



Wichita-Sedgwick County Metropolitan Area Planning Department

October 24, 2007

Victor H. Schofield
11212 E. Kellogg
Wichita, KS 67207

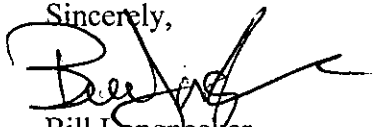
Re: **VAC2007-00006** - Request to vacate a portion of platted setback, generally located on the north side of Central Avenue and west of Tyler Road.

Dear Mr. Schofield:

At its regular meeting on Tuesday, October 16, 2007, 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
Devlin Auto Realty, Thomas M. Mack, 1313 N. Webb Road, Suite 100, Wichita, KS 67206
Steven A. Hatchett, 11212 E. Kellogg, Wichita, KS 67207
GCJ Properties LLC, 4923 #. 49th Street, Tulsa, OK 74135



Register of Deeds - Bill Mack
 DOC #/FLM-PG: 28926460
 Record #: 1670607
 Pages Recorded: 2
 Cashier Initials: KL

Recording Fee: ODH
 Authorized By:

Date Recorded: 10/23/2007 1:49:59 PM



CITY CLERK'S ORIGINAL
 RETURN TO CITY CLERK

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

Approved / Accepted By City Council
 This 10-16-07

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

**GENERALLY LOCATED ON THE
 NORTH SIDE OF CENTRAL AVENUE AND
 WEST OF TYLER ROAD**

Case No. VAC 2007-00006

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 16th day of October 2007 comes on for hearing the petition for vacation filed by Victor Schofield praying for the vacation of the following described portion of a platted setback, to-wit:

The north 65 feet of the south 100 feet of a tract described as part of Lot 4, Block A, Four H Addition, to Wichita, Kansas, being more particularly described as:

Beginning at the SW Corner of Lot 4, Block A, thence N 0 deg. 00' 00" W, on the West line of Lot 4 and extended 230.01', thence N 88 deg. 31' 39" E, 234.53', thence S 1 deg. 31' 28" E, 229.54', to the S. line of Lot 4, thence S 88 deg. 26' 00" W, on the South line of Lot 4, 240.72', to the point of beginning.

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:

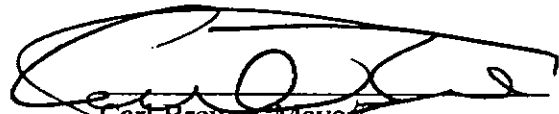
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1. That due and legal notice has been given by publication as required by law, by publication in The Wichita Eagle on March 15, 2007, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described portion of the platted setback, and the public will suffer no loss or inconvenience thereby.
3. Upon the recording of the Vacation Order, a 35-foot setback will be in effect, upon the described portion of Lot 4, Block A, Four H 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 the portion of the platted setbacks described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 16th day of October 2007 ordered that the above-described portion 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.

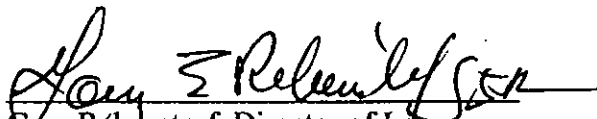
ATTEST:




Carl Brewer, Mayor


Karen Sublett, City Clerk

Approved as to Form:


Gary Rebenstorf, Director of Law

STAFF REPORT

CASE NUMBER: VAC2007-00006 Request to vacate portions of platted setbacks

APPLICANT/OWNER: Victor Schofield

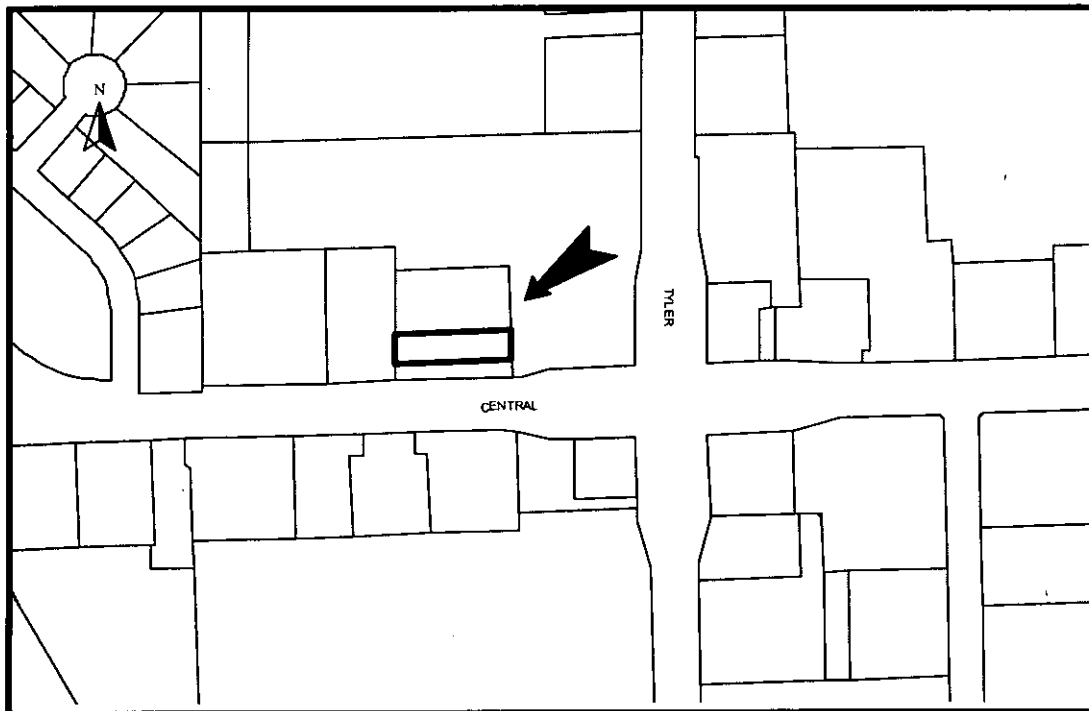
LEGAL DESCRIPTION: Generally described as the north 65-feet of the platted 100-foot setback that runs parallel to the Central Avenue, on the Parcel A portion of Lot 4, Block A, the Four-H Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located on the north side of Central Avenue and west of Tyler Road (WCC #V)

REASON FOR REQUEST: Additional room for redevelopment

CURRENT ZONING: Site, abutting eastern, western and northern properties are zoned "GC" General Commercial, with CUP DP-209 overlay. Adjacent southern properties, across Central Avenue, are zoned "LC" Limited Commercial.

VICINITY MAP:



The applicant proposes to vacate the north 65-feet of the described platted 100-foot setback. There is an overlay, CUP DP-209, on the described site. The Unified Zoning Code's (UZC's) minimum street side setback for a CUP is 35-feet. The base zoning of the CUP is "GC." The UZC requires a minimum of a 20-foot front yard setback. The request is meets the minimum setback standard for a CUP. There are no platted easements, franchised utilities, manholes, water or sewer lines located in the described portion of the platted setback. The Four-H Addition was recorded with the Register of Deeds April 1, 1993.

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 the described portion of the platted setback 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, by publication in the Wichita Eagle of notice of this vacation proceeding one time March 15, 2007 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 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 setback, described in the petition should be approved with conditions;

- (1) Provide Planning with a legal description of the approved vacated portion of the setback on a Word document via e-mail.
- (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 and at the applicant's expense.
- (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

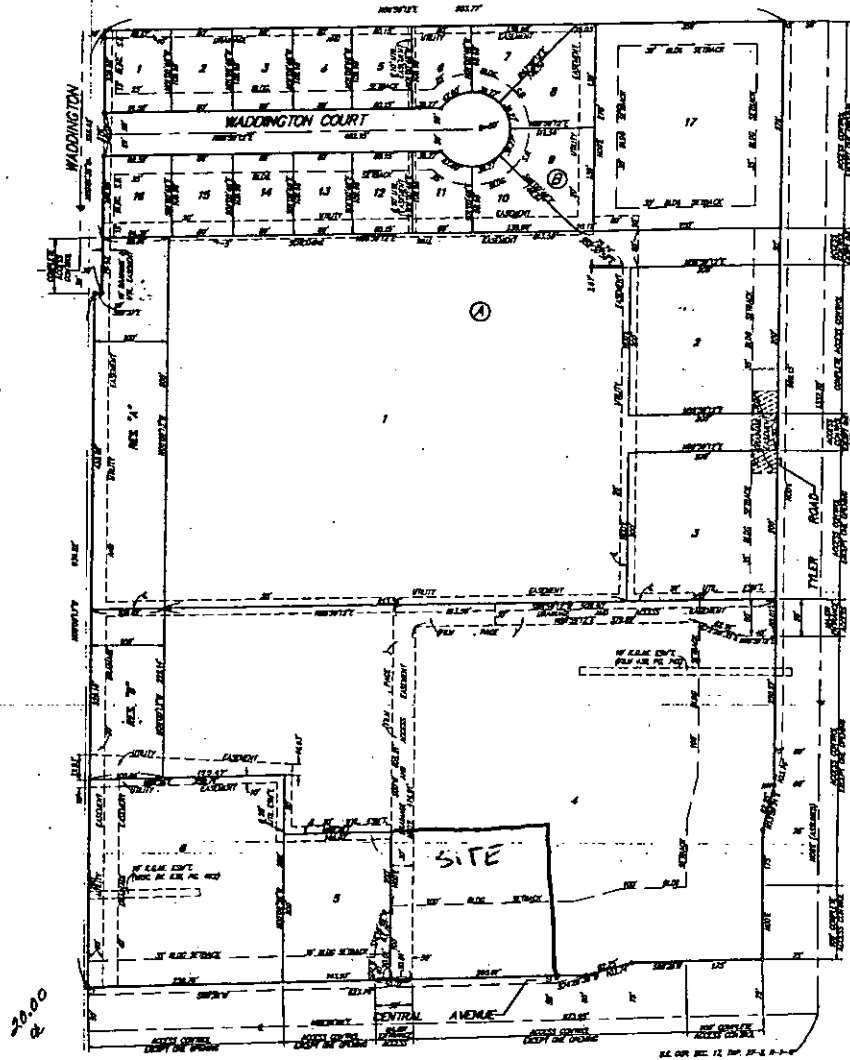
SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Provide Planning with a legal description of the approved vacated portion of the setback on a Word document via e-mail.
- (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 and at the applicant's expense.
- (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

FOUR H ADDITION

WICHITA, SEDGWICK COUNTY, KANSAS



SCALE: 1" = 80'
 • = 1/2" IRON (FOUND)
 • = 1/2" REBAR
 W/ "BALLOON" CAP (1/2")
 N/A = 7/8" N/AE (SET)

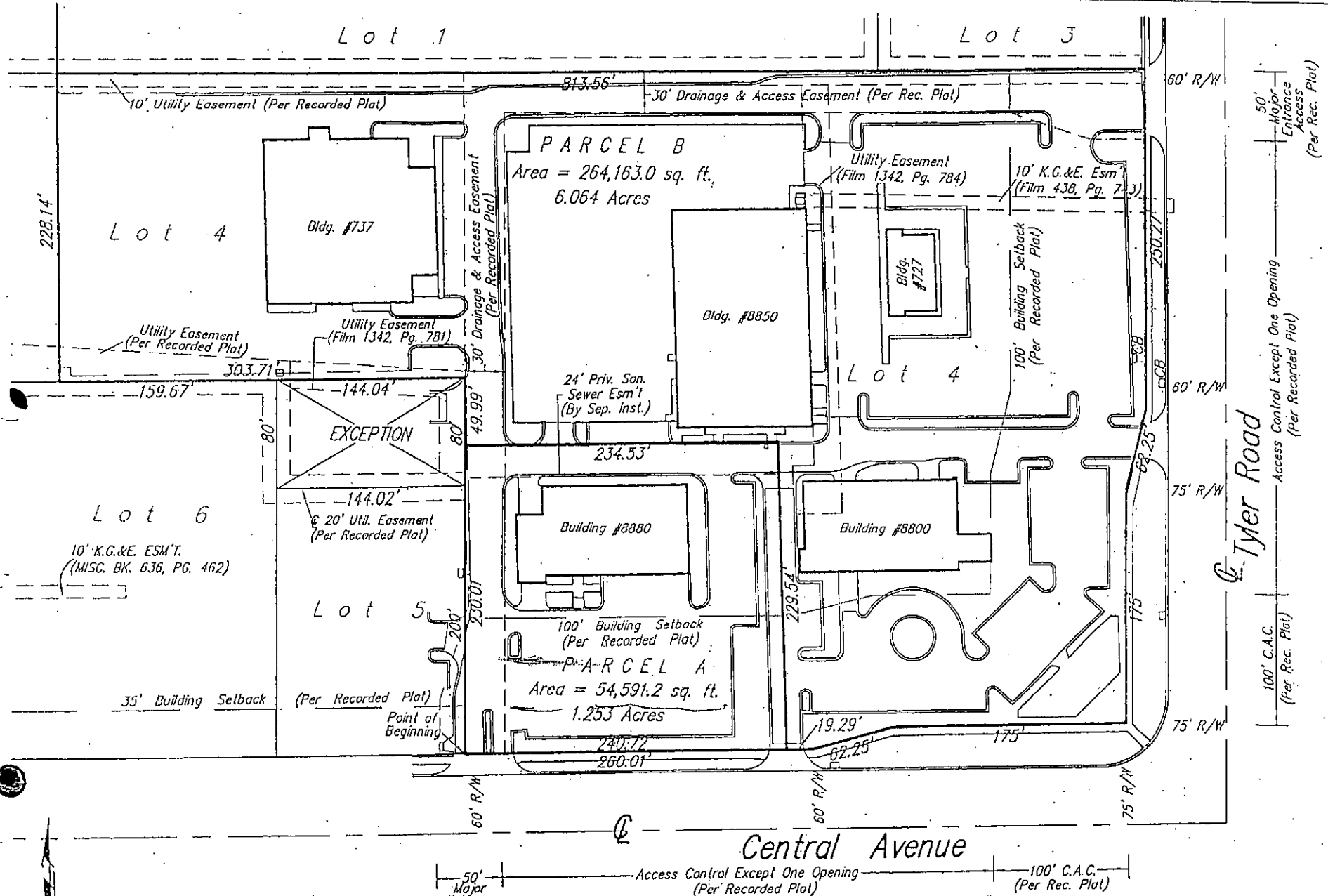
NOTE:
 GRADING SETBACK LINES
 BLOCK "A" AS PER FOUR
 COMMUNITY UNIT PLAN, 1

VAE 2007-06

Inches



VAC 2007 - CB



NOTE: A Private Water Service Line Easement has been established by a Separate Instrument for the benefit of parcel A and B.

Page 2 of 2

Project No. 05-12-PB10

Baughman **Baughman Company, P.A.**
 315 Ellis St. Wichita, KS 67211 P 316-262-7271 F 316-262-0149
 ENGINEERING SURVEYING PLANNING LAND ACQUISITION

100' Lot Split

Property is subject to C.U.P. # DP 209

Drawing File: F:\SURVEY\LOT\4H Addition\dwg\4hnew.dwg