



Wichita-Sedgwick County Metropolitan Area Planning Department

June 22, 2006

Dover Cliff Kellogg, LLC
2325 Lakeview Parkway
Alpharetta, GA 30004

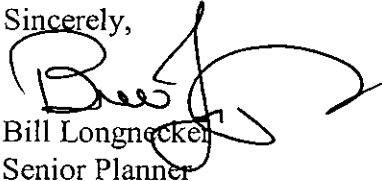
Re: **VAC2006-00022** - Request to vacate a platted side yard setback. Generally located on the north side of Kellogg Drive, midway between Dugan Road & Ridge Road.

Dear Ladies and Gentlemen:

At its regular meeting on Tuesday, June 13, 2006, 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
K E Miller, Engineering, PA, 516 S. Market, Wichita, KS 67202
Harley J. Voth, Joe C. Voth, & Crystal E. Voth, 6800 W. Kellogg, Wichita, KS 67208

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

[illegible]

Case No. VAC2006-00022

MORE FULLY DESCRIBED BELOW

2. No private rights will be injured or endangered by the vacation of the above-described platted setback, and the public will suffer no loss or inconvenience thereby.

3. Extend the platted 40-foot front yard setback, which runs parallel to the south lot line of Lot 1, Clinton Addition, 30-feet to the east, to the east lot line of Lot 1, Clinton Addition.

4. In justice to the petitioner(s), the prayer of the petition ought to be granted.

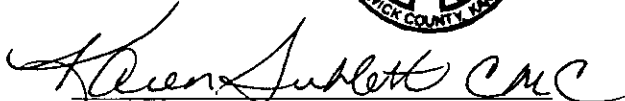
5. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

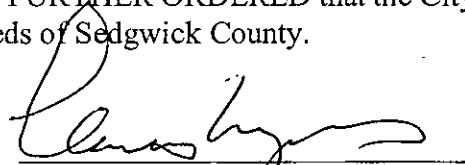
6. The vacation of the platted setback described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13th day of June 2006 ordered that the above-described platted 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: VAC2006-00022 Request to vacate a platted setback

APPLICANTS/OWNERS: Dover Cliff Kellogg, LLC, c/o Emery W Shane

AGENT: KE Miller Engineering, PA c/o Kirk Miller

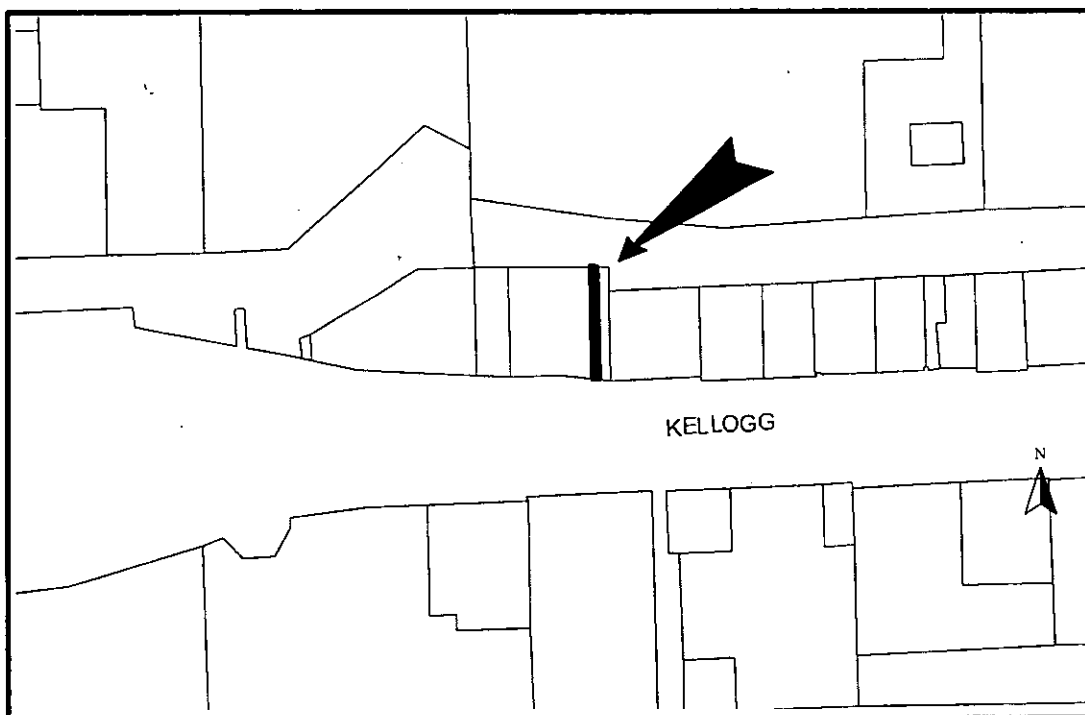
LEGAL DESCRIPTION: The platted 30-foot interior side yard setback, that runs parallel to the east lot line of Lot 1, Clinton Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located on the north side of Kellogg Drive and midway between Dugan Road & Ridge Road
(WCC #V)

REASON FOR REQUEST: Additional room for development of vacant lot

CURRENT ZONING: Site and abutting eastern property are zoned "LC" Limited Commercial. Northern and western abutting properties are zoned "GC" General Commercial. Abutting southern property is public street right-of-way (ROW).

VICINITY MAP:



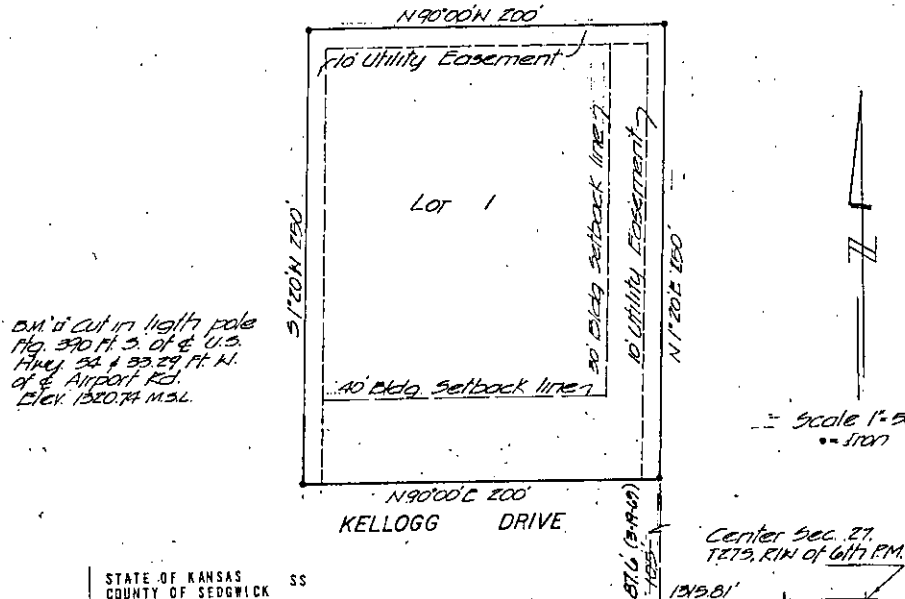
The applicant proposes to vacate the platted 30-foot interior side yard setback, as described. The "LC" zoning district does not require an interior side yard setback, but if one is provided it is a minimum of 5-feet. There is a platted 10-foot wide utility easement within the platted interior side yard setback. There is a sewer line and manholes in the north portion of the platted easement. Water is in the Kellogg Drive ROW. Comments from franchised utilities have not been received and are needed to determine if they have utilities in the easement. The Clinton Addition was recorded with the Register of Deeds December 16, 1968.

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 the platted 30-foot interior side yard setback, as described and with conditions.

- (1) Retain the platted 10-foot wide utility easement.
- (2) The platted 40-foot front setback will be extended to the east lot line of Lot 1, Clinton Addition.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicant's expense.
- (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

VAC 2006-22

CLINTON ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS.



STATE OF KANSAS SS
COUNTY OF SEDGWICK

I, CHARLES J. FREUND, A LICENSED PROFESSIONAL ENGINEER IN AFORESAID STATE AND COUNTY DO HEREBY CERTIFY THAT I HAVE CAUSED TO BE SURVEYED AND PLATTED CLINTON ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS, INTO A LOT, THE SAME TO BE DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTHERLY LINE OF U.S. HIGHWAY 54 AS CONDEMNED IN CASE NO. A-38302 AND THE WEST LINE OF THE E 1/2 OF THE NW 1/4 OF SECTION 21, TOWNSHIP 27 SOUTH, RANGE 1 WEST OF THE 6TH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS; THENCE NORTH ALONG SAID WEST LINE OF THE E 1/2 OF THE NW 1/4 250 FEET; THENCE WESTERLY PARALLEL WITH THE NORTHERLY LINE OF SAID U.S. HIGHWAY 54, 200 FEET; THENCE SOUTH PARALLEL WITH SAID WEST LINE OF THE E 1/2 OF THE NW 1/4 250 FEET TO THE NORTHERLY LINE OF SAID U.S. HIGHWAY 54; THENCE EASTERLY ALONG THE NORTHERLY LINE OF U.S. HIGHWAY 54 TO PLACE OF BEGINNING.



Charles J. Freund
CHARLES J. FREUND
KANSAS #2802

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED PROPERTY OWNERS OF THE LAND AS ABOVE SET FORTH IN THE ENGINEER'S CERTIFICATE HAVE CAUSED THE LAND TO BE SURVEYED AND PLATTED INTO A LOT, THE SAME TO BE KNOWN AS CLINTON ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS. EASEMENTS AS INDICATED FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC UTILITIES ARE HEREBY GRANTED.

CLINTON OIL COMPANY

R.P. Clinton PRESIDENT
R. P. CLINTON
Lyndon Garelson SECRETARY
LYNDON GARELSON

THIS PLAT OF CLINTON ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS, HAS BEEN SUBMITTED TO AND APPROVED BY THE WICHITA, SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, WICHITA, KANSAS. DATED THIS 12th DAY OF Sept, 1988:

W. Harold Mooney CHAIRMAN
W. HAROLD MOONEY
C. Bickley CLERK
C. BICKLEY

THE DEDICATIONS SHOWN ON THIS PLAT ACCEPTED BY THE CITY COMMISSION OF THE CITY OF WICHITA, KANSAS, THIS 3rd DAY OF December, 1988.

William D. Anderson CHAIRMAN
WILLIAM D. ANDERSON
Ralph C. Eber CLERK
RALPH C. EBER

THE DEDICATIONS SHOWN ON THIS PLAT ACCEPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, THIS 16th DAY OF December, 1988.

ATTEST:

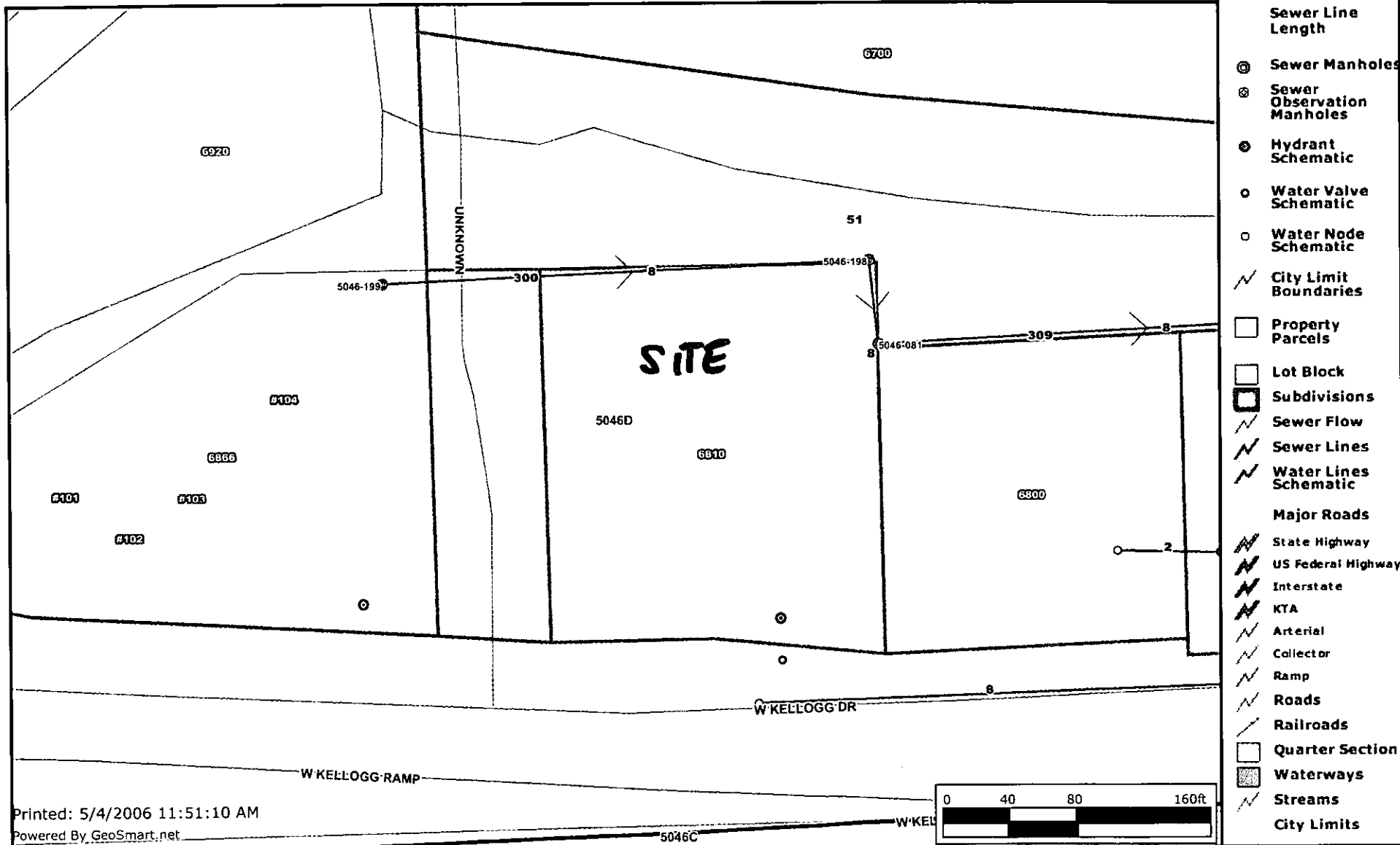
Marie Warden
MARIE WARDEN
CLERK

Elmer S. Peters CHAIRMAN
ELMER S. PETERS
Earl E. Rush COMMISSIONER
EARL E. RUSH



vac2006-22

water & sewer



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