

Agenda Item No. _____

City of Wichita
City Council Meeting
April 13, 2004

Agenda Report No. _____

TO: Mayor and City Council

SUBJECT: VAC2004-00004 Request to vacate a portion of platted setbacks. Generally located midway between 53rd Street North and the K-96 - IH 235, west of Meridian Avenue, more specifically southwest of the Keywest Street - Meridian Avenue intersection, the corner lot on Bentbay Street and Baja Street and the corner lot on Timbercreek Street and Baja Street.
(District VI)

INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Background: The applicant is requesting vacation of 5-feet of the platted 25-foot front yard setbacks on Lots 5 & 12, Block 3, The Moorings Addition. The Moorings Addition was recorded November 2, 1977.

Analysis: Both sites are corner lots, with the front yard following the radius of the street. The applicant proposes to build a house on each lot. The UZC's standard for a front yard setback for the "SF-5" zoning district is 25-feet. If the front setbacks were not platted, the applicant could have applied for an administrative adjustment to reduce the 25-foot setback by 20 percent; a 5-foot reduction, which is what the applicant's are requesting. No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation. 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.

RECEIVED

APR 20 2004

METROPOLITAN PLANNING

ROUTE



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

**IN THE MATTER OF THE VACATION OF
A PORTION OF THE PLATTED SETBACKS**

**GENERALLY LOCATED MIDWAY BETWEEN
53RD STREET NORTH & K-96 HIGHWAY
MORE SPECIFICALLY WEST OF THE
KEYWEST STREET & NORTH MERIDIAN
AVENUE INTERSECTION ON BAJA STREET**

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**MAPD CASE NO.
VAC2004-00004**

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 13th day of April, 2004 comes on for hearing the petition for vacation filed by Josefina & Joselito Magno, praying for the vacation of the following described portion of the platted setbacks, to-wit:

Vacate the west 5-feet of the platted 25-foot front yard setbacks as recorded on Lots 5 & 12, Block 3, The Moorings 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 Derby Reporter on March 4, 2004, which was at least 20 days prior to the public hearing.

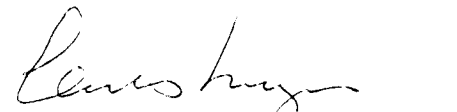
2. No private rights will be injured or endangered by the vacation of the above-described portion of the platted setbacks, and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner(s), the prayer of the petition ought to be granted.
4. No written objection to said vacation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

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13th day of April 2004 ordered that the above-described portion of the platted setbacks 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.



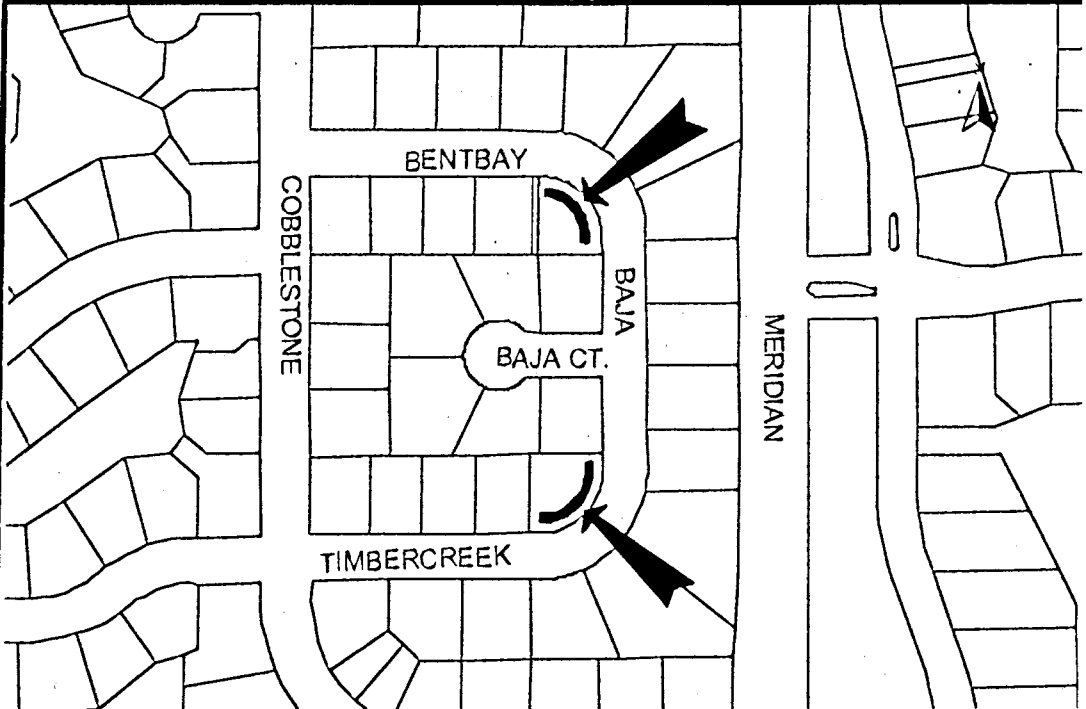
ATTEST:


Karen Schofield, City Clerk


Carlos Mayans, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law



BENTBAY

COBBLESTONE

BAJA

BAJA CT.

TIMBERCREEK

MERIDIAN