



Wichita-Sedgwick County Metropolitan Area Planning Department

May 3, 2006

Phyllis A. James
2021 S. Dellrose
Wichita, KS 67218

Re: **VAC2006-00012** - Request to vacate a portion of a platted setback, generally located west of Oliver Avenue, south of Mount Vernon Road, on the west side of Dellrose Avenue.

Dear Ms. James:

At its regular meeting on Tuesday, May 2, 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
TNT Construction, 3735 S. 154th Street East, Wichita, KS 67232
Eric Padfield, 2003 S. Dellrose, Wichita, KS 67218
Frank D & Betty Jo Wiese, 2007 S. Dellrose, Wichita, KS 67218
Terry Lee Campbell, 2015 S. Dellrose, Wichita, KS 67218
Brian D Ruhl, 1263 E Lincoln, Wichita, KS 67207
Judy A Menne, 15 Cypress, Wichita, KS 67206
Charlene M Beebe, 2033 S Dellrose, Wichita, KS 67218
Maria J Causey Trust, %Jeffrey J Dreiling, ~~721 S. Bedford Circle, Wichita, KS 67207~~
change of address: 428 S. Glendale St, Wichita, KS 67218
Terry Grisham, 2041 S Dellrose, Wichita, KS 67218
William J Hooper, 2049 S Dellrose, Wichita, KS 67218
Patricia Junkermeier, 2101 S Dellrose, Wichita, KS 67218
Donald R Kirk, PSC 59, Box 51, AE 09624, Rome, Italy ODC

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T 316.268.4421 F 316.268.4390

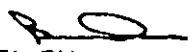
www.wichita.gov



Sedgwick County
Register of Deeds - Bill Mack
DOC.#/FLM-PG: 28780632

Receipt #: 1621850
Pages Recorded: 2
Cashier Initials: DH

Recording Fee: 001

Authorized By: 

Date Recorded: 5/12/2006 2:18:51 PM



CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

Approved / Accepted By City Council

This 5-2-06

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

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

**GENERALLY LOCATED
WEST OF OLIVER AVENUE, SOUTH OF
MOUNT VERNON, AND ON THE WEST
SIDE OF DELLROSE AVENUE**

MORE FULLY DESCRIBED BELOW

Case No. **VAC2006-00012**

VACATION ORDER

NOW on this 2nd day of May, 2006 comes on for hearing the petition for vacation filed by Phyllis A. James praying for the vacation of the following described portion of a platted setback, to-wit:

Beginning 12-feet south of the north lot line of Lot 9 for a distance of 12-feet, the west 5-feet of the of the platted 30-foot setback that runs parallel to Dellrose Avenue and the east lot line of Lot 9, all in the Edgetown Park Addition, as recorded with 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 March 16, 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 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 the portion of the platted setback described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 2nd day of May 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.

ATTEST:



for Patsy Eichacker, Deputy
Karen Sublett, City Clerk

Carlos Mayans
Carlos Mayans, Mayor



Approved as to Form:

Gary E. Rebenstorf
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 5-2-06

Patsy Eichacker
Patsy Eichacker Deputy

City Clerk

STAFF REPORT

CASE NUMBER: VAC2006-00012 Request to vacate a portion of a platted setback

APPLICANTS/OWNERS: Phyllis A James

AGENT: TNT Construction

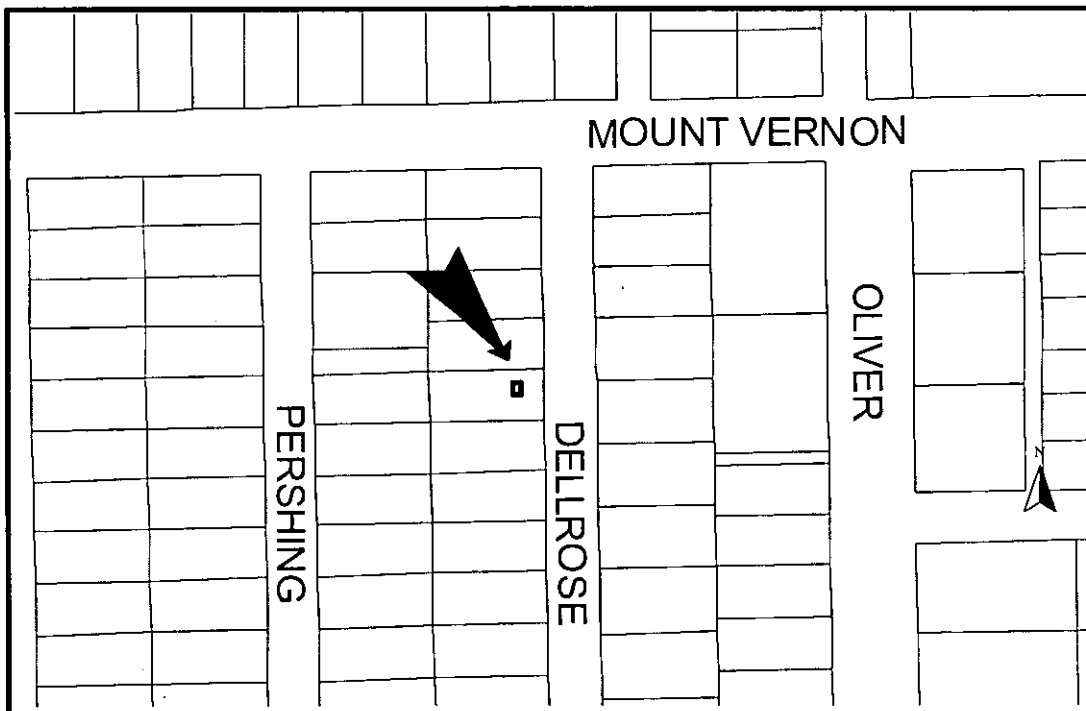
LEGAL DESCRIPTION: Beginning 12-feet south of the north lot line of Lot 9 for a distance of 12-feet, the west 5-feet of the of the platted 30-foot setback that runs parallel to Dellrose Avenue and the east lot line of Lot 9, all in Edgetown Park Addition, as recorded with Wichita, Sedgwick County, Kansas

LOCATION: Generally located west of Oliver Avenue, south of Mount Vernon, and on the west side of Dellrose Avenue.
(WCC #III)

REASON FOR REQUEST: Addition to residence

CURRENT ZONING: Site and all property in the area are zoned "SF-5" Single-family Residential.

VICINITY MAP:



The applicant proposes to remodel the kitchen of the single-family residence, which will extend the kitchen 5-feet into the platted 30-foot front yard setback, as described. The "SF-5" zoning district has a minimum 25-foot front yard setback, which equals what the applicant is proposing to vacate. There are no utilities, manholes, sewer or water lines in the platted front yard setback. The Edgetown Park Addition was recorded with the Register of Deeds February 17, 1937.

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 this portion of the platted 30-foot front yard setback, as described and 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 March 16, 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 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 30-foot front yard setback, described in the petition should be approved with conditions;

- (1) Vacate the west 5-feet of the platted 30-foot front yard setback, as described.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicant's expense.
- (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

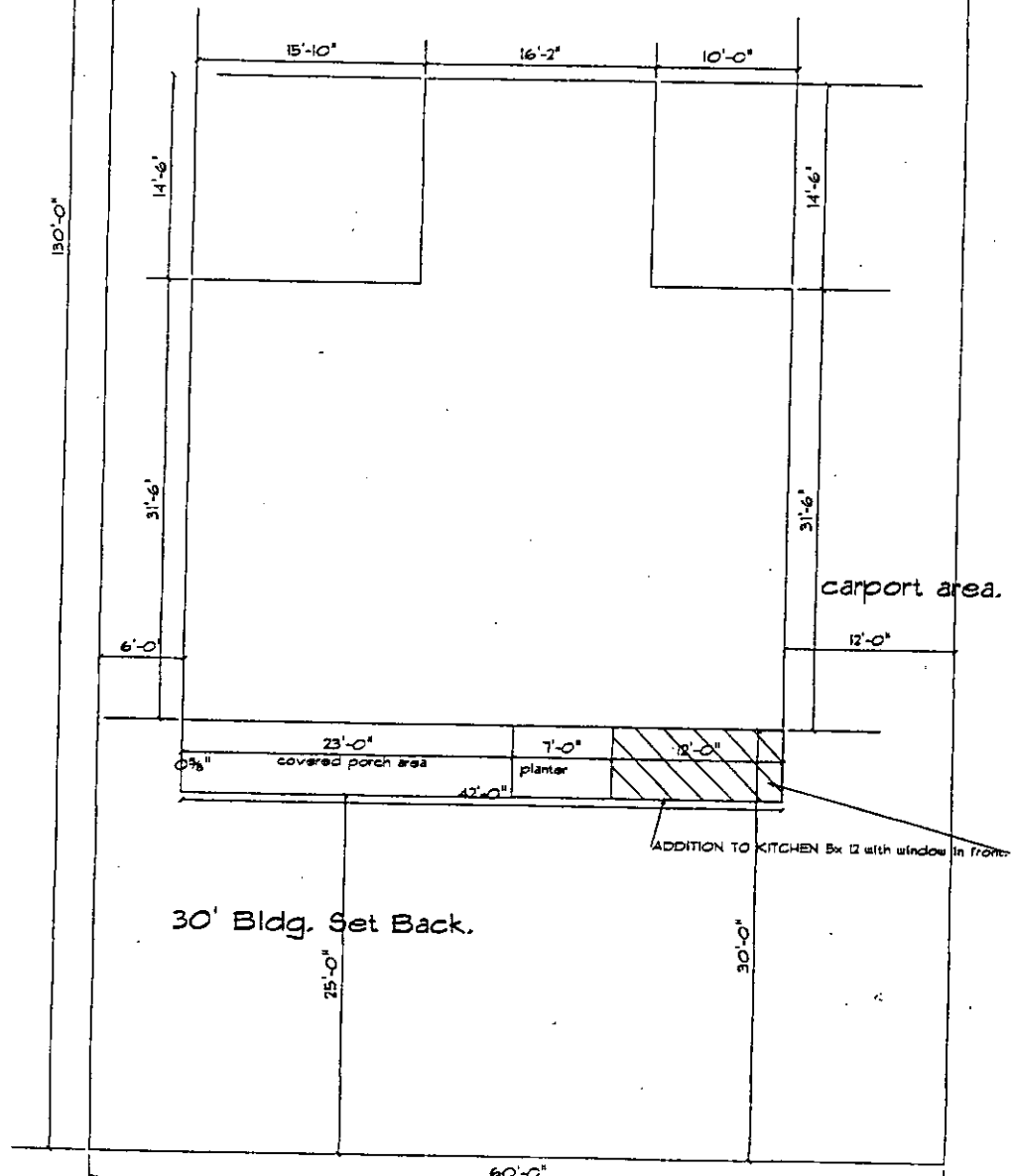
SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the west 5-feet of the platted 30-foot front yard setback, as described.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicant's expense.
- (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

VAC 2006-12

Lot 9 Dellrose Ave
Edgetown Park ADD.
.18 Acres
Key C23407
Control 168960





vac2006-12

water & sewer

ⓧ SITE



- Label Structure Addresses
- Sewer Line Diameter
- Sewer Line Length
- Sewer Manholes
- ⓧ Sewer Observation Manholes
- Hydrant Schematic
- Water Valve Schematic
- Water Node Schematic
- City Limit Boundaries
- SS Main BD District
- Property Parcels
- Lot Block
- Subdivisions
- Sewer Flow
- Sewer Lines
- Water Lines Schematic
- Major Roads
 - State Highway
 - US Federal Highway
 - Interstate
 - KTA
 - Arterial
 - Collector
 - Ramp
 - Roads
 - Railroads
- Quarter Section
- Waterways
- Streams

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