



Wichita-Sedgwick County Metropolitan Area Planning Department

August 17, 2005

J & B Ventures
644 Glendoven Road
Andover, KS 67002-9216

Re: **VAC2005-00026** - Request to vacate a portion of a platted front setback, generally located east of Webb Road and north of Central Avenue, on the northeast corner of Webb Road and Mellor Street.

Dear Ladies and Gentlemen:

At its regular meeting on Tuesday, August 9, 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
Richard H. Price Jr., 8529 Stoneridge, Wichita, KS 67206
John R. Carnahan, 8629 Shannon Way, Wichita, KS 67206
Norris LC, 19918 W. Kellogg Dr., Goddard, KS 67052
Faber Trust Properties, LLC, 13501 Links Lane, Wichita, KS 67235
Jim L & Delores J Brawner, 1828 S. 125th East, Wichita, KS 67207
Robert N. & Stella Cooley, 630 Hoyt, Wichita, KS 67206
Gale L & Norma N. Blank, 623 Hoyt, Wichita, KS 67206
John D & Christine P. White, 8903 Clubside, Wichita, KS 67206

RECEIVED

AUG 12 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 FRONT)
SETBACK)**

**GENERALLY LOCATED)
EAST OF WEBB ROAD AND NORTH OF)
CENTRAL AVENUE, ON THE NORTHEAST)
CORNER OF WEBB ROAD AND MELLOR)
STREET)**

Case No. VAC2005-00026

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 9th day of August, 2005 comes on for hearing the petition for vacation filed by J & B Ventures, Richard H. Price & John R. Carnahan praying for the vacation of the following described portion of platted front setback, to-wit:

That part of the platted 50-foot building setback of Lot 1, Block 1, Kuhlman Addition, Wichita, Sedgwick County, Kansas, described as commencing at the S.E. Corner of said Lot 1; thence N00°E, along the east line of said Lot 1, 20 feet for a place of beginning; thence continuing N00°E, along the east line of said Lot 1, 30 feet; thence N89°56'21"W, along the platted 50-foot building setback line, 80 feet; thence S00°W, 30 feet to a point 20 feet north of the south line of said Lot 1; thence S89°56'21"E, 80 feet to the place of beginning.

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:

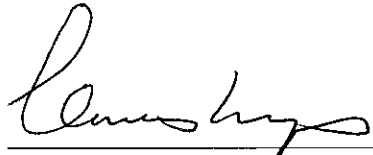
1. That due and legal notice has been given by publication as required by law, by publication in The Wichita Eagle on June 23, 2005, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described portion of a platted front 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 a portion of the platted front setback described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 9th day August 2005 ordered that the above-described portion of a platted front setback 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 Sublett, City Clerk




Carlos Mayans, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

STAFF REPORT

CASE NUMBER: VAC2005-00026 Request to vacate a portion of a platted setback

APPLICANTS/OWNER: J & B Ventures
Richard H Price & John R Carnahan (contract purchasers)

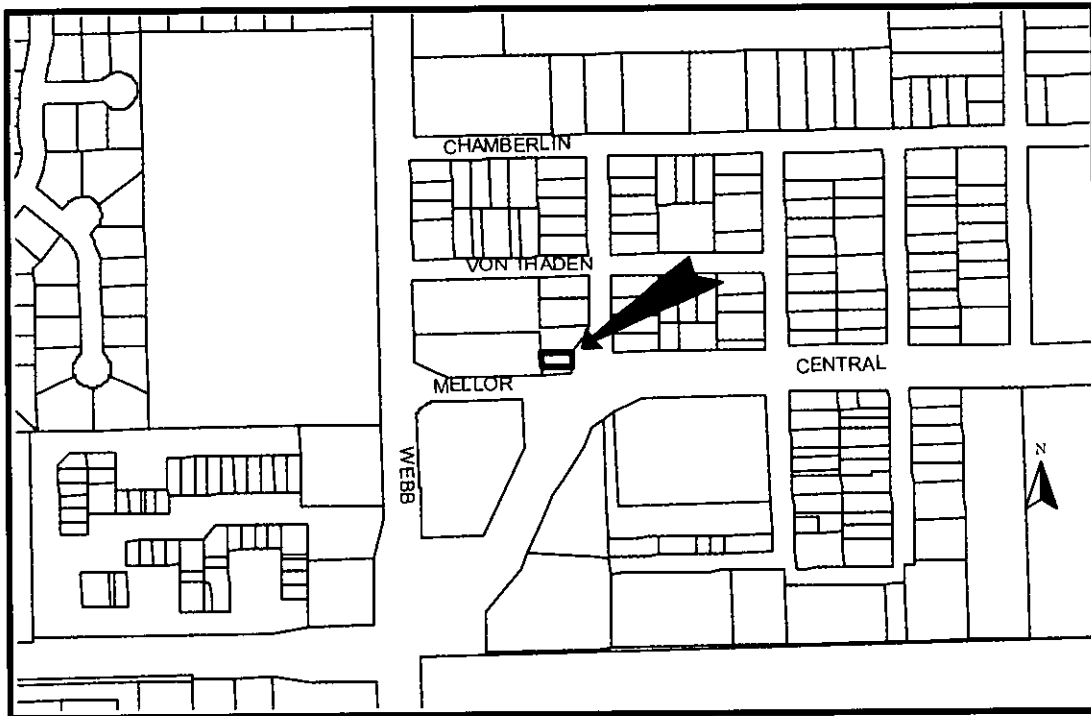
LEGAL DESCRIPTION: The north 30-feet of the platted 50-foot front setback running parallel to the south lot line of the southeast portion of Lot 1, Block 1, the Kuhlman Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located northeast of the Central Avenue & Webb Road intersection, on the northwest corner of the Central Avenue & Mellor Street intersection

REASON FOR REQUEST: Allow more area for development

CURRENT ZONING: Site and all properties south, north and west are zoned "LI" Limited Industrial.
← Properties east and north of the site are zoned "SF-5" Single-family Residential.

VICINITY MAP:



The applicants are requesting consideration to vacate the north 30-feet of the platted 50-foot front yard setback, as generally described. The applicant 's proposed vacation would allow the construction of a

warehouse on the remaining undeveloped southeast portion of Lot 1, Block 1, the Kuhlman Addition. The UZC provides a 20-foot front setback for the "LI" zoning district. There are no sewer lines, manholes or water lines in the platted setback. Comments from franchised utilities have not been received and are needed to determine if they have utilities in the easement. There are no platted easements in the platted setback. The Kuhlman Addition was recorded with the Register of Deeds May 5, 1999.

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 50-foot front yard setback, as described.

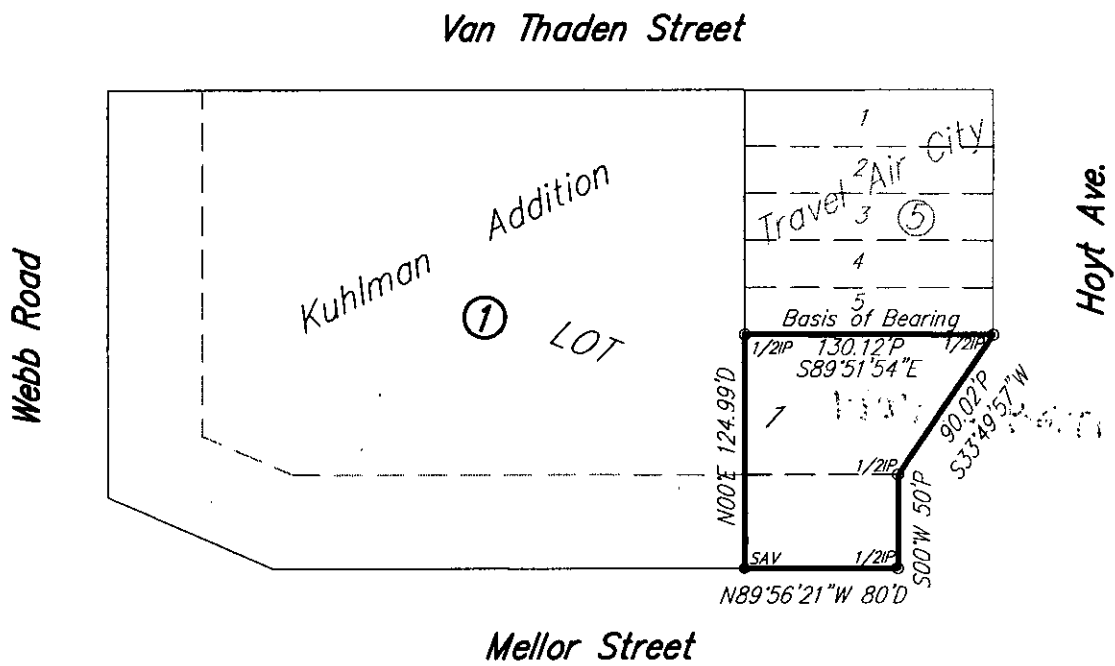
- (1) Vacate the north 30-feet of the platted 50-foot front yard setback, on the southeast portion of Lot 1, Block 1, the Kuhlman Addition, as recorded with Wichita, Sedgwick County, Kansas. Provide Staff with a metes and bounds description of the area of encroachment, on a word documents via e-mail.
- (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 City 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.



Savoy Company, P.A.
 535 S. Emporia, Suite 104
 Wichita, KS 67202

PH (316) 265-0005
 FAX (316) 265-0275
 www.savoyco.com

Page 3 of 3



1/2IP^o = 1/2" IRON PIPE (FOUND)
 SAV^o = 1/2" REBAR W/SAVOY CAP (SET)

1" = 100'

PROJECT NO. 05EE04715 B

Mark A. Savoy

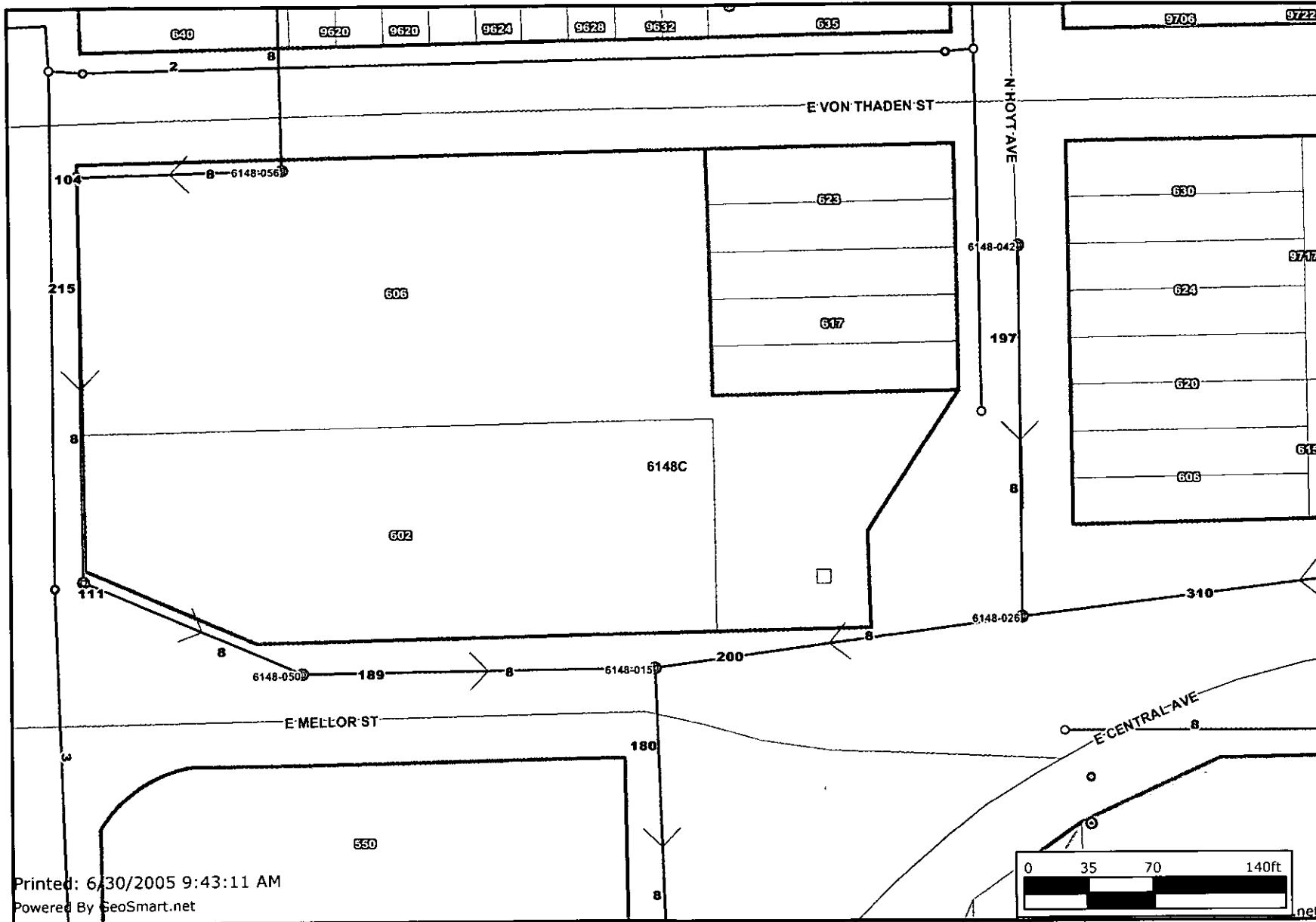
Land Surveyors

Brian N. Savoy



vac2005-26

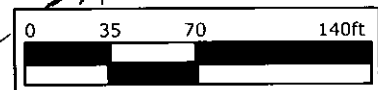
water & sewer



Sewer Line Diameter

Sewer Line Length

- ⊕ Sewer Manholes
- ⊗ Sewer Observation Manholes
- ⊙ Hydrant Schematic
- Water Valve Schematic
- Water Node Schematic
- ▨ SS Main BD District
- 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
- Quarter Section
- ▨ Waterways
- Streams



Printed: 6/30/2005 9:43:11 AM
 Powered By GeoSmart.net



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.

