CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

February 29, 2008

Michael J. Casamento
2556 Greenleaf Ct.
Wichita KS 67226

Re: **VAC2007-00026** - Request to vacate a portion of a platted setback, generally located west of Meridian Avenue on the south side of Esthner Street.

Dear Mr. Casamento:

At its regular meeting on Tuesday, February 26, 2008, 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
R & R Holdings Inc., P.O. Box 17034, Wichita, KS 67217
Dennis W & Linda D Daugherty, 12115 SW 84th, Andover KS 67002
Virgil W & Sylvia A Marsolf, 2530 Esthner, Wichita, KS 67213
Tonya A Mountford, 1761 S. Richmond, Wichita, KS 67213
Roy H & Mary E Wilcoxon, 11808 Springwater Dr, Clearwater, KS 67206
Jerry A & Rosanne Milligan, 1757 S. Meridian, Wichita, KS 67213
Gary A & Linda Hitchcock, 1751 S. Meridian, Wichita, KS 67213

Sedgwick County
Register of Deeds - Bill Meek
DOC.#/FLM-PG: 28955911
Receipt #: 1681005
Pages Recorded: 2
Cashier Initials: AL
Authorized By:
Recording Fee: 00
Date Recorded: 3/3/2008 2:57:26 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 2-26-08 #28

IN THE MATTER OF THE VACATION OF A PORTION OF A PLATTED SETBACK	)	
GENERALLY LOCATED WEST OF MERIDIAN AVENUE, ON THE SOUTH SIDE OF ESTHNER AVENUE	)	**Case No. VAC 2007-00026**
MORE FULLY DESCRIBED BELOW	)	

VACATION ORDER

NOW on this 26th day of February comes on for hearing the petition for vacation filed by Michael J. Casamento praying for the vacation of the following described portion of a platted setback, to-wit:

The south 9-feet of the north 35 feet of the east 116 feet of the west 134 feet of Lot 3, Meridian Industrial Park Addition to 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.

plat, Vacd
2

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 26th day of February 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, City Clerk

Approved as to Form:

Gary Rebenstorf, Director of Law

SUBDIVISION COMMITTEE
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 2
August 23, 2007

STAFF REPORT

CASE NUMBER: **VAC2007-00026** Request to vacate a portion of a platted setback

APPLICANT/OWNER: Michael J Casamento

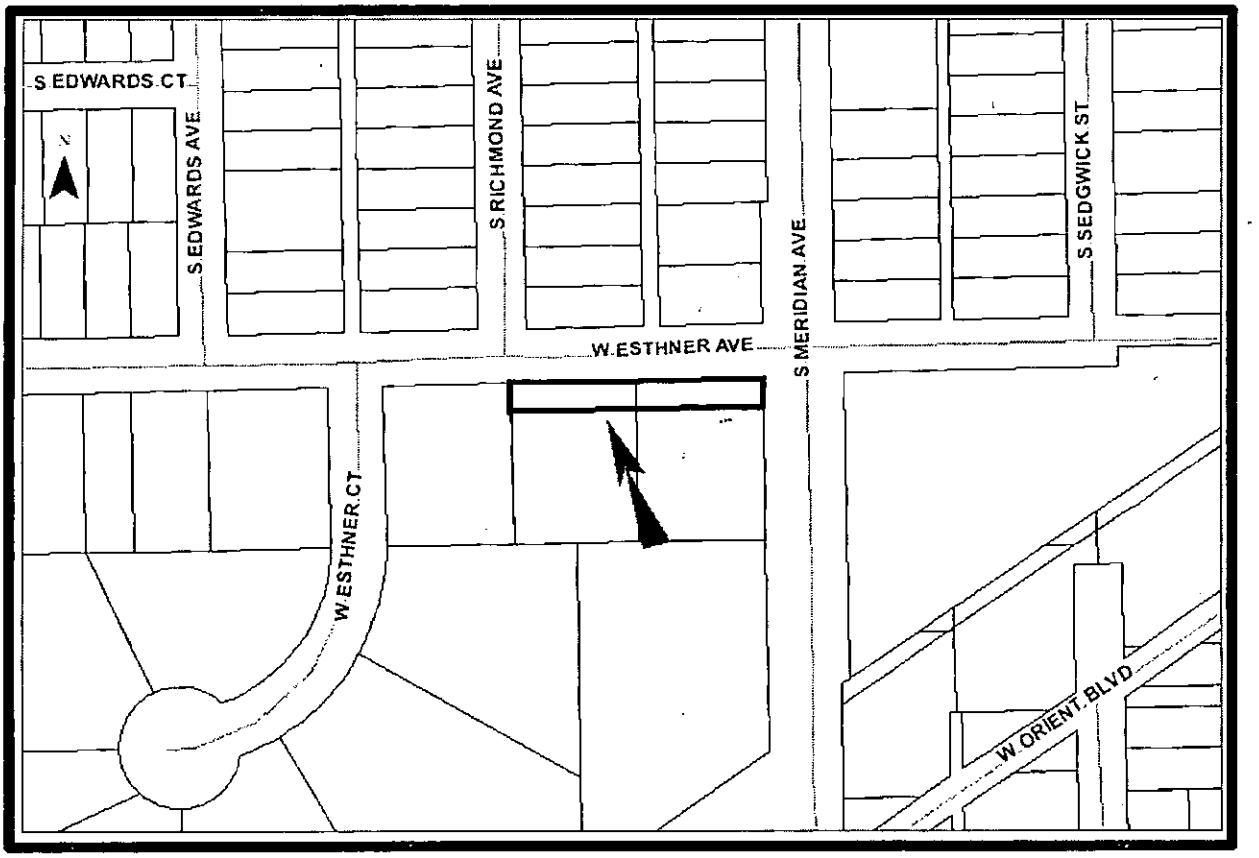
LEGAL DESCRIPTION: Generally described as the south 9-feet of the platted 35-foot front setback that runs parallel to Esthner Avenue, on Lots 2 & 3, the Meridian Industrial Park Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located west of Meridian Avenue, on the south side of Esthner Avenue (WCC #IV)

REASON FOR REQUEST: Expansion

CURRENT ZONING: Subject property and abutting and adjacent southern and western properties are zoned "LI" Limited Industrial. Properties to the east, across Meridian Avenue, are zoned "GC" General Commerical. Properties to the north, across Esthner Avenue, are zoned "LC" Limited Commercial and "SF-5" Single-Family Residential.

VICINITY MAP:



The applicant proposes to expand onto his existing building. The addition will encroach approximately 9-ft into the platted 35-ft front setback; 26-foot setback. The Unified Zoning Code's (UZC's) minimum front setback for the "LI" zoning district is 20-feet. The proposed encroachment will not exceed the current UZC's "LI" zoning standard. There are no platted easements, manholes, water or sewer lines in the setback. Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the setback. The Meridian Industrial Park Addition was recorded with the Register of Deeds May 13, 1975 Plat history: VAC2002-00007 vacated a portion of the platted 35-foot front setback on the western abutting Lot 4, Meridian Industrial Park Addition.

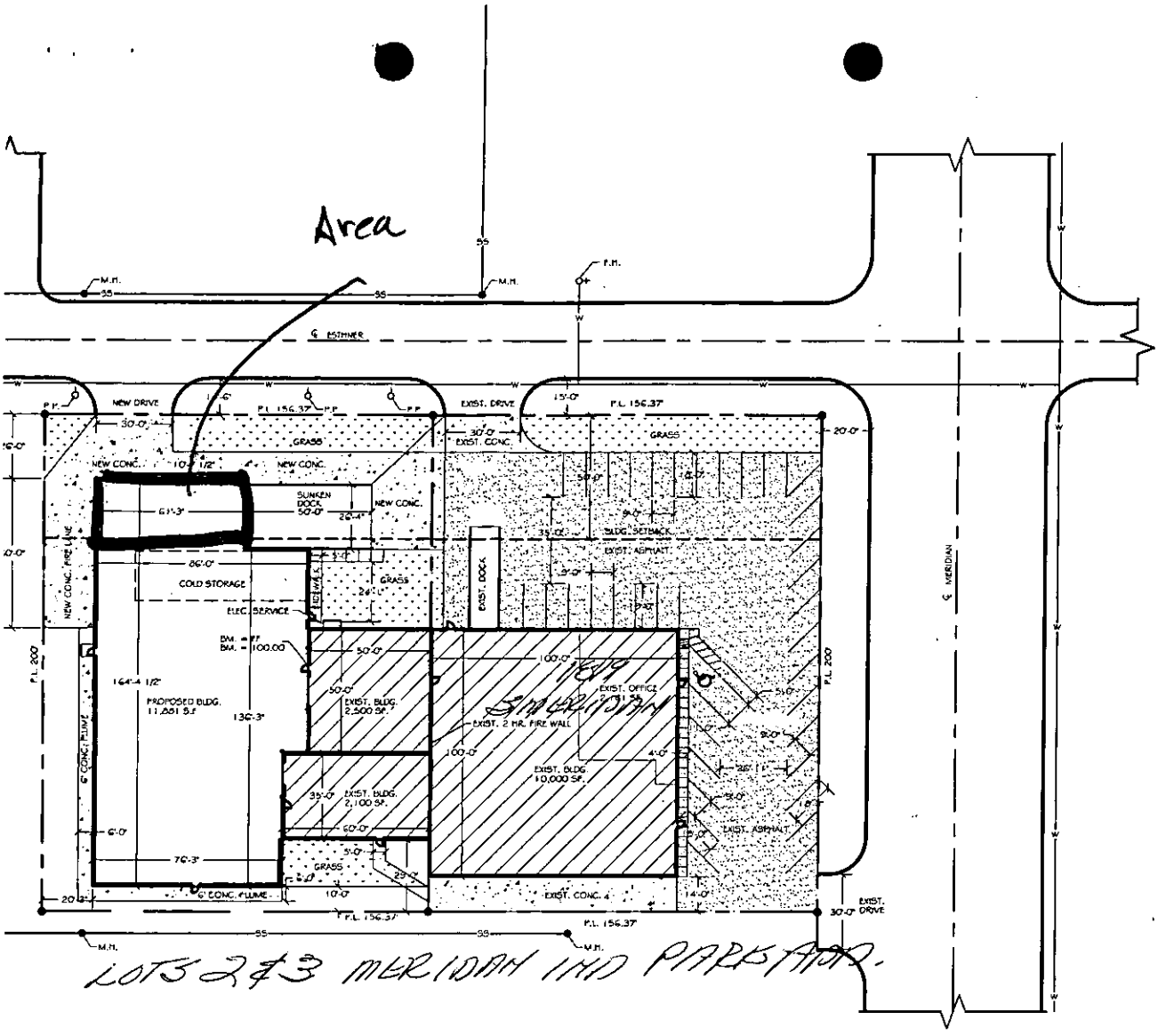
Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works, franchised utility representatives and other interested parties, Planning Staff recommends approval of the vacation of the described portion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

(1) Provide Planning with a legal description of the approved vacated portion of the setback on a Word document via e-mail. The legal description will only describe that portion of the setback that will be encroached into by the proposed expansion.

(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



LOTS 2 & 3 MERIDIAN IND PARK ADD.

SMITH CONSTRUCTION CO., INC.

BLEND-TEC

1819 S. MERIDIAN WICHITA, KS. 67213

DRAWN:	SANDY ROBERTS
TITLE:	SITE PLAN
DATE:	7/24/07
SCALE:	1"=20'
CHK'D:	KAB
JOB #:	GTA
REVISIONS:	0

SITE PLAN
SCALE: 1" = 20'

THE MERIDIAN INDUSTRIAL PARK Add'n
RECORDED 5-13-1975

SA-1

VAC2007-26

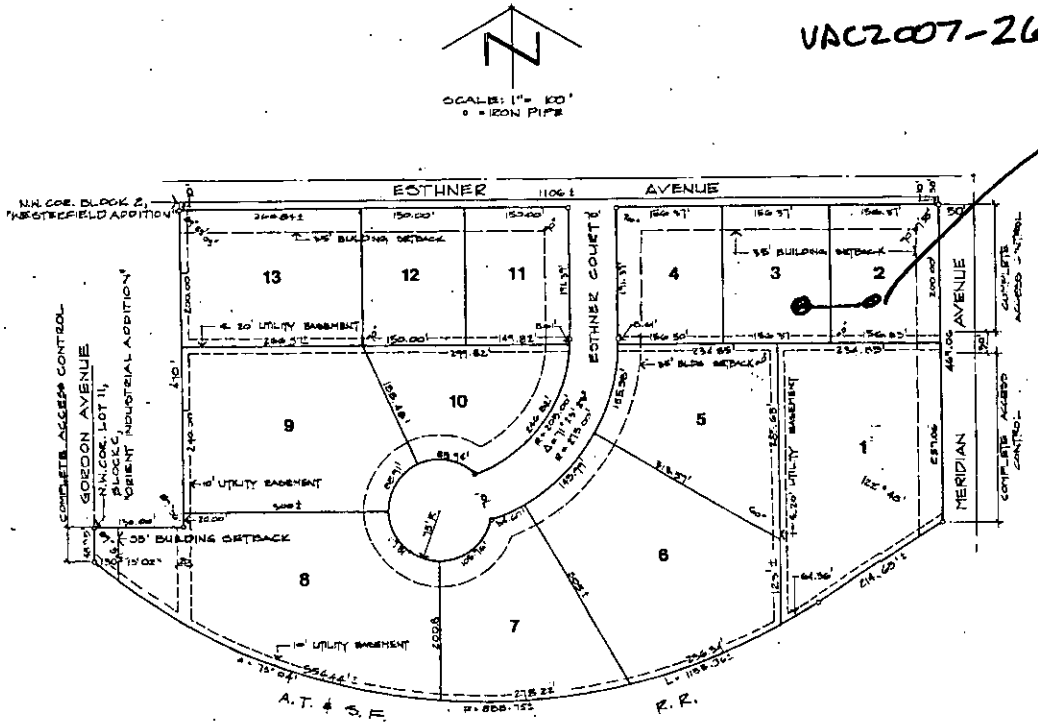
G-2 7-17

meridian industrial park addition

to wichita, sedgwick county, kansas

VAC2007-26

SITE



This plat of "MERIDIAN INDUSTRIAL PARK ADDITION" has been submitted to and approved by the Wichita-Sedgwick County Metropolitan Area Planning Commission, Wichita, Kansas.

Dated this 2nd day of DECEMBER, 1974.

Wichita-Sedgwick County Metropolitan Area Planning Commission.

Harlan R. Kamen, Chairman

Robert A. Laklin, Secretary

This plat approved and all dedications shown hereon, if any, accepted by the City Commission of the City of Wichita, Kansas. APR 23 1975

CONNIE A. PETERS, Mayor

Donald C. Gisick, City Clerk

This plat approved and all dedications shown hereon, if any, accepted by the Board of County Commissioners of Sedgwick County, Kansas.

Earl E. Rush, Chairman

John Hall, Commissioner

Tom Scott, Commissioner

ATTEST: George Pierce, County Clerk

STATE OF KANSAS SS
COUNTY OF SEDGWICK

This is to certify that this instrument was filed for record in the Register of Deeds Office at 8:30 A.M. on the 12th day of May, 1975.

Nellie F. McCart, Register of Deeds

Pearl B. Gilbert, Deputy

Entered on Transfer Record this 12th day of May, 1975.

George Pierce, County Clerk

F KANSAS SS
OF SEDGWICK

Hall, Land Surveyor in said State and County, hereby
I have surveyed and platted "MERIDIAN INDUSTRIAL
DITION", to Wichita, Sedgwick County, Kansas, and
panying plat is a true and correct exhibit of such survey,
ribed as and being a replat of; Lot 11, Block C, "ORIENT
AL ADDITION", Wichita, Kansas; together with all of
WESTERFIELD ADDITION", a replat of Part of "ORIENT
AL ADDITION", Wichita, Kansas.

JOHN J. HALL, REGISTERED LAND SURVEYOR, LS-361, KANSAS

John J. Hall L.S. #361

OF KANSAS SS
OF HARVEY

men by these presents that we, Gary D. Franz, and Mary
iz, have caused the land described in the surveyor's certi-
be platted into Lots and Streets to be Known as "MERIDIAN
IAL PARK ADDITION", to Wichita, Sedgwick County, Kansas.
isements as shown on the plat are hereby granted for the
tion and maintenance of all public utilities. The Streets
by dedicated to and for the use of the public. All abutter's
access to or from Gordon Avenue, over and across the
of Lot 8, and Meridian Avenue over and across the East
ots 1 and 2 are hereby granted to the City of Wichita,
however, that Lots 1 and 2 shall share access to Meridian
t one common location as shall be determined by the City
of the City of Wichita, Kansas. Phoenix Avenue, Edwards
and Richmond Avenue, in Block 2, "WESTERFIELD ADDITION",
vacated by the authority of K.S.A. 1973 supplement 12-512(b).

Franz

Mary Ann Franz

2-3/27

STATE OF KANSAS SS
COUNTY OF SEDGWICK

We, R. Olen McGee, Stanley Smeltzer, Jr., Robert A. Tanner, and LeRoy J. Parker, mortgagees on the above described property, do hereby consent to the plat of "MERIDIAN INDUSTRIAL PARK ADDITION".

R. Olen McGee

Stanley Smeltzer, Jr.

Robert A. Tanner

LeRoy J. Parker

STATE OF KANSAS SS
COUNTY OF SEDGWICK

The foregoing instrument was acknowledged before me this 31st day of January, 1975, by R. Olen McGee, Stanley Smeltzer, Jr., Robert A. Tanner, and LeRoy J. Parker.

My Commission Expires: Jan. 9, 1978

Notary Public

OF KANSAS SS
OF HARVEY

joing instrument was acknowledged before me this 5th day of February, 1975 by Gary D. Franz and Mary Ann Franz.

mission Expires: Oct. 26, 1976

Ted Claassen
Notary Public