

City of Wichita
City Council Meeting
March 2, 2004

Agenda Report No.

TO: Mayor and City Council

SUBJECT: VAC2003-00054 REQUEST TO VACATE PLATTED SETBACK
LOCATED GENERALLY LOCATED ON THE NORTHEAST CORNER
OF THE MAPLE STREET AND 135TH STREET WEST
INTERSECTION.
(District V)

INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Background: Vacate the 35-foot building setback line running parallel to a portion of the north and east property lines of Lots 1 & 2, Block 5, Maple Dunes Addition, Wichita, Sedgwick County. The Maple Dunes Addition was recorded July 15, 1997.

Analysis: This site has an overlay on it, PO#17, and the applicant had applied for an amendment to PO#17, ZON03-54, which would revise signage restrictions, access control & parcel configuration. The 35-foot setback is located entirely within Lot 2, runs parallel to portions of the north and east property lines of Lots 1 & 2, which are located in the interior of the site. The applicant proposes development of the site, which the amendment to PO#17 and the vacation of the described setback will accommodate. The UZC's interior side setback for the "LC" zoning district is zero feet, but if an interior side setback is provided it shall be a minimum of 5-feet. ZON2003-00054, amending PO#17, was approved by the WCC at their December 2, 2003 meeting. The owners of both Lots 1 & 2 signed the application and petition. No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation. No written protests have been filed.

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds, by Separate Instrument dedicate 10-foot of sidewalk and utility easement to be recorded with the Register of Deeds.

Recommendation/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

RECEIVED

MAR - 9 2004

METROPOLITAN PLANNING
CITE Q

**BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS**

**IN THE MATTER OF THE VACATION OF
PLATTED SETBACK**

**GENERALLY LOCATED
NORTHEAST CORNER OF THE MAPLE STREET)
AND 135TH STREET WEST INTERSECTION)**

Case No. VAC2003-00054

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 2nd day of March, comes on for hearing the petition for vacation filed by Emprise Bank c/o MD Michaelis; Sunset Holdings LLC c/o Todd Allen; BENCOR c/o John Gorski, praying for the vacation of the following described platted setback, to-wit:

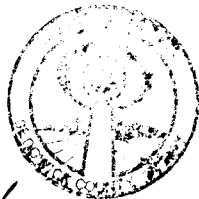
That part of Lot 2, Block 5, Maple Dunes Addition to Wichita, Sedgwick County, Kansas described as follows: Beginning at the northeast corner of Lot 1, Block 5, Maple Dunes Addition to Wichita, Sedgwick County, Kansas; thence S0° 4' 7" E, 103.16 feet; thence S76° 59' 10" E, 35.93 feet; thence N 0° 4' 7" W, 146.92 feet; thence S 88° 55' 12" W, 146.92 feet; thence 14° 9' 45" E, 35.93 feet; thence N 88° 55' 12" E, 103.16 feet to beginning.

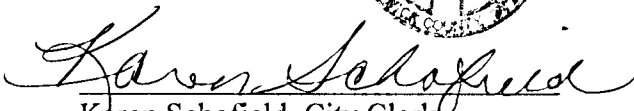
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

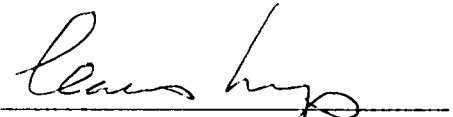
1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle on October 16, 2003, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described platted setback, and 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 platted setback described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 2nd day of March, ordered that the above-described 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.

ATTEST:



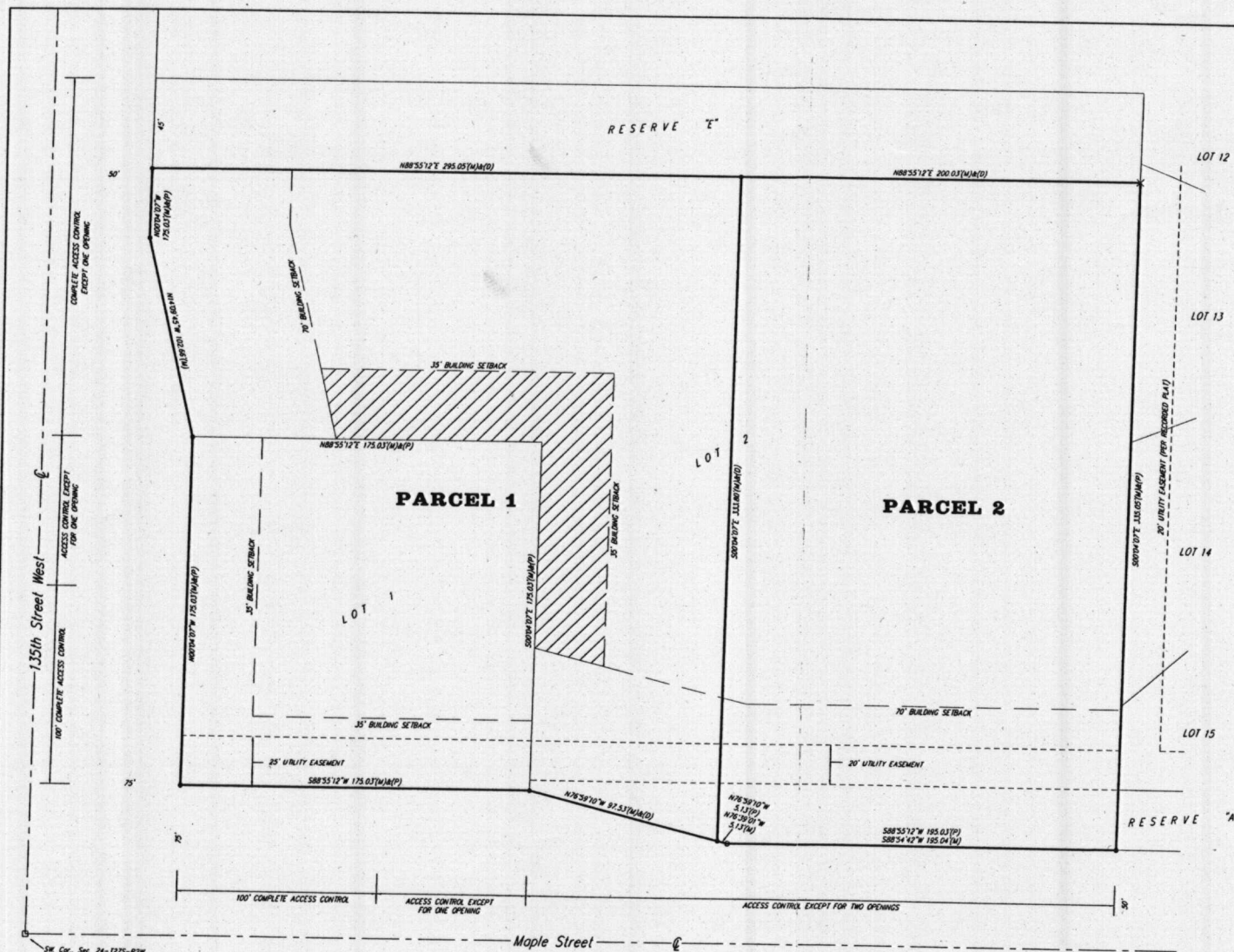

Karen Schofield, City Clerk


Carlos Mayans, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

15-300A



LEGAL DESCRIPTION FOR VACATION:
 That part of Lot 2, Block 5, Maple Dunes Addition to Wichita, Sedgewick County, Kansas described as follows: Beginning at the northeast corner of Lot 1, Block 5, Maple Dunes Addition to Wichita, Sedgewick County, Kansas; thence S 0°4'7" E, 103.16 feet; thence S 76°59'10" E, 35.93 feet; thence N 0°4'7" W, 146.92 feet; thence S 88°55'12" W, 146.92 feet; thence S 14°9'45" E, 35.93 feet; thence N 88°55'12" E, 103.16 feet to beginning.

 SETBACK TO BE VACATED



SCALE: 1" = 50'

EXHIBIT

**135TH & MAPLE
 SETBACK VACATION**