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RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION  
TO BOARD OF COUNTY COMMISSIONERS

**PROPOSED AGENDA ITEMS:** V- 2030 Request to vacate a building setback located North of MacArthur road, west of Hoover.

**PRESENTED BY:** Marvin S. Krout, Director of Planning.



**PROPOSED AGENDA DATE:** July 9, 1997

**COMMISSION DISTRICT #2**

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MAPC Recommendation: Approve, subject to conditions. (unanimous)

Staff Recommendation: Approve, subject to conditions.

Background/Discussion: The applicants are owners of three lots in Wheatland Place, 4th Addition, each occupied or intended for a single-family home. The original plat of Wheatland Place, 4th Addition, created an extraordinary large, platted rear building setback line of 51 feet because of an easement in favor of a pipeline company. Recently the pipeline company released a portion of the large easement and the owners now wish to vacate the building setback line in order to provide room in the rear yards to accommodate normal accessory structures such as detached garages.

The vacation request has been reviewed and approved by the Planning Commission, subject to conditions to which the applicants agree. No members of the public addressed the MAPC to oppose this request.

This request is within 3-miles of the City of Wichita and consequently was scheduled for review by the Wichita City Council. The Wichita City Council heard and approved this vacation.

Recommended Action:

1. Open the public hearing to receive public comments; close public hearing; approve the vacation order and authorize the chair to sign.

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Applicants: Steven G. & Colletta C. McGregor, 5705 W. 37th St. South Ct., Wichita, KS 67215  
Harold E. & Shirley Lockard, 621 Ridgeway, Rose Hill, KS 67133  
Gary E. & Becky a. Marsalis, 5711 W. 37th Street South Ct., Wichita, KS 67215

Protestors: None

MICROFILMED  
OF RECORD

STATE OF KANSAS )  
SEDGWICK COUNTY ) SS  
FILED FOR RECORD AT  
10:00 A M

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

1617731 4155

LARRY CONSOLVEN  
REGISTER OF DEEDS

*Hanna Markheim*  
Deputy



IN THE MATTER OF THE VACATION OF )  
BUILDING SETBACK )

GENERALLY LOCATED IN AN AREA )  
NORTH OF MACARTHUR ROAD )  
WEST OF HOOVER )

MAPD CASE NO. V-2030

VACATION ORDER

NOW on this 9th day of July, 1997, at 9:00 A.M. comes on for hearing a petition praying for the vacation of a building setback described as:

The 51-foot building setback as platted, adjacent to the east property line of Lot 3, 4, and 5, Block 2, Wheatland Place Fourth Addition, Sedgwick County, Kansas.

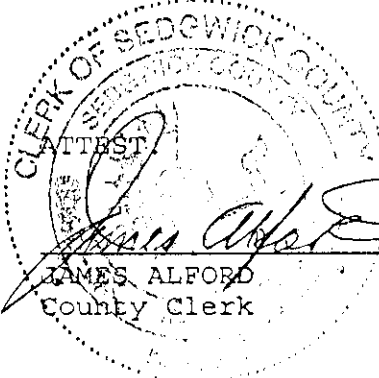
WHEREUPON, it is shown that proper notice has been given by publication once each week for three consecutive weeks in the official county paper, the first such publication having occurred on June 11, 1997, and it is further shown that proper proof of such publication has been filed herein. The Board finds that such notice is in lawful form and that it conforms to K.S.A. 58-2613.

THEREAFTER, the Board, having heard all interested parties and being otherwise duly advised in the premises, finds and determines that no private rights will be injured or endangered by such vacation; that the public will suffer no loss or inconvenience thereby; that no written objections hereto have been filed with the Sedgwick County Clerk; and that, in justice to the petitioner, the petition's prayer should be granted. The Board further finds that on the 15th day of May, 1997, the Metropolitan Area Planning Commission recommended that the vacation petition herein be

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approved; and on the 24th day of June, 1997, the Governing Body of the City of Wichita recommended that the said petition be approved.

THEREFORE, IT IS ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS THAT the building setback hereinabove described be and the same is hereby vacated.



ATTEST  
 JAMES ALFORD  
 County Clerk

BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

*Thomas G. Winters*  
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 THOMAS G. WINTERS, Chairman

APPROVED AS TO FORM:

*Richard A. Euson*  
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 RICHARD A. EUSON  
 County Counselor

