RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

PROPOSED AGENDA ITEMS: V-2040 Request to vacate a building setback located southwest of 127th East and 13th Street North.

PRESENTED BY: Marvin S. Krout, Director of Planning. M. Krout

PROPOSED AGENDA DATE: December 10, 1997

COMMISSION DISTRICT #1

MAPC Recommendation: Approve, subject to conditions. (unanimous)

Staff Recommendation: Approve, subject to conditions.

Background/Discussion: The applicants are developing the White Tail Subdivision in Sedgwick County, which includes this area devoted to patio homes. The plat established building setbacks along the front at 25 feet. The home design and topography on this lot necessitates the reduction of the platted building setback as requested in order to fit the home onto the lot. There are topography limitations to the rear of the property that are the primary reason for the request.

No members of the public addressed the MAPC in opposition to this request.

The Subdivision Committee and MAPC both have recommended approval. The request is within 3 miles of the City of Wichita and was submitted for review to the Wichita City Council. The Wichita City Council approved the request on November 18, 1997.

No members of the public addressed the MAPC in opposition to these requests.

The Subdivision Committee and MAPC both have recommended approval. The request is within 3 miles of the City of Wichita and was submitted for review to the Wichita City Council. The Wichita City Council approved the request on November 18, 1997.

Recommendationed Action:

1. Open the public hearing to receive public comments; close public hearing; approve the vacation order and authorize the chair to sign.

Applicants: Ritchie Building Company, Inc., 8100 E. 22nd Street North, Bldg. 1000, Wichita, KS 67226

Protestors: None

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF A PORTION OF A PLATTED BUILDING SETBACK	)	
GENERALLY LOCATED SOUTHWEST OF 127TH EAST AND 13TH STREET NORTH	)	MAPD CASE NO. V-2040

VACATION ORDER

NOW on this 10th day of December, 1997, at 9:00 o'clock A.M. comes on for hearing a petition praying for the vacation of a portion of a platted building setback on the following-described real property, to wit:

> Building Setback described as: A tract of land in Lot 8, Block 1, White Tail Addition to Sedgwick County, Kansas, described as: commencing at the S.W. corner of said Lot 8; thence bearing N 89° 11' 17" E along the south line of said Lot 8 a distance of 37.17 feet; thence bearing N°48'43" W a distance of 25.00 feet to the point of beginning; thence bearing N 89° 11' 17" E a distance of 6.12 feet; thence bearing S 14° 23' 55" W a distance of 9.33 feet; thence bearing S 71° 15' 10" E a distance of 1.00 feet to a point in the 25-foot building setback line and on a curve to the left having a radius of 62.50 feet with a chord of 33.42 feet bering N 3° 14' 27" E; thence along said curve through a central angle of 31° 00' 46" along said 25-foot building setback line an arc distance of 33.83 feet; thence bearing S 89° 11' 17" W a distance of 6.98 feet; thence bearing S 0° 48' 43" E a distance of 24.00 feet to the point of beginning.

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 November 18, 1997, 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. The Board further finds that on the 31st day of July, 1997, the Metropolitan Area Planning Commission recommended that the vacation petition herein be approved; and on the 18th day of November, 1997, the Governing Body of the City of Wichita recommended that the said petition be approved, allowing two openings on Harry Street: one opening to be located on the east 30 feet of the north line of said Lot 3 and the other opening to be located at the direction of the engineer of the governing body having jurisdiction.

THEREFORE, IT IS ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS THAT the above-described portion of a platted building setback be and the same is hereby vacated. Any relocation on reconstruciton of utilities made necessary by this vacation shall be the responsibility of the applicant.

ATTEST:

CLERK OF SEDGWICK COUNTY SEDGWICK COUNTY KANSAS

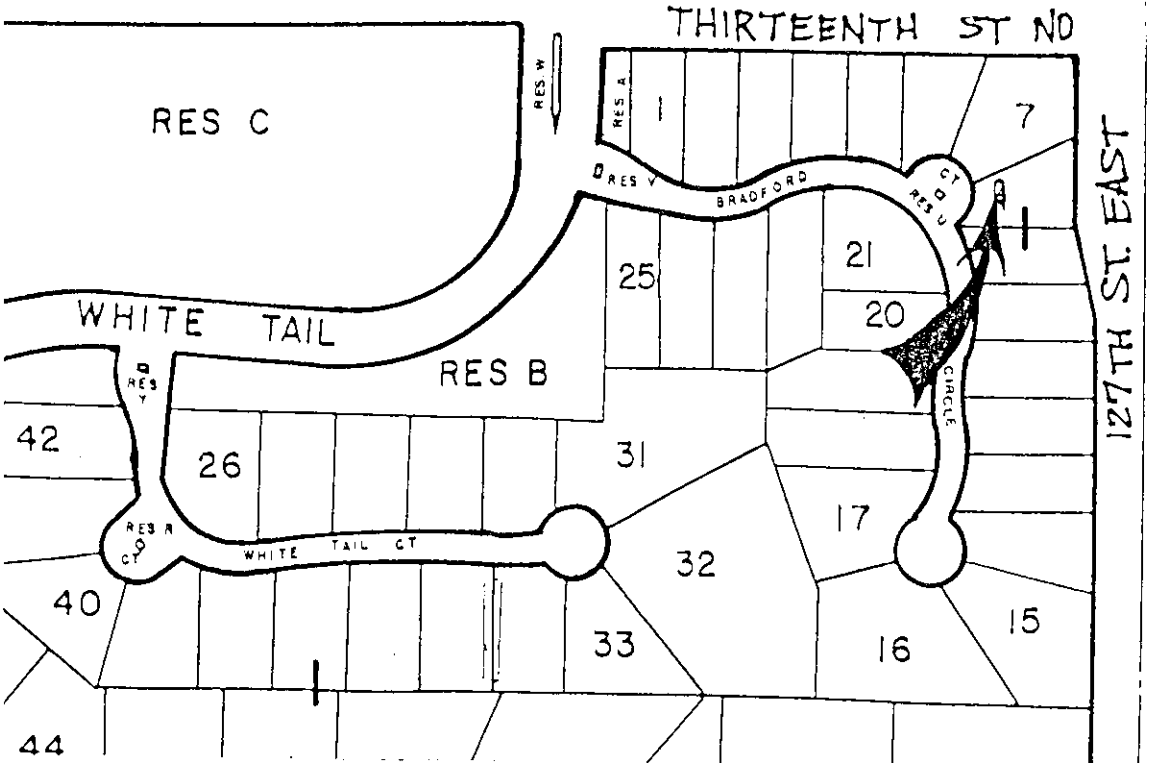
JAMES ALFORD, County Clerk

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

THOMAS G. WINTERS, Chairman

APPROVED AS TO FORM:

RICHARD A. EUSON
County Counselor


THIRTEENTH ST NO
127TH ST. EAST
RES C
RES W
RES A
RES V
BRADFORD
CT
RES U
WHITE TAIL
RES B
RES Y
CIRCLE
RES R
CT
WHITE TAIL CT
1
7
25
21
20
42
26
31
17
32
40
33
16
15
44