

City of Wichita
City Council Meeting
August 4, 1987

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V-1473 - REQUEST TO VACATE A PORTION OF A PLATTED UTILITY
EASEMENT.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of building setback.

MAPC Recommendation: Approve vacation of building setback. (unanimous)

Location: Generally located at the northwest corner of I-235 and MacArthur Road.
(District #4).

Applicant: Dolese Brothers Company, 923 First National Bank Building, Wichita,
Kansas 67202

Site Size: An irregularly shaped area containing approximately 1,351 square feet.

Current Zoning: "E" (light industrial)

Background: This vacation case has been requested in order to provide additional
buildable lot area. The vacation is only being requested for that area specifically
needed for building construction. After vacation, a building setback of 50 feet will
exist at the shortest point from MacArthur Road. The vacation request has been
reviewed and approved by the Planning Commission, subject to conditions.

Legal Considerations: The City Clerk needs to certify as to proper notification and
no filing of written protest.

Recommendations/Action: Close public hearing; approve vacation;
authorize the Mayor to sign the Vacation
Order; and record certified copy of
Order, recording costs to be billed to:

755-68-360-50000-295-000-000

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

FILED 512 TRUE 551 -
Film 912 Pg. 351

IN THE MATTER OF THE VACATION OF A PORTION
OF A PLATTED BUILDING SETBACK

GENERALLY LOCATED AT THE NORTHEAST
CORNER OF I-235 AND MACARTHUR ROAD
(V-1473)

)
)
) Approved / Accepted By City Council
AUG 4 1987
) This _____

STATE OF KANSAS
SEDGWICK COUNTY }
FILED FOR RECORD AT
AUG 12 1987

MORE FULLY DESCRIBED BELOW

MICROFILMED
OF RECORD

NO. 9 00800
PAT KETTLER
REGISTER OF DEEDS

VACATION ORDER

Ed Rea
Deputy

NOW on this 4th day of August, 1987, comes on for hearing the petition for vacation filed by Dolese Bros. Co., praying for the vacation of the following described portion of a platted building setback, to-wit:

Beginning at the intersection point of the platted setback line with the westerly line of Block 1, West Robbins Addition, Wichita, Kansas; thence south along the westerly line of said Block 1, 39.70 feet; thence east at right angles to the last described line, 45.12 feet; thence north at right angles to the last described line, 29.86 feet to a point on said setback line; thence northwesterly 46.18 feet more or less to the place 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 Daily Record of notice of this vacation proceeding for consecutive weeks on JULY 23 & 30, 1987.
2. No private rights will be injured or endangered by the vacation of the above-described building 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 building setback described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 4th day of August, 1987, ordered that the above-described building 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.

ATTEST:

Dale E. Rea
Dale E. Rea, Deputy City Clerk

Robert G. Knight
Robert G. Knight, Mayor

State of Kansas)
Sedgwick County)
City of Wichita,)
I, Dale E. Rea, Deputy City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is affixed is a true and correct copy of the original on file in the office of the City Clerk. Given under my hand and seal of the City of Wichita, Kansas, this AUG 11 1987.

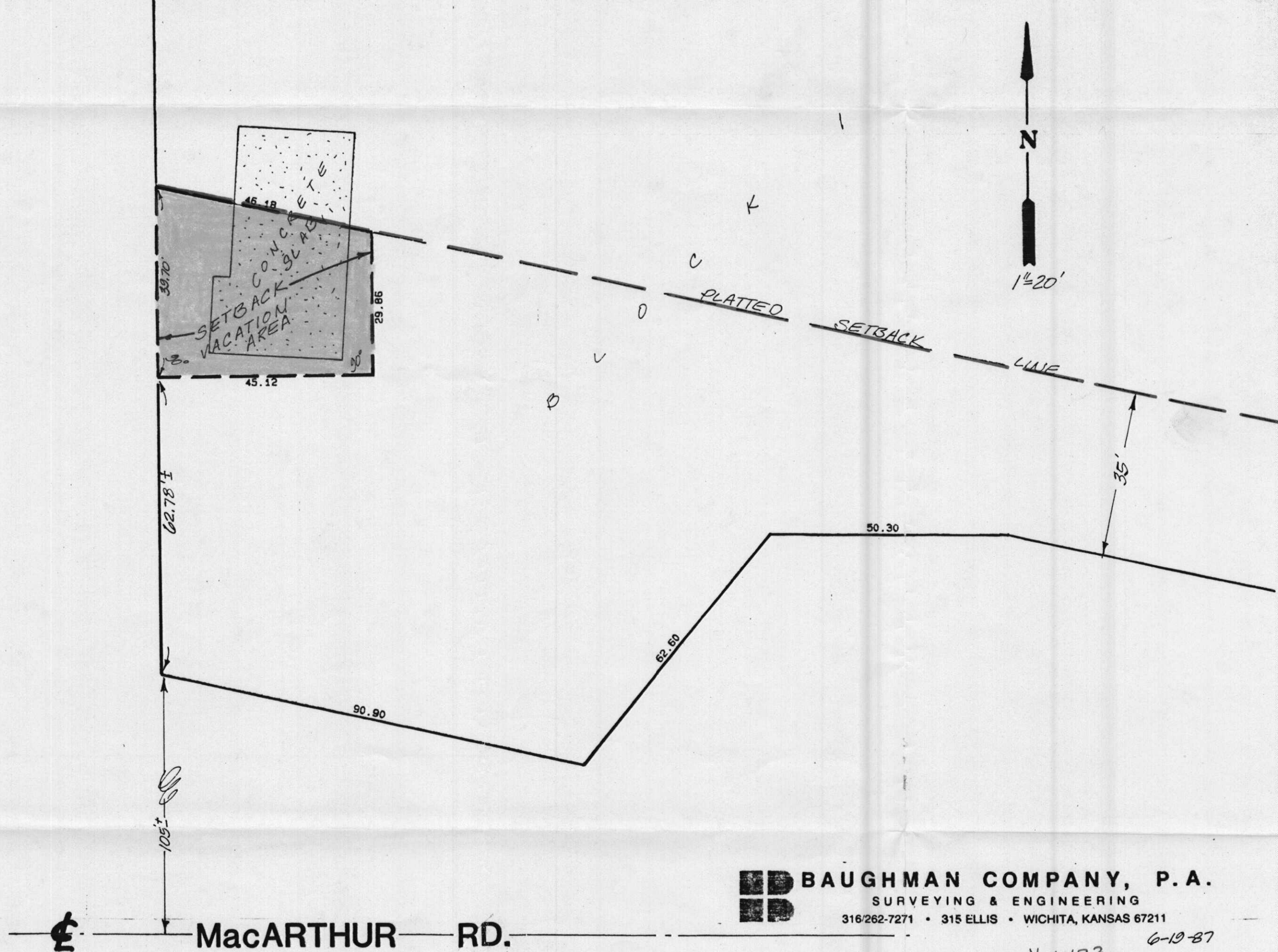
Approved as to Form:

Thomas Powell
Thomas Powell, Interior Director of Law

PL/7004/5/LE

city clerk

1-235



BAUGHMAN COMPANY, P.A.
SURVEYING & ENGINEERING
316/262-7271 • 315 ELLIS • WICHITA, KANSAS 67211

V-1473 6-19-87