

Planning Agenda Item # \_\_\_\_\_

City of Wichita  
City Council Meeting  
September 12, 1989

Agenda Report # \_\_\_\_\_

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1617 REQUEST TO VACATE A PORTION OF A  
PLATTED BUILDING SETBACK LOCATED ON PORTWEST CIRCLE, IN AN  
AREA SOUTH OF KEYWEST AND WEST OF MERIDIAN  
(District #5)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

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Staff Recommendation: Approve vacation of building setback.

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

Background: This vacation is requested to allow construction of a house across a common lot line where one of the lots has a 80-foot building setback because of being a flag shaped lot. A restrictive covenant that requires that the two lots not be sold separately has been submitted. 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, and restrictive covenant, recording costs to be billed to:

150029-2909

Approved / Accepted By City Council  
This SEP 12 1989

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

IN THE MATTER OF THE VACATION OF )  
A PLATTED BUILDING SETBACK. )  
 )  
GENERALLY LOCATED ON PORTWEST CIRCLE IN )  
AN AREA SOUTH OF KEYWEST AND WEST OF )  
MERIDIAN (V-1617). )  
 )  
MORE FULLY DESCRIBED BELOW )

VACATION ORDER

NOW on this 12th day of September, 1989, comes on for hearing the petition for vacation filed by Ivan O. Poe, etux., praying for the vacation of the following described building setback, to-wit:

The easterly 50 feet of the westerly 80 feet of the building setback on Lot 34, Block 1, The Moorings 4th Addition to 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 Daily Record of notice of this vacation proceeding for consecutive weeks on 8/20 & 9/6/89.
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.

Vacation Order  
V-1617  
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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 12th day of September, 1989, 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.

Bob Knight  
Bob Knight, Mayor

ATTEST:



John Moir  
John Moir, City Clerk

Approved as to Form:

Thomas Powell  
Thomas Powell, Director of Law

STATE OF KANSAS  
SEDGWICK COUNTY  
FILED  
113 0 0 2 4  
SEP 20 1989  
PAUL TITLER  
REGISTER OF DEEDS

MICROFILMED  
OF RECORD

Form 1020

State of Kansas  
County of Sedgwick  
City of Wichita  
I, Dale E. Poe, Deputy City Clerk of the City of Wichita, do hereby certify that the document is a true and correct copy of the original as filed in the office of the City Clerk. I have affixed my name and seal of the City of Wichita, this SEP 18 1989.  
Dale E. Poe, Deputy City Clerk

800 City Clerk