

Planning Agenda # _____

City of Wichita
City Council Meeting
July 16, 2002

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: VAC2002-00014 - REQUEST TO VACATE A PORTION OF A
PLATTED 25-FOOT SETBACK ON A LOT LOCATED
SOUTHEAST OF THE ROCK ROAD – DOUGLAS AVENUE
INTERSECTION. (District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

M. Kraut

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Background: The applicant, Independent School, proposes to build a section of metal bleachers that will extend partially (the northwest section) or entirely (the southeast section) into the platted 25-foot setback for a length of 170-foot, per the legal description and the exhibit. The bleachers will be generally located on the south side of the existing football field. The bleachers will not encroach into the abutting 50-foot drainage easement that runs parallel to the south side of the setback. Currently the drainage easement is paved and serves as a private drive and parking.

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.

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

**IN THE MATTER OF THE VACATION OF)
A PORTION OF A PLATTED 25-FOOT)
SETBACK)**

**GENERALLY LOCATED)
SOUTHEAST OF THE ROCK ROAD - DOUGLAS)
AVENUE INTERSECTION)**

Case No. VAC2002-00014

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 16th day of July, 2002, comes on for hearing the petition for vacation filed by Independent School, praying for the vacation of the following described a portion of a platted 25-foot setback, to-wit:


Commencing at the Northwest Corner of Lot 1, Block 1, Bonnie Brae Third Addition to Wichita, Sedgwick County, Kansas; Thence bearing S89°56'55" E along the north line of said Lot 1, 50.00 feet; thence bearing S00°24'31" W 100.34 feet to a point of curve to the left; thence along said curve to the left having a radius of 462.07 feet, through a central angle of S56°24'41" an arc distance of 454.94 feet; thence bearing S56°00'10" E a distance of 150.00 feet to the point of beginning; thence continuing bearing S56°00'10" E a distance of 170.00 feet; thence bearing N33°59'50" E a distance of 25.00 feet; thence bearing N56°00'10" W 170.00 feet; thence bearing S33°59'50" W a distance of 25.00 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:

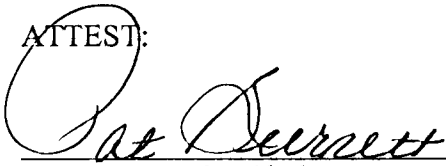
1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle on May 16, 2002, which was at least 20 days prior to the public hearing.

2. No private rights will be injured or endangered by the vacation of the above-described a portion of a platted 25-foot 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 a 25-foot setback described herein should be approved.

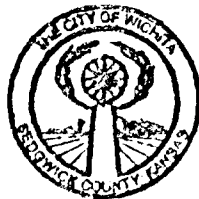
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 16th day of July 2002, ordered that the above-described a portion of a 25-foot setback is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.




Bob Knight, Mayor

ATTEST:


Pat Burnett, City Clerk



Approved as to Form:



Gary Rebenstorf, Director of Law

DOUGLAS

ROCK

LYNWOOD

BONNIE STR

