

Planning Agenda # _____

**City of Wichita
City Council Meeting
March 19, 2002**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: **VAC2001-00064 - REQUEST TO VACATE A PLATTED
BUILDING SETBACK AND A PLATTED UTILITY
EASEMENT LOCATED SOUTHWEST OF THE HARRY
STREET WEST – MCLEAN BOULEVARD SOUTH
INTERSECTION.**
(District IV)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Background: The applicant City Department of Public Works is requesting the vacation of the 20-foot platted sewer easement and the 35-foot platted setback, located on the former site of the Transit Authority's administrative and maintenance center. The applicant proposes further development on the property with the construction of an approximately 4,000 square foot facility and an addition of 1,225 square feet to an existing facility. Both the new facility and the addition onto the existing facility will encroach onto the easement. There is a sanitary sewer line in the easement. The addition to the existing facility will encroach into the 35-foot building setback line, and the applicant is requesting vacation of 10-feet of the setback with a new setback of 25-foot. This meets or exceeds the current zoning setback in the Limited Industrial District is 20-feet and for SF-5, 25-foot.

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 and the dedication of the new utility easement will be recorded with the Register of Deeds.

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

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

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

**GENERALLY LOCATED
SOUTHWEST OF THE HARRY STREET WEST -
MCLEAN BOULEVARD SOUTH INTERSECTION**

MORE FULLY DESCRIBED BELOW

Case No. VAC2001-00064

RECEIVED

MAR 21 2002

**METROPOLITAN PLANNING
ROUTE**

VACATION ORDER

NOW on this 19th day of March, 2002, comes on for hearing the petition for vacation filed by City of Wichita, c/o Water and Sewer Department, praying for the vacation of the following described platted building setback and a platted utility easement, to-wit:

Legal Description for Utility Easement to be vacated (north part)

That part of the utility easement platted in Lot 1, Block A, M.T.A. Addition to Wichita, Sedgwick County, Kansas, described as commencing at the northeast corner of said Lot 1; thence S86deg40'30"W along the north line thereof, 227.77 feet; thence S10deg36'24"E, 10.08 feet for a point of beginning; thence S10deg36'24"E along the west line of said utility easement, 352.77 feet; thence S05deg 43'37"W along the west line of said utility easement, 184.80 feet to its intersection with the north line of platted utility easement; thence S89deg56'43"E along said north line, 20.01 feet to its intersection with the east line of a platted utility easement; thence N05deg43'37"E along said line, 185.68 feet; thence N10deg35'24"W along the east line of platted utility easement, 353.08 feet to its intersection with the south line of a platted utility easement; thence S86deg40'30"W along said south line, 20.01 feet to the point of beginning.

Legal Description for Utility Easement to be vacated (South part)

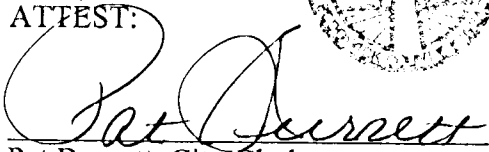
That part of the utility easement platted in Lot 1, Block A, M.T.A. Addition to Wichita, Sedgwick County, Kansas, described as commencing at the northeast corner of said Lot 1; thence S86deg40'30"W along the north line thereof, 227.77 feet; thence S10deg36'24"E, along the west line of said Utility easement, 362.85 feet; thence S05deg43'37"W along the west line of said utility easement, 204.90 feet for a point of beginning, being on the south line of a platted utility easement; thence S05deg43'37"W along the west line of a platted utility easement, 217.60 feet to its intersection with the north line of a platted utility easement; thence N90deg00'00"E along said north line, 20.01 feet to its intersection with the east line of a platted utility easement; thence N05deg43'37"E along said east line, 217.58 feet to its intersection with the south line of a platted utility easement; thence S86deg40'30"W along said south line, 20.01 feet to the point 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:

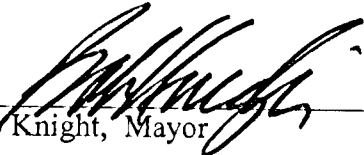
1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle on January 3, 2002, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described platted building setback and a platted utility easement, 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 platted building setback and a platted utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 19th day of March 2002, ordered that the above-described platted building setback and a platted utility easement 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:


Pat Burnett, City Clerk




Bob Knight, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

