CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

October 24, 2007

David B. Melton
1630 N. Judith Street
Wichita, KS 67212

Re: **VAC2007-00025** - Request to vacate a portion of a platted setback, generally located east of 119th Street West, north of 13th Street North, on the southwest corner of Parkridge & Judith Streets.

Dear Mr. Melton:

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
David B. Melton & Gayle Melton, 1630 N. Judith Street, Wichita, KS 67212
Timothy W & Rebecca A Fitzmier, 1624 N Judith, Wichita KS 67212
Donald R & Rhonda K Caron, 1602 N Judith, Wichita, KS 67212
John J & Florence m Hampel, 1536 N. Judith, Wichita, KS 67212
Jorge T & Alejandra T Prendes, 1528 N Judith, Wichita, KS 67212
Robert E Towner & Maria R Ortiz-Towner, 1520 N. Judith, Wichita, KS 67212
Angela R Pratt & Derek M Lofgreen, 1516 N Judith, Wichita, KS 67212

Register of Deeds - Bill Meek
DOC.#/FLM-PG: 28926459
Receipt #: 1670607
Pages Recorded: 2
Cashier Initials: KL
Authorized By:
Recording Fee: 0DH
Date Recorded: 10/23/2007 1:49:58 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
10-18-07

IN THE MATTER OF THE VACATION OF A PORTION OF A PLATTED SETBACK	)	
GENERALLY LOCATED EAST OF 119TH STREET WEST, NORTH OF 13TH STREET NORTH, ON THE SOUTHWEST CORNER OF JUDITH AND PARKRIDGE STREETS	)	**Case No. VAC2007-00025**
MORE FULLY DESCRIBED BELOW	)	

VACATION ORDER

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

The south 5-feet of the platted 25-foot front setback that runs parallel to Judith Street, on the Lot 1, Block 12, the Echo Hills 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 August 16, 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.

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3. Upon the recording of the Vacation Order, a 20-foot front setback, running parallel to Judith Street on Lot 1, Block 12, the Echo Hills Addition, Wichita, Sedgwick County, Kansas will be in effect

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 a platted setback 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 of a 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

METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4-1
September 6, 2007

STAFF REPORT

CASE NUMBER: **VAC2007-00025** Request to vacate a portion of a platted setback

APPLICANT/OWNER: David & Gayle Melton

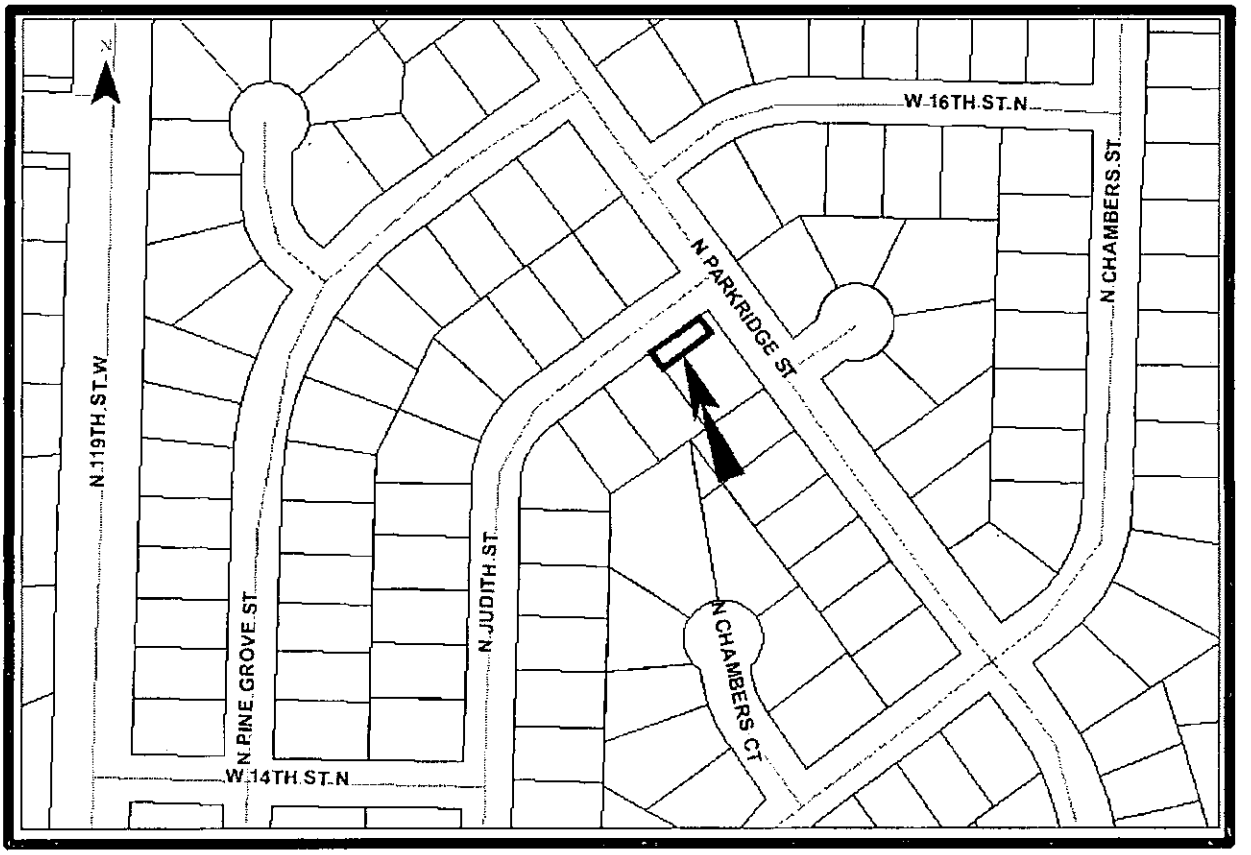
LEGAL DESCRIPTION: Generally described as the south 5-feet of the platted 25-foot front setback that runs parallel to Judith Street, on the Lot 1, Block 12, the Echo Hills Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located east of 119th Street West, north of 13th Street North, on the southwest corner of Judith and Parkridge Streets (WCC #V)

REASON FOR REQUEST: Additional room for an attached garage

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

VICINITY MAP:



The applicant proposes to vacate the south 5-feet of the described platted 25-foot front setback. The Unified Zoning Code's (UZC's) minimum front setback for "SF-5" zoning district is 25-feet. If the front setback was the UZC's 25-foot minimum for the "SF-5" zoning district and not platted the applicant could reduce the setback by 20%; making it a 20-foot front setback. The applicant's request is for a 20-foot front setback. There are no platted easements, franchised utilities, manholes, water or sewer lines located in the described portion of the platted setback. There are no platted easements in the interior side yard of the site, but there is the UZC's 6-foot minimum interior side yard that the applicant must observe. The Echo Hills Addition was recorded with the Register of Deeds February 26, 1980

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 and the Derby Reporter of notice of this vacation proceeding one time August 16, 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) Upon the recording of the Vacation Order, a 20-foot front setback will be in effect.

(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:

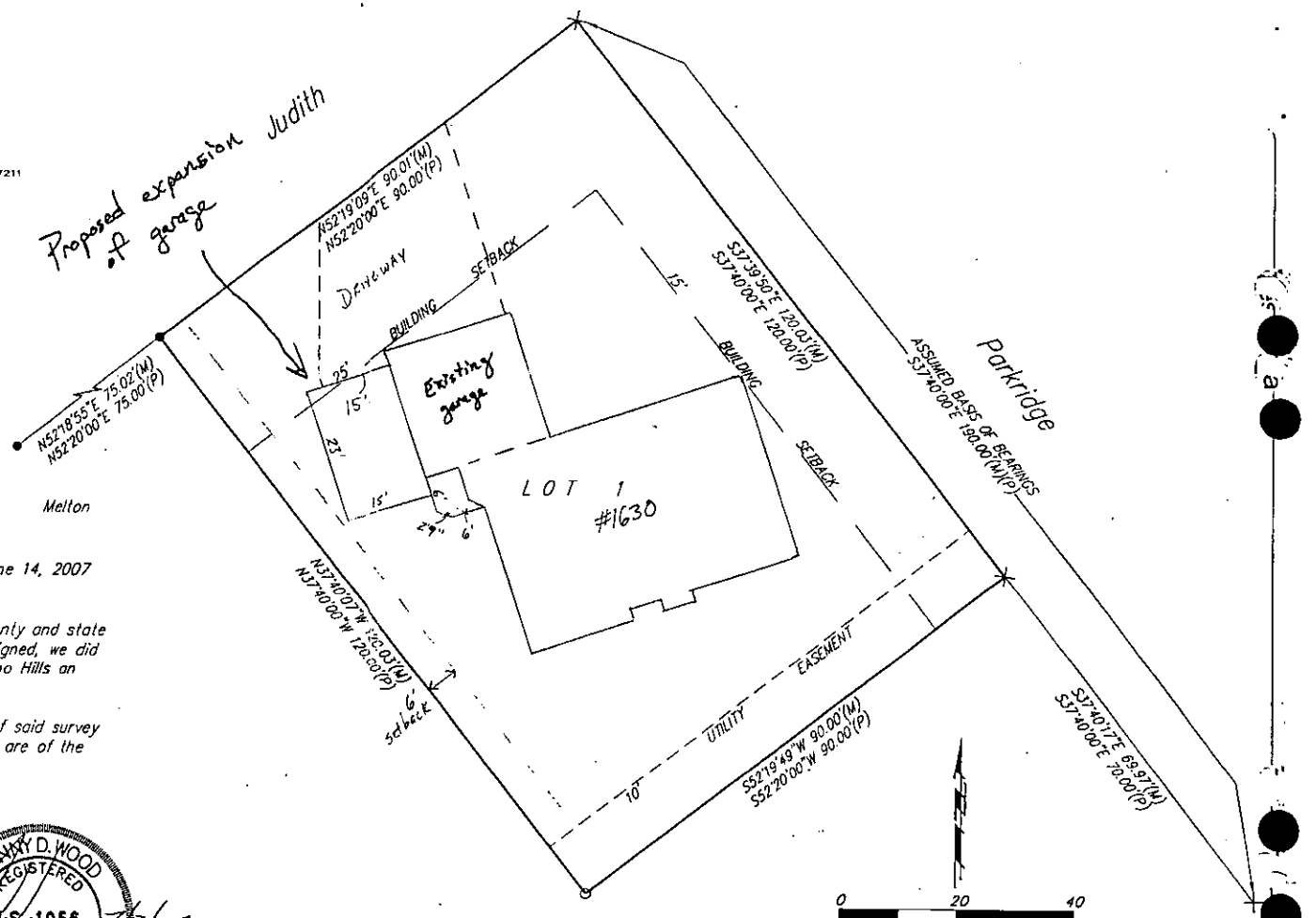
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Baughman
ENGINEERING | SURVEYING | PLANNING
LANDSCAPE ARCHITECTURE
(316)-262-7271 • 315 ELLIS • WICHITA, KANSAS 67211



State of Kansas)
) SS
County of Sedgwick)

June 14, 2007

We, Baughman Company, P.A., Surveyors in aforesaid county and state do hereby certify that, under the supervision of the undersigned, we did on this 14th day of June 2007, survey Lot 1, Block 12, Echo Hills an Addition to Wichita, Sedgwick County, Kansas.

The accompanying sketch is a true and correct exhibit of said survey based on actual field measurements where the monuments are of the character and occupy the positions as indicated.

LENNY D. WOOD
REGISTERED
LS-1056
KANSAS
LAND SURVEYOR

Surveyor 6/14/2007

● = 1/2" Iron Pipe (Found)
O = #4 Rebar (Found)
X = Chiseled Cross (Found)

(M) = Measured
(P) = Platted

Project No. 07-06-C041
DWG FILE: F:\M11\0706\0706041C.dwg-M.A.W.

VAC2007-25

RECORDED 2-26-1980

NOTE: Baughman Company, P.A. has not researched any title examination of subject property. An abstract or title insurance company would need to be contacted to research and provide to us any easements, rights-of-ways or dedications.

This document should contain an original stamped seal and a surveyor's signature in blue ink. If it does not, it is a copy and should be assumed to contain unauthorized alterations. The certification on this document shall not apply to any copies.