



Wichita-Sedgwick County Metropolitan Area Planning Department

April 11, 2008

Marsha R. Anderson
2940 N. Pepper Ridge Ct.,
Wichita, KS 67205

Re: **VAC2008-00005** - Request to vacate a portion of a platted setback, generally located east of Tyler Road, south of 29th Street North, on the northeast corner of Pepper Ridge Street & Pepper Ridge Court.

Dear Ms. Anderson:

At its regular meeting on Tuesday, April 8, 2008, 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: Kurt Schroeder, Superintendent, OCI, Mail Stop 1-72
Mike Gable, Building Permit Examiner, OCI, Mail Stop 1-72
Fossil Rim Homeowners Association Inc., P.O. Box 530, Goddard, KS 67052
Ban Nguyen, 1362 N. Maus, Wichita, KS 67212



Sedgwick County
Register of Deeds - Bill Meek

DOC.#/FLM-PG: 28966933

Receipt #: 1684827
Pages Recorded: 2
Cashier Initials: SL

Authorized By:
Recording Fee: DDH

Date Recorded: 4/11/2008 2:43:49 PM



**CITY CLERK'S ORIGINAL BEFORE THE CITY COUNCIL OF THE
RETURN TO CITY CLERK CITY OF WICHITA, SEDGWICK COUNTY, KANSAS**

Approved / Accepted By City Council

This 4-15-08 #10

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

**GENERALLY LOCATED)
EAST OF TYLER ROAD, SOUTH OF 29TH)
STREETS NORTH, ON THE SOUTHEAST)
CORNER OF 29TH STREET NORTH AND PEPPER)
RIDGE STREET)**

Case No. **VAC2008-00005**

MORE FULLY DESCRIBED BELOW)

VAC 2008-5

VACATION ORDER

NOW on this 8th day of April comes on for hearing the petition for vacation filed by Marsha R. Anderson praying for the vacation of the following described portion of a platted setback to wit:

The east 3 feet of the platted 15-foot street side yard setback that runs parallel to Pepper Ridge Street on the west side of Lot 13, Block D, Fossil Ridge Estates, 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, in the Wichita Eagle and the Derby Reporter on February 21, 2008, which was at least 20 days prior to the public hearing.

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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.

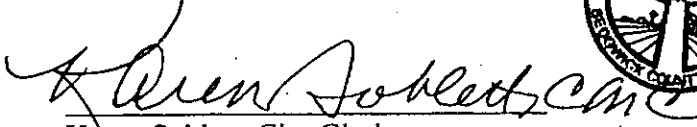
5. The vacation of the portion of the platted setback described herein should be approved.

IT IS, THEREFORE ORDERED, BY THE CITY COUNCIL, on this 8th day of April 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.



Carl Brewer, Mayor



ATTEST:


Karen Sublett, City Clerk

Approved as to Form:


Gary Rebenstorf, Director of Law

State of Kansas
Sedgwick County
City of Wichita

I, **Karen Sublett** 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 APR 08 2008


City Clerk



STAFF REPORT

CASE NUMBER: VAC2008-00005 Request to vacate a portion of a platted setback

APPLICANT/OWNER: Marsha R Anderson

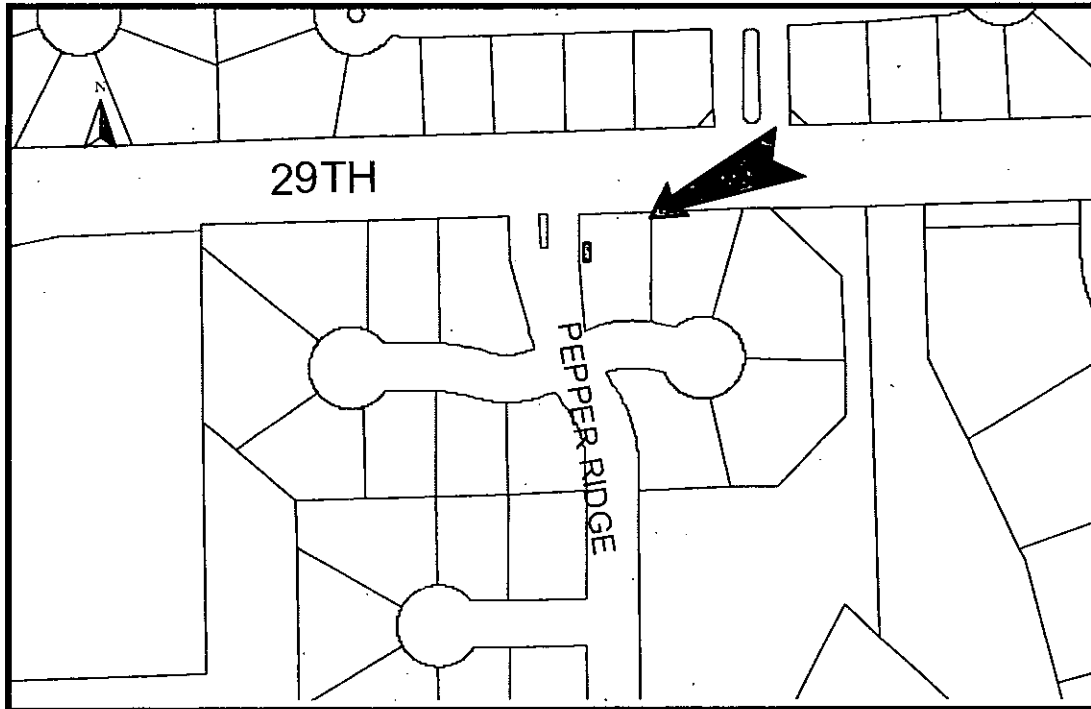
LEGAL DESCRIPTION: Generally described as the east 3-feet of the platted 15-foot street side yard setback that runs parallel to Pepper Ridge Street on the west side of Lot 13, Block D, Fossil Rim Estates, Wichita, Sedgwick County, Kansas

LOCATION: Generally located *west* of Tyler Road, south of 29th Streets North, on the southeast corner of 29th Street North and Pepper Ridge Street (WCC #V)

REASON FOR REQUEST: Additional Room for a swimming pool

CURRENT ZONING: Site and all abutting western and adjacent properties are zoned "SF-5" Single-family Residential

VICINITY MAP:



The applicant proposes to vacate the east 3-feet of the platted 15-foot street side yard setback, making a 12-foot setback. The zoning of the subject site is SF-5. The UZC requires a minimum of a 15-foot street side yard setback for the SF-5 zoning district, which matches the platted setback. If this was not a platted setback the applicant could have applied for an Administrative Adjustment, which would reduce the SF-5's 15-foot street side yard setback by 20%, resulting in a 12-foot setback, which is what the applicant is requesting. There are no platted easements within the platted setback. There are no utilities, manholes, sewer or water lines within the described portion of the platted setback. The Fossil Rim Estates plat was recorded with the Register of Deeds May 31, 2002.

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 the described portion of the 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, in the Wichita Eagle and the Derby Reporter, of notice of this vacation proceeding one time February 21, 2008 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 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 setback described in the petition should be approved with conditions;

- (1) The platted 15-foot setback, which runs parallel to Pepper Ridge Street located on the west side of Lot 13, Block D, Fossil Rim Estates will be replaced with a 12-foot setback.
- (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 and at the applicant's expense.
- (4) Per MAPC Policy Statement #7, all conditions are 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) The platted 15-foot setback, which runs parallel to Pepper Ridge Street located on the west side of Lot 13, Block D, Fossil Rim Estates will be replaced with a 12-foot setback.
- (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 and at the applicant's expense.
- (4) Per MAPC Policy Statement #7, all conditions are 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

