

Limit 64

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION  
TO BOARD OF COUNTY COMMISSIONERS

**PROPOSED AGENDA ITEMS:** V-1963 Request to vacate a building setback and street right-of-way located in the area of 35th Street South and Dugan Road (public hearing).

**PRESENTED BY:** <sup>MK</sup> Marvin S. Krout, Director of Planning.

**PROPOSED AGENDA DATE:** July 24, 1996

**COMMISSION DISTRICT # 2**

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MAPC Recommendation: Approve subject to conditions. (unanimous)

Staff Recommendation: Approve, subject to conditions.

Background/Discussion: The applicants desire to vacate a portion of Dugan Street and an associated platted building setback in order to insure that a public street is not constructed directly adjacent to their property. County Engineering has indicated that the short street segment of 119 feet is not needed for circulation purposes. County Engineering did request, and the applicants have provided to County Engineering, a contingent dedication of right-of-way necessary to cul-de-sac Dugan. No objections have been received from nearby property owners, and no utilities or other public facilities will be impacted by the vacation. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions. No members of the public addressed the MAPC in opposition to these requests.

Recommended Action: Open public hearing to receive public comments; close the public hearing, approve the vacation order and authorize the Chair to sign.

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Applicants: Jimmy K. & Phyllis A. Elder, 6400 W. 35th St. South, Wichita, KS 67215  
Jeffery & Julie Bush, 6336 W. 35th St. S., Wichita, KS 67215  
Raymond W. & Catherine Schecher, 431 Topaz, Wichita, KS 67209

Protestors: None

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF )  
STREET RIGHT-OF-WAY AND BUILDING )  
SETBACKS )  
 )  
GENERALLY LOCATED AT 35th STREET ) MAPD CASE NO. V-1963  
SOUTH AND DUGAN ROAD )  
 )  
 )  
\_\_\_\_\_ )

VACATION ORDER

NOW on this 24th day of July, 1996, at 9:00 o'clock A.M. comes  
on for hearing a petition praying for the vacation of the following-  
described real property, to wit:

that portion of Dugan Avenue along the east line of Lot  
9, Block C, Prospect Park Addition EXCEPT the south 10  
feet,

And

a 15-foot building setback as platted along the east line  
of Lot 9, Block C, Prospect Park Addition EXCEPT the south  
30 feet.

WHEREUPON, it is shown that proper notice has been given by  
publication once each week for three consecutive weeks in the official  
county newspaper, the first such publication having occurred on July  
3, 1996; 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.

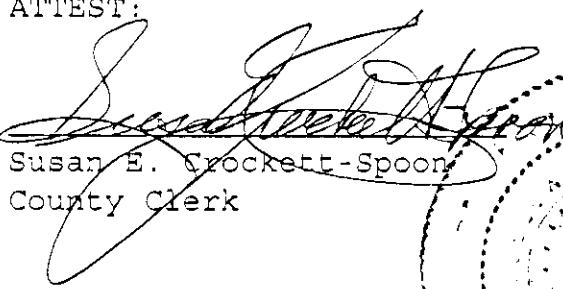
THEREAFTER, the Board, having heard all interested parties and being otherwise duly advised in the premises, finds and determines that no private rights will be injured or endangered by such vacation; that the public will suffer no loss or inconvenience thereby; that no written objections hereto have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

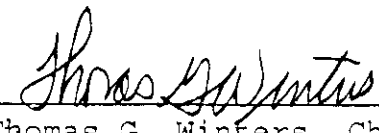
The Board further finds that on May 16, 1996, the Metropolitan Area Planning Commission recommended that the vacation petition herein be approved; and on July 2, 1996, the Governing Body of the City of Wichita recommended that the said petition be approved.

THEREFORE, IT IS ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS THAT the above-described real property be and the same is hereby vacated; *Provided, however,* that the east twenty feet and the north thirty feet of said vacated area shall be and is hereby retained as an easement for public utilities.

BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

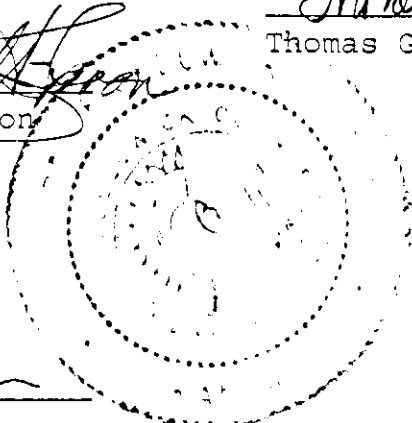
ATTEST:

  
Susan E. Crockett-Spoon  
County Clerk

  
Thomas G. Winters, Chairman

APPROVED AS TO FORM:

  
Richard A. Euson  
Assistant County Counselor





BUREAU OF PUBLIC SERVICES

By WEBER

Date 3-20-96

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Project LOCATION OF DUGAN R/W FOR EIDER

Item \_\_\_\_\_

- NOTES: 1) RETAIN South 10' fr. Cul-de-sac R/W  
2) Dedicate Contingent R/W for Cul-de-sac  
3) Should vacate 15' Bldg Setback at same time

