

City of Wichita
City Council Meeting
June 3, 2003

Agenda Report No.

TO: Mayor and City Council

SUBJECT: VAC2003-00008 REQUEST TO VACATE A PORTION OF A PLATTED
30-FOOT SETBACK GENERALLY LOCATED NORTHEAST OF THE
31ST STREET NORTH - AMIDON AVENUE INTERSECTION, 3225
COOLIDGE.
(District VI)

INITIATED BY: Metropolitan Area Planning Department 

AGENDA: Planning

Background: The applicant is requesting vacation of a portion of the platted 30-foot setback of Lot 15, Block 1, Wilfred E Wheelers Replat, 3225 Coolidge. The Wilfred E Wheelers Replat Addition was recorded 03-14-1950.

Analysis: The proposed carport will encroach 14-feet, with a width of 12-feet into the platted 30-foot setback. The UZC has a minimum 25-foot setback for the SF-5 zoning district. Planning Staff recommends approval to vacate only that portion of the 30-foot setback as described in the legal description and that a Restrictive Covenant be recorded with the Register of Deeds. The Restrictive Covenant would allow the carport to encroach into the platted front setback as described in the metes and bound description. The covenant would be in effect for the time when vehicles with disability tags would be using the carport. When the vehicles with disability tags are not being used, the carport becomes an illegal nonconforming structure and must be demolished within 60 days of the end of its use for vehicles with disability tags.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds and file a Restrictive Covenant 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.

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

**GENERALLY LOCATED
NORTHEAST OF THE 31ST STREET NORTH -
AMIDON INTERSECTION, 3225 COOLIDGE**

Case No. VAC2003-00008

MORE FULLY DESCRIBED BELOW

NOW on this 3rd day of June, 2003, comes on for hearing the petition for vacation filed by Donald & Grace Sullivan, praying for the vacation of the following described portion of a platted setback, to-wit:

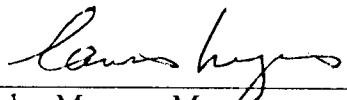
That part of the platted 30-foot building setback within Lot 15, Block 1, Wilfred E. Wheeler's Replat, Sedgwick County, Kansas, described as commencing at the N.E. Corner of said Lot 15; thence west, along the north line of said Lot 15, 30 feet to the 30 foot Building Setback Line; thence south, along said Building Setback Line, 8 feet for a place of beginning; thence east, parallel with the north line of said Lot 15, 16 feet to a point 14 feet west of the east line of said Lot 15; thence south, parallel with the east line of said Lot 15, 13 feet; thence west, parallel with the north line of said Lot 15, 16 feet to the 30 foot Building Setback Line; thence north, along said Building Setback Line, 13 feet to the place of 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 Derby Reporter on April 3, 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 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 a portion of the platted setback described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 3rd day of June 2003, ordered that the above-described a portion of a 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.



Carlos Mayans, Mayor

ATTEST:



Pat Graves, City Clerk



Approved as to Form:



Gary Rebenstorf, Director of Law

PERRY

32ND ST N

COOLIDGE

