

City of Wichita
City Council Meeting
November 18, 2003

Agenda Report No.

TO: Mayor and City Council

SUBJECT: VAC2003-00052 Request to Vacate a Portion of a Platted Setback
Generally Located East of Rock Road, Midway Between Central Avenue
and 13th Street North, More Specifically East of the Killarney Court –
Rock Road Intersection, 8120 Killarney Court.
(District II)

INITIATED BY: Metropolitan Area Planning Department JSBmw

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Background: The applicant is requesting vacation of a portion of the platted 40-foot front yard setback. The First Addition to Vickridge was recorded 04-15-1957.

Analysis: A proposed expansion of the existing garage will encroach approximately 10-feet at its deepest point into the platted 40-foot setback. Nine of the lots in The First Addition to Vickridge subdivision (all of these are on Killarney Court, a cul-de-sac street) have 40-foot front setbacks; the remaining twelve lots have 30-foot setbacks. The subject lot and all lots in The First Addition to Vickridge are zoned "SF-5" Single-family Residential. The UZC's standard for a front yard setback for the "SF-5" zoning district is 25-feet. The applicant has provided a letter from the Vickridge Homeowners Association, approving the requested vacation. No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation of 10-feet of the 40-foot setback adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Financial Considerations: None

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Recommendation/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

Approved / Accepted by City Council

This 11-18-03

**BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS**

**IN THE MATTER OF THE VACATION OF
BUILDING SETBACK**)

GENERALLY LOCATED)
KILLARNEY COURT, EAST OF ROCK ROAD)

Case No. VAC2003-00052

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 18th day of November, 2003, comes on for hearing the petition for vacation filed by Johnny W. Stevens & Marjorie M. Stevens, praying for the vacation of the following described building setback, to-wit:

For the vacation of a portion of the platted 40-foot building setback as recorded on Lot 3, Block 1, First Addition to Vickridge, Wichita, Sedgwick County, Kansas, vacate the north 10-feet of the southerly 40-feet of the east 152-feet of Lot 3, Block 1, First Addition to Vickridge, Wichita, Sedgwick County, Kansas.

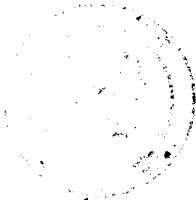
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

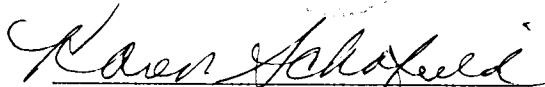
1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle on October 22, 2003, which was at least 20 days prior to the public hearing.

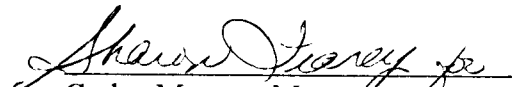
2. No private rights will be injured or endangered by the vacation of the above-described building setback, and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner(s), the prayer of the petition ought to be granted.
4. No written objection to said vacation has been 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 building setback described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 18th day of November, ordered that the above-described building 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.

ATTEST:




Karen Schofield, City Clerk


Carlos Mayans, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law



KILLARNEY

ROCK

TIPPERARY

CORK

