CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

June 24, 2005

Icer S. Vaughan
13525 Links Lane
Wichita, KS 67235

Re: **VAC2005-00020** - Request to vacate a portion of a platted front setback generally located southeast of Maple Street - 135th Street East intersection, more specifically on the southeast corner of Link Street East - 135th Street intersection.

Dear Mr. Vaughn:

At its regular meeting on Tuesday, June 21, 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
Goentzel Construction, Attention: Jeff Bennett, 1354 S. Ridge Road., Wichita, KS 67209
Jeff Biles, 1354 S. Ridge Road, Wichita, KS 67209
Jim Goentzel Construction Inc., 1354 S. Ridge Road, Wichita, KS 67202
Stoneleigh Investment Group, Inc., 1354 S. Ridge Rd., Wichita, KS 67209
Moeder Construction, LLC, 4700 W. Irving, Wichita, KS 67209
Sharon L. Castor, 13405 Links, Wichita, KS 67235
Stanley D Weir & Dale Alison, 13401 Links Lane, Wichita, KS 67235
Lonnie R & Barbara Thiessen, 13510 W. Links Lane, Wichita, KS 67235

RECEIVED
JUN 2 8 2005
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 A PLATTED FRONT SETBACK	)	
GENERALLY LOCATED MIDWAY BETWEEN MAPLE STREET AND KELLOGG AVENUE, ON THE SOUTHEAST CORNER OF THE LINK STREET - 135TH STREET WEST INTERSECTION	)	**Case No. VAC2005-00020**
MORE FULLY DESCRIBED BELOW	)	

VACATION ORDER

NOW on this 21st day of June, 2005 comes on for hearing the petition for vacation filed by Icer S. Vaughn praying for the vacation of the following described portion of the platted front setback, to-wit:

The west 6-inches of the platted 20-foot front setback running parallel to the east lot line of Lot 1, Block A, the Auburn Hills 9th 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 Wichita Eagle on May 5,2005, 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 the portion of the platted front setback described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 21st day of June 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.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary Rebenstorf, Director of Law

METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 3-2
May 26, 2005

STAFF REPORT

CASE NUMBER: **VAC2005-00020 Request** to vacate a portion of a platted setback

APPLICANTS/OWNERS: Icer S. Vaughan

AGENT: Jeff Bonnett

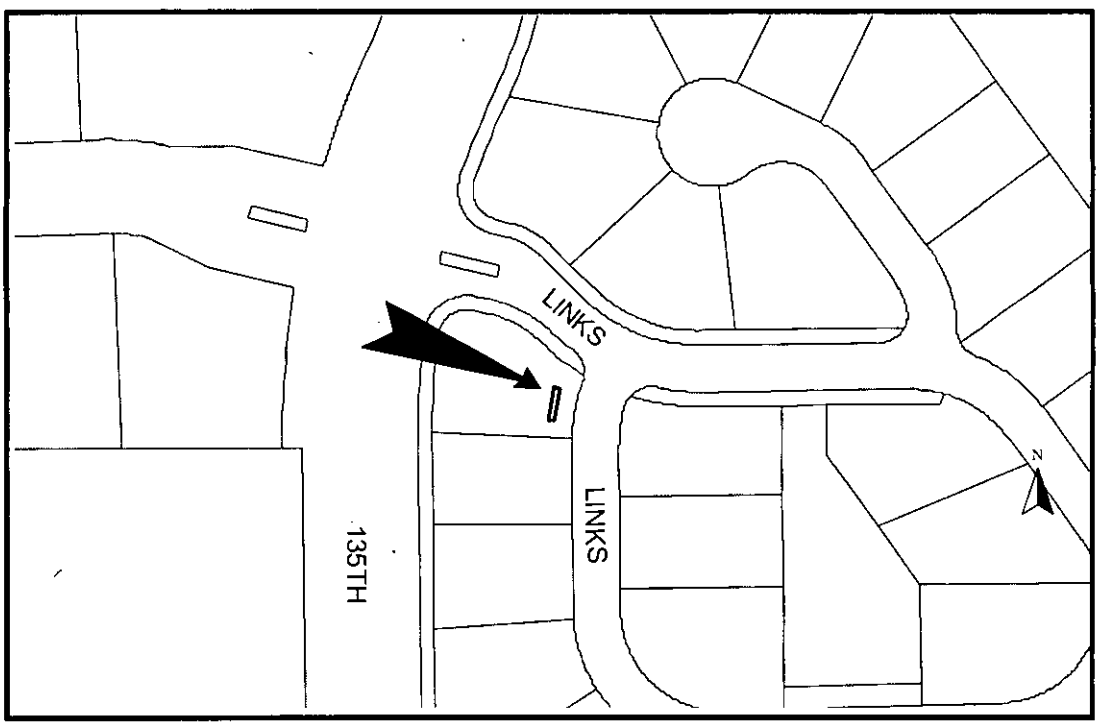
LEGAL DESCRIPTION: 6-inches of the platted 20-foot front setback running parallel to the east lot line of Lot 1, Block A, the Auburn Hills 9th Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located midway between Maple Street & Kellogg Avenue, on the southeast corner of the 135th Street West – Links Street intersection (WCC District V)

REASON FOR REQUEST: Title Insurance

CURRENT ZONING: Site and all property in the area are zoned "SF-5" Single-family Residential.

VICINITY MAP:



The applicants are requesting consideration to vacate 6-inches of the platted 20-foot front yard setback. Upon purchase of the property the applicant was required to have a mortgage title survey, which revealed the garage roof encroaching less than a foot into the platted 20-foot front yard setback. To obtain title insurance the applicant is required to vacate the setback where the encroachment is located. There is a platted 15-foot utility – drainage easement that is within the platted 20-foot set back. There is a sewer line and manhole in the platted15-foot utility – drainage easement. There are no franchised utilities, sewer lines, manholes or water lines in the platted setback. The Auburn Hills 9th Addition was recorded with the Register of Deeds March 1, 1999.

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 of the vacation of a portion of the platted 20-foot front yard setback, as described.

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, in the Wichita Eagle, of notice of this vacation proceeding one time May 5, 2005 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 front yard 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 20-foot front setback described in the petition should be approved with conditions;

(1) Vacate 1-foot of the platted 20-foot front yard setback, where the encroachment occurs on Lot 1, Block A, the Auburn Hills 9th Addition, as recorded with Wichita, Sedgwick County, Kansas. Provide Staff with a metes and bounds description of the area of encroachment, on a word documents via e-mail.

(2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants.

(3) All improvements shall be according to City Standards.

(4) 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:

(1) Vacate 1-foot of the platted 20-foot front yard setback, where the encroachment occurs on Lot 1, Block A, the Auburn Hills 9th Addition, as recorded with Wichita, Sedgwick County, Kansas. Provide Staff with a metes and bounds description of the area of encroachment, on a word documents via e-mail.

(2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants.

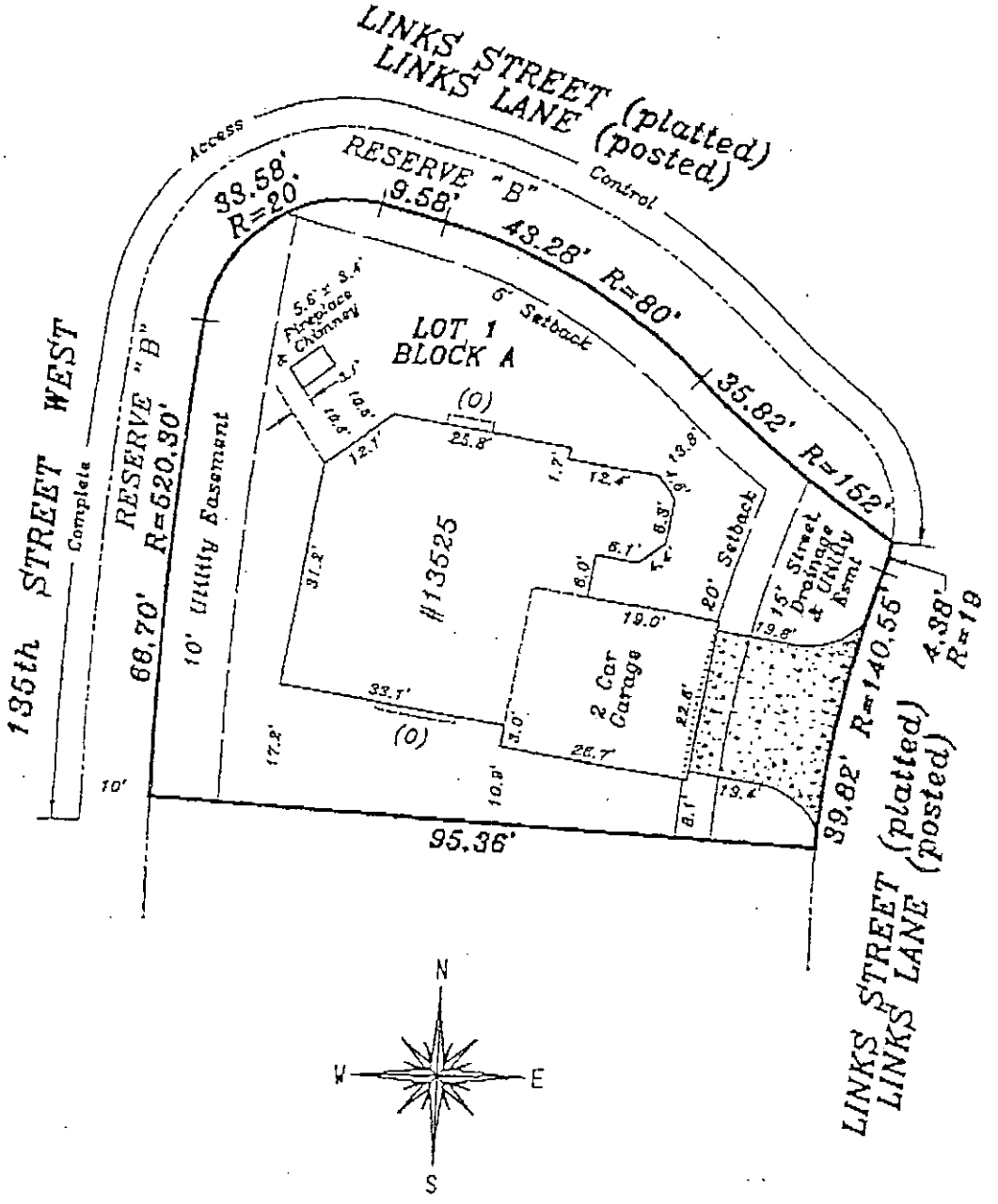
(3) All improvements shall be according to City Standards.

(4) 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.

VAC2005-20

MORTGAGEE TITLE INSPECTION

(this does not constitute a boundary survey)



File #050010

February 2, 2005

Offset Tolerances:

Front: ±0.5', Side: ±0.5'

O = Overhang

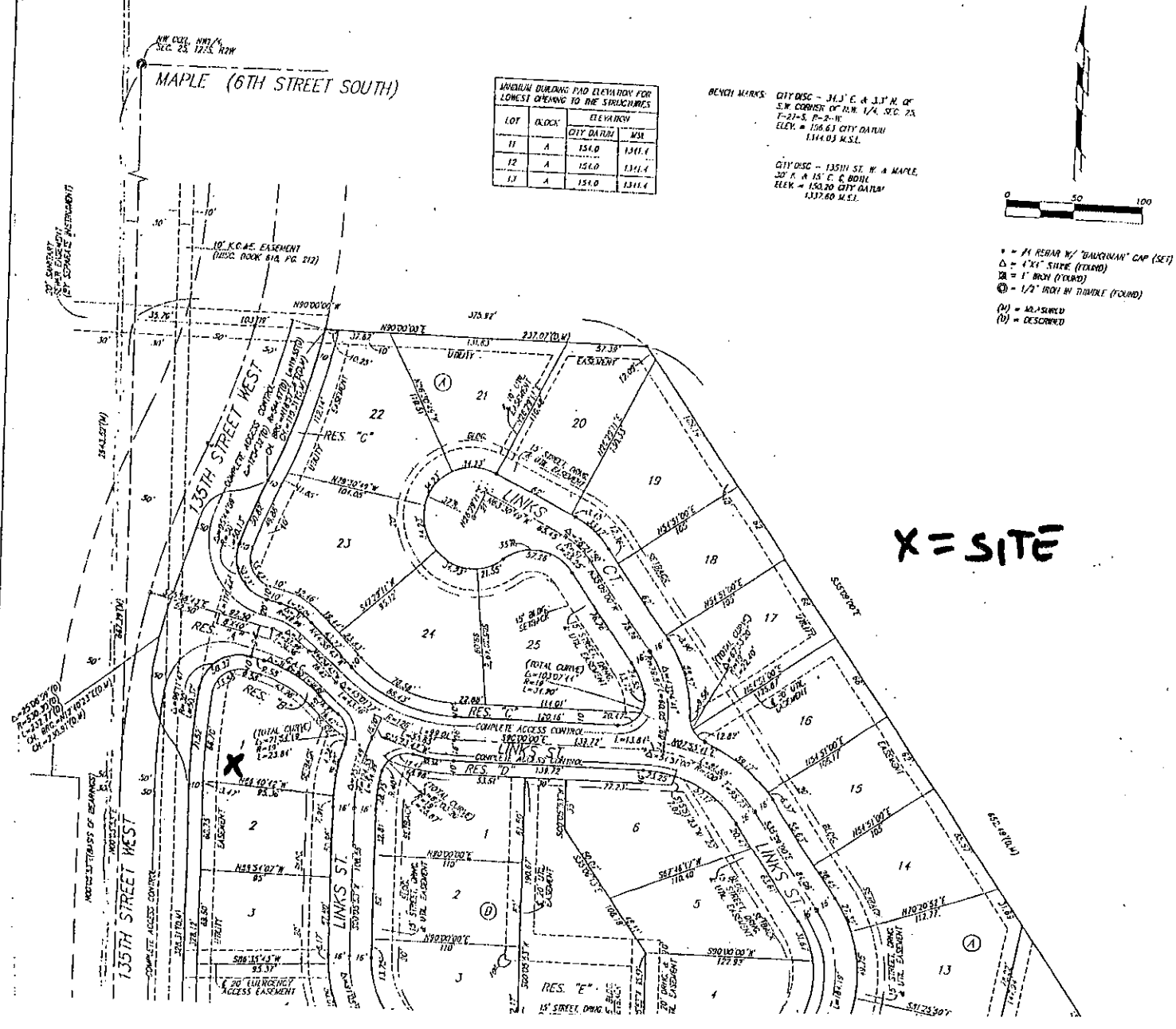
R = Radius

PC 9/6 -1

VAC2005-20

AUBURN HILLS 9TH ADDI

WICHITA, SEDGWICK COUNTY, KANS



MINIMUM BUILDING PAD ELEVATION FOR LOWEST OPENING TO BE STRUCTURES			
LOT	BLOCK	ELEVATION	
		CITY DATUM	MSL
11	A	154.0	1311.4
12	A	154.0	1311.4
13	A	154.0	1311.4

BENCH MARKS: CITY DISC – 34.3' E. & 3.3' N. OF S.W. CORNER OF N.W. 1/4, SEC. 25, T-27-S, R-2-W
ELEV. = 156.63 CITY DATUM
1,144.03 M.S.L.

CITY DISC – 135TH ST. W. & MAPLE, 30' E. & 15' S. OF BOX
ELEV. = 150.20 CITY DATUM
1,137.60 M.S.L.

0 50 100

• = 1/2 REBAR W/ "BAUGHMAN" CAP (SET)
△ = 4"X4" STAKE (FOUND)
☒ = 1" IRON (FOUND)
◎ = 1/2" IRON IN THIMBLE (FOUND)
(M) = MEASURED
(D) = DESCRIBED

State of Kansas) SS
Sedgwick County)

We, [redacted] her
aforesaid County and Sta[redacted] ODDITI
platted "AUBURN HILLS 9TH ADDITI
and that the accompanying plat i
properly surveyed, described as foll
Sec. 25, Twp. 27-S, R-2-W of th
described as follows: Commencing
thence N89°00'32"E along the sou
to a point 50 feet normally distan
and for a point of beginning; then
line of said NW1/4, 328.31 feet to
thence northerly and northeasterly
angle of 25°08'59" and a radius o
232.77 feet, (having a chord length
to the P.R.C. of a curve to the left;
having a central angle of 12°34'32"
distance of 119.55 feet, (having a
N18°57'36"E); thence N90°00'00"E,
652.49 feet; thence S00°00'00"W,
line of said NW1/4; thence S89°00'32
702.81 feet to the point of beginn

Existing public easements and
by virtue of K.S.A. 12-512(b).

[redacted]
Michael G. Conre

Kno
the undersigned, have caused the la
platted into Lots, Blocks, Streets, a
HILLS 9TH ADDITION", Wichita, Sedgwic
are hereby granted as indicated for
public utilities. The drainage easem
for drainage purposes. The street, d
dedicated to and for the use of the
purposes, and granted as indicated
of all public utilities. The emergency
indicated for emergency access purpo
shall be constructed or placed on o
utility, and pedestrian access easeme
drainage purposes, for the constructio
and for pedestrian access purposes
of other obstructions shall be constru
The streets are hereby dedicated to a
is hereby reserved for landscaping, e
Reserves "A" and "C" are hereby rese
berms, landscaping, drainage, sidewalk
Reserves "D" and "F" are hereby reser
drainage, sidewalks, screening walls, stre
reserved for open space, berms, landsc
utilities as confined to easements. Rese
berms, landscaping, drainage, sidewalks,
to easements. Reserves "A", "B", "C",
maintained by the homeown
rights of access to or from