

City of Wichita
City Council Meeting
August 17, 2004

Agenda Report No. _____

TO: Mayor and City Council

SUBJECT: VAC2004-00020 Request to vacate platted access control and a portion of a platted setback, generally located on the southeast corner of the 37th Street North – Ridge Road intersection. (District V)

INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

Staff Recommendation: Approve

MAPC Recommendation: Approve (unanimously)

Background: The applicant proposes vacation of the current joint access control between Lots 2 & 4, Ridge Port North Addition onto Ridge Road and the current joint access between Lots 2 & 3, Ridge Port North Addition, onto 37th Street North. The applicant is also proposing the vacation of a portion of the 100-foot setback along Lot 2's, Ridge Port North Addition, north property line. The subject site is part of CUP DP 237. The Ridge Port North Addition was recorded June 9, 1999.

Analysis: There is a proposed Lot Split associated with this request, which will break Lot 2 into four parcels and reconfigure Lot 4. The applicant has proposed new joint access to replace the existing access. The proposed joint access will serve the newly reconfigured Lots 2 & 4. The Traffic Engineer has approved the proposed access. The applicant has proposed a 35-foot setback to replace the 100-foot setback along Lot 2's north side. The proposed 35-foot setback is aligned with the existing 35-foot setback on the smaller Lots 3 & 4, Ridge Port North Addition. The proposed reconfiguration of Lot 2 by the Lot Split means the four new parcels will be similar in size to Lots 3 & 4, Ridge Port North Addition, which have the 35-foot setback. The subject site is part of CUP DP 237. An Adjustment or Amendment to CUP DP 237 is required, which will reflect the reconfiguration of Lots 2 & 4, the approved joint access, new access control and the proposed 35-foot setback. No one spoke in opposition to this request at the MAPC's advertised public hearing. No written protests have been filed.

Financial Considerations: None

Legal Considerations: A certified copy of the Vacation Order and dedication by separate instruments for Abutter's Access Rights 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.

METROPOLITAN PLANNING
ROUTE ☐ _____

MORE FULLY DESCRIBED BELOW

The east 65.00 feet of the west 100.00 feet of that part of Lot 2, Ridge Port North Addition, Wichita, Sedgwick County, Kansas lying west of and adjacent to the 100 foot building setback line as platted in said Lot 2, said platted 100 foot building setback line being parallel with the east right-of-way line of Ridge Road as dedicated in said Ridge Port North Addition, TOGETHER with the south 65.00 feet of the

north 100.00 feet of that part of said Lot 2 lying north of and adjacent to the 100 foot building setback line as platted in said Lot 2, said 100 foot building setback line being parallel with the south right-of-way line of 37th Street North as dedicated in said Ridge Port North Addition.

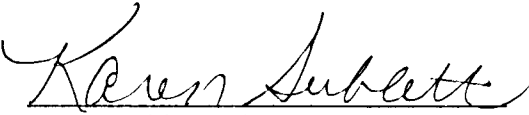
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

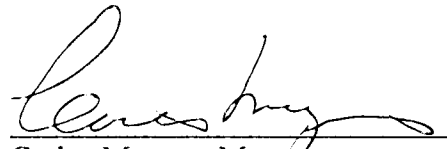
1. That due and legal notice has been given by publication as required by law, by publication in The Wichita Eagle on May 20, 2004, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described platted access control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

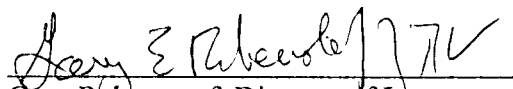


ATTEST:


Karen Sublett, City Clerk


Carlos Mayans, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

