

City of Wichita
City Council Meeting
September 29, 1987

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V-1466 - REQUEST TO VACATE PORTIONS OF STREET RIGHTS-OF-WAY
AND PLATTED BUILDING SETBACKS.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of street right-of-way and building setbacks.

MAPC Recommendation: Approve vacation of street right-of-way and building setbacks. (unanimous)

Location: In an unincorporated area of the County, east of Meridian at 57th Street North.

Applicant: Brian G. Fisher, 5762 N. Charles, Wichita, KS 67204

Site Size: Four strips of street right-of-way measuring 40 feet in width and approximately 500 feet in length and associated building setbacks.

Current Zoning: "R-1" (Suburban Residential)

Background: This vacation case has been requested by all abutting property owners to eliminate the possibility of 57th Street being opened up to east/west traffic in the future. Also, the vacation is requested to save an existing shelter belt lying in the north half of the future street right-of-way. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions.

Legal Considerations: This request for vacation is located on property outside the City of Wichita, but within three miles thereof. As such, no petition, publication of notification or public hearing is required before the Wichita City Council.

Recommendations/Action: Approve vacation; adopt resolution; record resolution, recording cost to be billed to:

755-68-360-50000-295-000-000

RESOLUTION

A RESOLUTION APPROVING THE VACATION OF PLATTED STREET RIGHT-OF-WAY AND BUILDING SETBACKS DESCRIBED AS:

STREET RIGHT-OF-WAY

The 40 feet of half-street right-of-way platted for 57th Street North adjacent to the north lines of the following lots:

Lot 1, Block 1, Leewood Heights Addition, Sedgwick County, Kansas.

Lot 1, Block 1, Leewood Heights 2nd Addition, Sedgwick County, Kansas.

Lot 1, Block 2, Leewood Heights 2nd Addition, Sedgwick County, Kansas.

Lot 1, Block 1, Leewood Heights 4th Addition, Sedgwick County, Kansas.

Lots 1 and 8, Block 2 and Lots 1 and 10, Block 3, all in Leewood Heights 4th Addition, Sedgwick County, Kansas.

BUILDING SETBACK

The 30-foot building setback platted on the following lots legally described as:

North 30 feet of Lot 1, Block 1, Leewood Heights Addition, Sedgwick County, Kansas, except the west 30 feet thereof.

North 30 feet of Lot 1, Block 1, Leewood Heights 2nd Addition, Sedgwick County, Kansas, except the east 30 feet thereof.

North 30 feet of Lot 1, Block 2, Leewood Heights 2nd Addition, Sedgwick County, Kansas, except the west 30 feet thereof.

North 30 feet of Lot 1, Block 1, Lot 8, Block 2 and Lot 10, Block 3, Leewood Heights 4th Addition, Sedgwick County, Kansas, except the east 30 feet thereof.

North 30 feet of Lot 1, Block 2 and Lot 1, Block 3, Leewood Heights 4th Addition, Sedgwick County, Kansas, except the west 30 feet thereof.

WHEREAS, there has been filed in the office of the Wichita-Sedgwick County Metropolitan Area Planning Department, proceedings for the vacation of street right-of-way and building setbacks described as:

STREET RIGHT-OF-WAY

The 40 feet of half-street right-of-way platted for 57th Street North adjacent to the north lines of the following lots:

Lot 1, Block 1, Leewood Heights Addition, Sedgwick County, Kansas.

Lot 1, Block 1, Leewood Heights 2nd Addition, Sedgwick County, Kansas.

Lot 1, Block 2, Leewood Heights 2nd Addition, Sedgwick County, Kansas.

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North 30 feet of Lot 1, Block 1, Lot 8, Block 2 and Lot 10, Block 3, Leewood Heights 4th Addition, Sedgwick County, Kansas, except the east 30 feet thereof.

North 30 feet of Lot 1, Block 2 and Lot 1, Block 3, Leewood Heights 4th Addition, Sedgwick County, Kansas, except the west 30 feet thereof.

WHEREAS, said Department has given notice of such proceedings to all adjoining property owners of a public hearing to be held before the Wichita-Sedgwick County Metropolitan Area Planning Commission; and

WHEREAS, such a public hearing was held by the Wichita-Sedgwick County Metropolitan Area Planning Commission on July 9th, 1987;

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That the street right-of-way and building setbacks, described as follows, to wit:

CASE NO. V-1466

STREET RIGHT-OF-WAY

The 40 feet of half-street right-of-way platted for 57th Street North adjacent to the north lines of the following lots:

Lot 1, Block 1, Leewood Heights Addition, Sedgwick County, Kansas.

Lot 1, Block 1, Leewood Heights 2nd Addition, Sedgwick County, Kansas.

Lot 1, Block 2, Leewood Heights 2nd Addition, Sedgwick County, Kansas.

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North 30 feet of Lot 1, Block 1, Lot 8, Block 2 and Lot 10, Block 3, Leewood Heights 4th Addition, Sedgwick County, Kansas, except the east 30 feet thereof.

North 30 feet of Lot 1, Block 2 and Lot 1, Block 3, Leewood Heights 4th Addition, Sedgwick County, Kansas, except the west 30 feet thereof.

Be and the same is approved for vacation.

SECTION 2. The south 10 feet of the vacated street right-of-way adjacent to Lot 1, Block 1, Leewood Heights Addition, Sedgwick County, Kansas, is hereby retained as a utility easement.

SECTION 3. The south 10 feet, of the west 50 feet, of the vacated street right-of-way adjacent to Lot 1, Block 1, Leewood Heights 2nd Addition, Sedgwick County, Kansas, is hereby retained as a utility easement.

SECTION 4. That it is hereby recommended to the Board of County Commissioners of Sedgwick County, Kansas, that the said above-described street right-of-way and building setbacks be vacated in the event that a proper petition is filed under the provisions of Kansas Statutes Annotated, 58-2613, 58-2614 and 58-2615.

SECTION 5. That this resolution shall be in force and take effect from and after its passage and publication once in the official city paper.

Passed and approved at Wichita, Kansas, this 29th day of September, 1987.

Robert C. Knight, Mayor

ATTEST:

Dale E. Rea, Deputy City Clerk (Seal)

