CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

September 13, 2007

Michael A. Unrein
Jewell A. Unrein
12520 Tallowood Dr.
Wichita, KS 67206

Re: **VAC2007-00023** - Request to vacate a portion of platted setbacks, generally located midway between 21st and 13th Streets North, on the west side of 127th Street East, and southeast of Castelwood and Tallowood Drive.

Dear Mr & Mrs. Unrein:

At its regular meeting on Tuesday, September 11, 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
Tim Herian, 351 Oakwood Dr., Wichita, KS 67208
Douglas M. & Susan M. Torline, 12500 Tallowood Dr., Wichita, KS 67206
Thomas S. & Linda D. Vaught, 12430 Castlewood Cir., Wichita, KS 67206
Robert D. & Dianne Allison, 12420 Castlewood Cr., Wichita, KS 67206
Gilbert J. & Louis J. Sigg, 12410 Castlewood, Wichita, KS 67206
John & Denise Steinacker, 12413 Castlewood Cir., Wichita, KS 67206
Dennis J. & Amy L. Hall, 12505 E. Castlewood Ct., Wichita, KS 67206

Sedgwick County
Register of Deeds - Bill Meek
DOC.#/FLM-PG: 28916589
Receipt #: 1667202
Pages Recorded: 2
Cashier Initials: AL
Authorized By:
Recording Fee: 0.00
Date Recorded: 9/14/2007 2:57:40 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 9-11-07

IN THE MATTER OF THE VACATION OF PLATTED SETBACKS	)	
GENERALLY LOCATED MIDWAY BETWEEN 13TH & 21ST STREETS NORTH, ON THE WEST SIDE OF 127TH STREET EAST AND SOUTHEAST OF CASTLEWOOD & TALLOWOOD DRIVES	)	**Case No. VAC2007-00023**
MORE FULLY DESCRIBED BELOW	)	

VAC2007-00023

VACATION ORDER

NOW on this 11th day of September 2007 comes on for hearing the petition for vacation filed by Michael A. & Jewell A. Unrein praying for the vacation of the following described platted front yard setbacks, to-wit:

> The south 15-feet of the platted 35-foot front yard building setback & the south 5-feet of the platted 25-foot front yard building setback, all located on Lot 12, Block 1, Crestview Country 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 July 26, 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 front yard setbacks, and the public will suffer no loss or inconvenience thereby.

3. Upon the recording of this Vacation Order with the Sedgwick County Register of Deeds, the front yard setback for Lot 12, Block 1, Crestview Country Addition, will be 20-feet.

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 platted front yard setbacks described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 11th day of September 2007 ordered that the above-described platted front yard setbacks 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.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

State of Kansas
Sedgwick County
City of Wichita

I, Karen Sublett, 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 SEP 11 2007

City Clerk

Approved as to Form:

Gary Rebenstorf, Director of Law

METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4-1
August 16, 2007

STAFF REPORT

CASE NUMBER: **VAC2007-00023** Request to vacate a platted setbacks

OWNER/APPLICANT: Michael A & Jewell A Unrein

AGENT: Tim Herian

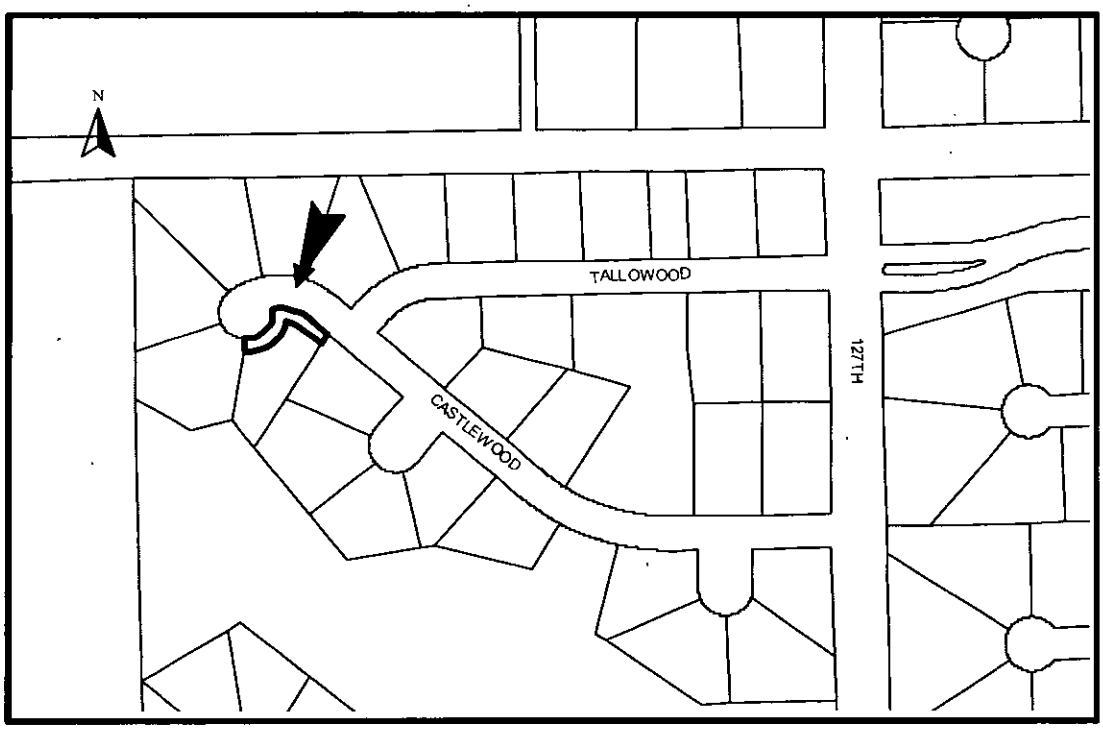
LEGAL DESCRIPTION: Generally described as the platted 35-foot & 25-foot front yard building setbacks, located on Lot 12, Block 1, Crestview Country Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located midway between 13th & 21st Streets North, on the west side of 127th Street East and southeast of Castelwood & Tallowood Drives (WCC #II)

REASON FOR REQUEST: Additional room to build a single-family residence

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 35-foot & 25-foot platted front yard setbacks. 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 are platted easements (with sewer in one, but no water) that will not be affected by the vacated setbacks. There are no other utilities in the portions of the setbacks that are proposed to be vacated. The Bridgewood Addition was recorded with the Register of Deeds August 21, 1980. The Single-family residences around the vacant site were built between 1992-1995; the site is the last undeveloped lot in the subdivision.

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 setbacks 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 and the Derby Reporter, of notice of this vacation proceeding one time July 26, 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 platted setbacks 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 platted setback, described in the petition should be approved with conditions;

(1) The front setbacks will be 20-feet.

(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 easements that intersect 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

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

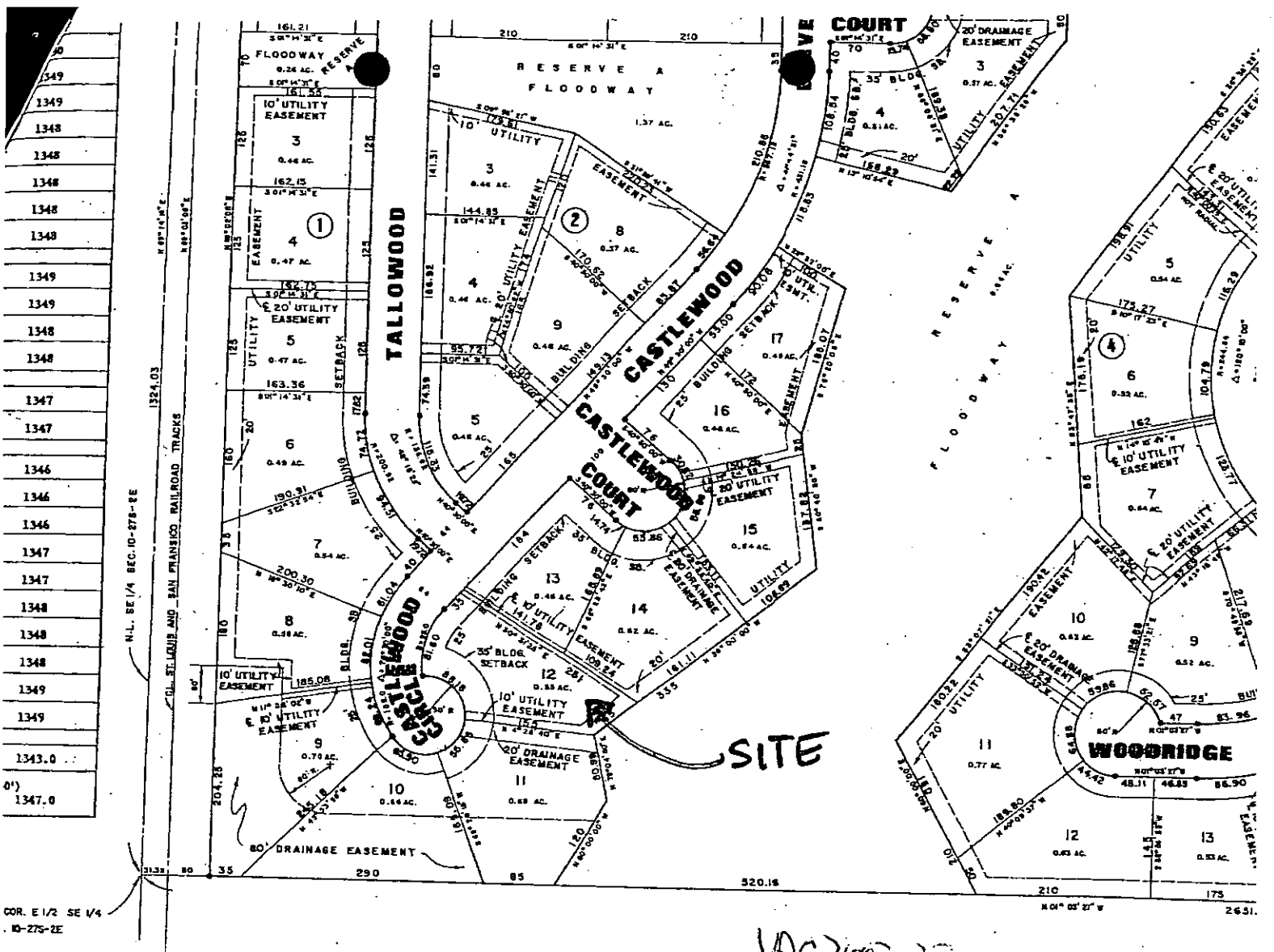
The Subdivision Committee recommends approval subject to the following conditions:

(1) The front setbacks will be 20-feet.

(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 easements that intersect the platted setbacks.

(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



VAC2007-23

CRESTVIEW C

BRIDGEWO

SEDGWICK

REISS & GOOI

This digital plat record accurately re
original plat filed with the Sedgwick
Digitized under the supervision of R
Sedgwick County Geographic Inform

Bill Meek, Registe
Digitized rendition of orig