICINITY MAP:



The applicants are requesting consideration to vacate 7-feet of the platted 50-foot front yard setback. The applicant proposes to remove an existing manufactured home and to rebuild on the site. There is an existing detached garage and a shed that the applicant proposes to leave standing. The location of these two structures and the applicant's desire to keep them prevents the applicant from moving the

proposed house back out of the platted setback. The manufactured home that is to be removed had encroached into the platted setback. The K-42 Estates Addition was recorded with the Register of Deeds July 21, 1969.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works, franchised utility representatives and other interested parties, Planning Staff recommends approval of the vacation of a portion of the platted 50-foot front yard setback, as described.

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 Derby Reporter, of notice of this vacation proceeding one time April 21, 2005 which was at least 20 days prior to this public hearing.
2. That no private rights will be injured or endangered by the vacation of the above-described portions of the platted front yard setback and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be granted.

Therefore, the vacation of the portion of the platted 50-foot front setback described in the petition should be approved with conditions;

- (1) Vacate 7-feet of the platted 50-foot front yard setback on Lot 7, Block 15, the K-42 Estates Addition, as recorded with Wichita, Sedgwick County, Kansas.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants.
- (3) All improvements shall be according to County Standards.
- (4) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request 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:

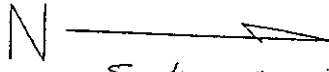
- (1) Vacate 7-feet of the platted 50-foot front yard setback on Lot 7, Block 15, the K-42

Estates Addition, as recorded with Wichita, Sedgwick County, Kansas.

- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants.
- (3) All improvements shall be according to County Standards, including any driveways from private property onto public ROW.
- (4) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request 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.

VAC 2005-15: PROPOSED

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Scale: 1"=30'

Date of Inspection:

4-11-95

James L. Armour
4-12-95

DRAINAGE R/W
203.76'
10' easement

LOT 7
BLOCK (5)

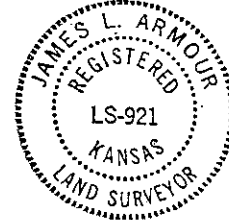
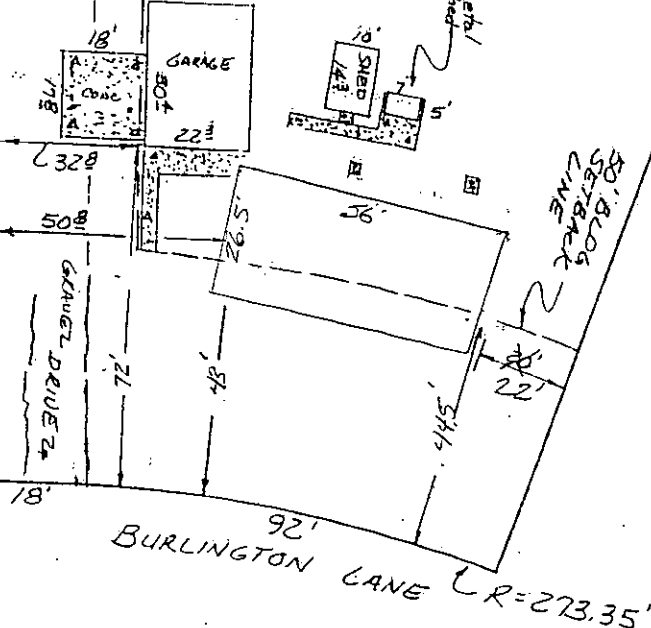
30' BLOCK SETBACK LINE

20' EASEMENT LINE

118.30'

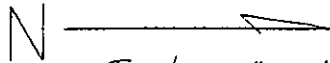
284.55'

554' S7 SOUTH



P. 2/2

UAL205-15: EXISTING



Scale: 1"=30'

Date of Inspection:
4-11-95

James L. Armour
4-12-95

