CITY OF
WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

August 28, 2007

Brandon Walsh
1426 N. Stratford Lane
Wichita, KS 67206

Re: **VAC2007-00021** - Request to vacate a platted setback, generally located east of Woodlawn Boulevard, north of 13th Street North, and southwest of Stratford & Armour Lanes.

Dear Mr. Walsh:

At its regular meeting on Tuesday, August 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

Sedgwick County
Register of Deeds - Bill Meek
DOC.#/FLM-PG: 28913071
Receipt #: 1006010
Pages Recorded: 2
Cashier Initials: LAS
Authorized By:
Recording Fee: 0DH
Date Recorded: 8/31/2007 3:15:49 PM

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

IN THE MATTER OF THE VACATION OF A PLATTED SETBACK	)	
GENERALLY LOCATED EAST OF WOODLAWN BOULEVARD, NORTH OF 13TH STREET NORTH AND SOUTHWEST OF STRATFORD AND ARMOUR LANES	)	**Case No. VAC2007-00021**
MORE FULLY DESCRIBED BELOW	)	

VACATION ORDER

NOW on this 28th day of August 2007 comes on for hearing the petition for vacation filed by Brandon Walsh praying for the vacation of the following described platted setback, to-wit:

The south 10-feet of the platted 30-foot front yard setback, located on the north 30-feet of Lot 2, Block 7, McEwen 6th 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 and the Derby Reporter on June 28, 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 platted setback, and the public will suffer no loss or inconvenience thereby.

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3. A 20-foot front yard setback on Lot 2, Block 7, McEwen 6th Addition will be in effect at the recording of this Vacation Order with the Register of Deeds.

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 platted setback described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 28th day of August 2007 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.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, CMC

Karen Sublett, City Clerk

Approved as to Form:

Gary Rebenstorf, Director of Law

SUBDIVISION COMMITTEE
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 1
JULY 12, 2007

STAFF REPORT

CASE NUMBER: **VAC2007-00021** Request to vacate a platted setback

OWNER/APPLICANT: Brandon Walsh

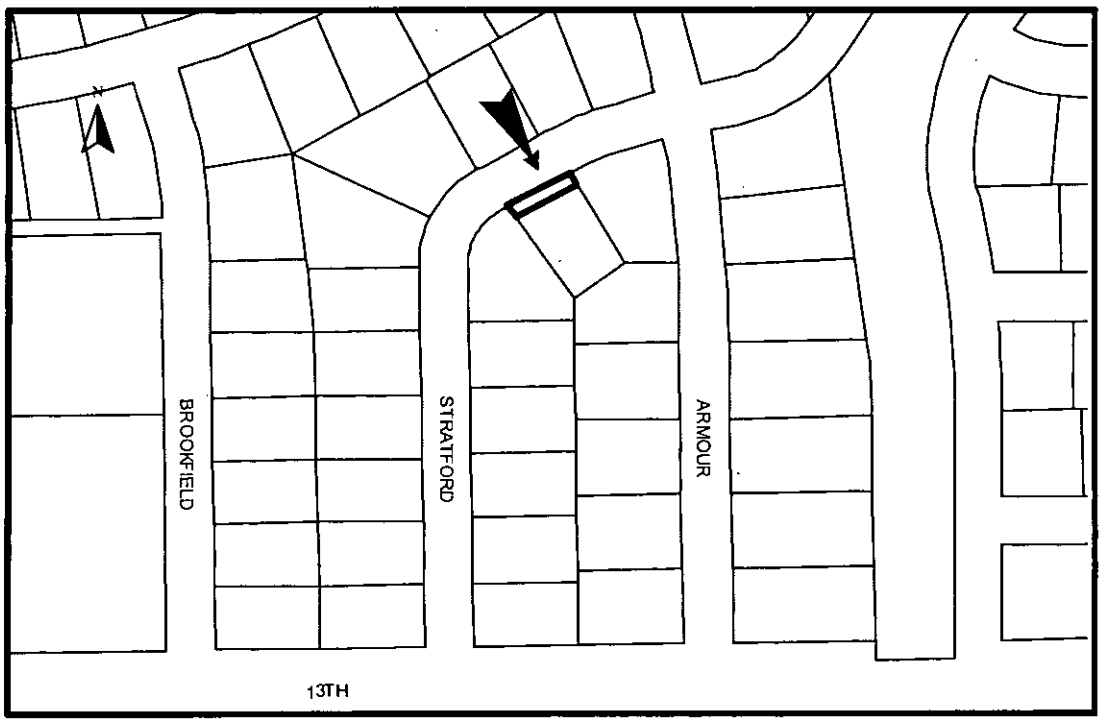
LEGAL DESCRIPTION: Generally described as the platted 30-foot front yard building setback, located on Lot 2, Block 7, McEwen 6th Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located east of Woodlawn Boulevard, north of 13th Street North southwest of Stratford and Armour Lanes (WCC #II)

REASON FOR REQUEST: Additional room for a garage

CURRENT ZONING: The site and all abutting and adjacent properties are zoned "SF-5" Single-family Residential.

VICINITY MAP:



The applicant proposes to vacate the platted 30-foot front yard setback. The Unified Zoning Code's (UZC's) minimum front yard setback for the "SF-5" Single-family Residential zoning district is 25-feet. If the setback were the minimum 25-foot setback per the UZC, an Administrative Adjustment could be applied to reduce the 25-foot setback by 20%; a 20-foot setback. There is a 5-foot half of a 10-foot platted side yard setback on the property's west side that will not be affected by the vacation request. There are no platted utility easements within the platted setback. There are no manholes, sewer or water lines in the platted setback. Sewer is located along the lot's south property line and water is located in the Stratford Lane right-of-way (ROW). Comments from the franchised utilities and Storm Water have not been received and are needed to determine if they have utilities located within the easement. The McEwen 6th Addition was recorded with the Register of Deeds October 11, 1958.

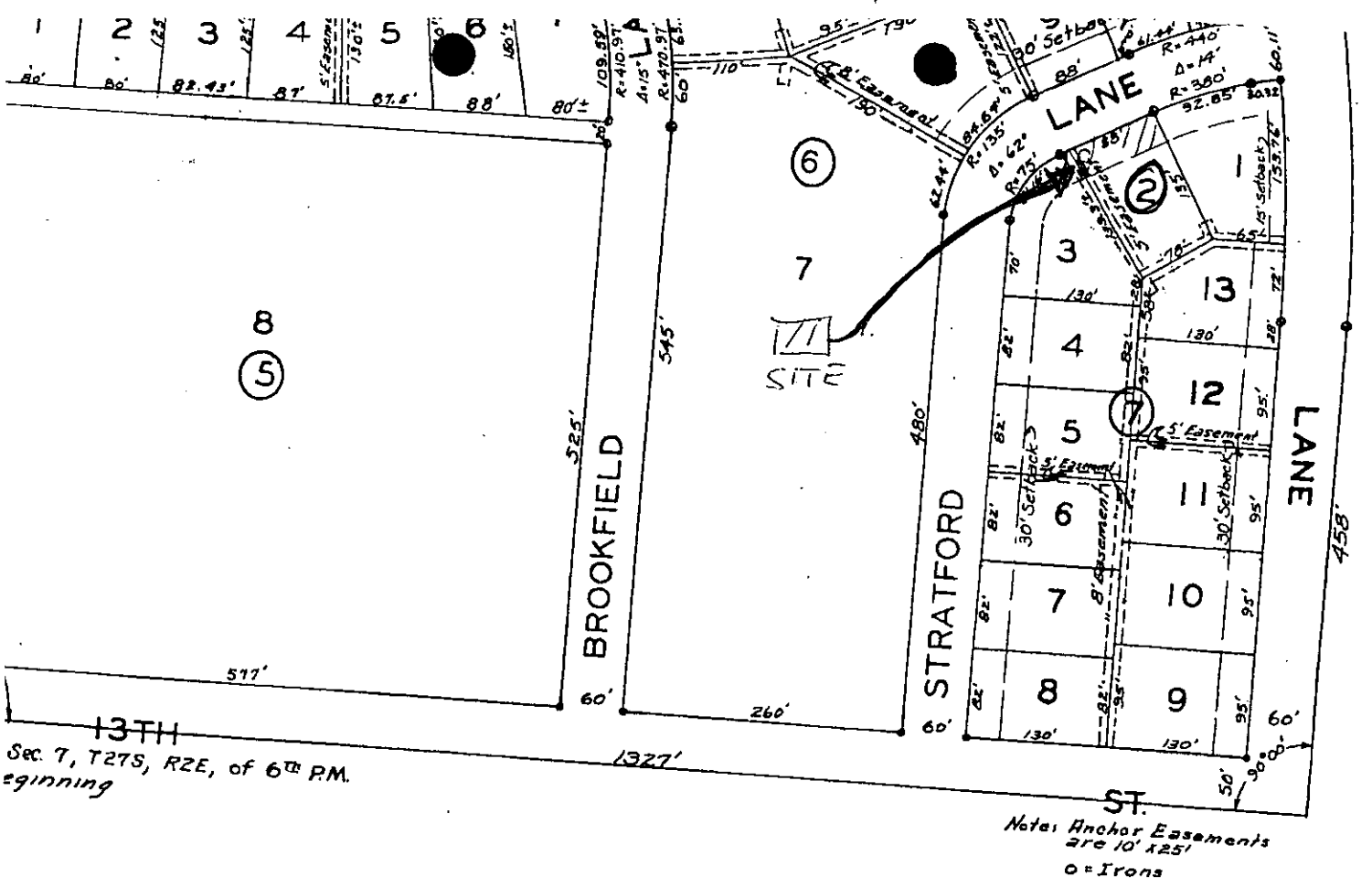
Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works, franchised utility representatives and other interested parties, Planning Staff recommends approval of the vacation of the platted setback with conditions.

(1) The new setback will be per the UZC's minimum 25-foot front yard setback for the "SF-5 zoning district or/and if necessary a 20-foot front yard setback, as permitted by the 20% reduction standards of an Administrative Adjustment.

(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. If needed provide easements for utilities. Retain the existing platted easement that intersects the platted setback.

(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



VAC2007-21

This digital plat record accurately reproduces in all details the original plat filed with the Sedgwick County Register of Deeds. Digitized under the supervision of Register of Deeds Bill Meek by Sedgwick County Geographic Information Systems.

Bill Meek, Register of Deeds

Digitized rendition of original signature