

Planning Agenda # _____

**City of Wichita
City Council Meeting
August 20, 2002**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: **VAC2002-00019 - REQUEST TO VACATE A PORTION OF
THE GREENBRIAR MANOR ADDITION LOCATED AT THE
SOUTHWEST CORNER OF THE 29TH STREET NORTH AND
OLIVER INTERSECTION.**
(District I)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning



Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Background: The applicant proposes to vacate a portion of the Greenbriar Manor Addition, per the legal description. The Greenbriar Manor Addition was recorded February 8, 1960. This portion of the subdivision is not developed. The vacation request includes:

- (1) Lots 1-19, Block 10 (along the north side of 28th Street North & the east side of Pershing Avenue, zoned MF-29), Lot 20, Block 10 (approximately 11 acres on the southwest corner of Oliver and 29th Street North and zoned LC) and Lots 11-31, Block 8 (along the south side of 28th Street North & west the side of Pershing Avenue, zoned SF-5).
- (2) 10-foot utility easements in the side between Lots 14 & 15, 19 & 20, 24 & 25, & 28 & 29 of Block 8 and between Lots 15 & 16, 12 & 13, 11 & 12, 8 & 9, 4 & 5, of Block 10
- (3) 16-foot utility easement between Lots 1-20, Block 10.
- (4) The 30-foot front building setback line on Lots 1-19, Block 10 & Lots 11-31, Block 8, running parallel and adjacent to Pershing & 28th Street North.
- (5) The 15-foot building setback line on Lot 11, Block 8 & Lot 19, Block 10 running parallel and adjacent to Oliver.
- (6) 28th Street North and Pershing Avenue, as recorded on the plat; these roads are not developed.

The applicant proposes to replat in the future; some considerations in the replat include:

- (a) Access to the southern portion of the vacated property as advised as being located a minimum

of approximately 200-feet north of 27th Street North. All access to the property to be approved by the City Engineer.

- (b) Any replat along Oliver frontage along this location after August of 2002 possibly will require 60-foot for ROW not the current 50-foot.
- (c) Provide substitute easements of 20-foot to service all the replatted property.
- (d) Vacated setbacks are replaced with current UZC setbacks.

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.

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

**GENERALLY LOCATED
SOUTHWEST OF THE 29TH STREET NORTH
AND OLIVER INTERSECTION**

Case No. VAC2002-00019

MORE FULLY DESCRIBED BELOW

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AUG 22 2002

METROPOLITAN PLANNING
ROUTE ☐ _____
☐ _____

VACATION ORDER

NOW on this 20th day of August, 2002, comes on for hearing the petition for vacation filed by Socora Village Company, praying for the vacation of the following described a portion of the Greenbriar Manor Addition, to-wit:

Lots 11 –31, Block 8 & Lots 1-20, Block 10; the front 30-foot building setback lines on Lots 11 –31, Block 8 & Lots 1-19, Block 10; the side setback lines running parallel Oliver on Lot 11, Block 8 and Lot 19, Block 10; 28th Street North from the west right-of-way of Oliver Street to Pershing Avenue; Pershing Avenue from 28th Street North to the south line of Brooks Avenue; the 10-foot easement between Lots 14 & 15, 19 & 20, 24 & 25, & 28 & 29 of Block 8 and between Lots 15 & 16, 12 & 13, 11 & 12, 8 & 9, 4 & 5, of Block 10; the 16-foot easement between Lots 1-20, Block 10, all in the Greenbriar Manor Addition to 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 Wichita Eagle on July 2, 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 portion of the Greenbriar Manor Addition, 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 Greenbriar Manor Addition described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 20th day of August 2002, ordered that the above-described a portion of the Greenbriar Manor Addition 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.



Bob Knight, Mayor

ATTEST:



Pat Burnett, City Clerk



Approved as to Form:



Gary Rebenstorf, Director of Law

