



Wichita-Sedgwick County Metropolitan Area Planning Department

June 24, 2005

John Dickerson
8928 Crestwood Ct
Wichita KS 67206

Re: **VAC2005-00019** - Request to vacate a platted building setback line, generally located east of Rock Road, North of 13th Street North and east of Gatewood Street.

Dear Mr. Dickersen:

At its regular meeting on Tuesday, June 21, 2005, the Wichita City Council considered the request. The action of the City Council was to APPROVE subject to the recommendation by the MAPC.

If you have any questions about this matter, please call 268-4494.

Sincerely,

Bill Longnecker
Senior Planner

BL:le

cc: Jim Armour, City Engineer, Public Works Department, Mail Stop 1-71
Paul Gunzelman/Carla Jones, Public Works Engineering, Mail Stop 1-71
Sedgwick County Electric Coop, Attention: Allen Henning & Wayne Voss, P.O. Box 220, Cheney, KS, 67205-0220
David Foster, Rice Foster Associates, 1415 E. Second, Wichita, KS 67214
Stacy Stocker, 8928 Crestwood Ct, Wichita, KS 67206
John R. Dickerson & Stacy D. Stocker, 8928 E. Crestwood St., Wichita, KS 67206-3313
Ayham Jamal & Diana Farha, 2535 Wilderness Ct, Wichita, KS 67226-2140
J Mark & Katherine J. Melhorn Trust, 9000 Crestwood Ct, Wichita, KS 67206-3333
Robert B. & Martha Parriott Rev Trusts, P.O. Box 782440, Wichita KS 67276-2440
William L & Pattie A Edison, 9026 Crestwood Ct., Wichita, KS 67206-3333

RECEIVED

JUN 28 2005

METROPOLITAN PLANNING
ROUTE _____

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

**IN THE MATTER OF THE VACATION OF)
A PORTION OF A PLATTED BUILDING)
SETBACK LINE)**

**GENERALLY LOCATED)
NORTH OF 13TH STREET NORTH AND)
EAST OF ROCK ROAD, MORE SPECIFICALLY)
ON THE NORTHEAST CORNER OF THE)
CRESTWOOD COURT – CRESTWOOD STREET)
INTERSECTION)**

Case No. VAC2005-00019

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 21st day of June, 2005 comes on for hearing the petition for vacation filed by John Dickerson, Stacy Stocker and David Foster praying for the vacation of the following described portion of a platted street side yard building setback line, to-wit:

The north 97.50-feet of the west 10-feet of the platted 25-foot street side setback running parallel to the east lot line of Lot 15, Block 2, Country Place Estates 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 Wichita Eagle on May 5, 2005, which was at least 20 days prior to the public hearing.

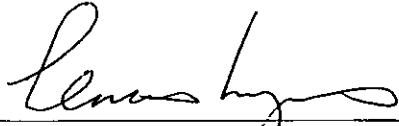
2. No private rights will be injured or endangered by the vacation of the above-described portion of a platted street side yard building setback line, and the public will suffer no loss or inconvenience thereby.

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.

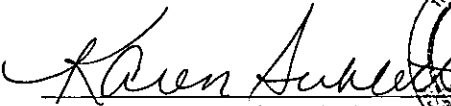
5. The vacation of a portion of the platted building setback line described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 21st day of June 2005 ordered that the above-described portion of a platted building setback line 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.

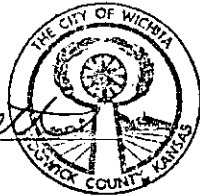


Carlos Mayans, Mayor

ATTEST:



Karen Sublett, City Clerk



Approved as to Form:



Gary Rebenstorf, Director of Law

STAFF REPORT

CASE NUMBER: VAC2005-00019 Request to vacate a portion of a platted setback

APPLICANTS/OWNERS: John Dickerson & Stacy Stocker

AGENT: Rice – Foster Associates c/o David Foster

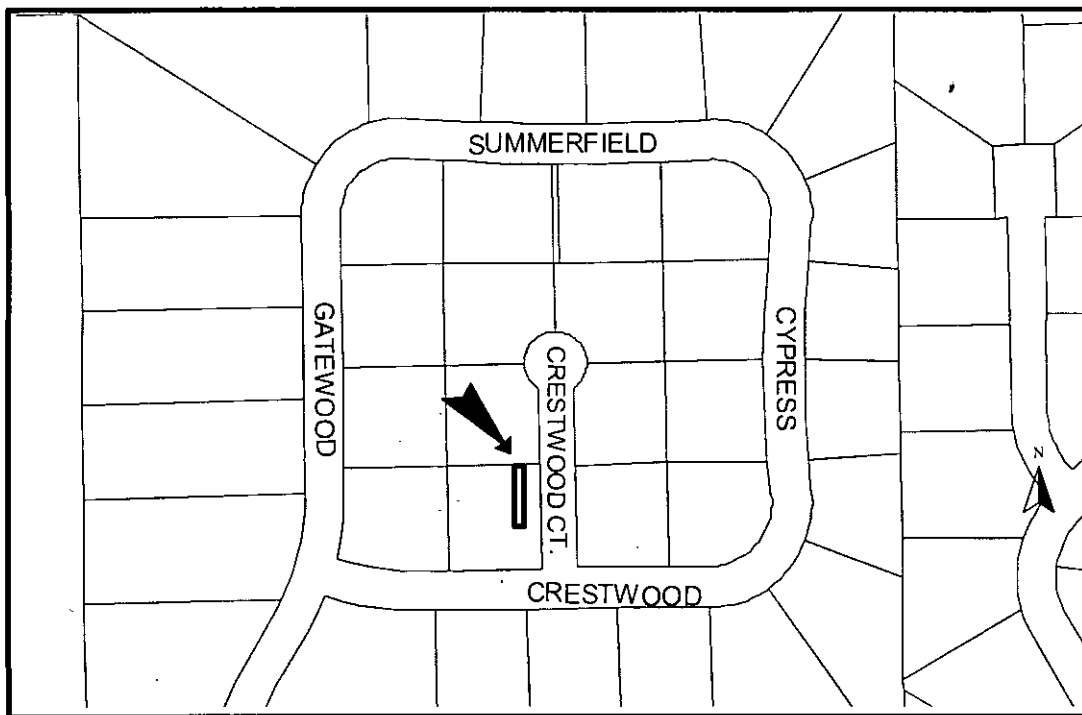
LEGAL DESCRIPTION: Generally described as the west 10-feet of the platted 25-foot street side setback running parallel to the east lot line of Lot 15, Block 2, Country Place Estates Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located north of 13th Street North and east of Rock Road, more specifically on the northeast corner of the Crestwood Court – Crestwood Street intersection (WCC District #2)

REASON FOR REQUEST: Lap pool enclosure and lap pool

CURRENT ZONING: Site and all properties in the area are zoned "SF-5" Single-family Residential

VICINITY MAP:



The applicants are requesting consideration to vacate the west 10-feet of the platted 25-foot street side yard setback, along its north 97.50-feet of length. The applicant proposes to build a lap pool enclosure and a lap pool. There are no franchised utilities, sewer lines, manholes or water lines in the

setback. The Country Place Estates Addition was recorded with the Register of Deeds March 21, 1979.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works, franchised utility representatives and other interested parties, Planning Staff recommends approval of the vacation of a portion of the platted 25-foot street side yard setback, as described.

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, in the Wichita Eagle, of notice of this vacation proceeding one time May 5, 2005 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 portion of the platted street side yard setback 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.

Therefore, the vacation of the portion of the platted 25-foot street side yard setback described in the petition should be approved with conditions;

- (1) Vacate the west 10-feet of the platted 25-foot street side yard setback along the north 97.50-feet of Lot 15, Block 2, the Country Place Estates Addition, as recorded with Wichita, Sedgwick County, Kansas.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants.
- (3) All improvements shall be according to County Standards.
- (4) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

- (1) Vacate the west 10-feet of the platted 25-foot street side yard setback along the north

97.50-feet of Lot 15, Block 2, the Country Place Estates Addition, as recorded with Wichita, Sedgwick County, Kansas.

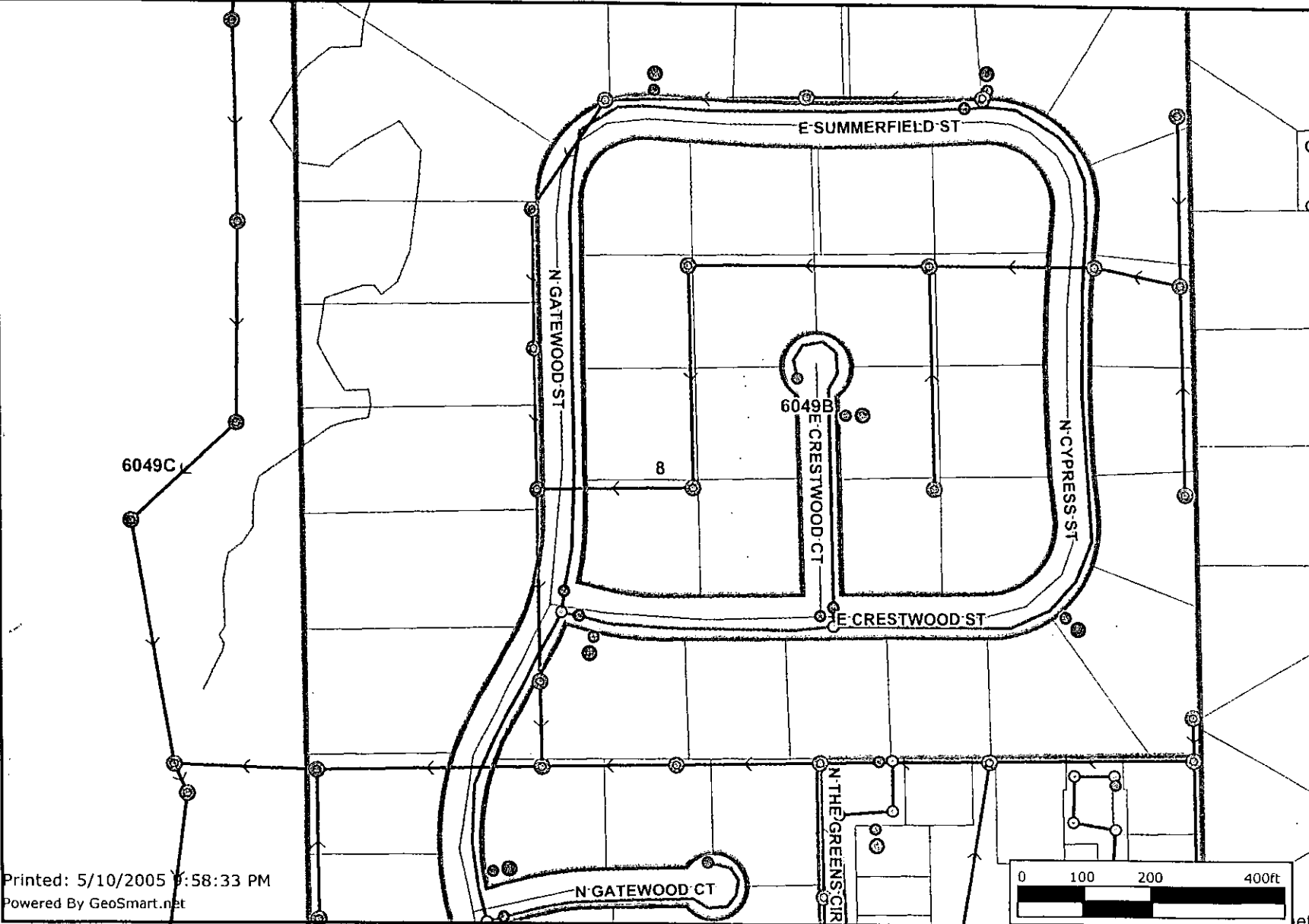
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants.
- (3) All improvements shall be according to County Standards, including any driveways from private property onto public ROW.
- (4) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.



vac05-19

water & sewer

- ⊙ Sewer Manholes
- ⊗ Sewer Observation Manholes
- ⊙ Hydrant Schematic
- ⊙ Water Valve Schematic
- Water Node Schematic
- Property Parcels
- Lot Block
- Subdivisions
- ↔ Sewer Flow
- Sewer Lines
- Water Lines Schematic
- Major Roads**
- State Highway
- US Federal Highway
- Interstate
- KTA
- Arterial
- Collector
- Ramp
- Roads
- Railroads
- Township and Range
- Section
- Quarter Section
- ▨ Waterways
- Streams



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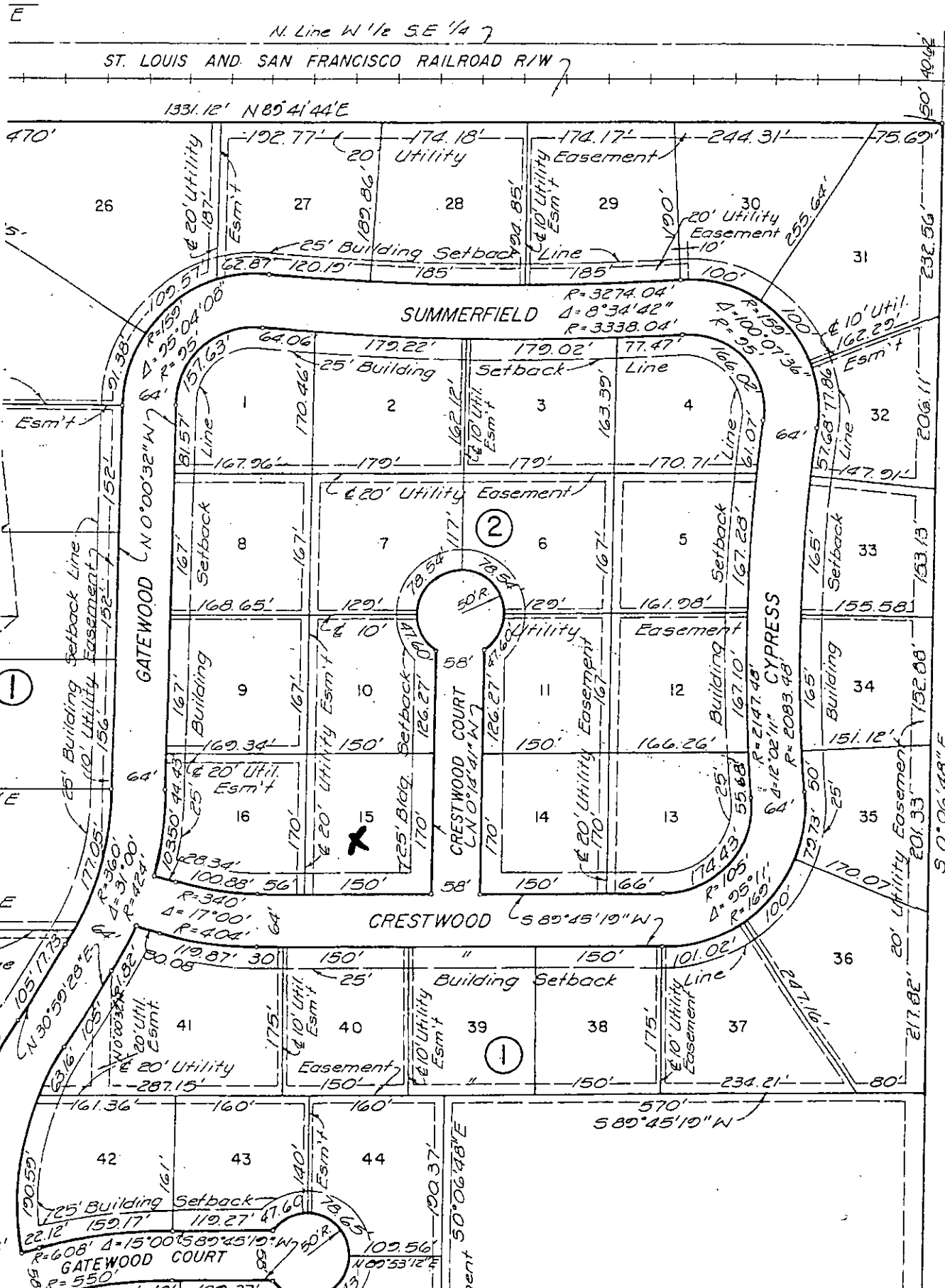
Every reasonable effort has been made to assure the accuracy of the maps and associated data provided herein. This information is provided with the understanding that the data are susceptible to a degree of error, and conclusions drawn from such information are the responsibility of the reader. The City of Wichita makes no warranty, representation or guaranty as to the content, accuracy, timeliness or completeness of any of the data provided herein. Some data provided here and used for the preparation of these maps has been obtained from public records not created or maintained by the City of Wichita. The City of Wichita shall assume no liability for any decisions made or actions taken or not taken by the reader in reliance upon any information or data furnished hereunder. The user should consult with the appropriate departmental staff member, e.g. Planning, Parks & Recreation, etc. to confirm the accuracy of information appearing in the visual presentations accessible through these web pages.



WICHITA, SEDGWICK COUNTY, KANSAS

VAC2005-19

N.E. Cor. 1/2, Sec. 8, T21S, R10E



X = SITE

