CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

March 20, 2008

Orthodontics Clinic Building, LC
1821 N. Rock Road
Wichita, KS 67226

Re: **VAC2007-00045** - Request to vacate a portion of a platted setback, generally located midway between 13th & 21st Streets North, on the southwest corner of Rock Road and Rock Road Court (1821 N. Rock Road Court).

Dear Ladies & Gentlemen:

At its regular meeting on Tuesday, March 18, 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
PEC, c/o Rob Hartman, 303 S. Topeka, Wichita, KS 67202
Darrell L. Rolph Living Trust and David K. Rolph Living Trust, 1877 N. Rock Road, Wichita, KS 67206
1861 LLC & Coot Oil Co., Ste. 300, 8080 E. Central, Wichita, KS 67206
Bradley Fair One, LLC, 150 N. Market, Wichita, KS 67202
OLP Havertportfolio LP, c/o Marvin F. Poer & Co., Suite B, 1286 Jungermann Rd., St. Peters, MO 63376

Sedgwick County
Register of Deeds - Bill Meek
DOC.#/FLM-PG: 28964423
Receipt #: 1684000
Pages Recorded: 2
Cashier Initials: AL
Authorized By:
Recording Fee: 00
Date Recorded: 4/2/2008 4:26:11 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 3-18-08 #43

IN THE MATTER OF THE VACATION OF A PORTION OF A PLATTED SETBACK	)	
GENERALLY LOCATED MIDWAY BETWEEN 13TH & 21ST STREETS NORTH, ON THE SOUTHWEST CORNER OF ROCK ROAD & ROCK ROAD COURT	)	**Case No. VAC2007-00045**
MORE FULLY DESCRIBED BELOW	)	

VACATION ORDER

NOW on this 18th day of March comes on for hearing the petition for vacation filed by Professional Engineering Consultants P.A., c/o Rob Hartman agent for Rock Road Court, LLC, c/o George E. Laham II praying for the vacation of the following described portion of a platted setback to wit:

The west 40-feet of the platted 75-foot street side yard setback, which runs parallel to Rock Road, on Lot 13, Brad Boone 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 January 3, 2008, 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.

3. A dedication of a sidewalk-utility easement by separate instrument will be recorded with the Vacation Order at the Sedgwick County 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 portion of the platted setback described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 18th day of March 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

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 MAR 18 2008

City Clerk

Approved as to Form:

Gary Rebenstorf, Director of Law

SUBDIVISION COMMITTEE
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 2
January 17, 2008

STAFF REPORT

CASE NUMBER: **VAC2007-00045** Request to vacate a portion of a platted setback

APPLICANT/AGENT: Orthodontics Clinic Building, LC PEC, c/o Rob Hartman

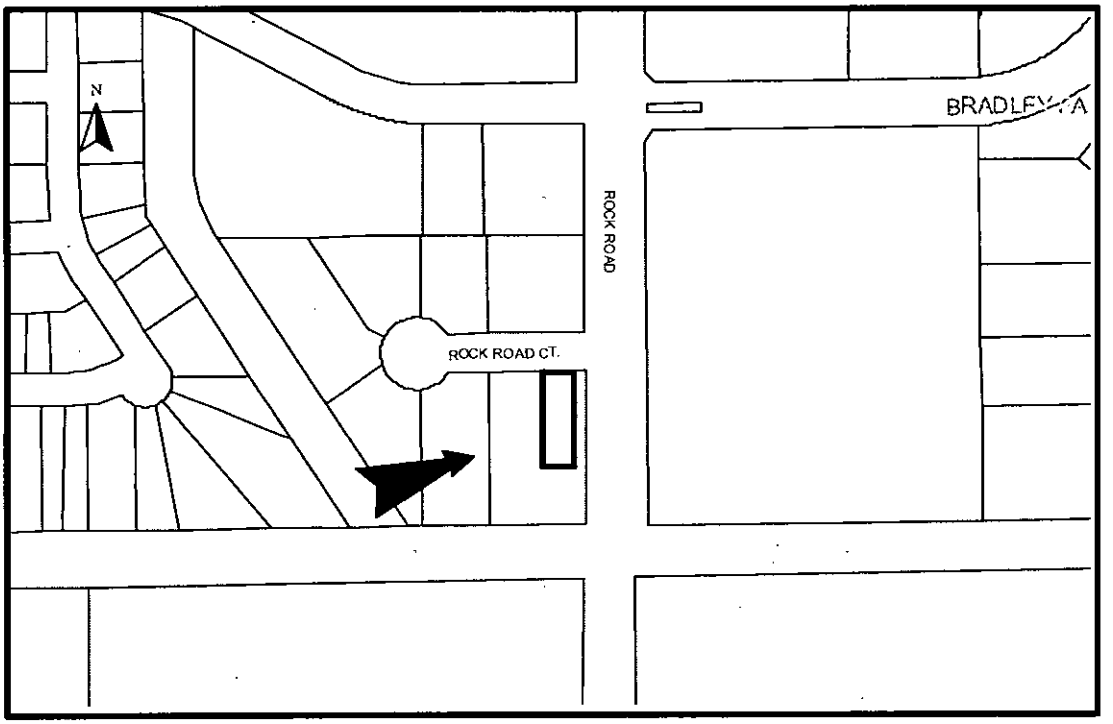
LEGAL DESCRIPTION: Generally described as the platted 75-foot setback that runs parallel to Rock Road on Lot 13, Brad Boone Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located midway between 13th & 21st Streets North, on the southwest corner of Rock Road & Rock Road Court (WCC #II)

REASON FOR REQUEST: Further development of site

CURRENT ZONING: Site, abutting western and adjacent northern (across Rock Road Court) properties are zoned "GO" General Office/CUP DP-62. Adjacent southern and eastern properties, (across RR tracks & Rock Road), are zoned "LC" Limited Commercial with CUP overlays

VICINITY MAP:



The applicant proposes to vacate 40-feet of the platted 70-foot street side setback, making a 35-foot setback. The zoning of the subject site is "GO," with a CUP overlay. The UZC requires a minimum of a 15-foot front yard setback for the "GO" zoning district and a minimum of a 35-foot setback for a CUP. The CUP setback standards override the UZC's minimum standards. There is a platted 20-foot utility easement that crosses the south side of the platted setback, it contains a sewer line and will be retained. There are no waterlines the described portion of the platted setback. Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the described portion of the platted setback. The Brad Boone Addition was recorded with the Register of Deeds April 1, 1981.

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) The platted 70-foot setback, located on Lot 13, Brad Boone Addition, along its Rock Road frontage will be replaced with a 35-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

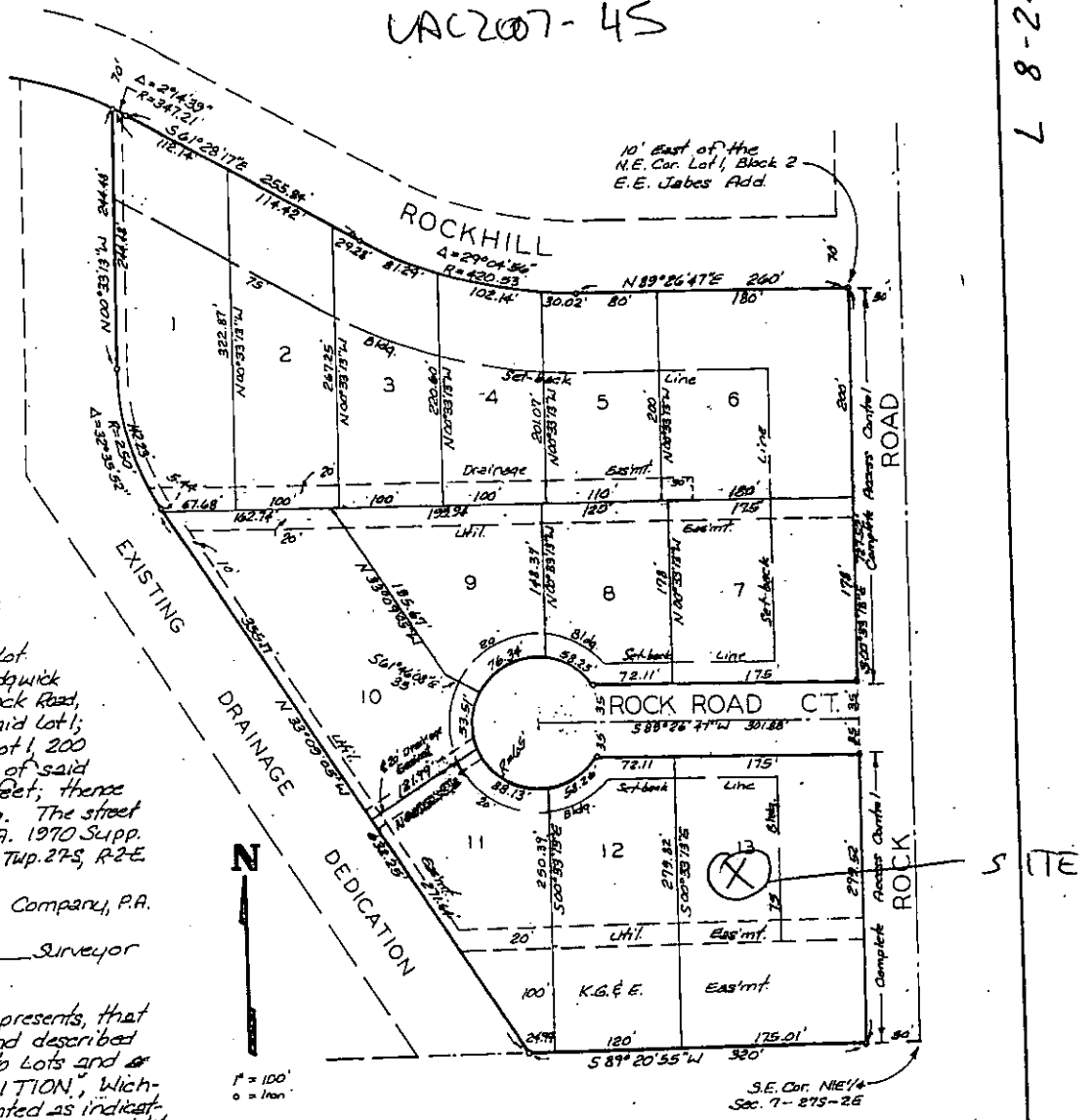
VAC2007-45

L 8-24

BOONE

DITION

TA, KANSAS.



3. We, Baughman Company, aforesaid county and state hat we have surveyed and BOONE ADDITION", Wich- that the accompanying plat ect exhibit of the property d as and being a replat of Lot abes Addition to Wichita Sedgwick ogether with that part of Rock Road, ning at the N.E. Corner of said Lot 1; along the east line of said Lot 1, 200 °15'51"E along the east line of said thence N 00°33'13"W, 300 feet; thence t to the place of beginning. The street g vacated by virtue of K.S.A. 1970 Supp. ng situated in the NE¼ of Sec. 7, Twp. 27S, R 2E.

Baughman Company, P.A.

William L. Korber Surveyor
William L. Korber

Know all men by these presents, that ned, have caused the land described certificate to be platted into Lots and as "BRAD BOONE ADDITION," Wich- e easements are hereby granted as indicat- uction and maintenance of all public utilit- s hereby dedicated to and for the use of abutters rights of Access to or from Rock cross the east line of Lots 6, 7 and 13 are the City of Wichita, Kansas.

Boone Robert B. Boone
Boone

S.S. The foregoing instrument was ack- e me, this 24th day of February B. Boone, and Sherry D. Boone, His wife.

Mark A. Savoy Notary Public
Mark A. Savoy

2/84

This plat of "BRAD BOONE ADDITION", Wichita, Kansas, has been submitted to and approved by the Wichita-Sedgwick County Metropolitan Area Planning Commission, Wichita, Kansas. Dated this 12TH day of FEBRUARY 1981.

Wichita-Sedgwick County Metropolitan Area Planning Commission.

Vice-Chairman

Robert A. Lakin Secretary

This plat approved and all dedications shown hereon accepted by the Board of Commissioners of