CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

March 28, 2006

Darrell E. & Debra S. Staats
800 Hazel
Wichita, KS 67217

Re: **VAC2006-00004** - Request to vacate a portion of platted street right-of-way and a platted setback, generally located southeast of Seneca Avenue and 51st Street South, north of the Osage-Hazel Avenues' intersection.

Dear Mr. & Mrs. Staats:

At its regular meeting on Tuesday, March 28, 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
Andy Tolle & Myndi Fernandez, 801 W. Hazel, Wichita, KS 67217
Thomas & Connie Belton, 1515 Greenwood, Wichita, KS 67211
John D. Blevins & Vicki L. Blevins, 5157 S. Seneca, Wichita, KS 67217

Register of Deeds - Bill Mack
DOC.#/FLM-PG: 28772331
Rcpt. #: 1618916
Pages Recorded: 2
Recording Fee: 00H
Cashier Initials: DH
Authorized By:
Date Recorded: 4/14/2006 2:26:44 PM

ITY CLERK'S ORIGINAL
ETURN TO CITY CLERK

Approved / Accepted By City Council
This 3-28-06

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

IN THE MATTER OF THE VACATION OF A PORTION OF PLATTED SETREET RIGHT-OF-WAY (ROW) AND PLATTED SETBACK	
GENERALLY LOCATED EAST OF SENECA STREET, SOUTH OF 51ST STREET SOUTH AND NORTH OF HAZEL AVENUE	**Case No. VAC2006-00004**
MORE FULLY DESCRIBED BELOW	

VACATION ORDER

NOW on this 28th day of March, 2006 comes on for hearing the petition for vacation filed by Darrell E. & Debra S. Staats praying for the vacation of the following described portion of platted street right-of-way and platted setback, to-wit:

The platted 30-foot wide half-street Osage Avenue right-of-way as dedicated on the Hankins 2nd Addition, that is between Lot 11, Hankins 2nd Addition (west), Lot 1, Block 1, the Belton Addition (east), Hazel Avenue (south) and sewer easement (north, Ref: D-346-UP) all in Wichita, Sedgwick County, Kansas.

The platted 30-foot setback that runs parallel to the east lot line of Lot 11, Hankins 2nd Addition and parallel to the platted 30-foot wide half-street Osage Avenue right-of-way as dedicated on the Hankins 2nd Addition, which is to be vacated with this Vacation Order, all in 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 February 9, 2006, which was at least 20 days prior to the public hearing.

2. No private rights will be injured or endangered by the vacation of the above-described portion of the platted street right-of-way and the platted setback, and the public will suffer no loss or inconvenience thereby.

3. Dedication by separate instruments of a restrictive covenant binding and tying the described portion of vacated platted street right-of-way to Lot 11, Hankins 2nd Addition and a 30-foot front yard setback onto the described vacated platted street right-of-way's south side width that will match the platted 30-foot front (south side) yard setback on Lot 11, Hankins 2nd Addition.

4. In justice to the petitioner(s), the prayer of the petition ought to be granted.

5. 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.

6. The vacation of a portion of the platted street right-of-way and the platted setback described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 28th day of March 2006 ordered that the above-described portion of platted street right-of-way and the platted setback are 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)

I, Patsy Eichacker 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 March 28, 2006

Patsy Eichacker Deputy City Clerk

Patsy Eichacker

METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 2-1
March 2, 2006

STAFF REPORT

CASE NUMBER: **VAC2006-00004** Request to vacate a portion of platted street right-of-way (ROW) and platted setback

APPLICANTS: Darrell & Debra Staats

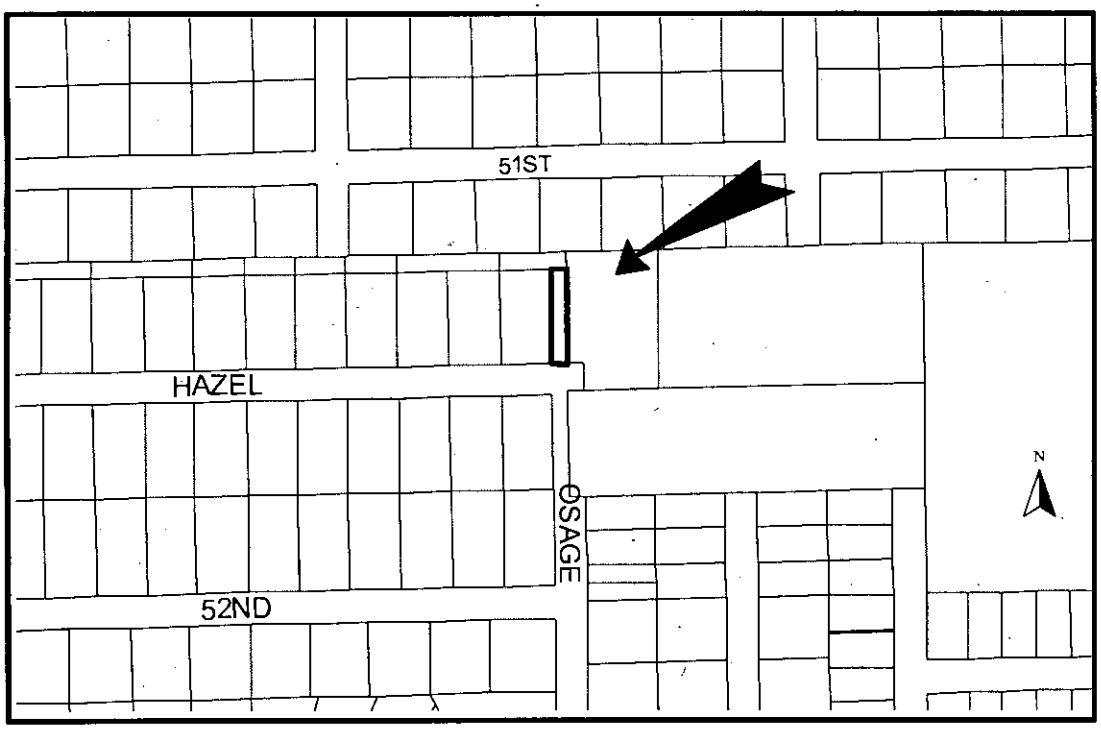
LEGAL DESCRIPTION: Generally described as the platted 30-foot wide half-street Osage Avenue ROW as dedicated on the Hankins 2nd Addition, that is between Lot 11, Hankins 2nd Addition (west), Lot 1, Block 1, the Belton Addition (east), Hazel Avenue (south) and sewer easement (north, Ref: D-346-UP) all in Wichita, Sedgwick County, Kansas

LOCATION: Generally located east of Seneca Street, south of 51st Street South and north of Hazel Avenue (Council District IV)

REASON FOR REQUEST: Revert to private property

CURRENT ZONING: The site is platted undeveloped half-street public right-of-way. All abutting properties are zoned "SF-5" Single-family Residential

VICINITY MAP:



The applicant is requesting vacation of the 178.6-foot long (x) 30-foot wide, portion of the platted half-street ROW of Osage Avenue as dedicated on the Hankins Addition. Osage does not extend north of this site. There are no utilities, manholes, water or sewer lines in this portion of the Osage ROW. In comments taken from SUB2004-90 (the Belton Addition, recorded with the Register of Deeds, February 10, 2005) item "C" states that this portion of Osage should be vacated; see exhibit. There is a platted 30-foot street side setback that runs parallel to the proposed vacated ROW on Lot 11, Hankins 2nd Addition, which is the applicant's lot and which he would also like to vacate. The Hankins 2nd Addition was recorded with the Register of Deeds April 5, 1951.

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 to vacate the portion of the platted Osage Avenue half-street ROW and platted setback, as described with conditions.

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 February 9, 2006 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 platted street ROW and platted 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 Osage Avenue half-street ROW and platted setback described in the petition should be approved with conditions;

(1) Provide staff with a restrictive covenant tying and binding Lot 11, the Hankins 2nd Addition to the abutting vacated portion of the platted Osage Avenue half-street ROW

(2) Vacate the platted 30-foot street side yard setback on the east side of Lot 11, the Hankins 2nd Addition, and replace with the interior side yard setback for the "SF-5" zoning district. Dedicate a 30-foot front yard setback onto the vacated ROW to match the existing platted 30-foot front yard setback on Lot 11, Hankins 2nd Addition. This will run parallel to the south side of the vacated ROW.

(3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicants.

(4) All improvements shall be according to City Standards.

(5) All conditions to be completed within 6 months 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 or franchised utilities and recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

(1) Provide staff with a restrictive covenant tying and binding Lot 11, the Hankins 2nd Addition to the abutting vacated portion of the platted Osage Avenue half-street ROW.

(2) Vacate the platted 30-foot street side yard setback on the east side of Lot 11, the Hankins 2nd Addition, and replace with the interior side yard setback for the "SF-5" zoning district. Dedicate a 30-foot front yard setback onto the vacated ROW to match the existing platted 30-foot front yard setback on Lot 11, Hankins 2nd Addition. This will run parallel to the south side of the vacated ROW.

(3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicants.

(4) All improvements shall be according to City Standards.

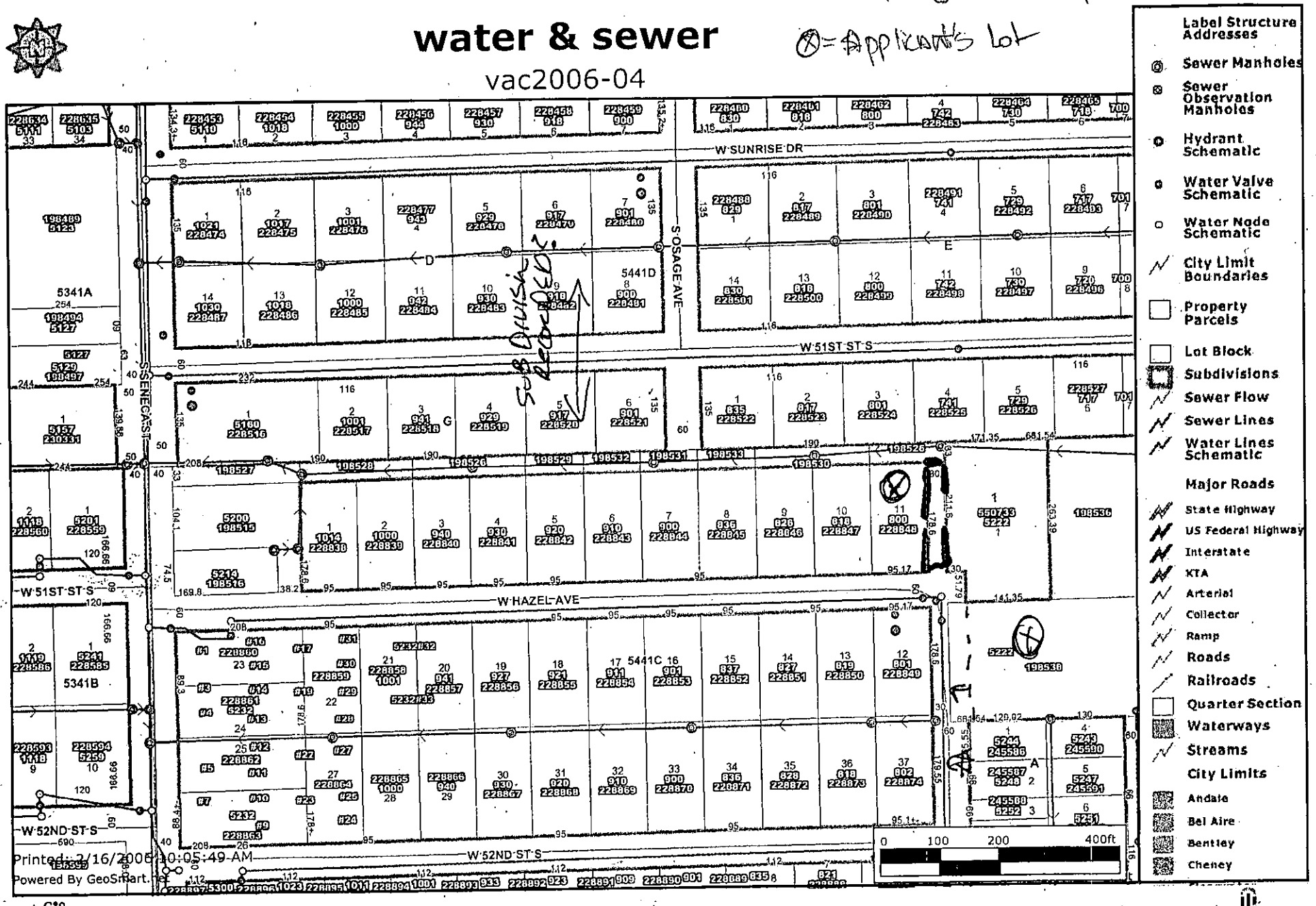
(5) All conditions to be completed within 6 months of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County or franchised utilities and recorded with the Register of Deeds.

= Right-of-way to be vacated

⊗ = Applicant's Lot

water & sewer

vac2006-04



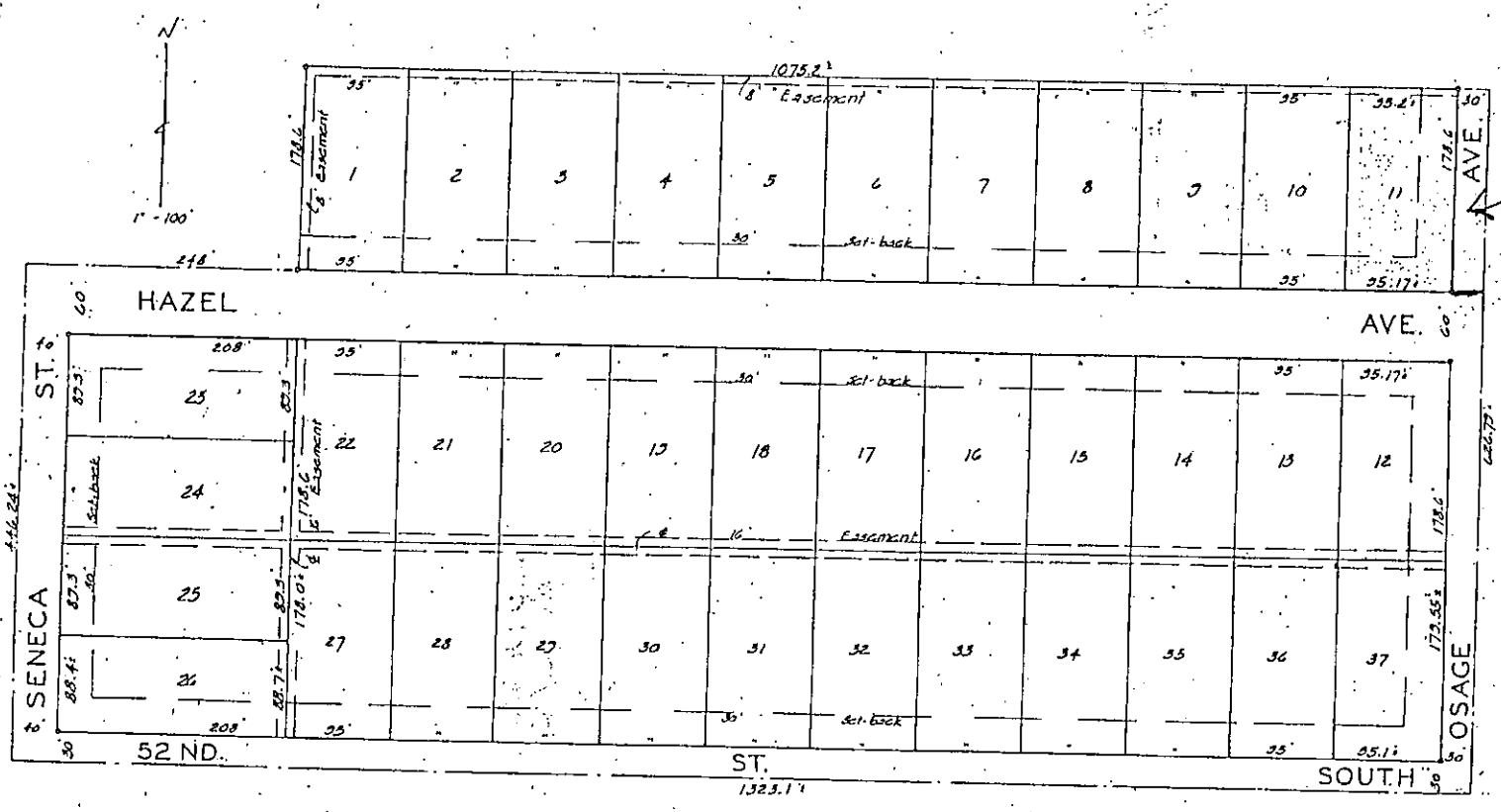
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Powered By GeoSmart.net

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HANKINS 2ND. ADDITION

SEDGWICK COUNTY, KANSAS.



Bow to be updated

State of Kansas } S.S.
Seagwick County }

I, Clyde M. Baughman, Surveyor in aforesaid county and state do hereby certify that I have surveyed and platted "HANKINS 2ND. ADDITION" Seagwick County, Kansas, and that the accompanying plat is a true and correct exhibit of the property surveyed described as follows: The North ½ of the N.½ of the West ½ of the S.W.¼ Sec. 20, Twp. 28-S, R-1-E; Except the North 33 feet thereof and except the West 248 feet of the South 178.6 feet of the North 211.6 feet thereof.

State of Kansas } S.S.
Seagwick County }

Be it remembered that on this 3 day of April 1951, before me a notary public in and for said county and state came Glen Hankins and Hazel Hankins, his wife, to me known to be the same persons who executed the foregoing instrument of writing and duly acknowledged the execution of the same as their voluntary act and deed. In testimony whereof I have hereunto set my hand and affixed my notarial seal the day and year

CITY OF WICHITA

SEDGWICK COUNTY, KANSAS

Wichita-Sedgwick County Metropolitan Area Planning Department

July 30, 2004

Jeff Detmann
Benchmark Land Survey
617 E. William
Wichita, KS 67202

RE: SUB 2004-90 -- One-Step Final Plat of Belton Addition

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission on Thursday, July 29, 2004, the above captioned plat was considered. The action of the Committee was to approve the one-step final plat, subject to the following staff comments:

A. Municipal services are available to serve the site.

B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.

C. Osage Avenue, located adjacent to the west line of the plat, is not open and should be vacated. Since the west half of Osage Street is not being dedicated by this plat the Applicant shall contact the property owner to the west to attempt to have this half-street right-of-way vacated.

D. City Engineering needs to comment on the status of the applicant's drainage plan. *An off-site drainage agreement is needed with the property to the east.*

E. The Applicant shall provide a proposed road layout to the Traffic Engineer for review and approval. *A petition for future paving of Osage is needed.*

F. The plattor's text shall include reference to "a lot and block" in the owner's certificate.

G. This property is within a zone identified by the City Engineers' office as likely to have groundwater at some or all times within 10 feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended, and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineers' office.