



Wichita-Sedgwick County Metropolitan Area Planning Department

November 6, 2008

James & Patricia Murray
2245 Aloma Street
Wichita KS 67211

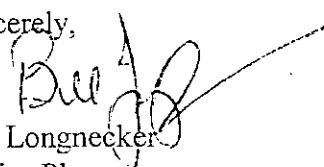
Re: **VAC2008-00028** - City request to vacate a portion of a platted setback, generally located east of I-135, north of Harry Street, on the east side of Aloma Street.

Dear Mr. & Mrs. Murray:

At its regular meeting on Tuesday, November 4, 2008, 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
Julianne Kallman, Public Works Engineering, Mailstop 1-71
James P. & Patricia A. Murray, 2245 Aloma, Wichita, KS 67211
Eugene L. West Revocable Trust, 2346 E. Aloma, Wichita, KS 67211
Robert Anthony & Joann Butler, 8810 Roland, Wichita, KS 67212
Bradley S. & Kim Oblak, 3948 Sweetbay Cr., Wichita, KS 67226
Eugene W. Elmore, 2328 Aloma, Wichita, KS 67211
Jonanthon L. & Cami A. Sullivan, 2322 E. Aloma, Wichita, KS 67211
Concha M. Vallalpando, 2316 Aloma, Wichita, KS 67211
Lawrence E. & Dorothy L. Elliott, 2924 Rivera, Wichita, KS 67211
Cory W. Jayne McEntire, 2304 E. Aloma, Wichita, KS 67211
Matthew Lunde, 2260 Aloma, Wichita, KS 67211
Dennis L. & Linda S. Byers, 2254 E. Aloma, Wichita, KS 67211

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Register of Deeds - Bill Meek
DOC #/FLM-PG: 29019237

Appl #: 1702983
Pages Recorded: 2
Cashier Initials: SL

Authorized By:

Recording Fee: 0011

Date Recorded: 11/7/2008 2:19:16 PM



CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

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

Approved / Accepted By City Council

11-4-08

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

**GENERALLY LOCATED
NORTH OF HARRY STREET, EAST OF
I-135, ON THE EAST SIDE OF
ALOMA STREET**

MORE FULLY DESCRIBED BELOW

Case No. **VAC2008-00028**

VACATION ORDER

NOW on this 4TH day of November comes on for hearing the petition for vacation filed by James P. & Patricia A. Murray praying for the vacation of the following described portion of a platted setback to wit:

The south 15 feet of the north half, of the platted 40-foot front yard setback that runs parallel to Aloma Street on the north side of Lot 8, Block 15, Schweiters 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, in the Wichita Eagle and the Derby Reporter on September 4, 2008, which was at least 20 days prior to the public hearing.

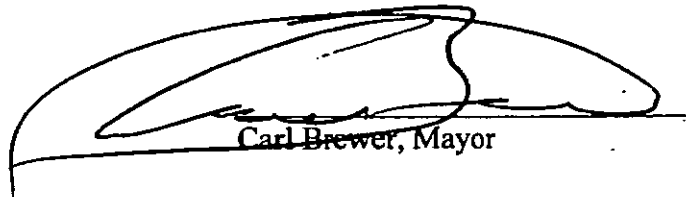
2. No private rights will be injured or endangered by the vacation of the above described portion of the platted setback, and the public will suffer no loss or inconvenience thereby.

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 setback described herein should be approved.

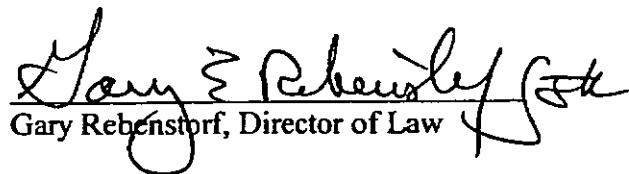
IT IS, THEREFORE ORDERED, BY THE CITY COUNCIL, on this 4th day of November, 2008 that the above described portion of the platted setback is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.


Carl Brewer, Mayor

ATTEST:


Karen Sublett, City Clerk

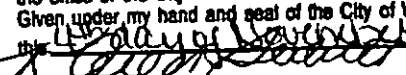
Approved as to Form:


Gary Rebenstorf, Director of Law

State of Kansas
Sedgwick County
City of Wichita



I,  Karen Sublett, City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is affixed is a true and correct copy of the original on file in the office of the City Clerk.

Given under my hand and seal of the City of Wichita, Kansas this 4th day of November, 2008.

City Clerk



STAFF REPORT

CASE NUMBER: VAC 2008-28: Vacate a portion of a platted setback

APPLICANT/OWNER: James P. and Patricia A. Murray

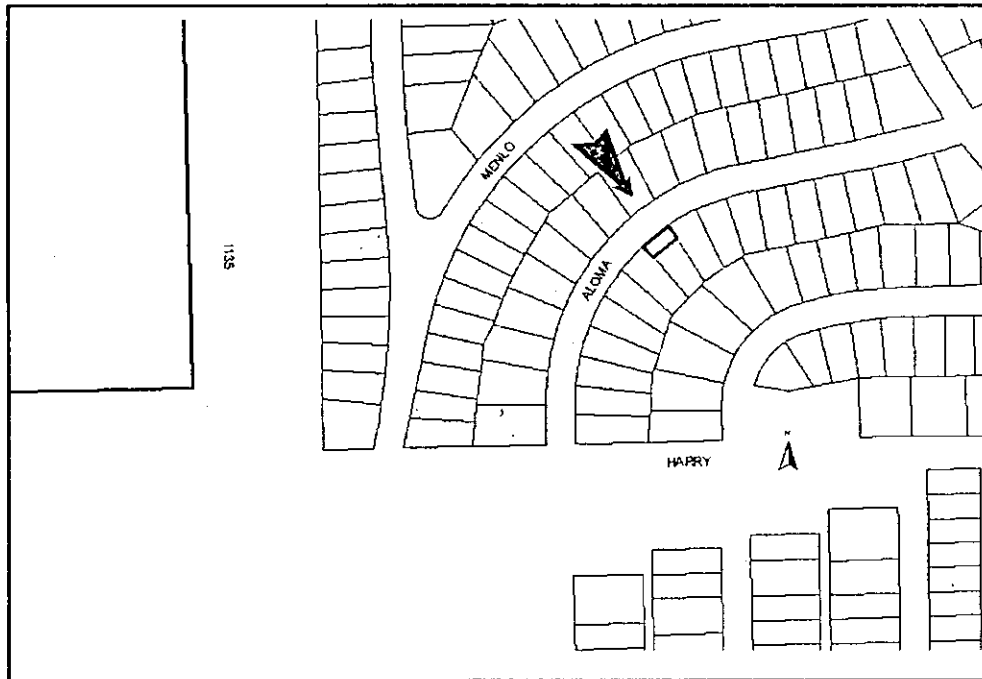
LEGAL DESCRIPTION: Lot 8, Block 15, Schweiters 9th Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located north of Harry Street, east of I-135, on the east side of Aloma Street (2245 Aloma)
(WCC #I)

REASON FOR REQUEST: Proposed encroachment into platted front building setback with a carport

CURRENT ZONING: Site and all abutting and adjacent properties are zoned TF-3 Two-family Residential ("TF-3").

VICINITY MAP:



The applicant proposes to vacate 12 feet of the platted 40-foot front yard setback, resulting in a 28-foot building setback. The zoning of the subject site is TF-3. The UZC requires a minimum of a 25-foot front yard setback for the TF-3 zoning district. If this was not a platted setback the applicant could have obtained a building permit since the proposed structure meets the UZC standards. There are no utilities, manholes, sewer or water lines within the described portion of the platted setback. The Schweiter's 9th Addition was recorded with the Register of Deeds on November 10, 1941.

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 described portion of the platted setback with 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, in the Wichita Eagle and the Derby Reporter, of notice of this vacation proceeding one time September 4, 2008, 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 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 platted setback described in the petition should be approved with conditions;

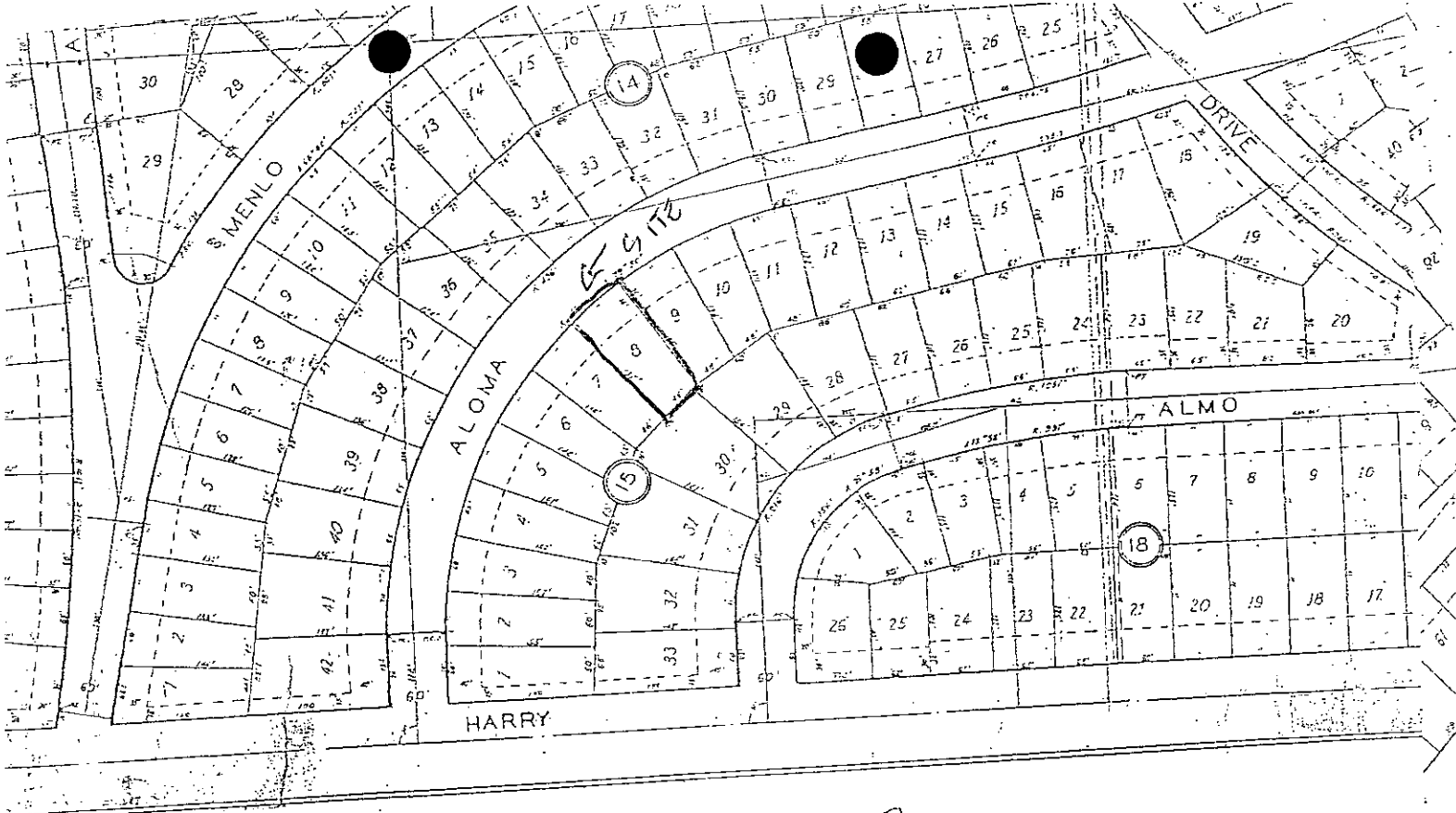
- (1) Vacate the platted 40-foot front yard setback where the carport is proposed and allow a 25-foot setback at that location. Provide Planning staff with a legal description of the vacated setback, on a Word document, via e-mail.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicant's expense.
- (3) All improvements shall be according to County standards and at the applicant's expense.
- (4) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests 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:

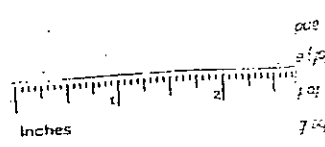
The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the platted 40-foot front yard setback where the carport is proposed and allow a 25-foot setback at that location. Provide Planning staff with a legal description of the vacated setback, on a Word document, via e-mail.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicant's expense.
- (3) All improvements shall be according to County standards and at the applicant's expense.
- (4) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by

the MAPC or the vacation request will be considered null and void. All vacation requests 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 200 B - 28





This digital plat record accurately
original plat filed with the Sedgwick
Digitized under the supervision of
Sedgwick County Geographic Information

Bill Meek, Registrar
Digitized record of



Every reasonable effort has been made to assure the accuracy of the maps and associated data provided herein. This information is provided with the understanding that the data are susceptible to a degree of error, and conclusions drawn from such information are the responsibility of the reader. The City of Wichita makes no warranty, representation or guaranty as to the content, accuracy, timeliness or completeness of any of the data provided herein. Some data provided here and used for the preparation of these maps has been obtained from public records not created or maintained by the City of Wichita. The City of Wichita shall assume no liability for any decisions made or actions taken or not taken by the reader in reliance upon any information or data furnished hereunder. The user should consult with the appropriate departmental staff member, e.g. Planning, Parks & Recreation, etc. to confirm the accuracy of information appearing in the visual presentations accessible through these web pages.

