



**FILE COPY**

**Wichita-Sedgwick County Metropolitan Area Planning Department**

September 28, 2001

City of Wichita  
455 N. Main  
13<sup>th</sup> Floor  
Property Management Office  
Wichita, KS 67202

Re: **VAC2001-00042**- Request to vacate utility easement and building setback generally located between Boston & Bayley Street (1301 thru 1443 S. Topeka).

Dear Sirs:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission on Thursday, September 27, 2001, the above-captioned vacation request was considered. The action of the Committee was to recommend that this vacation be approved subject to:

1. Retain the 5-ft utility and easements, Lot 1, Immanuel Baptist Addition, along Topeka.
2. Dedicate new utility easement.
3. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
4. All improvements shall be according to City Standards.

This matter is set for public hearing by the Metropolitan Area Planning Commission on Thursday, October 11, 2001 at 1:30 p.m. in the Planning Conference Room, Tenth Floor, City Hall, 455 North Main, Wichita, Kansas. If you have any questions, please call at 268-4494.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bill Longnecker', written over a horizontal line.

Bill Longnecker  
Senior Planner

BL:le

STAFF REPORT

**CASE NUMBER:** VAC2001-00042: Request to vacate easements and setback.

**APPLICANT/OWNER:** Immanuel Baptist  
City of Wichita

**AGENT:** Greg Farris

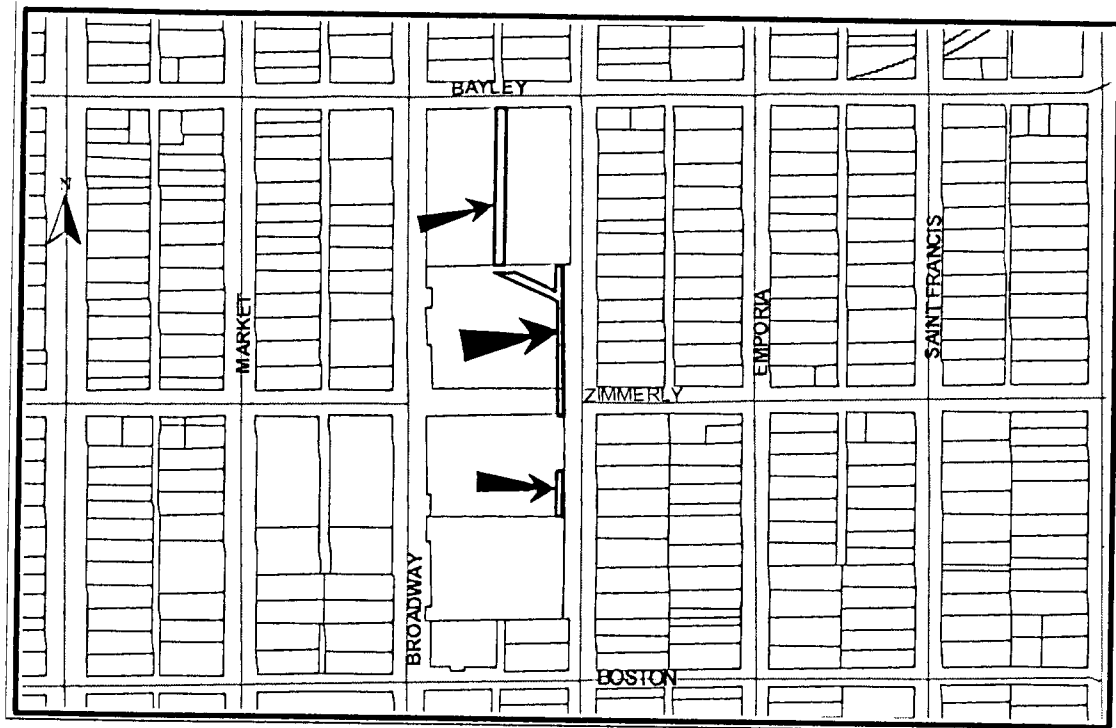
**LEGAL DESCRIPTION:** Platted 15-ft building setback line running parallel to Topeka Street, on Lot 1, Immanuel Baptist Church Addition.  
Platted contingent 20-ft utility easement running approximately 169-ft at an approximate 30 degree angle to the northeast corner of Lot 1, Immanuel Baptist Addition and connecting to the 20-ft utility easement, dedicated by separate instrument, running approximately 354-ft north to south through the middle of Lincoln Park

**LOCATION:** Generally located southeast of the S Broadway – Bayley intersection between S Broadway and S Topeka.

**REASON FOR REQUEST:** To allow future development.

**CURRENT ZONING:** Subject properties are zoned MF-29 Multifamily and LC Limited Commercial. Properties to the north and west are zoned LC Limited Commercial, there are also State/National Historic Sites to the north and west. Property to the south is zoned GC General Commercial. Property to the east is zoned MF-29 Multifamily.

**VICINITY MAP:**



The applicants are requesting consideration to vacate the platted 15-ft building setback line running parallel to Topeka Street, on Lot 1, Immanuel Baptist Church Addition. The south portion of the 15-ft building setback line will have a parking lot of a width of approximately 60-ft beginning at the southeast corner of Lot 1, Immanuel Baptist Addition, because of abutting residential. Staff recommends retaining this portion of the setback. The applicants are also requesting consideration to vacate the platted contingent 20-ft utility easement running approximately 169-ft at an approximate 30 degree angle to the northeast corner of Lot 1, Immanuel Baptist Addition and connecting to the 20-ft utility easement, dedicated by separate instrument, running approximately 354-ft north to south through the middle of Lincoln Park. The sanitary sewer in the easement in Lincoln Park was relocated last year as part of the park improvements and was paid by the Park Department. The Park Department also dedicated new easement for the relocated sanitary sewer, which includes the 169-ft run of line that runs at the approximately 30 degree angle to the northeast corner of Lot 1, Immanuel Baptist Addition.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC 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 of notice of this vacation proceeding one time September 19, 2001, which was at least 20 days prior to this public hearing.

2. That no private rights will be injured or endangered by the vacation of the above-described building setback line and easements and the public will suffer no loss or inconvenience thereby.
  3. In justice to the petitioner, the prayer of the petition ought to be granted.
- B. Therefore, the vacation of the building setback line and easement described in the petition should be approved subject to the following conditions:
1. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
  2. All improvements shall be according to City Standards.
  3. Retain the 5-ft utility easement within the vacated 15-ft building setback line that runs the length of Lot 1, Immanuel Baptist Addition, parallel to Topeka Street.
  4. Retain that portion of 15-ft building setback line the runs parallel to Topeka Street that begins on the southeast corner of Lot 1, Immanuel Baptist Addition for a length, running north, of 60-ft.