



Wichita-Sedgwick County Metropolitan Area Planning Department

June 26, 2019

Jeffrey & Lauren Sturgeon
447 S. Country View Ln
Wichita, KS 67235

Ref: VAC2018-00031: City Vacation of West Taft Avenue right-of-way west of South Country View Lane and adjacent 30-foot building setback, generally located one-quarter mile south of West Maple Street and one-quarter mile east of South 151st Street West (447 South Country View Lane).

Dear Jeffrey & Lauren,

At its regular meeting on Tuesday, June 25, 2019, the Wichita City Council considered the above-referenced 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 268-4421.

Sincerely,

Matthew Williams
Associate Planner

MW:kw

cc: Paul Skladzien & Valerie Skladzien, 14624 W Valley Hi Ct, Wichita KS 67235
Kevin Sweet & Latrisha Dean, 506 S Fawnwood Ct, Wichita KS 67235
Preston Walker & Kendra Walker, 510 S Fawnwood Ct, Wichita KS 67235
Debra Stepp & Larry Stepp, 450 S Fawnwood, Wichita KS 67235



Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 29859675

Receipt #: 2119066
Pages Recorded: 2

Recording Fee: \$0

Cashier: cponder
Date Recorded: 07/03/2019 09:17:12 AM
Authorized By: Tonya Buckingham

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

**IN THE MATTER OF THE VACATION OF A PORTION
OF WEST TAFT AVENUE RIGHT-OF-WAY AND
ADJACENT BUILDING SETBACK**

**GENERALLY LOCATED ONE QUARTER-MILE SOUTH
OF WEST MAPLE STREET AND ONE-QUARTER MILE
EAST OF SOUTH 151ST WEST**

VAC2018-00031

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 25th day of June, 2019, comes on for hearing the petition for vacation filed by Paul Sklodzien, Kevin Sweet, Preston Walker, Debra Stepp, and Jeffery Sturgeon (applicants), praying for the vacation of described portion of West Taft Avenue Right-of-Way and adjacent 30-foot building setback, to-wit:

A portion of West Taft Avenue Right-of-Way:

That part of Taft Avenue, lying south of Lot 5, Block 1, Maple Hill Third Addition, Sedgwick County, Kansas, being the south 60 feet of the west 220 feet of said Maple Hill Third Addition; containing 0.30 acre (13,200 square feet), more or less.

Building Setback:

30 foot building setback on the south side of Lot 5, Block 1, Maple Hill Third Addition, 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 on April 18, 2019, 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 described portion of West Taft Avenue Right-of-Way and adjacent 30-foot building setback and the public will suffer no loss or inconvenience thereby.

3. A covenant and utility easement by separate instruments will be recorded with the Vacation Order at the Register of Deeds of Sedgwick County.

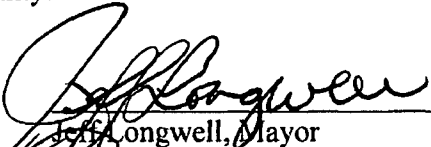
4. In justice to the petitioner(s), the prayer of the petition ought to be granted.

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 described portion of West Taft Avenue Right-of-Way and adjacent 30-foot building setback should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 25th day of June, 2019, ordered that the described portion of West Taft Avenue Right-of-Way and adjacent 30-foot building setback is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Register of Deeds of Sedgwick County.

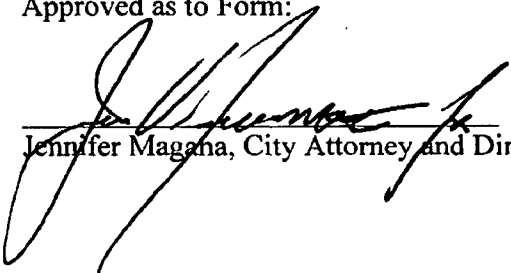



Jeff Longwell, Mayor

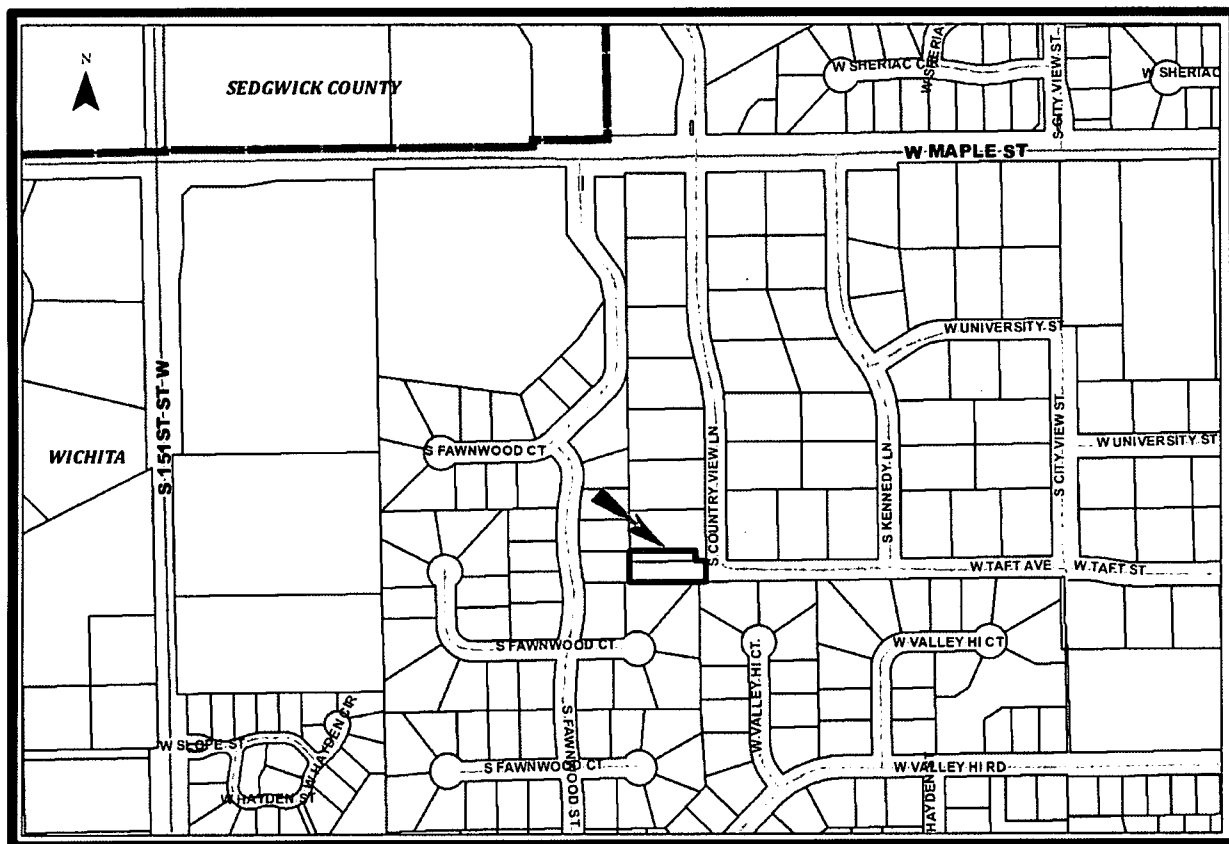
ATTEST:

Karen Sublett, City Clerk

Approved as to Form:


Jennifer Magana, City Attorney and Director of Law

<u>CASE NUMBER:</u>	VAC2018-00031 – City vacation of West Taft Avenue right-of-way and adjacent 30-foot building setback
<u>APPLICANT:</u>	Paul Sklodzien, Kevin Sweet, Preston Walker, Debra Stepp, Jeffery Sturgeon (applicants)
<u>LEGAL DESCRIPTION:</u>	See attached
<u>LOCATION:</u>	Generally located one-quarter mile south of West Maple Street and one-quarter mile east of South 151 st Street West
<u>REASON FOR REQUEST:</u>	To acquire unused right-of-way
<u>CURRENT ZONING:</u>	SF-5 Single Family
<u>VICINITY MAP:</u>	



CASE HISTORY: This is a rehearing of VAC2018-00031. VAC2018-00031 was originally heard at Subdivision Committee on December 13, 2018 and MAPC on December 20, 2018. The original application requested the vacation of a portion of Taft Avenue. This request was approved by both Subdivision Committee and MAPC. Subsequently, the applicant requested a rehearing of VAC2018-00031 to include the building setback adjacent to Taft Avenue.

CASE DETAILS: The applicant is requesting the vacation of the unpaved, platted east-west 60-foot wide part of Taft Avenue lying south of Lot 5, Block 1, Maple Hill Third Addition. No property will be denied access to public street right-of-way if the vacation is approved. There is a sewer line located to the west of the west end of the vacation area. The 8-foot north/south utility easement on the west side of the vacation area will need to be retained.

The applicant is also requesting the vacation of the platted 30-foot building setback on the south side of Lot 5, Block 1, Maple Hill Third Addition. There are no public utilities located within this setback. If approved, the request would reduce the platted building setback to 0 feet. The Unified Zoning Code's (UZC) minimum interior side setback standard for the SF-5 zoning district is 6 feet. This setback would apply to the south end of the vacated portion of Taft Avenue. Westar has no objection with these vacations. Maple Hill Third Addition was recorded with the Register of Deeds November 2, 1966.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works, Water & Sewer, Stormwater, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described public street right-of-way.

- 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 November 29, 2018, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the described portion of the public street right-of-way and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

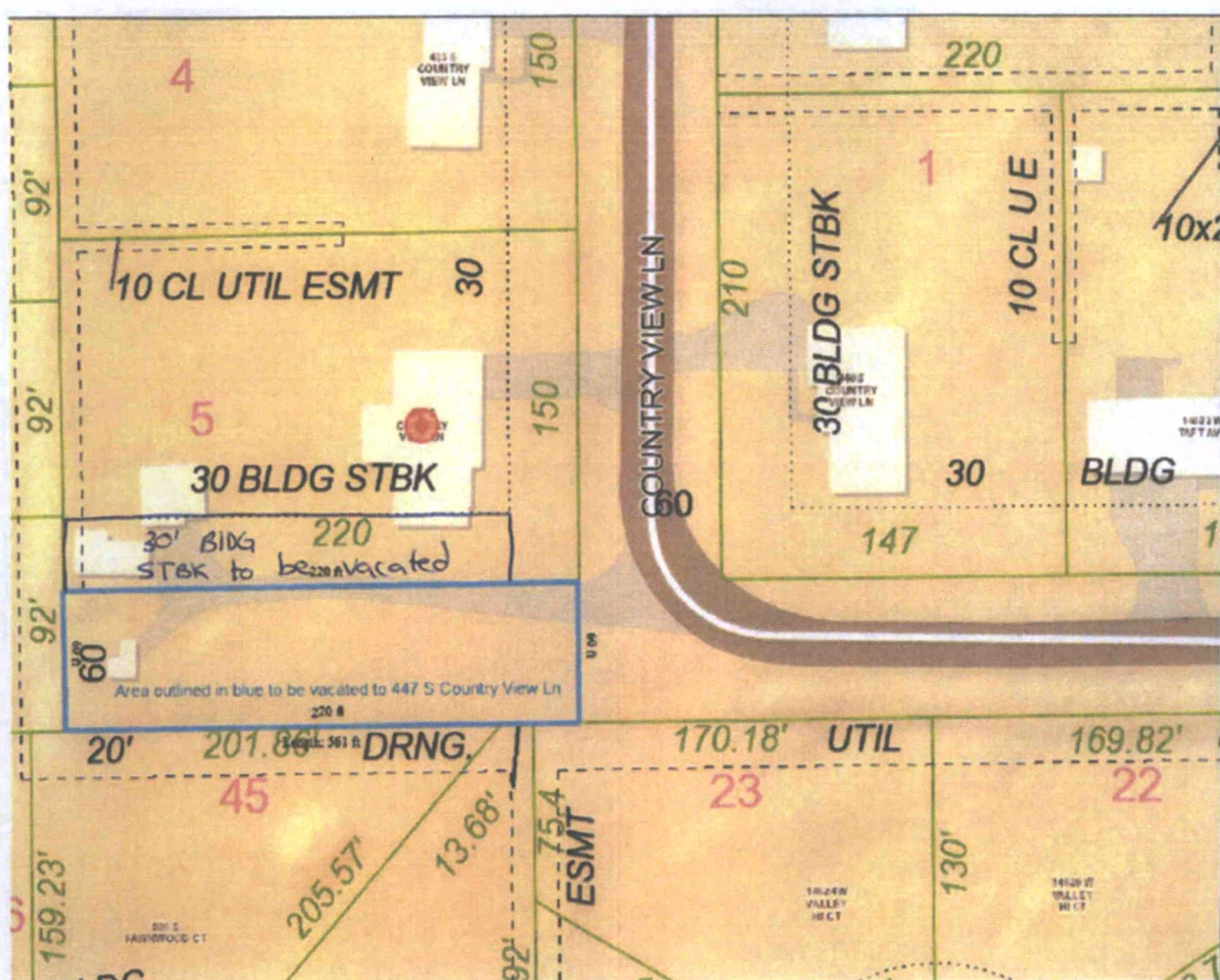
Conditions (but not limited to) associated with the request:

- (1) Maintain the 8-foot north/south platted utility easement on the west side of the vacation area.
- (2) Provide restrictive covenants, with original signatures, binding and tying the vacated described public street right-of-way to the abutting properties. This must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (3) As needed provide utilities with any needed project plans for the relocation of utilities for review and approval. Any relocation/reconstruction of utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number(s) to Planning prior to the case going to City Council for final action.
- (4) All improvements shall be according to City Standards and at the applicants' expense.

- (5) 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 per staff recommendations.



STATE OF KANSAS)
)SS
 COUNTY OF SEDGWICK)

That part of Taft Avenue, lying south of Lot 5, Block 1, Maple Hill Third Addition, Sedgwick County, Kansas, being the south 60 feet of the west 220 feet of said Maple Hill Third Addition; containing 0.30 acre (13,200 square feet), more or less.

Vacation of 30 foot building setback
on the south side of Lot 5, Block 1 Maple Hill Addition.