

City of Wichita
City Council Meeting
May 11, 2004

Agenda Report No. _____

TO: Mayor and City Council

SUBJECT: VAC2004-00012 Request to vacate a portion of a platted building setback and utility easement dedicated by separate instrument, generally located southeast of the Greenwich Road and Kellogg Avenue/US-54 intersection. (District II)

INITIATED BY: Metropolitan Area Planning Department JLS

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Background: The applicant is requesting consideration for the vacation of the south and east 25 feet of the platted 35-foot platted setback as dedicated on Lot 2, Block A, One Kellogg Place 2nd Addition. The applicant also proposes to vacate the south 10 feet of a 20-foot easement dedicated by separate instrument generally running parallel to the north side of the subject site and contained within the previously mentioned platted setback. The site is located in DP-196 One Kellogg Place Community Unit Plan. The plat, One Kellogg Place 2nd Addition, was recorded with the Register of Deeds on May 15, 2001.

Analysis: Setbacks for the "LI" Limited Industrial District in the Unified Zoning Code includes a minimum of zero feet for the rear and street side setbacks, zero feet or a minimum of five feet, if provided, for interior side setbacks and 20 feet for a front setback. The subject site is located within CUP DP- 196; vacation of the platted setbacks requires an adjustment to the CUP. The applicant has obtained approval of the adjustment to these setbacks within the CUP (letter dated February 20, 2004). There is no water or sewer in the easement dedicated by separate instrument (film 2222, page 2491). 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

MAY 18 2004

METROPOLITAN PLANNING
ROUTE _____

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

**IN THE MATTER OF THE VACATION OF)
PORTION OF A PLATTED SETBACK AND A)
PORTION OF A UTILITY EASEMENT)
DEDICATED BY SEPARATE INSTRUMENT)**

**GENERALLY LOCATED)
SOUTHEAST OF THE GREENWICH ROAD -)
KELLOGG AVENUE/US-54 INTERSECTION)**

Case No. VAC2004-00012

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 11th day of May, 2004 comes on for hearing the petition for vacation filed by Wichita East LLC c/o Owen Buckley, praying for the vacation of the following described portion of a platted setback and a portion of a utility easement dedicated by separate instrument, to-wit:

That part of Lot 2, Block A, Part of One Kellogg Place 2nd Addition to Wichita, Sedgwick County, Kansas described as follows: Commencing at the most north northwest corner of said Lot 2; thence S 0° 50' 6" E, 10 feet; thence N 89° 14' 0" 10 feet for a point of beginning; thence S 0° 50' 6" E, 208.17 feet; thence northeasterly along a curve having a radius of 265.00 feet, a chord length of 27.88 feet and an arc length of 27.89 feet; thence N 0° 50' 6" W, 170.80 feet; thence N 89° 14' 0" E, 206.67 feet; thence N 36d19' 53" E, 31.34 feet; thence S 89° 14' 0" W, 250.60 feet to the point of beginning.

The easement as dedicated by separate instrument (Film 2222, Page 2491) and

described as: The west 277.06 feet of the south 10 feet of the north 20 feet of Lot 2, Block A, Part of One Kellogg Place 2nd Addition to Wichita, Sedgwick County, Kansas.

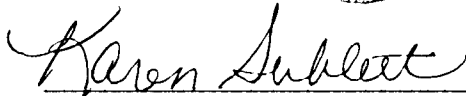
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in The Derby Reporter on April 1, 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 a portion of a platted setback and a portion of a utility easement dedicated by separate instrument, 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 portion of a platted setback and a portion of a utility easement dedicated by separate instrument described herein should be approved.

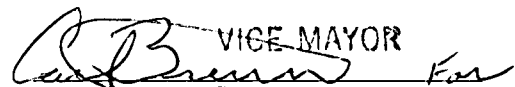
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 11th day of May 2004 ordered that the above-described a portion of a platted setback and a portion of a utility easement dedicated by separate instrument is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.



ATTEST:



Karen Schofield, City Clerk
Schofield

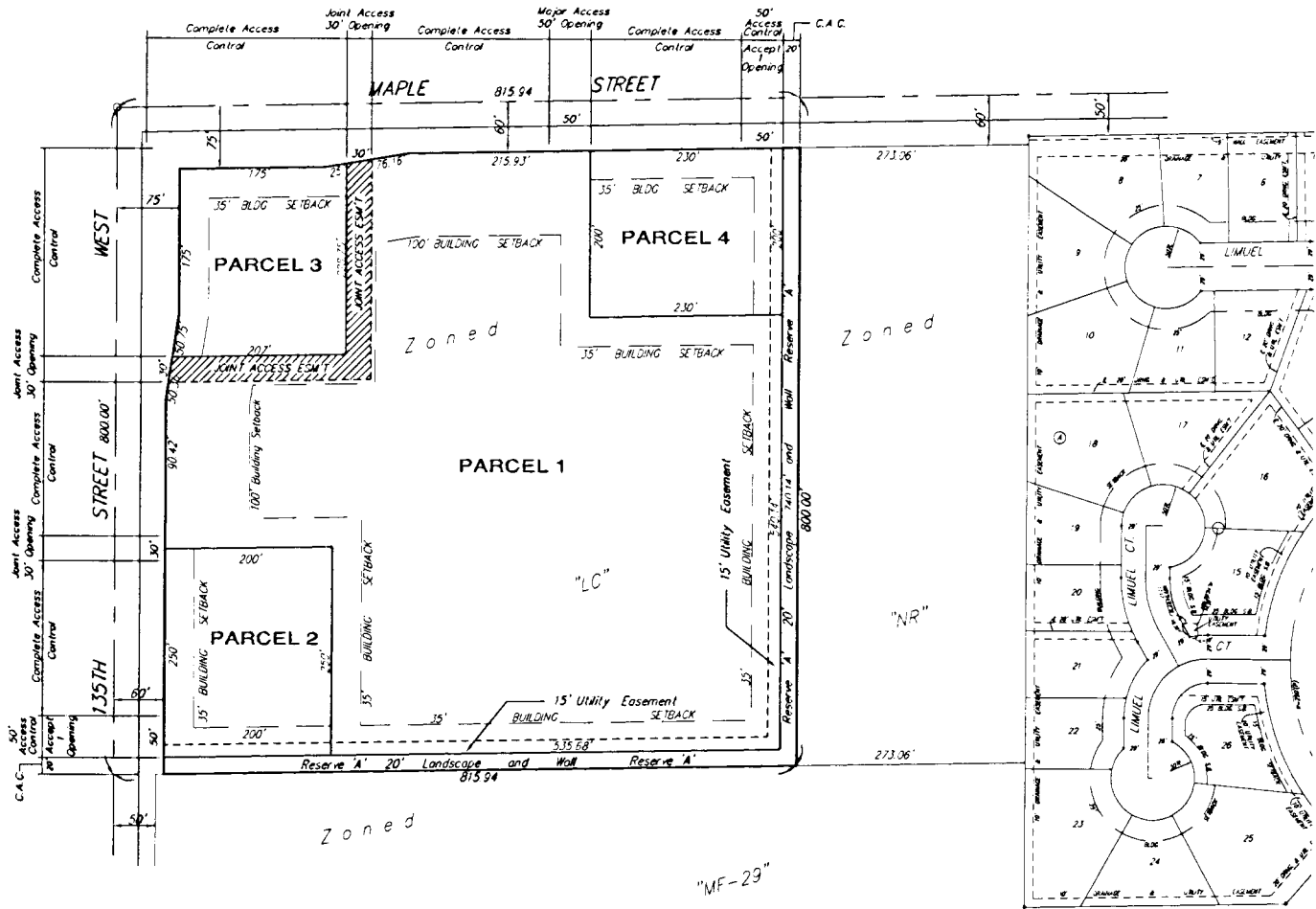


VICE MAYOR
Carlos Mayans, Mayor

Approved as to Form:



Gary Rebenstorf, Director of Law



"MF-29"