



Wichita-Sedgwick County Metropolitan Area Planning Department

January 24, 2006

Doye & Jeff Williams
212 S. Gran Mere
Wichita KS 67230

Re: **VAC2005-00047** - Request to vacate a portion of a platted setback, generally located east of Webb Road and the southwest corner of the Harry – Lockmoor Streets intersection.

Dear Ladies and Gentlemen:

At its regular meeting on Tuesday, January 24, 2006, the Wichita City Council considered the request. The action of the City Council 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
Doye D & Jeffrey B. Williams, 10126 Lockmoore, Wichita, KS 67207
Tanya E. Bolfig, 10120 Lockmore, Wichita, KS 67207
Keith D & Janet L Callison, 1608 Red Oaks, Wichita, KS 67207
Stephen B & Beverly A Adams, 10018 Lockmoor, Wichita, KS 67207
Veterans Administration, 5500 E. Kellogg, Wichita, KS 67218
Daniel F & Nikole I Cassidy, 10106 Lockmoor, Wichita, KS 67207
David A & Rhonda K Thiessen, 10114 Lockmoor, Wichita, KS 67207
Stanley B & Audrey C Kappelman Revocable Trust, 10025 Lockmoor, Wichita, KS 67207
Todd A Tuckwood & Marissa R Robbins, 10105 Lockmoor, Wichita KS 67207
Gale L Compton, 10113 E Lockmoor, Wichita, KS 67207
Debbie L Miles, 10119 E Lockmoor, Wichita, KS 67207
David W Adams & Andrea M Lueske, 10125 Lockmoor, Wichita, KS 67207
Kevin R & Ardis J Legan, 1624 Red Oaks, Wichita, KS 67207

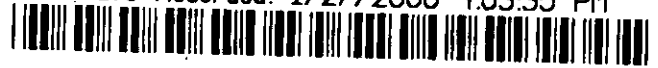


Register of Deeds - Bill Meek
DOC #/FLM-PG: 28752081

Receipt #: 1610975
Pages Recorded: 2

Recording Fee: 00

Cashier Initials: SL Authorized By:
Date Recorded: 1/27/2006 4:03:35 PM



ITY CLERK'S ORIGINAL
ETURN TO CITY CLERK

**BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS.**

Approved / Accepted By:

This 1-24-06

**IN THE MATTER OF THE VACATION OF
A PORTION OF A PLATTED SETBACK**

**GENERALLY LOCATED
EAST OF WEBB ROAD, ON THE SOUTHWEST
CORNER OF HARRY STREET AND LOCKMOOR
STREET**

Case No. VAC2005-00047

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 24th day of January, 2006 comes on for hearing the petition for vacation filed by Doye D. & Jeffery B. Williams praying for the vacation of the following described portion of a platted setback, to-wit:

The north 4-feet of the platted 25-foot front setback running parallel to the south lot line of Lot 7, Block 1, the Red Oaks First Addition, Wichita, Sedgwick County, Kansas. ✓

The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in The Wichita Eagle on December 15, 2005, which was at least 20 days prior to the public hearing.

06-0085

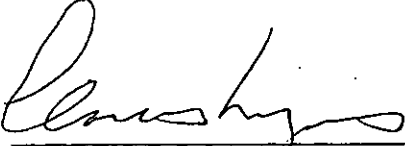
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Vacation Order
VAC2005-00047

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2. No private rights will be injured or endangered by the vacation of the above-described portion of the platted setback, and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner(s), the prayer of the petition ought to be granted.
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.
5. The vacation of a portion of the platted setback described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 24th day of January 2006 ordered that the above-described portion of the platted setback is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.


Carlos Mayans, Mayor

ATTEST:


Karen Sublett, City Clerk

Approved as to Form:

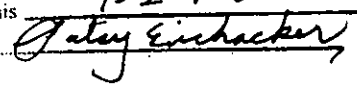



Gary Rebenstorf, Director of Law



State of Kansas)
Sedgwick County)
City of Wichita)


Doreen Einshacker, Deputy City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is affixed is a true and correct copy of the original on file in the office of the City Clerk.
Given under my hand and seal of the City of Wichita, Kansas
this 1-24-06


Doreen Einshacker, Deputy City Clerk

STAFF REPORT

CASE NUMBER: VAC2005-00047 Request to vacate a portion of a platted setback

APPLICANTS/OWNER: Doye & Jeff Williams

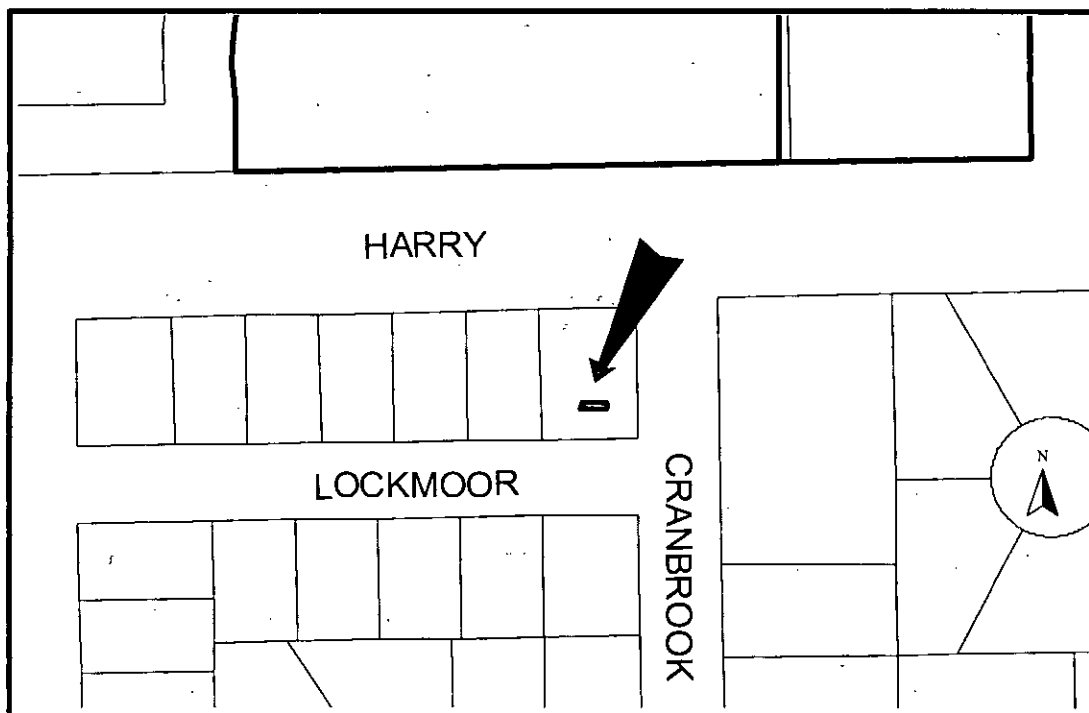
LEGAL DESCRIPTION: The north 4-feet of the platted 25-foot front setback running parallel to the south lot line of Lot 7, Block 1, the Red Oaks First Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located east of Webb Road, on the south west corner of Harry Street and Lockmoor Street (WCC District II)

REASON FOR REQUEST: Mortgage requirement

CURRENT ZONING: Site and abutting and adjacent properties south, west and east of the site are zoned "SF-5" Single-family Residential. Harry Street abuts the north side of the site.

VICINITY MAP:



The applicants are requesting consideration to vacate the north 4-feet of the platted 25-foot front yard setback. A mortgage survey revealed an encroachment of less than a foot into the platted front setback. The vacation will clear the encroachment and satisfy a requirement of the mortgage company. Per the UZC, the "SF-5" zoning district has a 25-foot front setback: same as the site's platted 25-foot setback. If the setback was not platted the 25-foot setback could be reduced by 20% by an Administrative Adjustment. There are no utilities, sewer lines, manholes or water lines in the platted setback. There are no platted easements in the platted setback. The Red Oaks First Addition was recorded with the Register of Deeds June 15, 1978.

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 25-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 Wichita Eagle, of notice of this vacation proceeding one time December 15, 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 portion 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 25-foot front setback described in the petition should be approved with conditions;

- (1) Vacate the north 4-feet of the platted 25-foot front yard setback on Lot 7, Block 1, the Red Oaks First 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 City 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 the north 4-feet of the platted 25-foot front yard setback, on Lot 7, Block 1, the Red oaks First 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 City 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.

N.W. Cor. W $\frac{1}{2}$, E $\frac{1}{2}$, N.W. $\frac{1}{4}$
Sec. 99, T27S, R2E.

VAC2005-47

N.E. Cor. N.W. 1/4,
Sec. 33, T8S R2E of G4 PM

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS REFILED FOR RECORD IN THE REGISTER OF DEEDS OFFICE AT 2:00 P.M. ON THE 30 DAY OF APRIL, 1979, FOR THE PURPOSE OF SHOWING SIDEWALK AND DAMAGE EASEMENTS AS AFFECTING ONE OR MORE OF THE FOLLOWING:

Chas. J. McInt. REGISTER OF DEEDS

Pat. H. H. H.
DEPUTY

PAUL HENLEY

STEPHEN RUSSELL
CRAIG LAWRENCE

STATE OF KANSAS
COUNTY OF SEDGWICK

1. CHARLES M. JEFFERIE, A REGISTERED LAND SURVEYOR IN FOREWORD STATE AND COUNTY, HAS BEEN COMMISSIONED TO SURVEY AND LOCATE THE ESTATE OF THE DECEASED AND TO HEREY CERTIFY THAT ON THIS FOREWORD STATE AND COUNTY, THE FOLLOWING UNLATERED REQS FIRST DESCRIBED AS TO SIOGICUS COUNTY, WISCONSIN, INTO BLANK MAPS AND STREETS, THE SAME BEING IDENTICAL AS FOLLOWS: A TRACT OF LAND IN THE EAST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 27 NORTH, RANGE 10 EAST, BEING THE NORTH EAST CORNER OF THE NORTHWEST CORNER OF FOREWORD DISTANCE OF 642.47 FEET TO THE NORTHWEST CORNER OF SAID WEST HALF OF SECTION 33, THE WEST LINE OF SAID WEST HALF BEARING S 0°02'21" E, A DISTANCE OF 1,132.32 FEET; THE NORTHWEST CORNER OF SAID WEST HALF BEARING S 0°02'21" E, A DISTANCE OF 1,132.32 FEET; THE EAST LINE OF SAID WEST HALF BEARING S 0°02'21" E, A DISTANCE OF 661.89 FEET TO THE EAST LINE OF SAID WEST HALF; THE EAST LINE OF SAID WEST HALF BEARING N 4°00'0" E, A DISTANCE OF 1,136.00 FEET TO THE POINT OF BEGINNING.

THIS PLAT APPROVED AND ALL DEDICATIONS SHOWN HEREON ARE ACCEPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, THIS 13th DAY OF June, 1978.

0-02-21'-2" A DISTANCE OF 1,132.32 FEET;
0-01-69 FEET TO THE EAST LINE OF SAID WEST
1/4 N N 0-00' E A DISTANCE OF 1,136.00 FEET TO

KNOW ALL MEN BY THESE PRESENTS, THAT WE, THE UNDERSIGNED PROPERTY OWNERS OF THE LAND AS SET FORTH IN THE ABOVE DECLARATION, HAVE CHUSED THE LAND TO BE SURVIVED AND PLATTED INTO LOTS, BLOCKS AND STREETS, AND WE HEREBY DEDICATE TO AND FOR THE USE OF THE CITY OF SEAWAY COUNTY, GEORGIA, THE STRIPS AND STREETS HEREIN DEDICATED TO AND FOR THE USE OF THE CITY OF SEAWAY COUNTY, GEORGIA, FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC UTILITIES AND DRAINAGE ARE HEREBY GRANTED. ALL ALIEN RIGHTS OF ACCESS TO AND FROM HARRY STREET OVER AND ACROSS THE FLOODWAY ARE HEREBY FOREVER AND PERMANENTLY GRANTED TO THE APPROPRIATE GOVERNING BODY OF THE CITY OF SEAWAY COUNTY, GEORGIA. THE PROPERTY WITH SUCH TITLE AS THE GOVERNING BODY OF THE CITY OF SEAWAY COUNTY, GEORGIA, SHALL BE REQUIRED TO RESERVE, SHALL BE CONVEYED AND IMPROVEMENT OF THE DRAINAGE, PROVIDED FURTHER THAT NO BUILDING SHALL BE CONSTRUCTED ON OR IN THE DRAINAGE, NOR SHALL ANY FILL, CHANGE OF GRADE, CREATION OF CHANNEL, OR OTHER WORK BE CARRIED ON WITHIN THE DRAINAGE.

CHAIRMAN
GEOFFREY PATRICK

COMMISSIONER

 COMMISSIONER

TEST

Dorothy K. Wolfe
DOROTHY K. WOLFE
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, D. C. 20535