

Planning Agenda # _____

**City of Wichita
City Council Meeting
March 5, 2002**

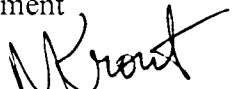
Agenda Report # _____

TO: Mayor and City Council

SUBJECT: **VAC2001-00020 - REQUEST TO VACATE A PORTION OF A PLATTED 30-FOOT STREET SIDE, SIDE YARD SET BACK LOCATED NORTHWEST OF THE KELLOGG – WOODLAWN INTERSECTION.**
(District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning



Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

The applicant is requesting consideration to vacate 23.2-feet of a platted 30-foot street side setback. The setback runs parallel to Woodlawn Avenue. The applicant proposes to build an attached 27-foot (x) 32-foot garage with an 8-foot high garage door. The garage will allow easier covered access to the applicant's handicapped equipped vans. The property, Lot 5, Block Q, 5th Addition to the Village is on the southwest corner of Peachtree Lane and Woodlawn. The applicant has agreed to the recommended conditions of building the garage behind the existing fencing and mature trees, to replace any trees killed by the building of the garage and to close the existing drive onto Woodlawn continuing the curb and gutter. The applicant has submitted an Irrevocable Letter of Credit to guarantee these conditions will be met.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Legal Considerations: A certified copy of the Vacation Order and a Dedication of Abutter's Access Rights will be recorded with the Register of Deeds.

Recommendations/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

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

**IN THE MATTER OF THE VACATION OF)
A PORTION OF A PLATTED 30-FOOT SIDE)
YARD SETBACK)**

**GENERALLY LOCATED)
NORTHWEST OF THE KELLOGG)
- WOODLAWN INTERSECTION)**

Case No. VAC2001-00020

RECEIVED

MAR 21 2002

MORE FULLY DESCRIBED BELOW)

METROPOLITAN PLANNING
ROUTE _____

VACATION ORDER

NOW on this 5th day of March, 2002, comes on for hearing the petition for vacation filed by Elliott and Debra Werbin, praying for the vacation of the following described a portion of a 30-foot side yard setback, to-wit:

The west 23.2-ft of the platted 30-ft setback of Lot 5, Block Q, 5th Addition to the Village, along the Woodlawn frontage, going north for a distance of 32-ft beginning 0.10-ft off of the 8-ft utility easement on the southeast end of Lot 5, Block Q, 5th Addition to the Village Addition.

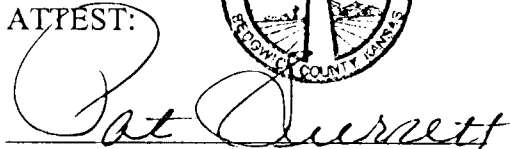
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle on April 26, 2001, 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 a portion of a platted 30-foot side yard 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 a portion of a platted 30-foot side yard setback described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 5th day of March 2002, ordered that the above-described a portion of a 30-foot side yard 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.

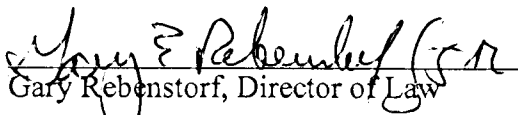


ATTEST:

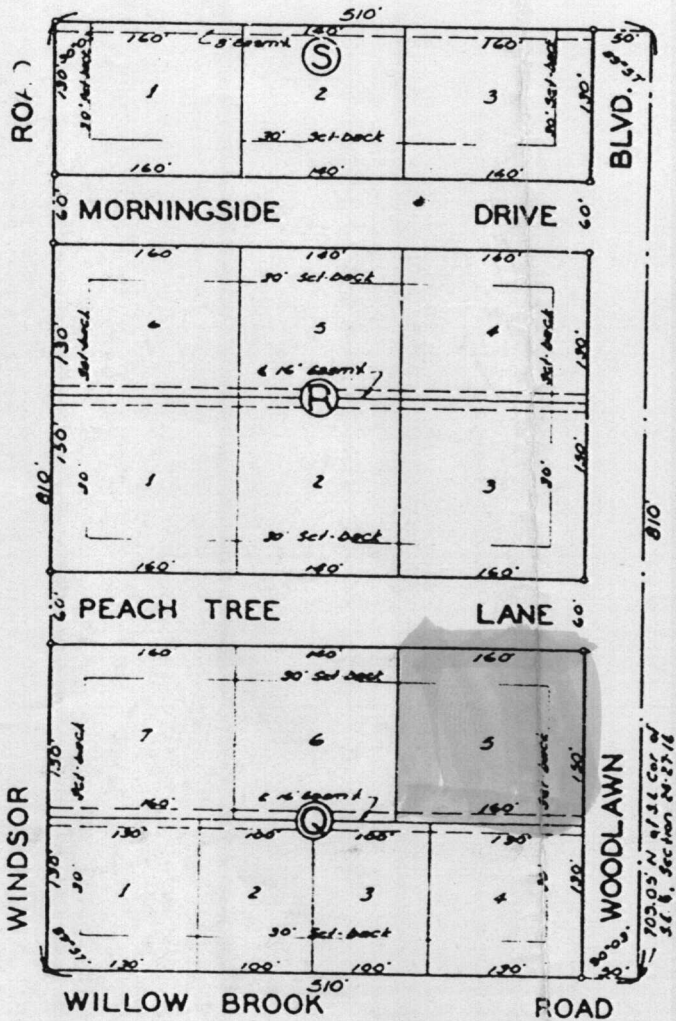

Pat Burnett, City Clerk


Bob Knight, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

VAC 2001-00020



103.05' N of SE Cor of S1/4, Section 24-27-16