



Wichita-Sedgwick County Metropolitan Area Planning Department

June 10, 2008

Elba Montanez
7931 W. University Ave.
Wichita, KS 67209

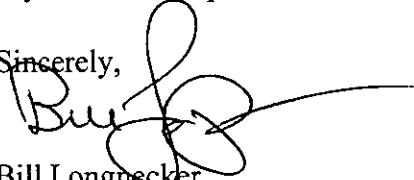
Re: **VAC2008-00011** - Request to vacate a portion of a platted street side setback, generally located south of Maple Street, east of Tyler Road on the southeast corner of Woodchuck Lane & University Avenue.

Dear Ms. Montanez:

At its regular meeting on Tuesday, June 10, 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, Mailstop 1-72
American Housing Trust III, c/o James W. Marsalis, 634 Wheatland Pl., Wichita, KS 67235
Jerri D. Ballard, 406 S. Woodchuck, Wichita, KS 67209
Chester R. & Rhonda F. West, 408 S. Woodchuck, Wichita KS 67209
Mark J. & Sherry L. Torres, 418 S. Woodchuck, Wichita, KS 67209
Esther May Lemon Revocable Living Trust, Ste. 205, 310 W. Central Ave., Wichita, KS 67202
Donald R. & Marjorie A. Frye and Jennifer Lynn Frye, 5301 S. Ohio, Salina, KS 67401
Timothy W. Colle, c/o Timothy W. Colle, Revocable Trust, 422 S. Woodchuck, Wichita, KS 67209
Myrna K. Hudson, 436 S. Woodchuck, Wichita, KS 67209
Yvonne K. Wetta, 434 S. Woodchuck, Wichita, KS 67209

Donna L. Eggert & Julie Vossberg & Jeffrey Eggert, 510 S. Woodchuck, Wichita, KS 67209
Leslie M. Jensby, 508 S. Woodchuck, Wichita, KS 67209
Patricia A. Pollan, 520 S. Woodchuck, Wichita, KS 67209
Tiffany A. Corn, 522 S. Woodchuck, Wichita, KS 67209
Caleb T. & Lacie R. Eastman, 526 S. Woodchuck Ln., Wichita, KS 67209
Dawn Angela Dugger, 524 S. Woodchuck, Wichita, KS 67209
Dawn M. Kauntz, 536 S. Woodchuck, Wichita, KS 67209
Martin R. & Deana L. Turner, 538 S. Woodchuck, Wichita, KS 67209
Ann M. Russell, 564 S. Woodchuck, Wichita, KS 67209
Rita S. Martin Revocable Trust, 1606 N. Mesa Ct., Wichita, KS 67212
Steven E. & Karen S. Traffas, 8020 Hendryx St., Wichita, KS 67209
Robert M. & Brigina J. Pryor, 8003 W. Havenhurst St., Wichita, KS 67205
Randall E. & Catherine L. Charlier, 555 S. Woodchuck, Wichita, KS 67209
Randal S. Ackerson, 547 S. Woodchuck, Wichita, KS 67209
Virginia L. Jones, 539 S. Woodchuck, Wichita, KS 67209
James Dean Schlegel & Lisa Erika Duncan, 533 S. Woodchuck, Wichita, KS 67209
Steven C. & Tara L. Gibson, 511 S. Woodchuck, Wichita, KS 67209



Sedgwick County
Register of Deeds - Bill Meek
DOC.#/FLM-PG: 28983/70

Receipt #: 1690467
Pages Recorded: 2
Cashier Initials: AL

Authorized By:
Recording Fee: 00

Date Recorded: 6/16/2008 4:28:45 PM



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

Approved / Accepted By City Council
This 6-10-08 #12

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

GENERALLY LOCATED)
SOUTH OF MAPLE STREET, EAST OF TYLER)
ROAD ON THE SOUTHEAST CORNER OF)
WOODCHUCK LANE & UNIVERSITY AVENUE)

Case No. VAC2008-00011

MORE FULLY DESCRIBED BELOW)

VAC2008-11

VACATION ORDER

NOW on this 10th day of June 2008 comes on for hearing the petition for vacation filed by Elba Montanez praying for the vacation of the following described portion of a platted setback to-wit:

The east 13 feet of the platted 25-foot street side yard setback that runs parallel to Woodchuck Lane and the west lot line of the west half of Lot 1, Woodchuck Villas 2nd 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 and the Derby Reporter on April 17, 2008, which was at least 20 days prior to the public hearing.

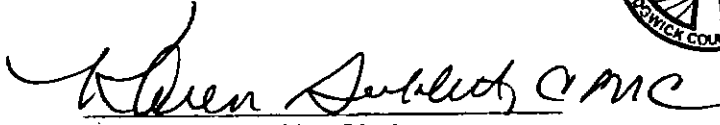
2. No private rights will be injured or endangered by the vacation of the above-described portion of the platted setback, and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner(s), the prayer of the petition ought to be granted.
4. No written objection to said vacation 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 10th day of June 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.

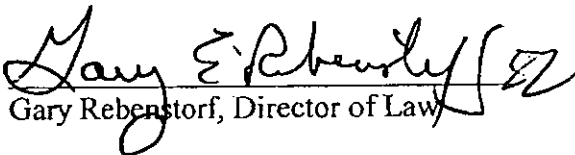



Carl Brewer, Mayor

ATTEST:


Karen Sublett, City Clerk

Approved as to Form:


Gary Rebenstorf, Director of Law

STAFF REPORT

CASE NUMBER: VAC2008-00011 Request to vacate a portion of a platted setback

APPLICANT/OWNER: Elba Montanez

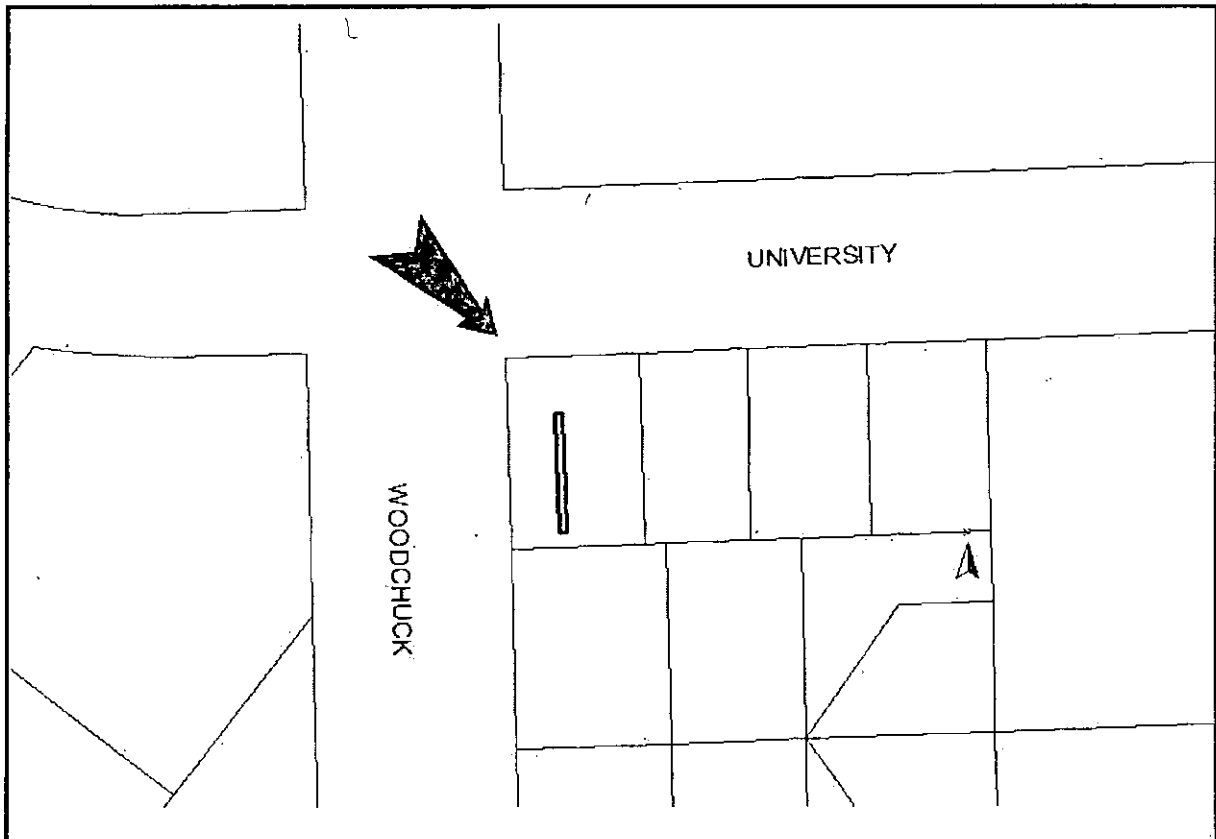
LEGAL DESCRIPTION: Generally described as the east 13 feet of the platted 25-foot street side yard setback that runs parallel to Woodchuck Lane on the west side of the west half of Lot 1, Woodchuck Villas 2nd Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located south of Maple Street, east of Tyler Road on the southeast corner of Woodchuck Lane & University Avenue. (WCC #V)

REASON FOR REQUEST: Room addition

CURRENT ZONING: Site and abutting eastern and southern properties are zoned TF-3 Two-family Residential ("TF-3") & are developed as single-family residences. Adjacent northern (across University Avenue) and western properties (across Woodchuck Lane) are zoned SF-5 Single-family Residential ("SF-5") & are developed as single-family residences (west) and (north) an elementary school.

VICINITY MAP:



The applicant proposes to vacate the east 13 feet of the platted 25-foot street side yard setback, making a 12-foot setback in its place. The zoning of the subject site is TF-3. The lot has been split by sell/two separate owners and developed with a single-family residence on each half of the lot. The lot does meet the minimum standards for a single family residential lot in the TF-3 zoning district. The UZC requires a minimum of a 15-foot street side yard setback for the TF-3 zoning district. If this was not a platted setback the applicant could have applied for an Administrative Adjustment, which would reduce the TF-3 zoning district's 15-foot street side yard setback by 20%, resulting in a 12-foot setback, which is what the applicant is requesting. The applicant proposes to build a room addition onto the residences, thus the vacation request. There is a platted easement located within the south end of the remaining setback, which covers a sewer line; this easement will remain in place. There are no water lines within the platted setback. Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the described portion of the platted setback. The Woodchuck Villas 2nd Addition was recorded with the Register of Deeds July 2, 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 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 April 17, 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) Vacate the east 13 feet of the platted 25-foot street side yard setback. This setback runs parallel to Woodchuck Lane and is located on the west side of the west half of Lot 1, Woodchuck Villas 2nd Addition.
- (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 requests 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 east 13 feet of the platted 25-foot street side yard setback. This setback runs parallel to Woodchuck Lane and is located on the west side of the west half of Lot 1, Woodchuck Villas 2nd Addition.
- (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 requests 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

