



Wichita-Sedgwick County Metropolitan Area Planning Department

May 9, 2007

Lee Builders Inc.,
5300 E. 69th Street North
Valley Center, KS 67147


Re: **VAC2007-00001** - Request to vacate a portion of platted setback & a portion of platted access control, generally located south of 53rd Street North, on the west side of 153rd Street East.

Dear Ladies and Gentlemen:

At its regular meeting on Wednesday, May 2, 2007, the Board of County Commission considered request. The action of the Board of County Commissioners 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

Sedgwick County Electric Coop, Attention: Allen Henning & Wayne Voss, P.O. Box
220, Cheney, KS, 67205-0220
Jim Weber, Sedgwick County Engineer, Public Works Department, 1144 S. Seneca, Wichita,
KS 67213
Kenneth Lee Company: Ruggles & Bohm, 924 N. Main, Wichita, KS 67203
Edwin A & Rita Diane Blake, #37102, 1500 E. Tall Tree Rd, Derby KS 67037

BEFORE THE COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF)
A PORTION OF PLATTED COMPLETE ACCESS)
CONTROL AND A PORTION OF A PLATTED)
SETBACK)
)
GENERALLY LOCATED)
SOUTH OF 53RD STREET NORTH, ON THE WEST)
SIDE OF 159TH STREET EAST)
)
)

CASE NO. VAC2007-00001

VACATION ORDER

NOW on this 2nd day of May, 2007, at 9:00 o'clock A.M., comes the petition filed by Lee Builders Inc., c/o Steven C. Lee, praying for the vacation of the following-described portions of platted complete access control and platted setback, to-wit:

The west 40-feet of the east 80-feet of the platted complete access control located along the south lot line of Lot 6, Block 3, Stone Post Farm Addition, Wichita, Sedgwick County, Kansas.

&

The west 20-feet of the platted 60-foot street side yard setback located along the east lot line of Lot 6, Block 3, Stone Post Farm Addition, Wichita, Sedgwick County, Kansas.

WHEREUPON, it is shown that proper notice has been given by publication once at least 20 days prior to the date of hearing in the official county newspaper, such publication having occurred on February 8, 2007; and it is further shown that proper proof of such publication has been filed herein. The Board finds that such notice is in lawful form and that it conforms to K.S.A. 58-2613, and amendments thereto.

THEREAFTER, the Board, being duly advised in the premises, finds and determines that no private rights will be injured or endangered by such vacation; that the public will suffer no loss or inconvenience thereby; that no written objections hereto have been filed with the Sedgwick County Clerk; and that, in justice to the petitioner, the petition's prayer should be granted.

The Board further finds that the Metropolitan Area Planning Commission held a public hearing on the 1st day of March 2007, and recommended that the vacation petition herein be approved.

THEREFORE, IT IS ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, that the portions of platted completed access control and platted setback hereinabove described are the same and are hereby vacated.

DATED this _____ day of _____.

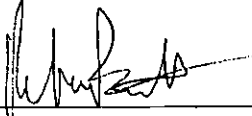
**BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS**

David M. Unruh, Chairman
First District

ATTEST:

Don Brace, County Clerk

APPROVED AS TO FORM:



Robert W. Parnacott
Assistant County Counselor

STAFF REPORT

CASE NUMBER: VAC2007-00001 Request to vacate a portion of platted complete access control and a portion of a platted setback

OWNER: Lee Builders Inc., c/o Steven F. Lee

APPLICANT: Ruggles & Bohm c/o Kenneth Lee

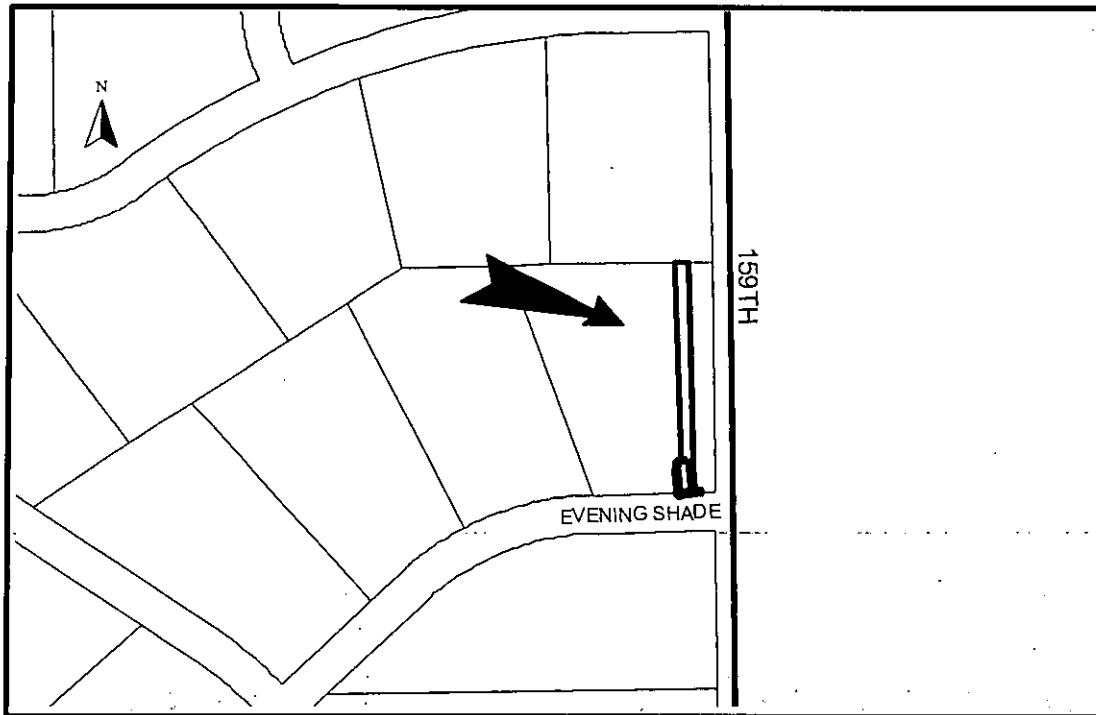
LEGAL DESCRIPTION: The west 40-feet of the east 80-feet of the platted complete access control located along the south lot line of Lot 6, Block 3, Stone Post Farm Addition, Wichita, Sedgwick County, Kansas.
 &
 The west 20-feet of the platted 60-foot street side yard setback located along the east lot line of Lot 6, Block 3, Stone Post Farm Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located south of 53rd Street North, on the west side of 159th Street East (BoCC District #1, unincorporated Sedgwick County)

REASON FOR REQUEST: House built into platted setback.

CURRENT ZONING: The site and the abutting western, southern, & northern properties are zoned "RR" Rural Residential. The adjacent eastern properties, across 159th Street East, are located in Butler County.

VICINITY MAP:



A single-family residence was built approximately 18.40-feet into the platted 60-foot street side (159th Street

East side) yard setback. Subsequently the driveway appears to have been located in a straight line from the residence's attached garage to Evening Shade Street, a platted local street. The applicant has stated that the location of a drainage structure also necessitates the location of the driveway, which is now located within the platted complete access control (east 150-feet) along the lot's Evening Street side. 159th Street East at this location is a Payne Township Road and classified as a section line road. There is complete access control along the site's 159th Street East side. Per the Unified Zoning Code (UZC), Art.III, Sec. III, E-3, in the unincorporated area of the County no building shall be closer to the centerline of a section line road than 85-feet. At this location 159th has a 60-foot half-street right-of-way. The applicant is requesting the west 20-feet of the platted 60-foot setback to be vacated. The vacation would result in a total of 100-foot spacing between the center of the 159th ROW and the house: well within the 85-foot minimum spacing. The County Public Works Engineer has approved the relocated driveway. Butler County Rural Electric has no utilities that will be compromised by the vacation request. The Stone Post Farm Addition was recorded with the Register of Deeds March 10, 2004.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from Public Works, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate a portion of the platted complete access control and portion of platted setback, 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, by publication in the Derby Reporter of notice of this vacation proceeding one time February 8, 2007 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 platted complete access control and the portion of platted 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 a portion of the platted complete access control and portion of platted setback described in the petition should be approved with conditions;

- (1) Vacate that portion of platted access control and setback has described.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
- (3) All improvements shall be according to County Standards and at the applicant's expense, 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

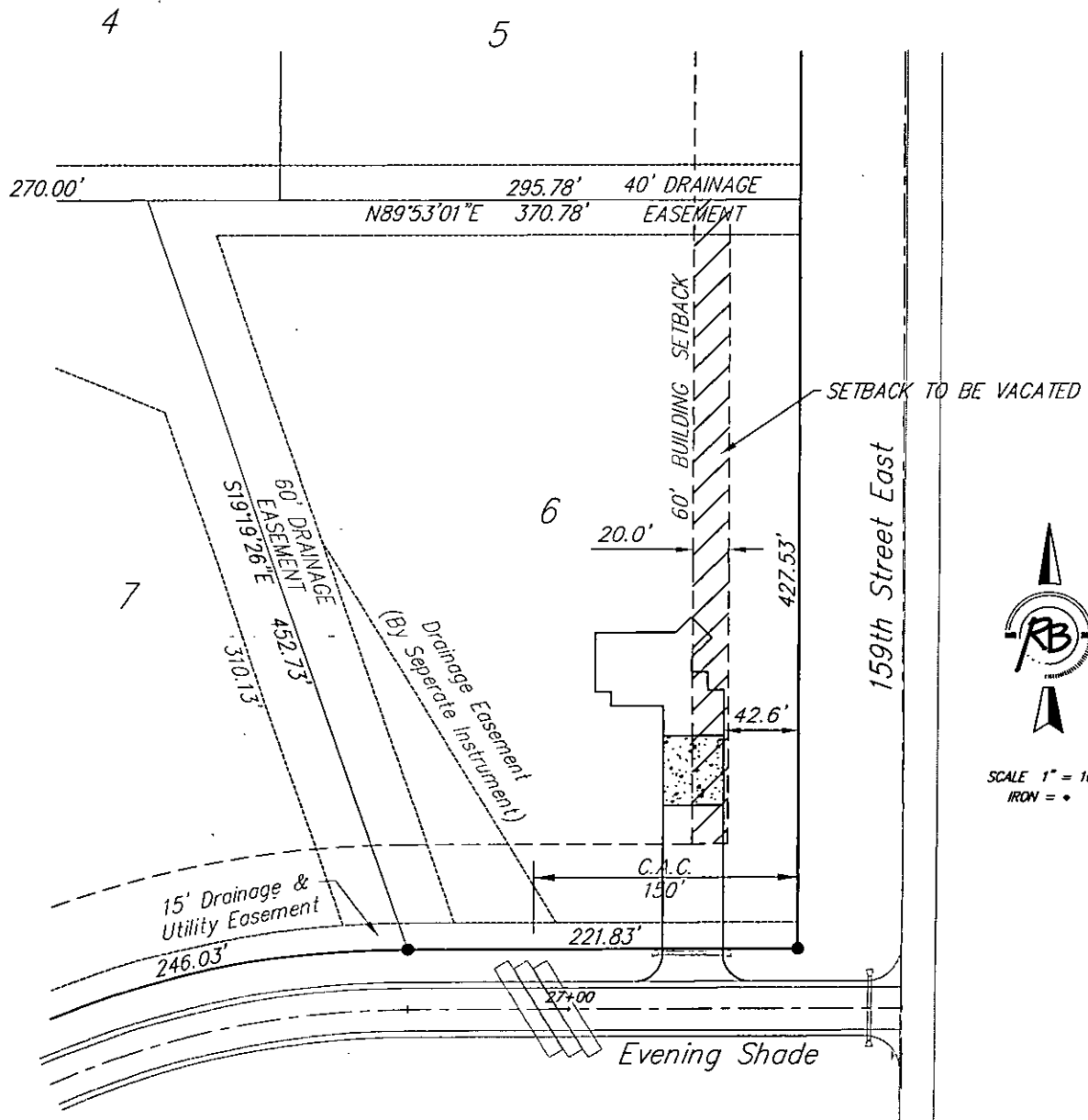
final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

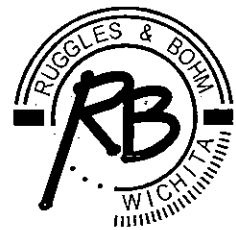
The Subdivision Committee recommends approval subject to the following conditions;

- (1) Vacate that portion of platted access control and setback has described.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
- (3) All improvements shall be according to County Standards and at the applicant's expense, including any driveways from private property onto public ROW.
- (4) Provide Public Works with a guarantee to ensure that those improvements will be made. 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.

PROPOSED SIDEYARD SETBACK VACATION



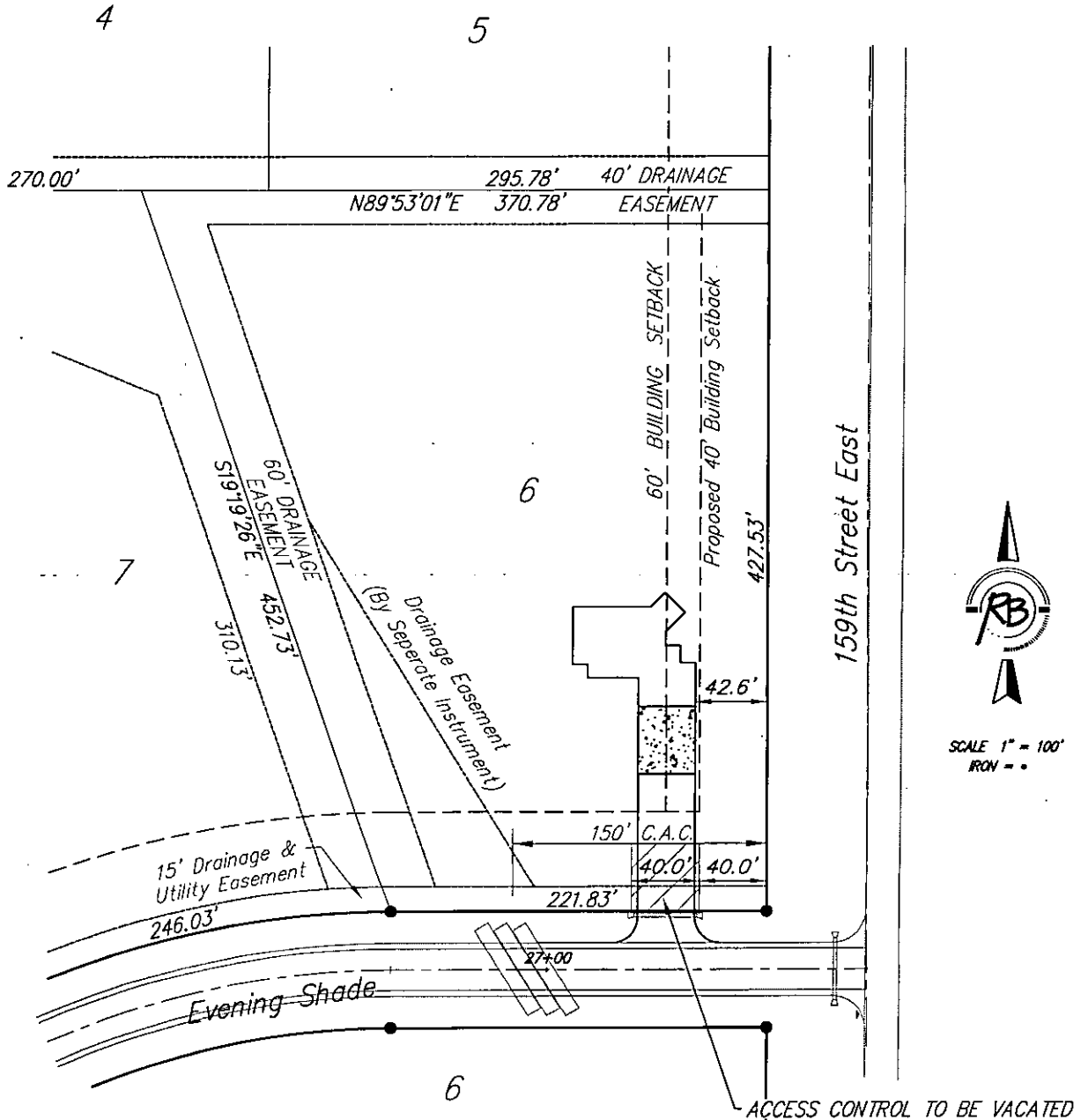
Legal Description:
 The West 20 feet of the East 60 feet EXCEPT the
 South 60 feet thereof, of Lot 6, Block 3, Stone Post
 Farm, Sedgwick County, Kansas.



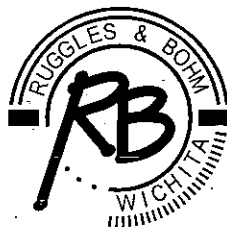
Ruggles & Bohm, P.A.
 Engineering, Surveying, Land Planning

924 North Main (316) 264-8008
 Wichita, Kansas 67203 (316) 264-4621 fax
 www.rbkansas.com E-mail: info@rbkansas.com

PROPOSED ACCESS CONTROL VACATION



Legal Description:
The West 40 feet of the East 80 feet of Lot 6,
Block 3, Stone Post Farm, Sedgwick County Kansas.



Ruggles & Bohm, P.A.

Engineering, Surveying, Land Planning

924 North Main
Wichita, Kansas 67203
www.rbkansas.com

(316) 264-8008
(316) 264-4621 fax
E-mail: info@rbkansas.com