

City of Wichita  
City Council Meeting  
August 17, 2004

Agenda Report No. \_\_\_\_\_

**TO:** Mayor and City Council

**SUBJECT:** VAC2004-00020 Request to vacate platted access control and a portion of a platted setback, generally located on the southeast corner of the 37th Street North – Ridge Road intersection. (District V)

**INITIATED BY:** Metropolitan Area Planning Department *JLS*

**AGENDA:** Planning (Consent)

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**Staff Recommendation:** Approve

**MAPC Recommendation:** Approve (unanimously)

**Background:** The applicant proposes vacation of the current joint access control between Lots 2 & 4, Ridge Port North Addition onto Ridge Road and the current joint access between Lots 2 & 3, Ridge Port North Addition, onto 37<sup>th</sup> Street North. The applicant is also proposing the vacation of a portion of the 100-foot setback along Lot 2's, Ridge Port North Addition, north property line. The subject site is part of CUP DP 237. The Ridge Port North Addition was recorded June 9, 1999.

**Analysis:** There is a proposed Lot Split associated with this request, which will break Lot 2 into four parcels and reconfigure Lot 4. The applicant has proposed new joint access to replace the existing access. The proposed joint access will serve the newly reconfigured Lots 2 & 4. The Traffic Engineer has approved the proposed access. The applicant has proposed a 35-foot setback to replace the 100-foot setback along Lot 2's north side. The proposed 35-foot setback is aligned with the existing 35-foot setback on the smaller Lots 3 & 4, Ridge Port North Addition. The proposed reconfiguration of Lot 2 by the Lot Split means the four new parcels will be similar in size to Lots 3 & 4, Ridge Port North Addition, which have the 35-foot setback. The subject site is part of CUP DP 237. An Adjustment or Amendment to CUP DP 237 is required, which will reflect the reconfiguration of Lots 2 & 4, the approved joint access, new access control and the proposed 35-foot setback. No one spoke in opposition to this request at the MAPC's advertised public hearing. No written protests have been filed.

**Financial Considerations:** None

**Legal Considerations:** A certified copy of the Vacation Order and dedication by separate instruments for Abutter's Access Rights will be recorded 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.

RECEIVED

AUG 18 2004

METROPOLITAN PLANNING  
ROUTE

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

**IN THE MATTER OF THE VACATION OF )  
PLATTED ACCESS CONTROL AND A )  
PORTION OF A PLATTED SETBACK )**

**GENERALLY LOCATED )  
ON THE SOUTHEAST CORNER OF THE 37<sup>TH</sup> )  
STREET NORTH – RIDGE ROAD )  
INTERSECTION )**

Case No. VAC2004-00020

**MORE FULLY DESCRIBED BELOW )**

**VACATION ORDER**

NOW on this 17<sup>th</sup> day of August, 2004 comes on for hearing the petition for vacation filed by 37<sup>th</sup> LLC c/o Walter Morris and Sons – Mike Boyd, praying for the vacation of the following described platted access control and a portion of a platted setback, to-wit:

The north 30.00 feet of the south 96.20 feet of the 151.19 feet of complete access control to or from Ridge Road over and across the west line of Lot 2, Ridge Port North Addition, Wichita, Sedgwick County, Kansas.

The South 30.00 feet of the 185.01 feet of complete access control to or from Ridge Road over and across the west line of Lot 4, Ridge Port North Addition, Wichita, Sedgwick County Kansas.

The east 65.00 feet of the west 100.00 feet of that part of Lot 2, Ridge Port North Addition, Wichita, Sedgwick County, Kansas lying west of and adjacent to the 100 foot building setback line as platted in said Lot 2, said platted 100 foot building setback line being parallel with the east right-of-way line of Ridge Road as dedicated in said Ridge Port North Addition, TOGETHER with the south 65.00 feet of the

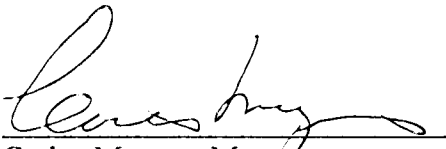
north 100.00 feet of that part of said Lot 2 lying north of and adjacent to the 100 foot building setback line as platted in said Lot 2, said 100 foot building setback line being parallel with the south right-of-way line of 37<sup>th</sup> Street North as dedicated in said Ridge Port North Addition.

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 20, 2004, 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 access control and a portion of a 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 the platted access control and a portion of a platted setback described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 17<sup>th</sup> day of August 2004 ordered that the above-described platted access control and a portion of a platted setback are 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.

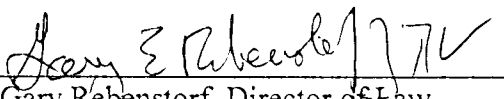


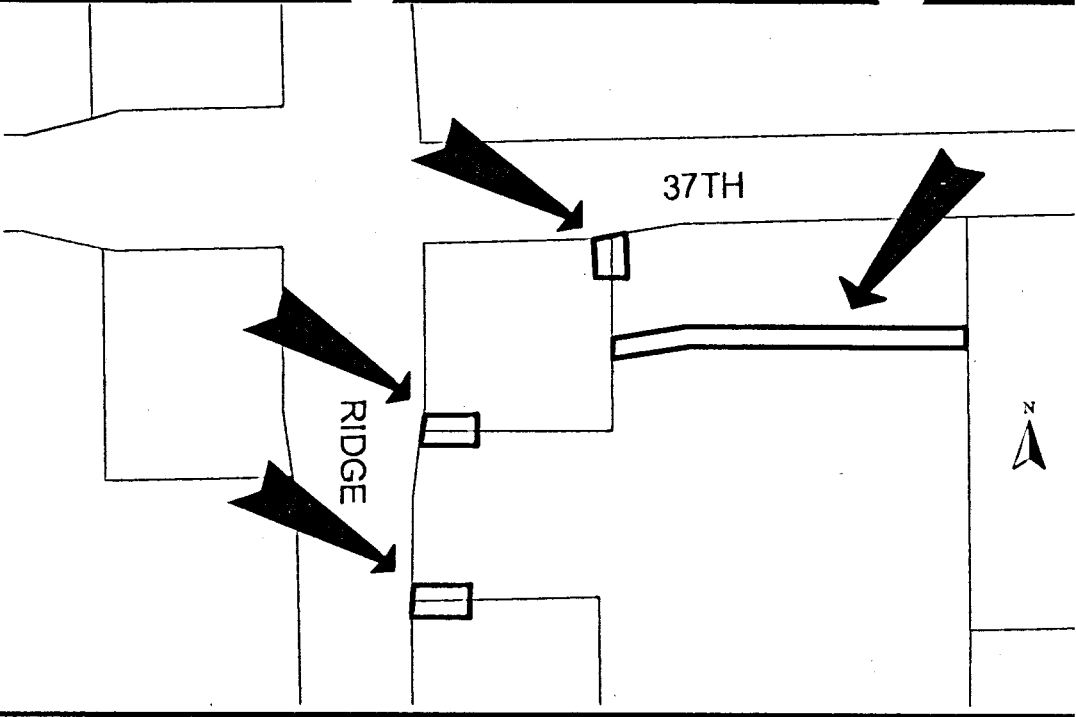
  
Carlos Mayans, Mayor

ATTEST:

  
Karen Sublett, City Clerk

Approved as to Form:

  
Gary Rebenstorf, Director of Law



37TH

RIDGE

