

City of Wichita
City Council Meeting
October 21, 2003

Agenda Report No.

TO: Mayor and City Council

SUBJECT: VAC2003-00018 REQUEST TO VACATE A PORTION OF A PLATTED
EASEMENT AND A PLATTED BUILDING SETBACK LINE LOCATED
NORTHEAST OF THE 37TH STREET NORTH – ROCK ROAD
INTERSECTION.
(District II)

INITIATED BY: Metropolitan Area Planning Department *TLS*

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Background: The applicant is requesting consideration for the vacation of a portion of the platted 40-foot utility easement and 35-foot building setback line as recorded on Lot 6, Block 1, Hi-Tech Industrial Park 2nd Addition. The Hi-Tech Industrial Park 2nd Addition was recorded with the Register of Deeds in 1986.

Analysis: A Hotel-Restaurant that has built over portions of the platted easement and platted setback. VAC-1484 vacated 387-feet of Comotara Street, north of the existing cul-de-sac, and a platted 50-foot setback that ran parallel to the street. The platted setback was on the North Point Industrial Park Addition, which is the abutting property east of the site. The vacation did not vacate the platted 35-foot setback on the site, which is in the Hi-Tech Industrial Park 2nd Addition. Platted setbacks do not automatically move with new property lines, in this case the property line moved with the reversion of Public ROW. Current UZC interior side setbacks for the "LI" zoning district is zero-feet. V-1668 vacated a utility easement located on the northeast side of the site. The vacation of the platted setback

There is no water in the easement proposed for vacation. A sewer line and a manhole in the easement proposed for vacation is private and a public manhole has been placed, per City Standards and at the applicant's expense, outside the easement proposed for vacation

Financial Considerations: None

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds. The applicant has relocated the sewer line and manhole out of the platted easement, per City Standards and at the applicant's expense

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

RECEIVED

OCT 29 2003

METROPOLITAN PLANNING
ROUTE ☐

Received & Accepted by City Council

OCT 21 2003

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

**IN THE MATTER OF THE VACATION OF
A PORTION OF A PLATTED EASEMENT
AND A PLATTED BUILDING SETBACK LINE**

**GENERALLY LOCATED
NORTHEAST OF THE 37TH STREET NORTH -
ROCK ROAD INTERSECTION**

Case No. VAC2003-00018

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 21st day of October, 2003, comes on for hearing the petition for vacation filed by Venture Golf Partners II, LLC, praying for the vacation of the following described portion of a platted easement and a platted building setback line, to-wit:

Utility Easement: That part of the platted utility easement, described as the east 14.09-feet of the west 150-feet of the south 10-feet of the north 40-feet of Lot 6, Block 1, Hi-Tech Industrial Park 2nd Addition, Wichita, Sedgwick County Kansas.

Building Setback Line: That part of the platted building setback line, described as the east 35-feet of that part of Lot 6, Block 1, Hi-Tech Industrial Park 2nd Addition, Wichita, Sedgwick County Kansas.

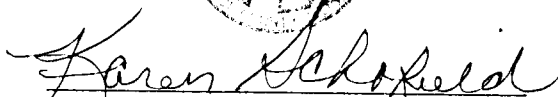
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

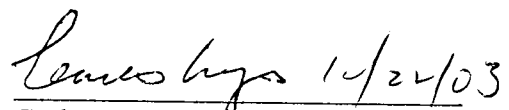
1. That due and legal notice has been given by publication as required by law, by publication in the Derby Reporter on May 1, 2003, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described portion of the platted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

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 21st day of October, ordered that the above-described a portion of a platted easement and a platted building setback line 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.

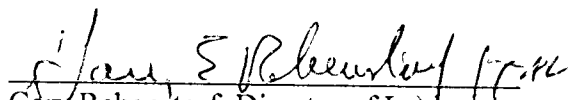
ATTEST:




Karen Schofield, City Clerk


Carlos Mayans, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

