

Planning Agenda Item # _____

City of Wichita
City Council Meeting
September 10, 1991

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V-1721 - REQUEST TO VACATE STREET RIGHT-OF-WAY AND BUILDING
SETBACK

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of street right-of-way and
building setback.

MAPC Recommendation: Approve vacation of street right-of-way and
building setback. (unanimous)

Background: Only half of street right-of-way for Fairland adjacent to this site was ever dedicated. Subsequent development has made the need for the right-of-way unnecessary for street purposes. County Engineering has indicated that the right-of-way is not needed for street but as requested by the utilities a utility easement should be retained and access control to Stagecoach immediately east of Fairland's right-of-way should be granted from the property. In order to build a storm shelter on this side of the property, the applicant has also requested that the setback originally established from Fairland also be vacated, with the utility easement as being retained serving as the setback. The applicant has dedicated the requested access control and County Engineering and Subdivision Committee have indicated that no adverse effects should result from the vacation of the setback. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions.

Legal Considerations: This request for vacation is located on property outside the City of Wichita, but within three miles thereof. As such, no petition, publication of notification or public hearing is required before the Wichita City Council.

Recommendations/Action: Approve vacation; record dedication of abutter's access rights, recording cost to be billed to:

300210-9024

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF)
a portion of platted road right-of-way)
and building setback)
GENERALLY LOCATED south of Kellogg)
and east of 143rd St. East)
_____)

MAPD CASE NO. V-1721

VACATION ORDER

NOW on this 12th day of February, 1992, at 9:00 o'clock A.M.
comes on for hearing a petition praying for the vacation of the
following-described county road, to wit:

All of the 30-foot road right-of-way lying
east of and adjacent to the east line of Lot
4, Block 2, Springdale Country Club Estates,
Sedgwick County, Kansas;

and for the vacation of the following-described building setback,
to wit:

the existing 40-foot platted building setback
along the east line of Lot 4, Block 2,
Springdale Country Club Estates, Sedgwick
County, Kansas.

WHEREUPON, it is shown that proper notice has been given by
publication once each week for three consecutive weeks in the
official county paper, the first such publication having occurred
on January 23, 1992; 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.

THEREAFTER, the Board, having heard all interested parties and

8.00
ca

County Clerk

MICROFILMED
OF RECORD

being otherwise 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 on July 18, 1991, the Metropolitan Area Planning Commission recommended that the vacation petition herein be approved; and on September 10, 1991, the Governing body of the city of Wichita recommended that the said petition be approved.

THEREFORE, IT IS ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS THAT the above-described county road and building setback be and the same are hereby vacated; provided, however, that a public utility easement is hereby retained in the entire area occupied by the said road.



BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

Betsy Gwin
BETSY GWIN, Chair

ATTEST:

Don Wright
DON WRIGHT, County Clerk

APPROVED AS TO FORM:

Richard A. Euson
Acting County Counselor
Richard A. Euson

STATE OF KANSAS } ss
SEDGWICK COUNTY }
FILED FOR RECORD AT

8:00 A.M.

FEB 14 1992 1188144

PAT KETTLER
REGISTER OF DEEDS

Ed Ross
Deputy

KELLOGG

