

City of Wichita
City Council Meeting
September 14, 2004

Agenda Report No. _____

TO: Mayor and City Council

SUBJECT: VAC2004-00025 Request to vacate portions of platted setbacks, generally located south of Harry Street and west of Hoover Road.
(District IV)

INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

Staff Recommendation: Approve

MAPC Recommendation: Approve (unanimously)

Background: The applicant is requesting vacation of 15-feet of the platted 50-foot setbacks, generally running parallel to either the Eisenhower Avenue or Eisenhower Court right-of-way (ROW), as described in the legal, on Lots 4, 5, 9, & 10, Block 1, the Airport Industrial Park Addition. The Airport Industrial Addition was recorded with the Register of Deeds December 16, 1964.

Analysis: All of the described setbacks run parallel to public street ROW. There was a previous case on one of the subject sites (VAC2000-30, Lot 9, Block 1, the Airport Industrial Park Addition) which vacated 15-feet of the 50-foot ROW on the Lot 9's south side, which runs parallel to Eisenhower Court. The applicant's proposal would replace the remaining 50-foot setback on Lot 9, with a consistent 35-foot setback; matching the 35-foot setback established by VAC2000-30 on Lot 9. The applicant's proposal would give all the described properties (Lots 4, 5, 9, & 10, Block 1, the Airport Industrial Park Addition) a 35-foot setback. The UZC's standard for a front yard setback for the "LI" zoning district is 20-feet, with no minimum street side setback.

The MAPC and its Subdivision Committee voted unanimously to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing and its Subdivision Committee meeting. No written protests have been filed.

Financial Considerations: None

Legal Considerations: A certified copy of the Vacation Order and dedication by separate instrument of additional easements 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
SEP 22 2004
METROPOLITAN PLANNING
ROUTE 9

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

**IN THE MATTER OF THE VACATION OF
PORTIONS OF PLATTED SETBACKS**

**GENERALLY LOCATED
SOUTH OF HARRY STREET AND WEST OF
HOOVER ROAD**

MORE FULLY DESCRIBED BELOW

Case No. VAC2004-00025

VACATION ORDER

NOW on this 14th day of September, 2004 comes on for hearing the petition for vacation filed by Next Generation Investments, LLC c/o William Smith, praying for the vacation of the following described portions of platted setbacks, to-wit:

The west 15-feet of the platted 50-foot setback that runs parallel to the Eisenhower Avenue right-of-way on the east side of Lot 9, Block 1, the Airport Industrial Park addition, as recorded, Wichita, Sedgwick County, Kansas.

The west 15-feet of the platted 50-foot setback that runs parallel to the Eisenhower Avenue right-of-way on the east side Lot 10, the south 15-feet of the platted 50-foot setback that runs parallel to the Eisenhower Court right-of-way on the north side of Lot 10, all in Block 1, the Airport Industrial Park addition, as recorded, Wichita, Sedgwick County, Kansas.

The northwesterly 15-feet of the platted 50-foot setback that runs parallel to the Eisenhower Court right-of-way on the northeast side Lot 5, Block 1, the Airport Industrial Park addition, recorded, Wichita, Sedgwick County, Kansas.

The southwesterly 15-feet of the platted 50-foot setback that runs parallel to the Eisenhower Court right-of-way on southeast side of Lot 4, Block 1, the Airport Industrial Park addition, as recorded, Wichita, Sedgwick County, Kansas.

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:

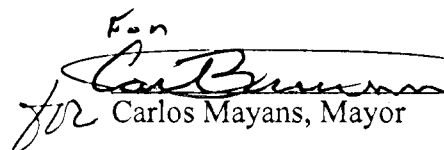
1. That due and legal notice has been given by publication as required by law, by publication in The Wichita Eagle on May 20, 2004, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described portions of platted setbacks, 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 portions of platted setbacks described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 14th day of September 2004 ordered that the above-described portions of 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.

ATTEST:

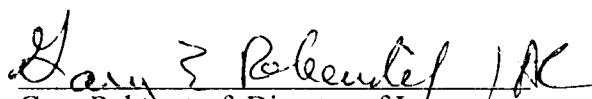

Karen Sublett, City Clerk

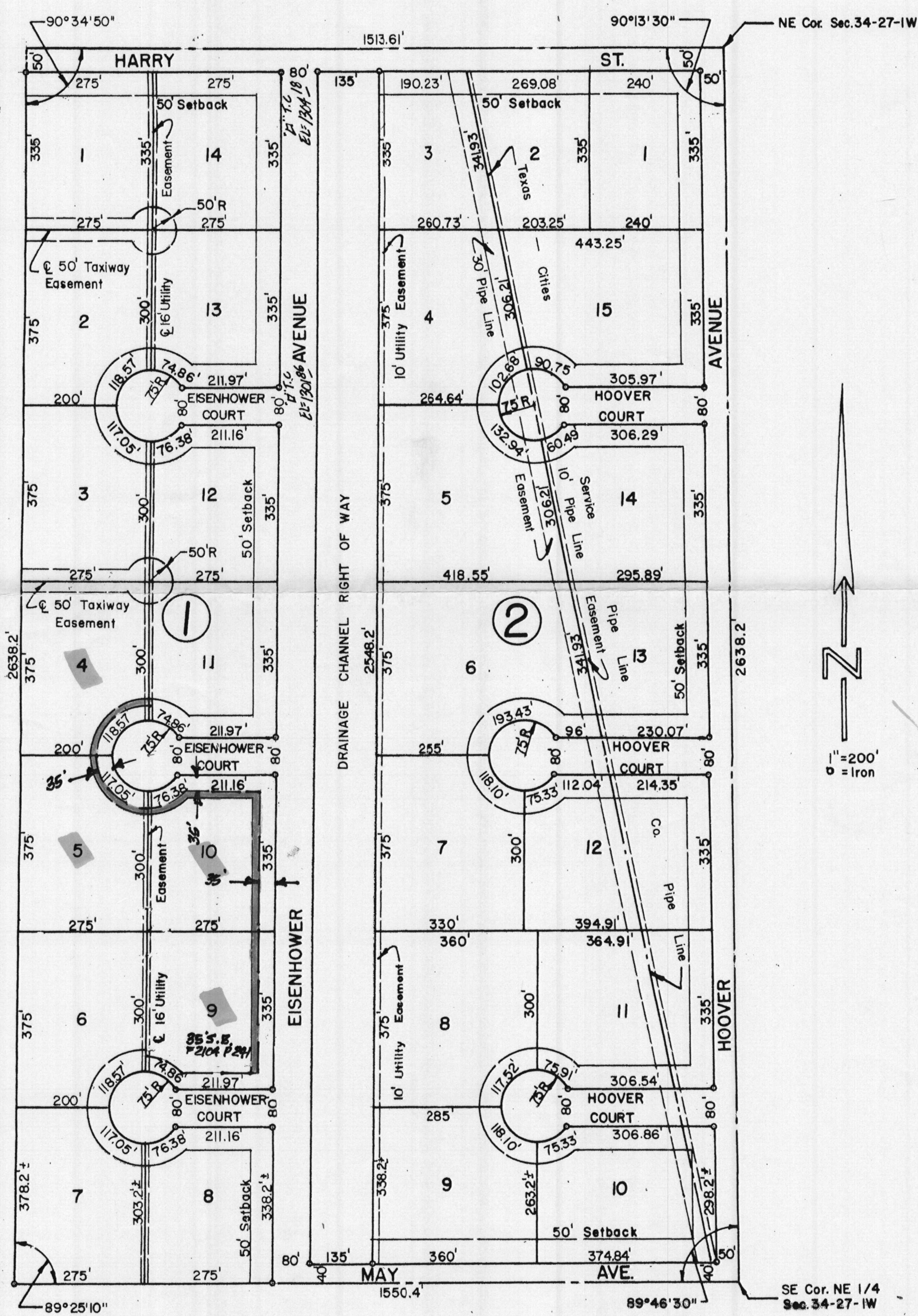



for Carlos Mayans, Mayor

Carl Brewer
VICE MAYOR

Approved as to Form:


Gary Rebenstorf, Director of Law



HARRY

ST.

NE Cor. Sec. 34-27-1W

EISENHOWER AVENUE

AVENUE

DRAINAGE CHANNEL RIGHT OF WAY

EISENHOWER

HOOVER

MAY

AVE.



1"=200'
o = Iron

SE Cor. NE 1/4
Sec. 34-27-1W