

City of Wichita
City Council Meeting
March 29, 1994

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: V-1855 REQUEST TO VACATE A PORTION OF A BUILDING SETBACK
AND SANITARY SEWER EASEMENT

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: , Planning

Staff Recommendation: Approve vacation of building setback and sewer easement.

MAPC Recommendation: Approve vacation of building setback and sewer easement.
(unanimous)

Background: This site is located in the County and involves an existing structure (garage) which has been found to encroach approximately five (5) feet into a combined platted building setback and sewer easement. In regard to the sewer easement, County Engineering has indicated that the actual sewer line is sufficiently far from the encroachment that a portion of the easement can be vacated. Adjacent property owners were notified, particularly as regards the building setback. The applicant has submitted a revised legal description, which only involves an area needed to clear the encroachment (original request was to vacate a five foot wide section of the entire setback/easement). The vacation request has been reviewed and approved by the Planning Commission, subject to conditions.

Legal Considerations: This request for vacation is located on property outside the City of Wichita, but within three miles thereof. As such, no petition, publication of notification or public hearing is required before the Wichita City Council.

Recommendations/Action: Approve vacation.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF
PORTIONS OF BUILDING SETBACK
AND SANITARY SEWER EASEMENT

GENERALLY LOCATED EAST OF 143RD STREET
EAST AND NORTH OF 13TH STREET NORTH

MAPD CASE NO. V-1855

VACATION ORDER

NOW on this 18th day of May, 1994 , at 9:00 o'clock A.M. comes
on for hearing a petition praying for the vacation of the following-
described real property, to wit:

[see attached legal description]

WHEREUPON, it is shown that proper notice has been given by
publication once each week for three consecutive weeks in the official
county paper, the first such publication having occurred on April
29, 1994, and it is further shown that proper proof of such
publication has been filed herein. The Board finds that such notice
is in lawful form and that it conforms to K.S.A. 58-2613.

THEREAFTER, the Board, having heard all interested parties and
being otherwise duly advised in the premises, finds and determines
that no private rights will be injured or endangered by such vacation;
that the public will suffer no loss or inconvenience thereby; that
no written objections hereto have been filed with the Sedgwick County
Clerk; and that, in justice to the petitioner, the petition's prayer
should be granted.

MICROFILMED
OF RECORD

10.00

City Clerk

150029 2909

The Board further finds that on the 24th day of February, 1994, the Metropolitan Area Planning Commission recommended that the vacation petition herein be approved; and on the 29th day of March, 1994, the Governing Body of the City of Wichita recommended that the said petition be approved.

THEREFORE, IT IS ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS THAT the above-described real property be and the same is hereby vacated.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

Betsy Gwin
BETSY GWIN, Chair 5-18-94

ATTEST:

Susan E. Crockett-Spoon
SUSAN E. CROCKETT-SPOON
County Clerk

APPROVED AS TO FORM:

Richard A. Euson
RICHARD A. EUSON
Assistant County Counselor



STATE OF KANSAS } 68
SEDGWICK COUNTY }
FILED FOR RECORD AT
8:00 A.M.

JUL 21 1994
398236

NO. PAT KETTLER
REGISTER OF DEEDS

Ed Bass
Deputy

Part of the 30 foot building setback and the 30 foot sanitary sewer easement located on Lot 4, Block 1, "SAVANNA AT CASTLE ROCK RANCH 2ND ADDITION" to Sedgwick County, Kansas, being more particularly described as follows: Commencing at the Southeast corner of said Lot 4; thence Northerly, on the East line of said Lot 4, said East line having a bearing calculated from plat information of North $4^{\circ}57'07''$ West, a distance of 30.00 feet; thence Southwesterly, on a curve to the left, said curve having a radius of 275.00 feet, a chord bearing and distance of South $80^{\circ}41'48''$ West, 41.37 feet, an arc distance of 41.41 feet to the POINT OF BEGINNING; thence South $16^{\circ}47'41''$ East, a distance of 5.48 feet; thence South $73^{\circ}09'46''$ West, a distance of 26.53 feet; thence North $16^{\circ}47'41''$ West, a distance of 5.69 feet; thence Northeasterly, on a curve to the right, said curve having a radius of 275.00 feet, a chord bearing and distance of North $73^{\circ}37'07''$ East, 26.53 feet, an arc distance of 26.54 feet to the POINT OF BEGINNING.

143 RD 31.E.

SAVANNA

AT 1

2
CASTLE ROCK

SPORT OF KINGS

3
RANCH 2ND

RESERVE B

ADD.

5

16

7

RESERVE A

13 TH ST. NO.