

City of Wichita
City Council Meeting
August 17, 2004

Agenda Report No. _____

TO: Mayor and City Council

SUBJECT: VAC2003-00020 Request to vacate a portion of a platted setback, generally located north of Kellogg between Hoover Street and Ridge Road. (District V)

INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

Background: The applicant proposes to vacate the south 65-feet of platted 100-foot setback, that runs parallel to the north property line of Lots 2, 3, & 4 as recorded on the Dugan Center 2nd Addition. The vacation of a portion of the setback would allow further development of the site. The Dugan Center 2nd Addition was recorded with the Register of Deeds July 14, 1993.

Analysis: This site is subject to the Dugan Center CUP; CUP DP-151. The applicant had applied for an amendment to the CUP (CUP2003-24 DP-151), which was approved by the MAPC's May 22, 2003 meeting. One of the request of the amendment was a reduction of the 100-foot setback to 35-feet. Because the 100-foot setback shown on CUP DP-151 was also platted on the Dugan Center 2nd Addition; both an amendment to the CUP and a vacation of the platted setback is required. No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation. No written protests have been filed.

Financial Considerations: None

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds.

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

RECEIVED

AUG 18 2004

METROPOLITAN PLANNING
ROUTE 9

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

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

**GENERALLY LOCATED)
NORTH OF KELLOGG AVENUE,)
BETWEEN HOOVER STREET AND)
RIDGE ROAD)**

Case No. VAC2003-00020

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 17th day of August, 2004 comes on for hearing the petition for vacation filed by Reichenberger Family LP, praying for the vacation of the following described portion of platted setback, to-wit:

The south 65-foot of the platted 100-foot building setback line running parallel to the north property line of Lots 2, 3, & 4, the Dugan Center 2nd Addition, Wichita, Sedgwick County.

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 Derby Reporter on May 15, 2003, 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.

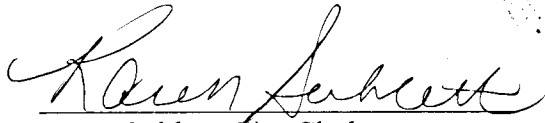
3. In justice to the petitioner(s), the prayer of the petition ought to be granted.

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.

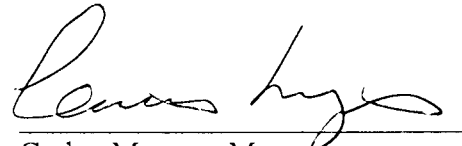
5. The vacation of a portion of the platted setback described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 17th day of August 2004 ordered that the above-described portion of 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.


ATTEST:

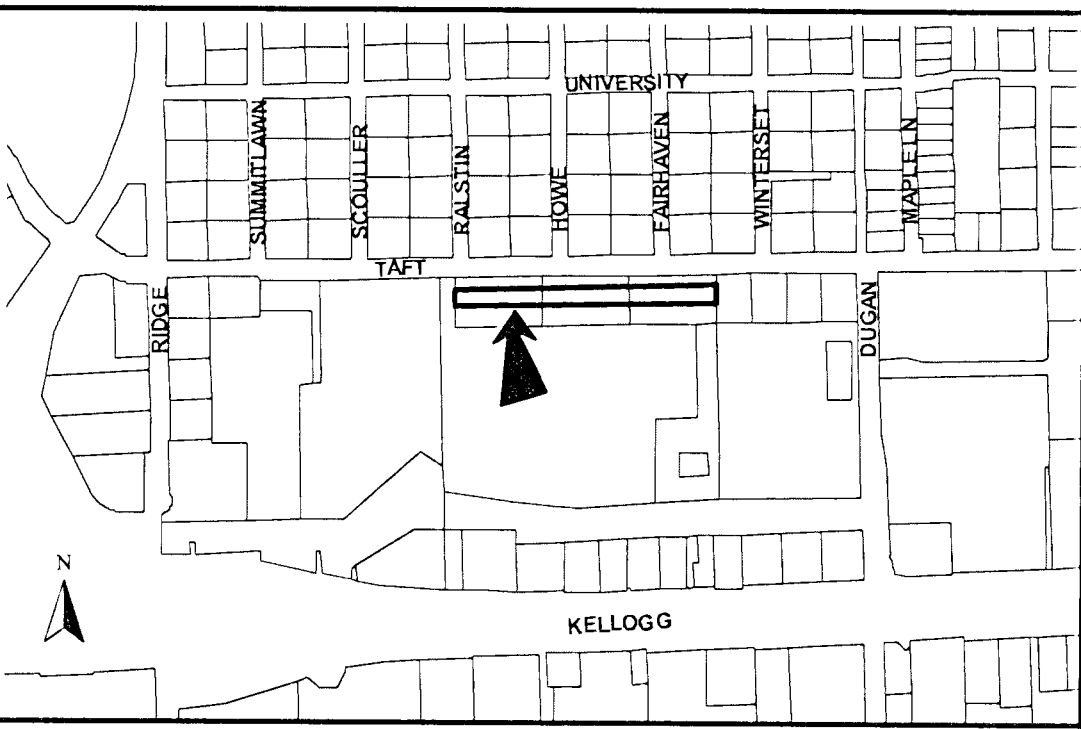

Karen Sublett, City Clerk




Carlos Mayans, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law



N



SUMMITLAWN

SCOLLER

RALSTIN

HOWE

UNIVERSITY

FAIRHAVEN

WINTERSET

MAPLEIN

TAFT

RIDGE

DUGAN

KELLOGG