



Wichita-Sedgwick County Metropolitan Area Planning Department

May 23, 2005

Security Portfolio VII, LLC
1223 N. Rock Road
Building E, #1000
Wichita, KS 67206-1269

Re: **VAC2005-00010** Request to vacate platted utility easement and setback, generally located 1/4 mile west of Rock Road and south of 17th Street North.

Dear Ladies and Gentlemen:

At its regular meeting on Tuesday, May 17, 2005, the Wichita City Council considered the request. The action of the City Council was to APPROVE subject to the recommendation by the MAPC.

If you have any questions about this matter, please call 268-4494.

Sincerely,


Bill Longnecker
Senior Planner

BL:le

cc: Jim Armour, City Engineer, Public Works Department, Mail Stop 1-71
Paul Gunzelman/Carla Jones, Public Works Engineering, Mail Stop 1-71
Sedgwick County Electric Coop, Attention: Allen Henning & Wayne Voss, P.O. Box 220, Cheney, KS, 67205-0220
Baughman Company, P.A., Attention: Phil Meyer, 315 Ellis, Wichita, KS 67211
Security Storage Properties, c/o Brad Murray Rentals, LLC, 2540 Cedar Crest Dr., Wichita, KS 67223
Security Storage Properties, 1223 N. Rock Road, #E-200, Wichita, KS 67206
Unified School District 259, 201 N. Water, Wichita, KS 67202
Board of Park Commission, 455 N. Main, 11th Floor City Hall

Approved / Accepted By City Council

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

This 5-17-05

**IN THE MATTER OF THE VACATION OF
A PORTION OF A PLATTED FRONT SETBACK**

**GENERALLY LOCATED
WEST OF MERIDIAN AVENUE AND SOUTH OF
53RD STREET NORTH, MORE SPECIFICALLY
SOUTHWEST OF THE SANDKEY STREET -
SANDKEY COURT INTERSECTION**

MORE FULLY DESCRIBED BELOW

Case No. VAC2005-00012

VACATION ORDER

NOW on this 17th day of May, 2005 comes on for hearing the petition for vacation filed by Kurt Bachman Building Inc., c/o Kurt W. Bachman praying for the vacation of the following described portion of a platted front setback, to-wit:

A part of the platted building setback area within Lot 9, Block 4, "THE MOORINGS NORTH", an Addition to Wichita, Sedgwick County, Kansas, described as commencing at the northeast corner of said Lot 9; thence South 18°35'44" West (platted bearing), on the easterly line of said Lot 9, a distance of 25.03 feet to the intersection of said easterly line with the platted 25 foot building setback line and the beginning of a non-tangent curve to the left, said curve having a radius of 321 feet, and a chord bearing and distance of North 77°15'40" West, 33.92 feet; thence on said curve an arc distance of 33.93 feet to the POINT OF BEGINNING; thence continuing on said curve to the left, said curve having a radius of 321 feet, and a chord bearing and distance of North 81°18'27" West, 11.41 feet, an arc distance of 11.41 feet; thence North 44°22'59" East, a distance of 1.99 feet; thence South 89°26'52" East, a distance of 5.03 feet; thence South 43°16'43" East, a distance of 3.47 feet;

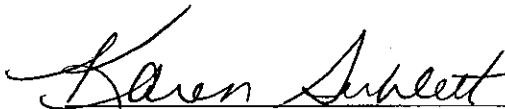
thence South 89°26'52"East, a distance of 2.49 feet; thence South 0°33'08"West, a distance of 0.55 feet to the POINT OF BEGINNING.

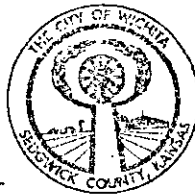
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

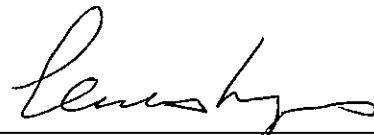
1. That due and legal notice has been given by publication as required by law, by publication in The Wichita Eagle on March 24, 2005, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described portion of the platted front 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 a portion of the platted front setback described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 17th day of May 2005 ordered that the above-described portion of the platted front 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.

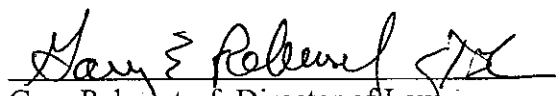
ATTEST:


Karen Sublett, City Clerk




Carlos Mayans, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

STAFF REPORT

CASE NUMBER: VAC2005-00012: Request to vacate a portion of a platted setback

OWNER/APPLICANT: Kurt Bachman Building Inc, c/o Kurt Bachman

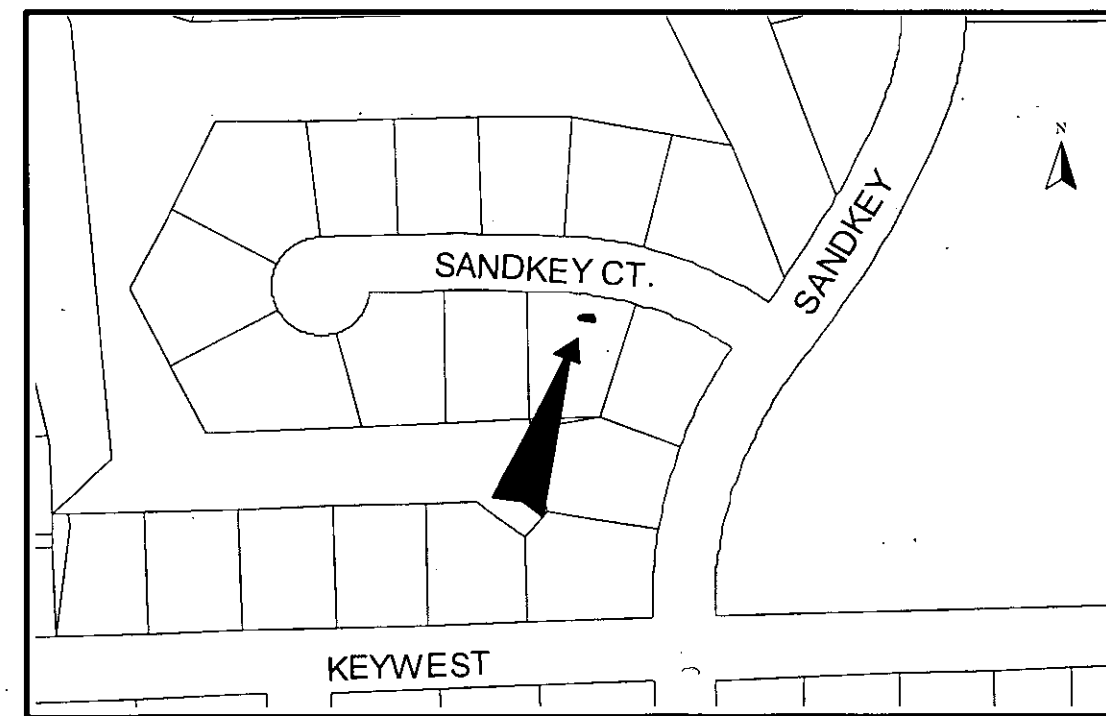
LEGAL DESCRIPTION: The south 5-feet of the platted 25-foot front setback on Lot 9, Block 4, The Moorings North Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located west of Meridian Avenue and south of the 53rd Street North, more specifically southwest of the Sandkey Street – Sandkey Court intersection (WCC District VI)

REASON FOR REQUEST: Existing encroachment

CURRENT ZONING: Subject property and all abutting and adjacent properties are zoned SF-5" Single-family Residential.

VICINITY MAP:



The applicant proposes to vacate the south 5-feet of the platted 25-foot front setback to remove an encroachment of a bay window into the setback. This is also being done to satisfy a mortgage title inspection. The UZC's front setback for the "SF-5" zoning district is 25-feet. If the front setback was not platted the applicant could have applied for an Administrative Adjustment that would allow the setback to be reduced by 20%, i.e. reducing it to 20-feet. Water lines are in the right-of-way and sewer lines are

in the platted 20-foot easement on the north side off the subject site. The Moorings North Addition was recorded with the Register of Deeds on December 9, 1997.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate the portion of the platted front setback as described in the legal description with the following conditions.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC 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 of notice of this vacation proceeding one time March 24, 2004, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by the vacation of the above-described portion of the platted setback and the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

Therefore, the vacation of the portion of the platted setback described in the petition should be approved with conditions;

- (1) Vacate only that portion of the platted setback where there is an encroachment.
- (2) Provide staff with accurate legal descriptions of the proposed portion of the vacated setback.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
- (4) All improvements shall be according to City Standards.
- (5) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

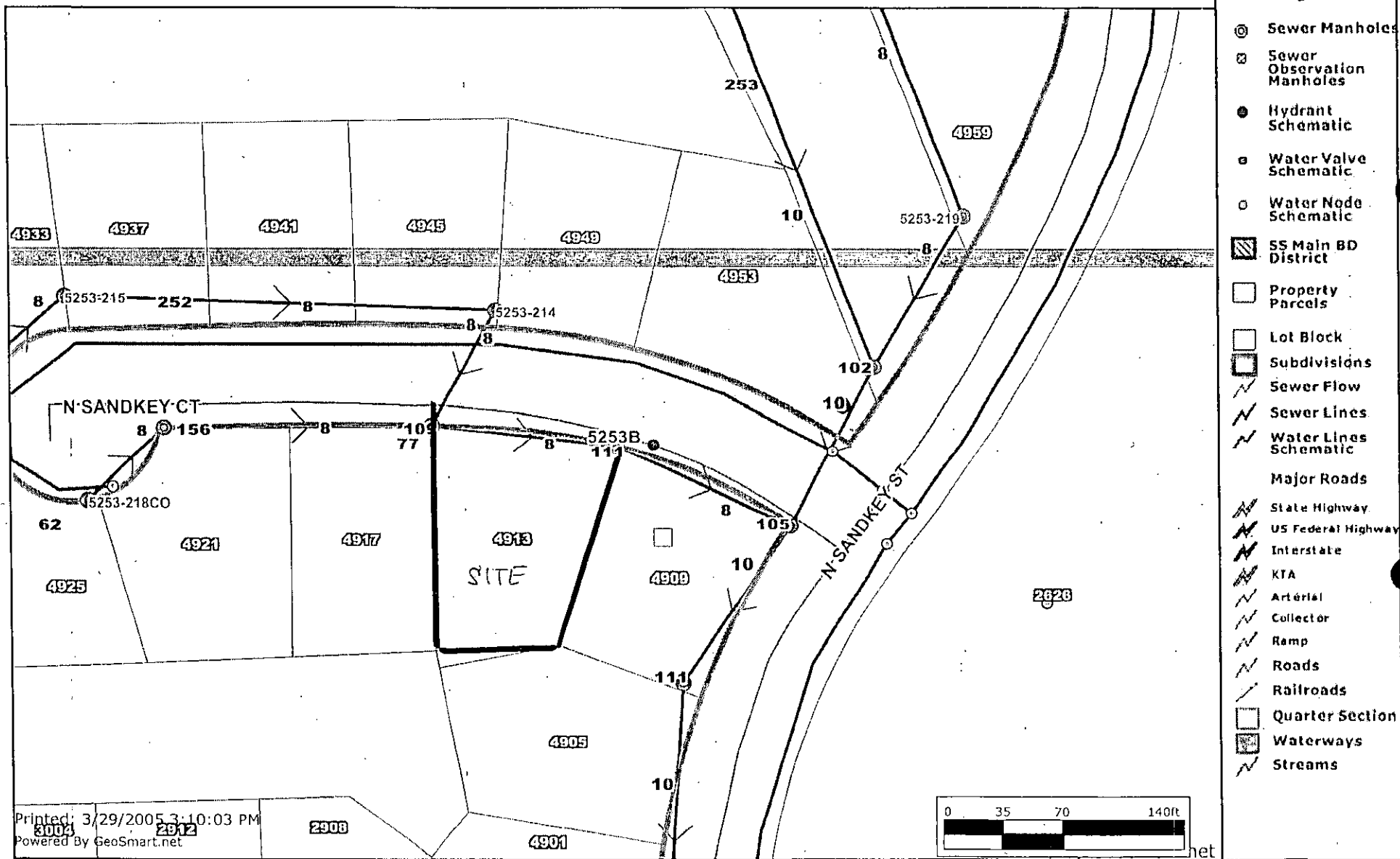
- (1) Vacate only that portion of the platted setback where there is an encroachment.

- (2) Provide staff with accurate legal descriptions of the proposed portion of the vacated setback.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
- (4) All improvements shall be according to City Standards.
- (5) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.



vac2005-12

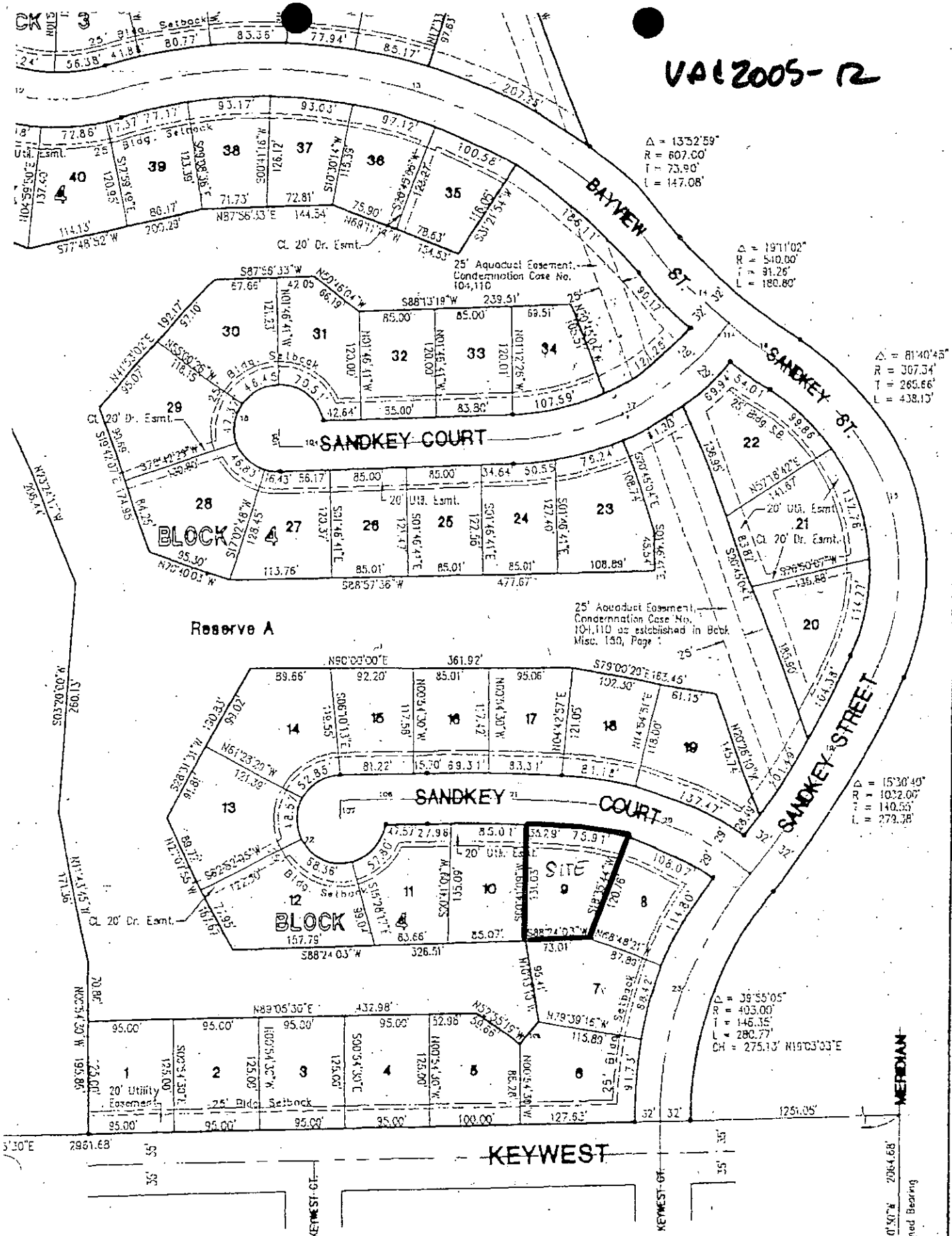
water & sewer



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VA12005-12



CANBAS, INC.

ENGINEERS

10-11111 M. P. 310/2005-11111

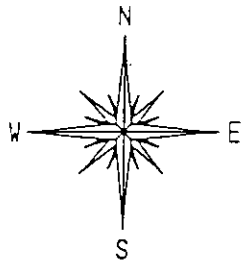
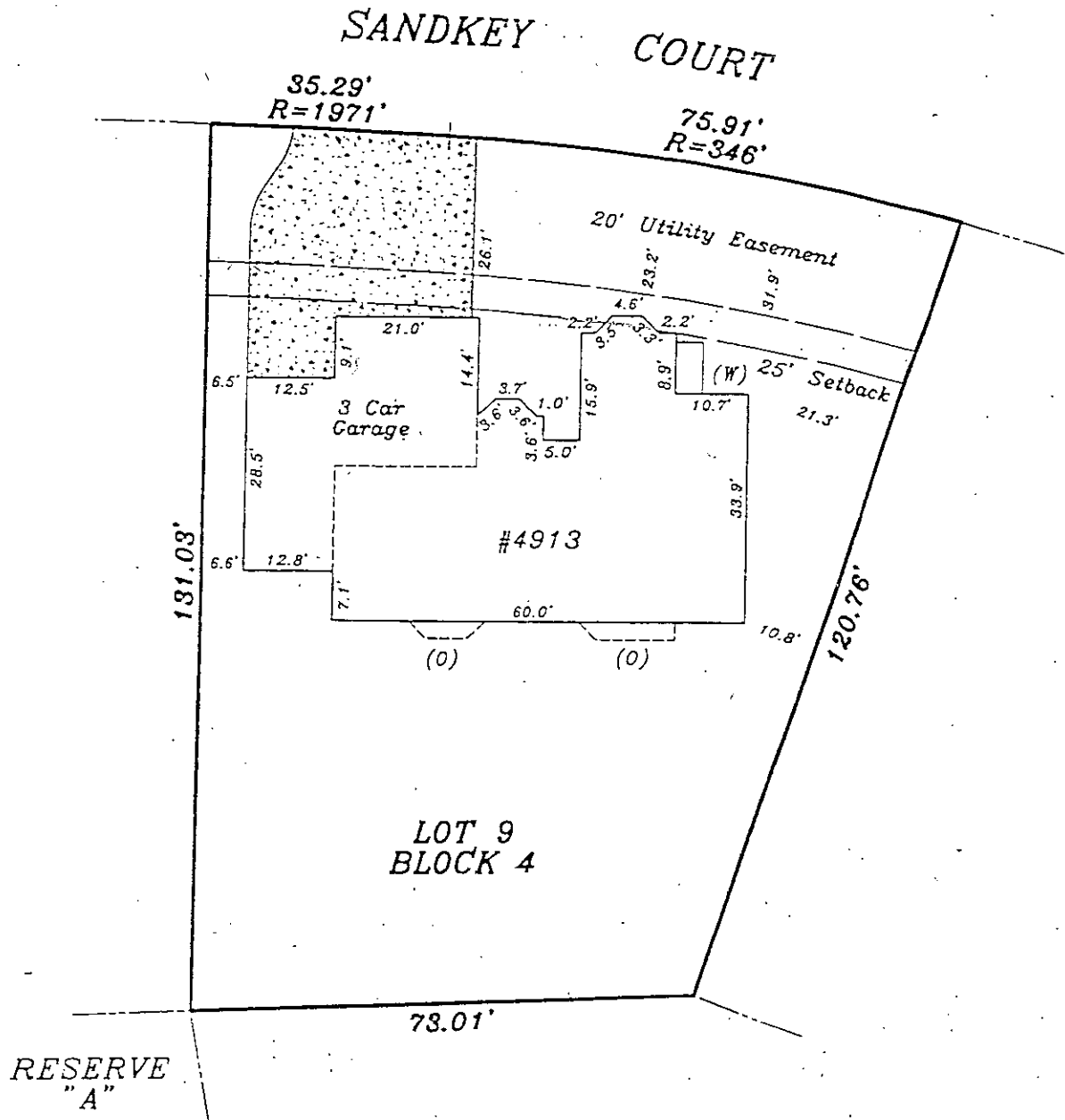
BENCHMARK:

Bench Mark - U.S.G.S. Standard Tablet 478' South of 53rd St. North and 28' West of Meridian. Elevation 143.85

SE Corner SEC 1/4 Sec. 24
T26S, R1W

MORTGAGEE TITLE INSPECTION
(this does not constitute a boundary survey)

VAC2005-12



File #050028
March 1, 2005
Offset Tolerances:
Front: $\pm 0.5'$, Side: $\pm 0.5'$
O = Overhang
R = Radius
W = Window Well

Assigned Minimum Pad Elevation (Lowest Opening): 137.0 City Datum
Lowest Opening Elevation: 138.77
(Not for use with Letter of Map Amendment)