

City of Wichita  
City Council Meeting  
June 8, 2004

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

**TO:** Mayor and City Council

**SUBJECT:** VAC2004-00016 Request to vacate a portion of platted street right-of-way and platted setbacks generally located northwest of the Harry Street – 127th Street East intersection, more specifically north of the Melody Lane – East Lynne Avenue intersection.  
(District II)

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

**AGENDA:** Planning (Consent)

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**Staff Recommendation:** Approve.

**MAPC Recommendation:** Approve. (unanimous)

**Background:** The applicants are requesting consideration to vacate the approximately 411-foot long (x) 61-foot wide portion of the Melody Street ROW as dedicated in the East Lynn Addition, located north of the Melody Lane – East Lynne Avenue intersection and abutting the east side of Lot 5, East Lynn Addition and abutting the west side of Lot 6, East Lynn Addition. The East Lynn Addition was recorded October 3, 1953.

**Analysis:** Melody Lane currently dead-ends into Lot 54, Woodland Lakes Estates 3rd Addition; the Woodland Lakes Estates 3rd Addition was recorded April 4, 2003. The recording of this subdivision eliminated the possibility of extending Melody Lane north. There is sewer and a manhole in the Melody Lane ROW, but no water. Storm Water has requested that the ROW be retained as a drainage easement. The applicants are also requesting that the platted 25-foot setbacks that run parallel to Melody Lane and the east side Lot 5 and the west side of Lot 6, both in the East Lynne Addition, be vacated and replaced with the current UZC's interior side setback for the "SF-5" zoning district, which is 6-foot. Reversion rights of the vacated Melody Lane ROW would go to the applicants. No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation. No written protests have been filed.

**Financial Considerations:** None

**Legal Considerations:** A certified copy of the Vacation Order will be recorded with the Register of Deeds, retain all of the vacated ROW as easement, vacate the described platted setbacks and replace with the Unified Zoning Code's setbacks for this zoning district and reversion rights are to the applicants

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

RECEIVED

JUN 21 2004

METROPOLITAN PLANNING  
ROUTE 9

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

**IN THE MATTER OF THE VACATION OF )  
A PORTION OF A PLATTED STREET RIGHT- )  
OF-WAY AND PLATTED SETBACKS )**

**GENERALLY LOCATED )  
NORTHWEST OF THE HARRY STREET – 127<sup>TH</sup> )  
STREET EAST INTERSECTION, MORE )  
SPECIFICALLY NORTH OF THE MELODY )  
LANE – EAST LYNNE AVENUE INTERSECTION )**

**Case No. VAC2004-00016**

**MORE FULLY DESCRIBED BELOW**

**VACATION ORDER**

NOW on this 8<sup>th</sup> day of June, 2004 comes on for hearing the petition for vacation filed by Kenneth & Patricia Fluke; Robert & Janelle Maxwell, praying for the vacation of the following described portion of platted street right-of-way and platted setbacks, to-wit:

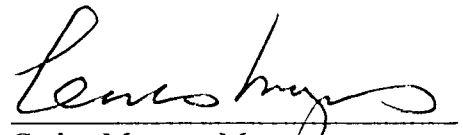
The portion of Melody Lane abutting the east side of Lot 5, the East Lynne Addition, the west side of Lot 6, East Lynne Addition, and the south side of Lot 54, Block 5, the Woodland Lakes Estates 3<sup>rd</sup> Addition and to Melody Lane's point of intersection with East Lynne Avenue. Melody Lane was dedicated on the East Lynne Addition, as recorded with Wichita, Sedgwick County, Kansas.

The platted 25-foot setbacks running parallel to the east side of Lot 5, the East Lynne Addition and the west side of Lot 6, East Lynne Addition, as recorded with Wichita, Sedgwick County, Kansas.

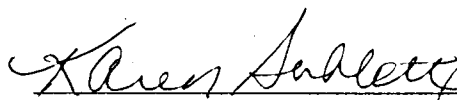
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

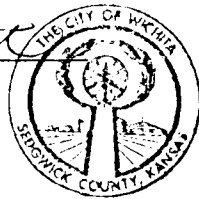
1. That due and legal notice has been given by publication as required by law, by publication in The Derby Reporter on April 15, 2004, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described portion of platted street right-of-way and platted setbacks, 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 portion of platted street right-of-way and platted setbacks described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 8<sup>th</sup> day of June 2004 ordered that the above-described portion of platted street right-of-way and platted setbacks 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.

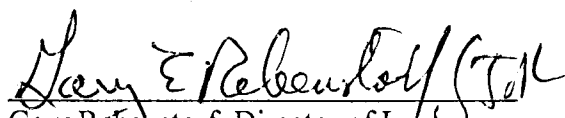
  
Carlos Mayans, Mayor

ATTEST:

  
Karen Sublett, City Clerk



Approved as to Form:

  
Gary Rebenstorf, Director of Law

