CITY OF WICHITA

**Wichita-Sedgwick County Metropolitan Area Planning Department**

May 3, 2006

Phyllis A. James
2021 S. Dellrose
Wichita, KS 67218

Re: **VAC2006-00012** - Request to vacate a portion of a platted setback, generally located west of Oliver Avenue, south of Mount Vernon Road, on the west side of Dellrose Avenue.

Dear Ms. James:

At its regular meeting on Tuesday, May 2, 2006, 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 Longneeker
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
TNT Construction, 3735 S. 154th Street East, Wichita, KS 67232
Eric Padfield, 2003 S. Dellrose, Wichita, KS 67218
Frank D & Betty Jo Wiese, 2007 S. Dellrose, Wichita, KS 67218
Terry Lee Campbell, 2015 S. Dellrose, Wichita, KS 67218
Brian D Ruhl, 1263 E Lincoln, Wichita, KS 67207
Judy A Menne, 15 Cypress, Wichita, KS 67206
Charlene M Beebe, 2033 S Dellrose, Wichita, KS 67218
Maria J Causey Trust, %Jeffrey J Dreiling, ~~721 S. Bedford Circle, Wichita, KS 67207~~
change of address: 428 S. Glendale St, Wichita, KS 67218
Terry Grisham, 2041 S Dellrose, Wichita, KS 67218
William J Hooper, 2049 S Dellrose, Wichita, KS 67218
Patricia Junkermeier, 2101 S Dellrose, Wichita, KS 67218
Donald R Kirk, PSC 59, Box 51, AE 09624, Rome, Italty ODC

Sedgwick County
Register of Deeds - Bill Meek
DOC.#/FLM-PG: 28780632
Receipt #: 1621850
Pages Recorded: 2
Cashier Initials: DH
Recording Fee: 00
Authorized By:
Date Recorded: 5/12/2006 2:18:51 PM

CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

Approved / Accepted By City Council
This 5-2-06

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

| | | |
|---|---|---|
| **IN THE MATTER OF THE VACATION OF A PORTION OF A PLATTED SETBACK** | ) | |
| **GENERALLY LOCATED WEST OF OLIVER AVENUE, SOUTH OF MOUNT VERNON, AND ON THE WEST SIDE OF DELLROSE AVENUE** | ) | **Case No. VAC2006-00012** |
| **MORE FULLY DESCRIBED BELOW** | ) | |

## VACATION ORDER

NOW on this 2nd day of May, 2006 comes on for hearing the petition for vacation filed by Phyllis A. James praying for the vacation of the following described portion of a platted setback, to-wit:

> Beginning 12-feet south of the north lot line of Lot 9 for a distance of 12-feet, the west 5-feet of the of the platted 30-foot setback that runs parallel to Dellrose Avenue and the east lot line of Lot 9, all in the Edgetown Park Addition, as recorded with 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 March 16, 2006, 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 the 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 portion of the platted setback described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 2nd day of May 2006 ordered that the above-described portion of the platted 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.

Carlos Mayans, Mayor

ATTEST:

for Patsy Eichacker, Deputy
Karen Sublett, City Clerk

Approved as to Form:

Gary Rebenstorf, Director of Law

State of Kansas )
Sedgwick County )
City of Wichita )

I, Patsy Eichacker Deputy City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is affixed is a true and correct copy of the original on file in the office of the City Clerk.
Given under my hand and seal of the City of Wichita, Kansas this 5-2-06

Patsy Eichacker City Clerk
Patsy Eichacker Deputy

METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 3-6
April 6, 2006

## STAFF REPORT

**CASE NUMBER:** **VAC2006-00012** Request to vacate a portion of a platted setback

**APPLICANTS/OWNERS:** Phyllis A James

**AGENT:** TNT Construction

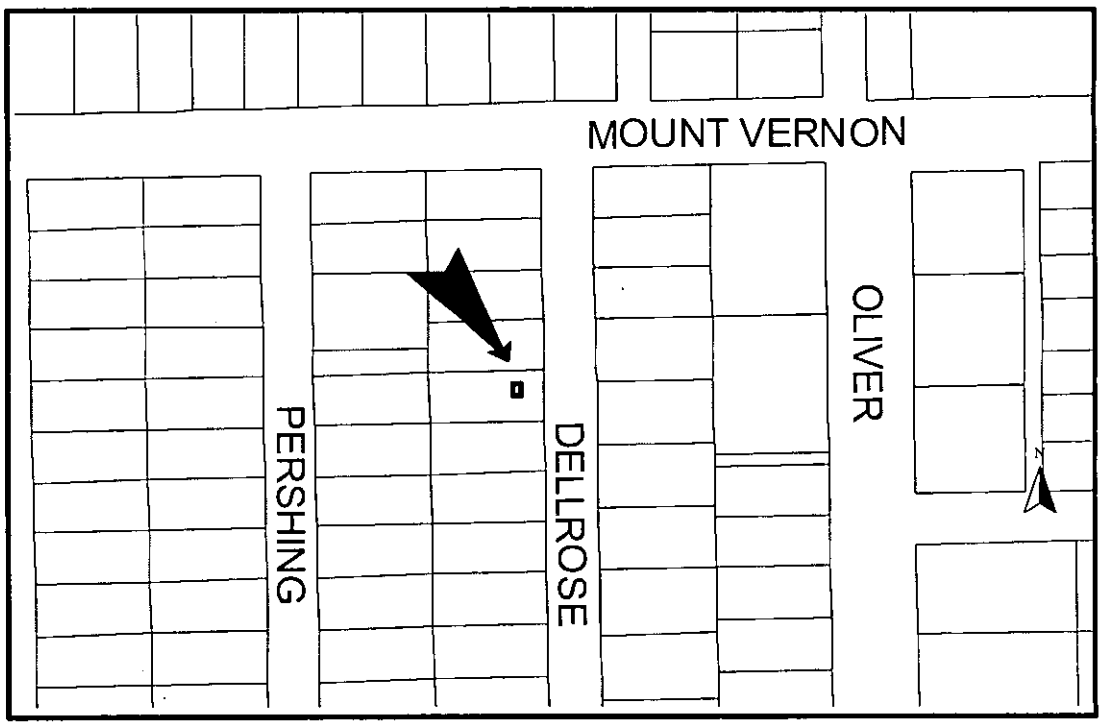
**LEGAL DESCRIPTION:** Beginning 12-feet south of the north lot line of Lot 9 for a distance of 12-feet, the west 5-feet of the of the platted 30-foot setback that runs parallel to Dellrose Avenue and the east lot line of Lot 9, all in Edgetown Park Addition, as recorded with Wichita, Sedgwick County, Kansas

**LOCATION:** Generally located west of Oliver Avenue, south of Mount Vernon, and on the west side of Dellrose Avenue.
(WCC #III)

**REASON FOR REQUEST:** Addition to residence

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

**VICINITY MAP:**



The applicant proposes to remodel the kitchen of the single-family residence, which will extend the kitchen 5-feet into the platted 30-foot front yard setback, as described. The "SF-5" zoning district has a minimum 25-foot front yard setback, which equals what the applicant is proposing to vacate. There are no utili8tes, manholes, sewer or water lines in the platted front yard setback. The Edgetown Park Addition was recorded with the Register of Deeds February 17, 1937.

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 this portion of the platted 30-foot front yard setback, as described and with conditions.

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 March 16, 2006 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 front 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 30-foot front yard setback, described in the petition should be approved with conditions;

(1) Vacate the west 5-feet of the platted 30-foot front yard setback, as described.

(2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicant's expense.

(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

**SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:**

The Subdivision Committee recommends approval subject to the following conditions:

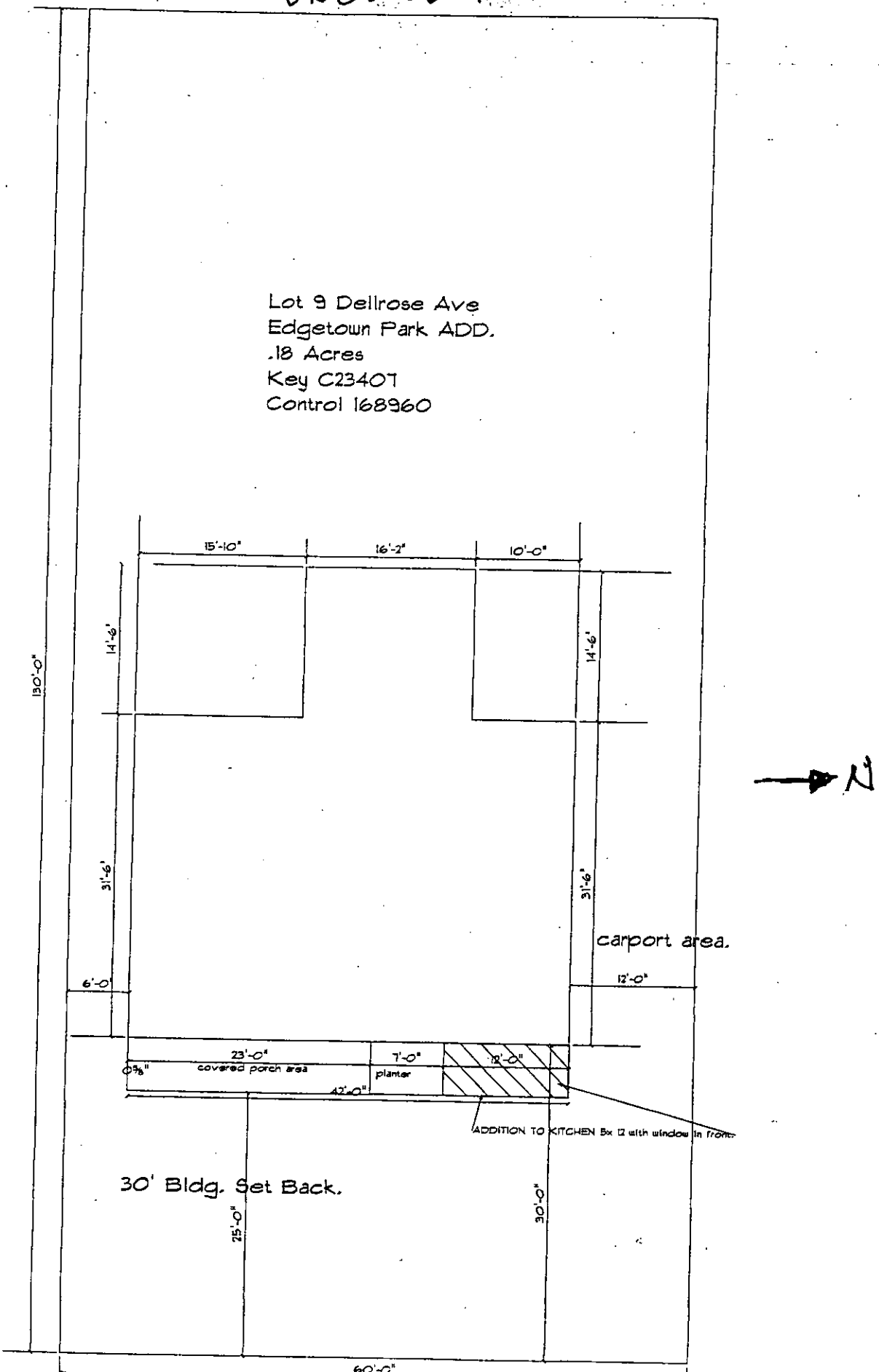
(1) Vacate the west 5-feet of the platted 30-foot front yard setback, as described.

(2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicant's expense.

(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

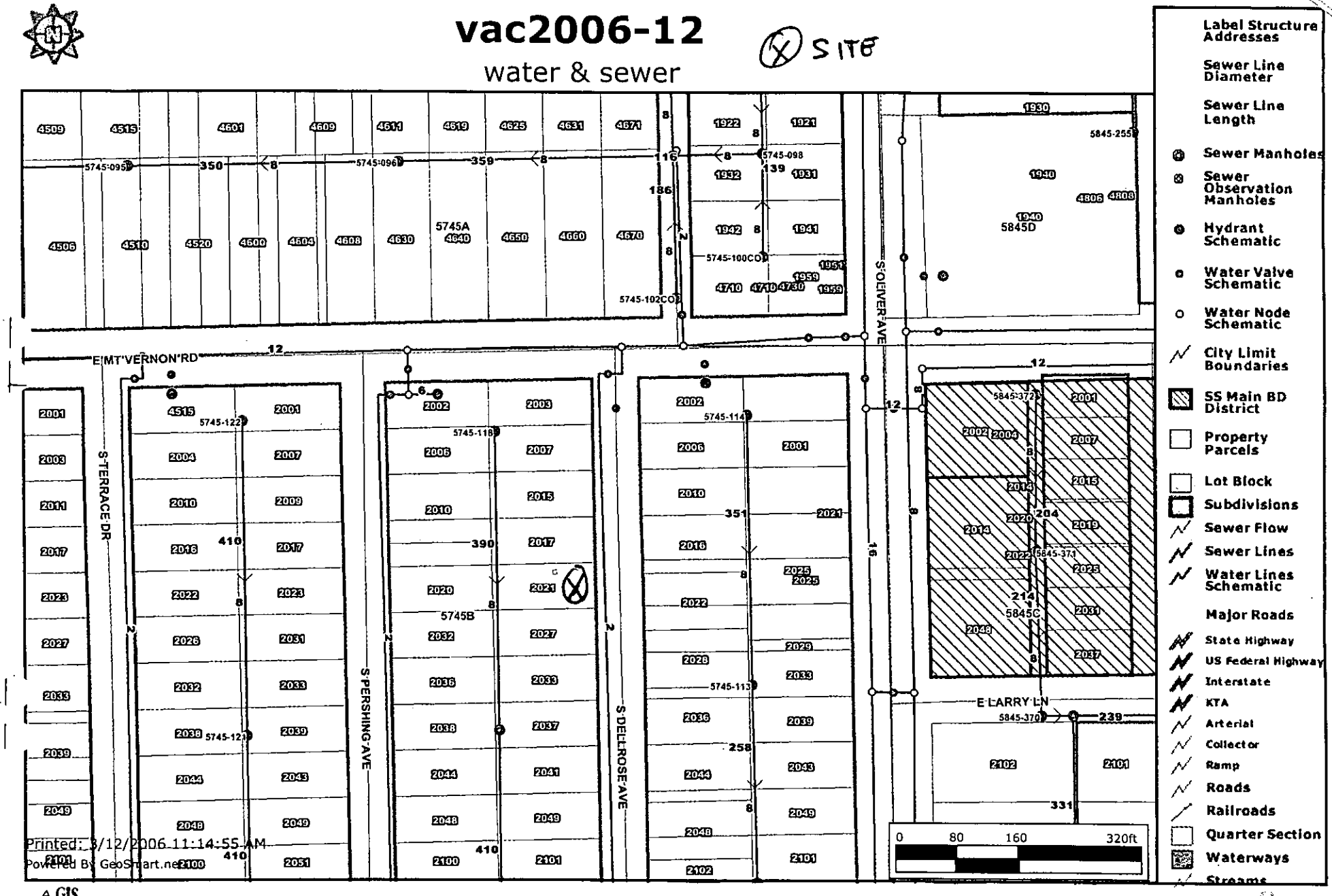
VAC2006-12


Lot 9 Dellrose Ave
Edgetown Park ADD.
.18 Acres
Key C23407
Control 168960
15'-10"
16'-2"
10'-0"
14'-6"
14'-6"
130'-0"
31'-6"
31'-6"
carport area.
6'-0"
12'-0"
23'-0"
covered porch area
7'-0"
planter
12'-0"
42'-0"
ADDITION TO KITCHEN 8x 12 with window in front
30' Bldg. Set Back.
25'-0"
30'-0"
60'-0"
N

# vac2006-12

water & sewer

SITE




Printed: 3/12/2006 11:14:55 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..