


City of Wichita
City Council Meeting
May 20, 2003

Agenda Report No.

TO: Mayor and City Council

SUBJECT: VAC2003-00007 REQUEST TO VACATE PLATTED SETBACKS
LOCATED NORTHWEST OF THE JULIA AND DUGAN STREETS
INTERSECTIONS, NORTH OF KELLOGG DRIVE.
(DISTRICT V)

INITIATED BY: Metropolitan Area Planning Department 

AGENDA: Planning

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

Background: The applicant is proposing to build a super Walmart to replace the current Walmart on the site. This construction will put parts of the proposed super Walmart over platted setbacks.

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.

Analysis: The request involves the vacation of (a) the 15-foot setback located on Lot 2, that runs parallel to the lot line that separates Lots 1 & 2, The Landing 2nd Addition and runs parallel to the north 100-feet of the lot line that separates Lot 2, The Landing 2nd Addition and Lot 1, Air Park 3rd Addition and vacation of (b) the 45-foot setback located on Lot 1, that runs parallel to the lot line that separates Lots 1 & 2, The Landing 2nd Addition. These two setbacks run north – south and will not be replaced.

The requests also involves the vacation of (c) the south 30-feet of the platted 50-foot setback line running parallel (west – east) to the north property line of Lot 1, The Landing 2nd Addition, leaving a 20-foot building setback line and (d) a portion of the setbacks located on the northeast corner of Lot 1, as described in the legal description.

This site has CUP DP-150 overlay on it and the applicant has applied for and recieved an adjustment to the CUP. The Landing 2nd Addition was recorded October 17, 1990. Vacation case VAC2002-42 approved the vacation of easements, with conditions, within some of these setbacks, by the MAPC at their 01-23-03 meeting.

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.

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

RECEIVED
MAY 30 2003

IN THE MATTER OF THE VACATION OF)
PLATTED SETBACKS)
)
)
GENERALLY LOCATED)
NORTHWEST OF THE JULIA AND DUGAN)
STREETS INTERSECTIONS, NORTH OF)
KELLOGG)
)
)
)
MORE FULLY DESCRIBED BELOW)

METROPOLITAN PLANNING
ROUTE _____

Case No. VAC2003-00007

VACATION ORDER

NOW on this 6th day of May, 2003, comes on for hearing the petition for vacation filed by Wal-Mart Properties, praying for the vacation of the following described platted setbacks, to-wit:

The platted 45-foot building setback line running parallel to the west property line of Lot 1, The Landing 2nd Addition, Wichita, Sedgwick County.

The platted 15-foot building setback line running parallel to the east property line of Lot 2, The Landing 2nd Addition, Wichita, Sedgwick County.

The south 30-feet of the platted 50-foot building setback line running parallel to the north property line of Lot 1, The Landing 2nd Addition, Wichita, Sedgwick County.

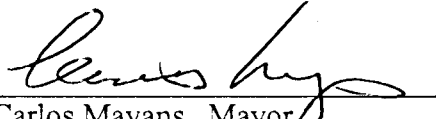
COMMENCING at the Northeast Corner of said Lot 1, The Landing 2nd Addition:
THENCE South 00°02'16" West, along the East line of said Lot 1, a distance of 20.00 feet;
THENCE North 89°55'28" West a distance of 15.00 feet to the POINT OF BEGINNING South 00°02'16" West a distance of 50.00 feet:
THENCE North 89°55'28" West a distance of 20.00 feet;
THENCE North 00°02'16" East a distance of 50.00 feet;
THENCE South 89°55'28" East a distance of 20.00 feet to the POINT OF BEGINNING.

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 March 20, 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 platted setbacks, 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 the platted setbacks described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 20th day of May 2003, ordered that the above-described platted setbacks are 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.


Carlos Mayans, Mayor

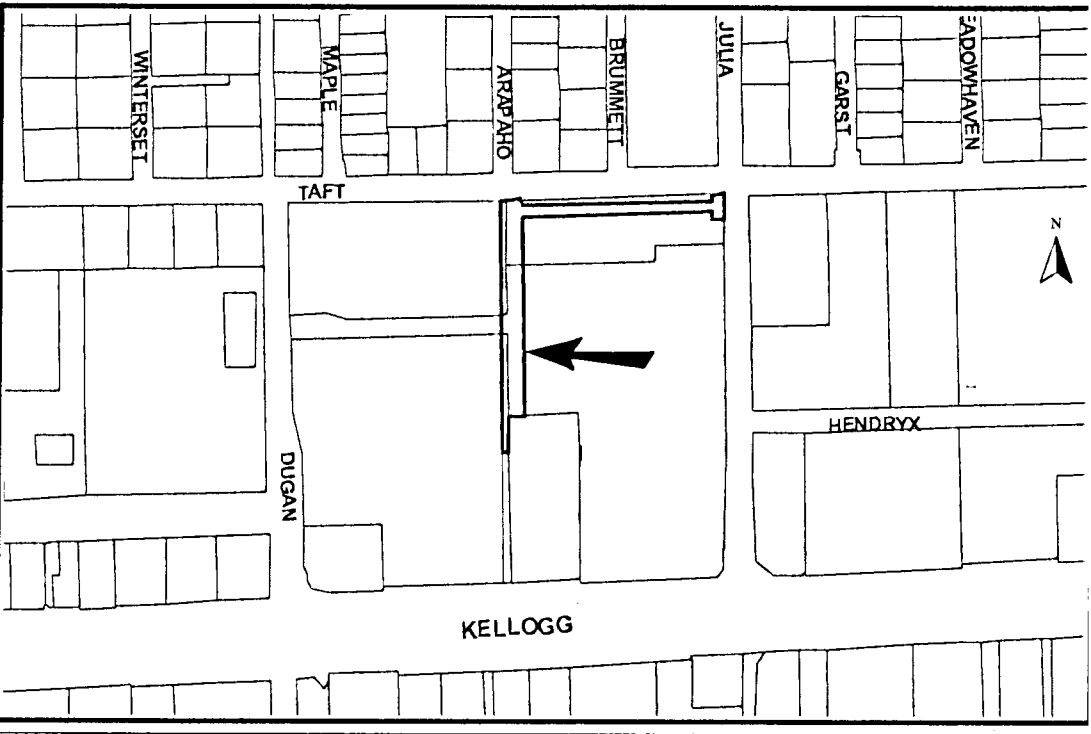
ATTEST:


Pat Graves, City Clerk



Approved as to Form:


Gary Rebenstorf, Director of Law



WINTERSET

MAPLE

ARAPAHO

BRUMMETT

JULIA

GARST

ADOWHAVEN

TAFT

DUGAN

HENDRYX

KELLOGG

