

City of Wichita
City Council Meeting
May 4, 2004

Agenda Report No. _____

TO: Mayor and City Council

SUBJECT: VAC2004-00010 Request to vacate portions of platted setbacks, generally located northwest of 123rd Street East and 21st Street North, along Rosemont Circle, Camden Chase Road and Peckham Court. (District II)

INITIATED BY: Metropolitan Area Planning Department *DM for JLS*

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Background: The applicant is requesting vacation of 5-feet off the platted 25-foot front yard setbacks on Lots 1-8, Block 2, Hawthorne Second Addition, Lot 18, Block 1, Hawthorne Addition and Lot 7, Block 1, Hawthorne Second Addition. The Hawthorne Addition was recorded December 12, 2002. The Hawthorne Second Addition was recorded September 18, 2003.

Analysis: The applicant proposes to build houses on all the lots, which have mature hedgerows located in the rear yards. The setback reduction will increase the likelihood of preservation of the hedgerows. The UZC's standard for a front yard setback for the "SF-5" zoning district is 25-feet. If the front setbacks were not platted, the applicant could have applied for an administrative adjustment to reduce the 25-foot setback by 20 percent; a 5-foot reduction, which is what the applicant is requesting. There is sewer, but no water, in a 20-foot easement located within the platted 25-foot setback in Lots 1-8, Block 2, Hawthorne Second Addition and Lot 18, Block 1, Hawthorne Addition. 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 13 2004

METROPOLITAN PLANNING
ROUTE _____

**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)
NORTHWEST OF 123RD STREET EAST AND)
21ST NORTH ALONG ROSEMONT CIRCLE,)
CAMDEN CHASE ROAD AND PECKHAM COURT)**

Case No. VAC2004-00010

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 4th day of May, 2004 comes on for hearing the petition for vacation filed by Twenty-First Growth, LLC, c/o Tim Buchanan, praying for the vacation of the following described portions of platted setbacks, to-wit:

The south 5-feet of the platted 25-foot front yard setback as recorded on Lots 18, Block 1, the Hawthorne Addition, Wichita, Sedgwick County, Kansas.

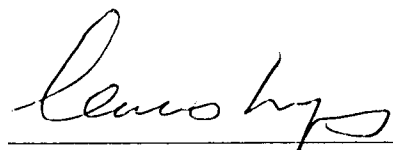
The south 5-feet of the platted 25-foot front yard setback as recorded on Lots 1-8, Block 2, the Hawthorne Second Addition, Wichita, Sedgwick County, Kansas.

The west 5-feet of the platted 25-foot front yard setback as recorded on Lots 7, Block 1, The Hawthorne Second Addition, 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:

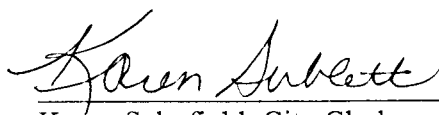
1. That due and legal notice has been given by publication as required by law, by publication in The Derby Reporter on March 18, 2004, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described portions of the platted 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 portions of the platted setbacks described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 4th day of May, 2004 ordered that the above-described portions of the 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.

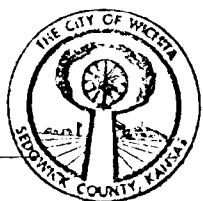


Carlos Mayans, Mayor

ATTEST:



Karen Schofield, City Clerk
Schofield



Approved as to Form:



Gary Rebenstorf, Director of Law

