



Wichita-Sedgwick County Metropolitan Area Planning Department

January 14, 2008

Ron Luallen
601 Waverly
Wichita, KS 67218

Re: **VAC2007-00034** - Request to vacate a portion of a platted setback, generally located south of Kellogg Street, east of Woodlawn Avenue, on the southwest corner of the intersection of Orem Avenue and Waverly Drive

At its regular meeting on Tuesday, January 8, 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
George E. & Jeanine S. Anderson, 604 S. Lexington, Wichita, KS 67218
Benjamin P. & Thelma M. Brooks, 729 S. Waverly Dr., Wichita, KS 67218
Jorge A. Luzmila Montiel, 723 S. Waverly, Wichita, KS 67218
Kenneth L. & Norma Hope Alexander, 717 S. Waverly, Wichita, KS 67218
Velda K. Myers Revocable Trust, 709 S. Waverly, Wichita, KS 67218
Amanda Marie Bahr, 701 S. Waverly, Wichita, KS 67218
Patricia A. Savard, 669 S. Waverly, Wichita, KS 67218
Terry L. Bailey, 663 S. Waverly Dr., Wichita, KS 67218
Matthew S. McCormick & Matthew S. McCormick & Elizabeth M. Evans-McCormick, 657 S. Waverly Dr., Wichita, KS 67218
Timothy G. Fowle & Myong Hui Fowle, 159 Cochran Hwy, Hawkinsville, GA 31036
Denise L. Hawkinson, 645 S. Waverly, Wichita, KS 67218
Roger M. Jolicoeur, 639 Waverly, Wichita, KS 67218

City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

T 316.268.4421 F 316.268.4390

www.wichita.gov



Sedgwick County
Register of Deeds - Bill Meek

DC #/FLM-PG: 28945048

Receipt #: 1676978
Pages Recorded: 2
Cashier Initials: LK

Authorized By:

Recording Fee: 00H

Date Recorded: 1/11/2008 10:05:45 AM



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

1-9-08

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

**GENERALLY LOCATED SOUTH OF
KELLOGG STREET, EAST OF EDMOOR
AVENUE, ON THE SOUTHWEST CORNER OF
ORME STREET AND WAVERLY DRIVE**

Case No. VAC2007-00034

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 8th day of January 2008 comes on for hearing the petition for vacation filed by Ron Luallen praying for the vacation of the following described portion of a platted setback, to-wit:

The west 10-feet of the platted 30-foot setback, located along the east side of Lot 35, Block 2, the Prairie Park 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 November 15, 2007, which was at least 20 days prior to the public hearing.

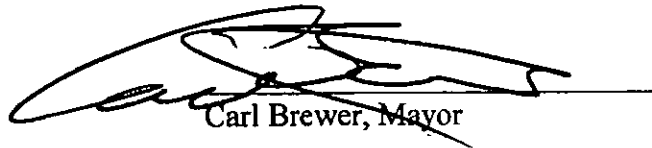
2. No private rights will be injured or endangered by the vacation of the above-described portion of the platted setback, and the public will suffer no loss or inconvenience thereby.

VAC2007-00034

Plat. void
Glor City
Gtee add.
2.11.08

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 8th day of January 2008 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.

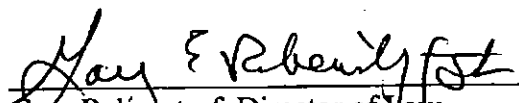

Carl Brewer, Mayor

ATTEST:


Karen Sublett, City Clerk



Approved as to Form:


Gary Rebenstorf, Director of Law

STAFF REPORT

CASE NUMBER: VAC2007-00034 Request to vacate a portion of a platted setback

APPLICANT/OWNER: Ron Luallen

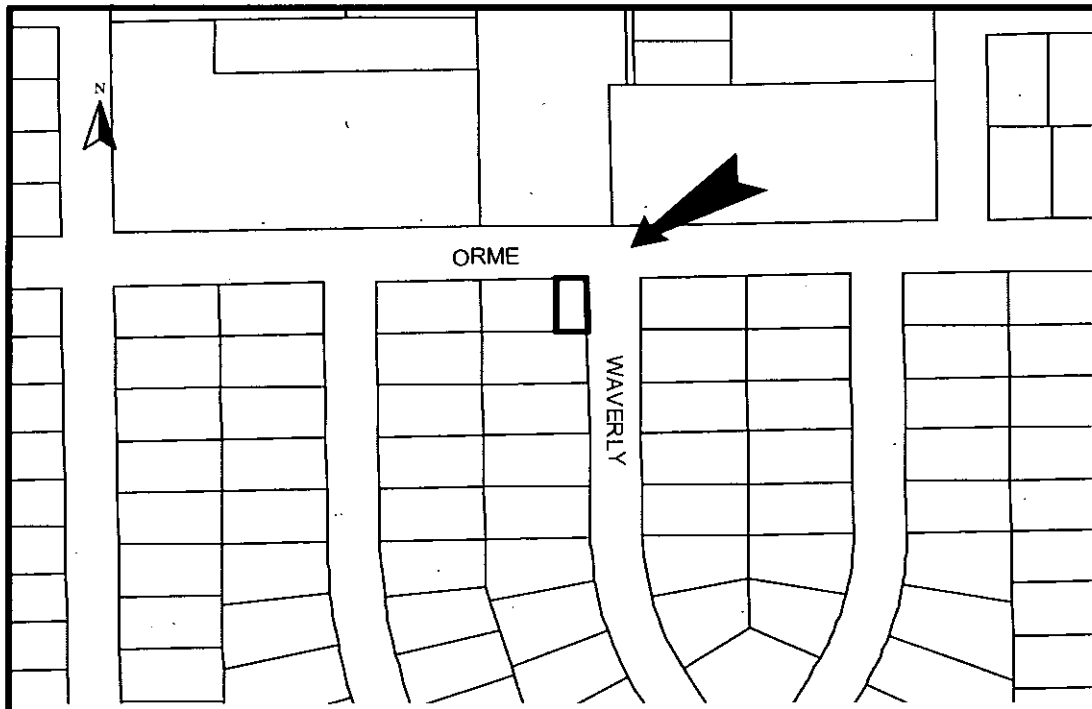
LEGAL DESCRIPTION: Generally described as the platted 30-foot setback that runs parallel to Waverly Drive, on Lot 35, Block 2, Prairie Park Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located Kellogg Street, east of Edgemoor Avenue, on the southwest corner of Orme Street and Waverly Drive (WCC III)

REASON FOR REQUEST: Additional room for a car port

CURRENT ZONING: Site and abutting and adjacent eastern, western and southern properties are zoned "SF-5" Single-family Residential. Adjacent northern properties, across Orme Street, are zoned "LC" Limited Commercial.

VICINITY MAP:



The applicant proposes to vacate the platted 30-foot setback. The zoning of the subject corner site is "SF-5." Per the UZC the short side of a corner lot is considered the front, which is where the platted 30-foot setback is located. The UZC requires a minimum of a 25-foot front yard setback for the "SF-5" zoning district. If the setback was not platted and it was the minimum 25-foot setback for the "SF-5" zoned site, the applicant could apply for an Administrative Adjustment, which would reduce a 25-foot setback by 20%, resulting in a 20-foot setback. The applicant is requesting a reduction of the platted setback to 20-feet. There are no platted easements, franchised utilities, water lines, manholes or sewer line located in the described portion of the platted setback. The Prairie Park Addition was recorded with the Register of Deeds May 22, 1950.

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 November 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.

B. Therefore, the vacation of a portion of the platted setback described in the petition should be approved subject to the following conditions:

- (1) The platted 30-foot setback, located on Lot 35, Block 2, Prairie Park Addition, along its Waverly Drive frontage will be replaced with a 20-foot setback.
- (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:

- (1) The platted 30-foot setback, located on Lot 35, Block 2, Prairie Park Addition, along its Waverly Drive frontage will be replaced with a 20-foot setback.
- (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



vac2007-34

water & sewer



Every reasonable effort has been made to assure the accuracy of the maps and associated data provided herein. This information is provided with the understanding that the data are susceptible to a degree of error, and conclusions drawn from such information are the responsibility of the reader. The City of Wichita makes no warranty, representation or guaranty as to the content, accuracy, timeliness or completeness of any of the data provided herein. Some data provided here and used for the preparation of these maps has been obtained from public records not created or maintained by the City of Wichita. The City of Wichita shall assume no liability for any decisions made or actions taken or not taken by the reader in reliance upon any information or data furnished hereunder. The user should consult with the appropriate departmental staff member, e.g. Planning, Parks & Recreation, etc. to confirm the accuracy of information appearing in the visual presentations accessible through these web pages.

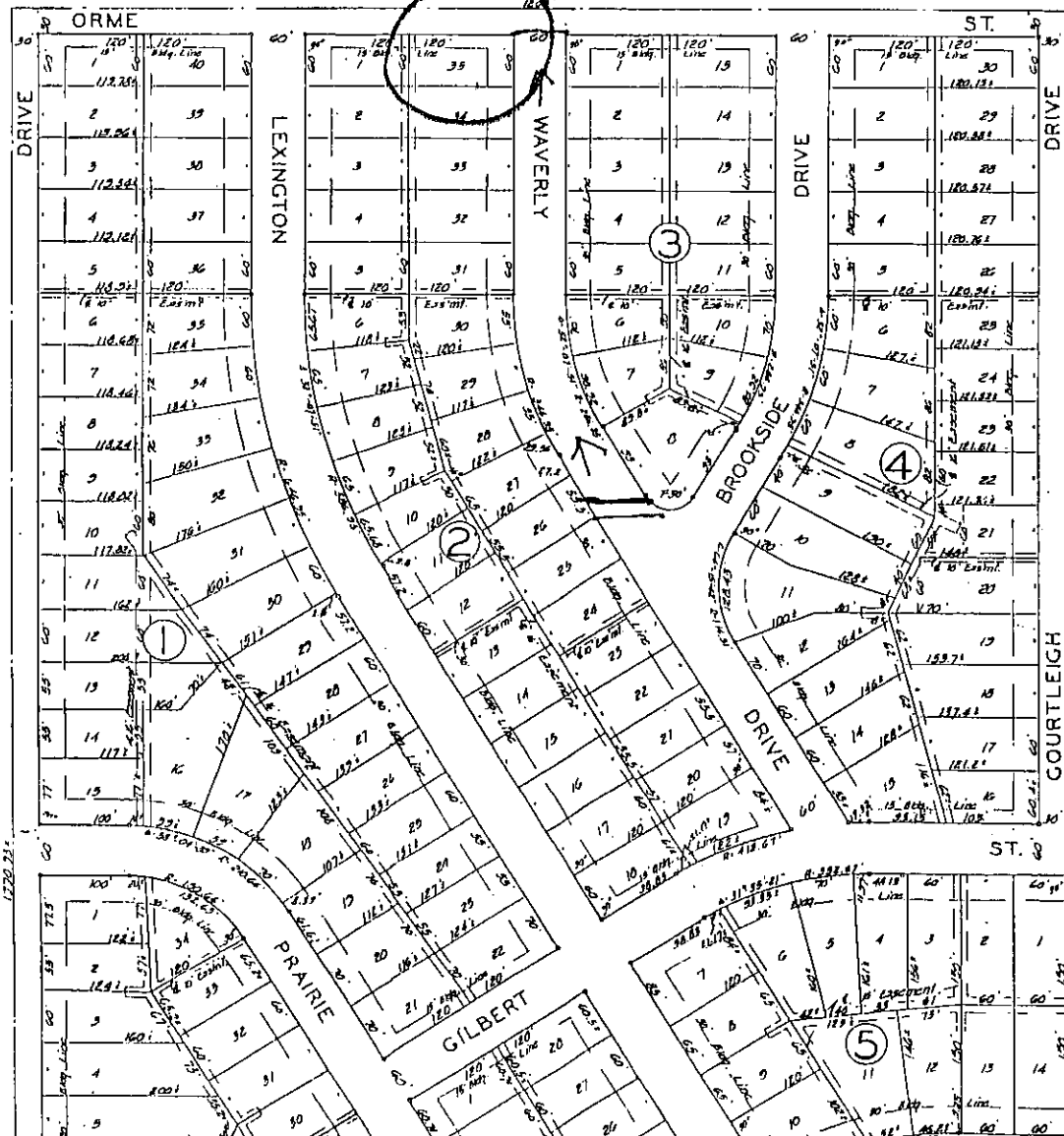


Prairie Park

AN ADDITION TO WICHITA KANSAS

SITE

VAC 2007-34



State of Kansas }
 Sedgewick County } I, Clyde M. Daughman, County Surveyor
 in and for said county and state do hereby certify that
 I have surveyed and platted "PRAIRIE PARK" an
 Addition to Wichita, Kansas, and that the accompany-
 ing plat is a true and correct exhibit of the prop-
 erty surveyed described as follows: A tract in the
 N.E. 1/4 of Sec. 25, Twp. 27-S, R. 1-E of the 6th P.M.
 Beginning 600 feet south and 600 feet east of the north-
 west corner of said N.E. 1/4; thence east 1200 feet;
 thence south 1370.6 feet more or less to the south
 line of said 1/4 Sec.; thence west 1200 feet to a point
 on the south line of said 1/4 Sec. 600 feet east of
 the S.W. cor. of said 1/4 Sec.; thence north 1370.6
 feet more or less to point of beginning.

Clyde M. Daughman Surveyor

Know all men by these presents
 that Town and Country Estates, Inc., a corporation
 by its Vice-President U.A. Denker and Asst. Secretary
 S.W. Vaughn, have caused the land described in
 the surveyors certificate to be platted into lots,
 blocks, streets and a reserve to be known as
 "PRAIRIE PARK" an Addition to Wichita, Kansas.
 Easements are granted as indicated on the plat
 for the construction and maintenance of all public
 utilities. The streets are dedicated to and for the
 use of the public.

Town and Country Estates Inc., a corporation

by *U.A. Denker* Vice-President

S.W. Vaughn Asst. Secretary

State of Kansas }
 Sedgewick County } ss. Be it remembered that on this
 2nd day of May, 1950, before me a notary pub-
 lic in and for said county and state came Town and
 Country Estates Inc., a corporation by its Vice-President
 U.A. Denker and Asst. Secretary S.W. Vaughn, to me
 known to be the same persons who executed the
 foregoing instrument of writing and duly acknow-
 ledged the execution of the same as their volun-
 tary act and deed and as the act and deed of said
 corporation. In testimony whereof I have hereunto
 set my hand and affixed my notarial seal the day
 and year above written.

A. J. Steinhoff Notary Public

My Commission Expires August 22, 1952

This plat of "PRAIRIE PARK" an Add-
 ition to Wichita, Kansas, has been submitted to
 and considered by the City Planning Commission