

City of Wichita
City Council Meeting
July 21, 1987

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V-1469 - REQUEST TO VACATE A PORTION OF A PLATTED
BUILDING SETBACK FROM WEST STREET.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Location: East side of West Street, in an area north of Ninth Street.
(District #5).

Applicant: Golden Corral Corporation, c/o C. Robert Bell, 301 W. Central,
P.O. Box 47886, Wichita, Kansas 67201

Site Size: A 12-foot wide portion of a setback measuring 31-feet in length.

Current Zoning: "LC" (light commercial)

Background:

This vacation case has been requested in order to clear an existing building encroachment. The vacation is required by a Title Company in order to remove a "cloud" from the applicant's title to the property. After vacation, a 21-foot wide building setback will remain from West Street. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions.

Staff Recommendation: Approve vacation of building setback

MAPC Recommendation: Approve vacation of building setback (unanimous)

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 OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

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

GENERALLY LOCATED ON THE WEST SIDE OF WEST
STREET, IN AN AREA NORTH OF 9TH STREET.
(V-1469)

MORE FULLY DESCRIBED BELOW

MICROFILMED
OF RECORD

Approved / Accepted By City Council
This JUL 21 1987

STATE OF KANSAS } ss
SEDGWICK COUNTY }
FILED FOR RECORD AT
1:00 P.M.

JUL 29 1987

8 97714

VACATION ORDER

NO. PAT KETTLER
REGISTER OF DEEDS

NOW on this 21st day of July, 1987, comes on for hearing the petition for vacation filed by Golden Corral Corporation, praying for the vacation of the following described portion of a platted building setback, to-wit:

Commencing at a point 33 feet east and 17 feet south of the NW corner of Lot 1, Tusler Addition to Wichita, Sedgwick County, Kansas; thence west 12.25 feet; thence south 31.30 feet; thence east 12.16 feet; thence north 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 8 & 15, 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 21st day of July, 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

Approved as to Form:

Thomas R. Powell ss
Thomas Powell, Interim Director of Law

State of Kansas)
Sedgwick County) ss
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 attested 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 21st day of JULY, 1987.
Dale E. Rea
Deputy City Clerk

5.00

PL/7016/5/LE

City Clerk

