

Planning Agenda Item # _____

**City of Wichita
City Council Meeting
June 15, 1993**

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V- 1809; Request to vacate street right-of-way and building setback, generally located south of Central and west of west of 143rd Street East.

INITIATED BY: • Metropolitan Area Planning Department

M. Kroat

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation.

MAPC Recommendation: Approve vacation (unanimous).

Background: This is the vacation of portions of a portion of street right-of-way for Shawnee, and building setback for properties adjacent to Shawnee. This vacation request was initiated because property to the east, the Belle Terre Addition, did not plat a street to connect with Shawnee. As a condition of accepting the final plat, Belle Terre was asked to file this vacation for those property owners adjacent to Shawnee. This "stub" of Shawnee is not graded or paved, but is being utilized as a driveway entrance by one of the adjacent property owners. Staff and MAPC have recommended approval because this portion of street right-of-way is not anticipated to be of any use, and its vacation will not adversely affect the public interest.

This site is located in an unincorporated area of the county, but within three-miles of the City of Wichita. Pending Council approval, this vacation will be scheduled for final public hearing by the Board of County Commissioners.

This vacation has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

RECOMMENDATIONS/ACTIONS: Approve the vacation.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF
STREET RIGHT-OF-WAY AND BUILDING
SETBACKS

MICROFILMED
OF RECORD

GENERALLY LOCATED SOUTH OF CENTRAL
AND WEST OF 143RD STREET EAST

MAPD CASE NO. V-1809

VACATION ORDER

NOW on this 14th day of July, 1993, 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:

STREET RIGHT-OF-WAY

That portion of street right-of-way described as:

That portion of Shawnee Street as platted in Shadybrook Farm
Addition, Sedgwick County, Kansas, lying south of the south line
of Lot 6, Block 3, and north of the north line of Lot 1, Block
8 in said Addition, except the east 30 feet thereof.

BUILDING SETBACKS

That portion of platted building setback described as:

The platted thirty foot building setback as located and adjacent
to the south property line of Lot 6, Block 3, Shadybrook Farm
Addition, Sedgwick County, Kansas, except the west 30 feet
thereof;

and

The platted thirty foot building setback as located and adjacent
to the north property line of Lot 1, Block 8, Shadybrook Farm
Addition, Sedgwick County, Kansas, except the west thirty feet
thereof.

WHEREUPON, it is shown that proper notice has been given by
publication once each week for three consecutive weeks in the official
county newspaper, the first such publication having occurred on June
29, 1993; and it is further shown that proper proof of such

2.00

City Clerk

150629-2909

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.

The Board further finds that on May 6, 1993, the Metropolitan Area Planning Commission recommended that the vacation petition herein be approved; and on June 15, 1993, 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


Mark F. Schroeder, Chairman

ATTEST:


Susan E. Crockett-Spoon
County Clerk 7-14-93

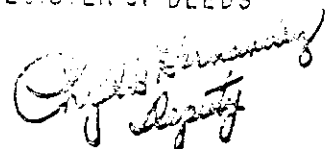
APPROVED AS TO FORM:


Richard A. Euson
Assistant County Counselor

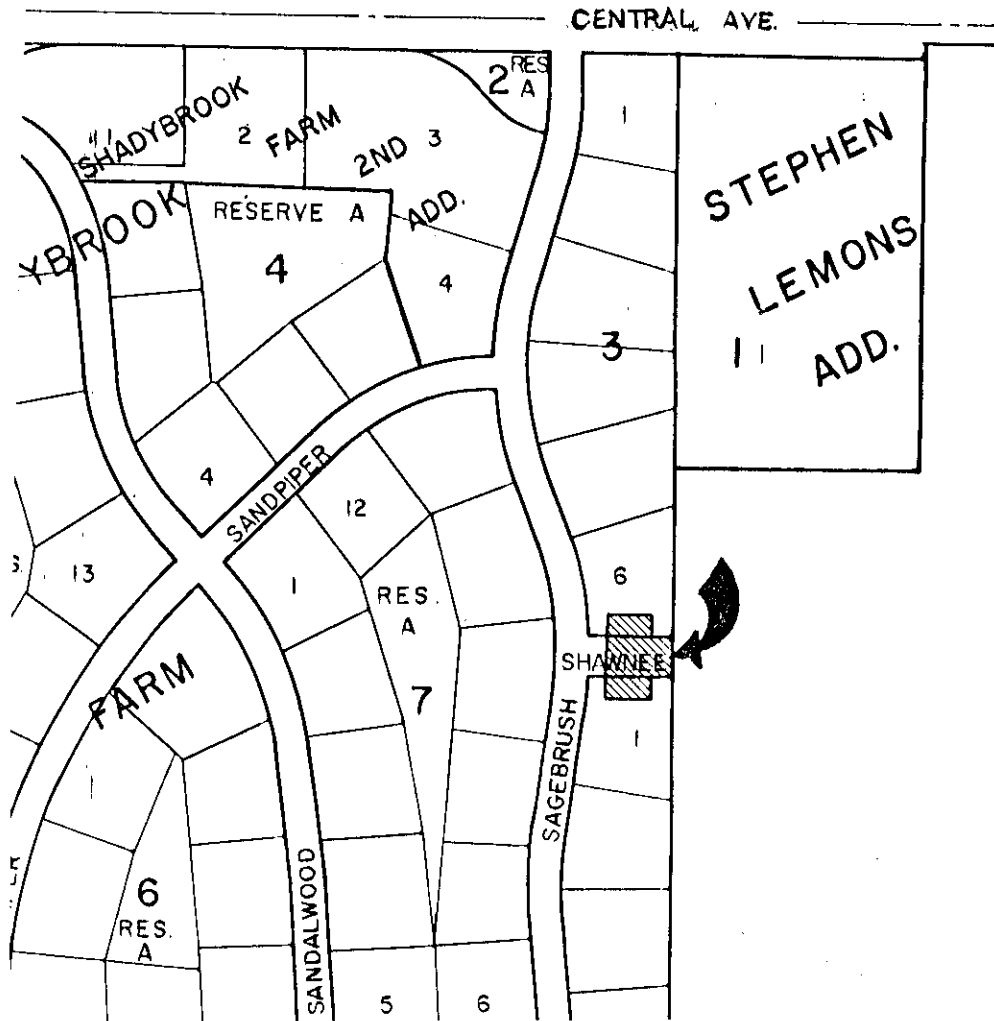
STATE OF KANSAS)
SEDGWICK COUNTY) SS
FILED FOR RECORD AT
8:00 a. m.

AUG 13 1993 1313110

PAT KETTLER
REGISTER OF DEEDS


Pat Kettler
Deputy

Sketch.



Application Filed 4/6/93
S/D Comm. Action 4/29/93 *A11*
M.A.P.C. Action 5/16/93

W.C.C. Action 6-15-93 approved
Bd. Co. Co. Action July 14, 1993
Order to Vacate Recorded August 13, 1993