

Planning Agenda Item # _____

City of Wichita
City Council Meeting
July 11, 1989

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1610 - REQUEST TO VACATE A PORTION OF A
PLATTED BUILDING SETBACK, LOCATED ON THE WEST SIDE OF
WESTPORT COURT IN AN AREA NORTH OF WESTPORT AND EAST OF
MAIZE ROAD.
(District #5)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of building setback.

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

Background: An existing structure encroaches the front yard building setback in a lot that is adjacent to a cul-de-sac. The applicant has initiated this request in order to clear title to the property. 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:
150029-2909

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

IN THE MATTER OF THE VACATION OF)
A PORTION OF PLATTED BUILDING SETBACK)
)
GENERALLY LOCATED ON THE WEST SIDE OF)
WESTPORT COURT IN AN AREA NORTH OF WEST-)
PORT AND EAST OF MAIZE ROAD (V-1610).)
)
MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 11th day of July, 1989, comes on for hearing the petition for vacation filed by Robert P. and Janet M. Berry, praying for the vacation of the following described portion of a platted building setback, to-wit:

From the southeast corner of Lot 30, Block 2, Stonegate Estates, Wichita Sedgwick County, Kansas; thence northerly, on the east line of said Lot 30, with a platted bearing of North 2°03'20" west, a distance of 50.11 feet; thence south 87°56'40" west, a distance of 25.91 feet to the Point of Beginning, said point being on a circular 25 foot building setback line having a radius of 75 feet; thence northwesterly on said setback line an arc distance of 13.47 feet; thence north 87°56'40" east, a distance of 8.24 feet; thence south 2°03'20" east, a distance of 10.63 feet to the Point 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 JUN 28 1989 + JUL 5 1989.
2. No private rights will be injured or endangered by the vacation of the above-described portion of a platted 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 portion of a platted building setback described herein should be approved.

8.00^{LA}

city clerk

Vacation Order
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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 11th day of July, 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.

ATTEST:



John Moir
John Moir, City Clerk

Bob Knight, Mayor

Approved as to Form:

Thomas Powell
Thomas Powell, 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 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, this JUL 13 1989
Dale E. Rea Deputy City Clerk

SEDGWICK COUNTY, KANSAS

MICROFILMED
OF RECORD

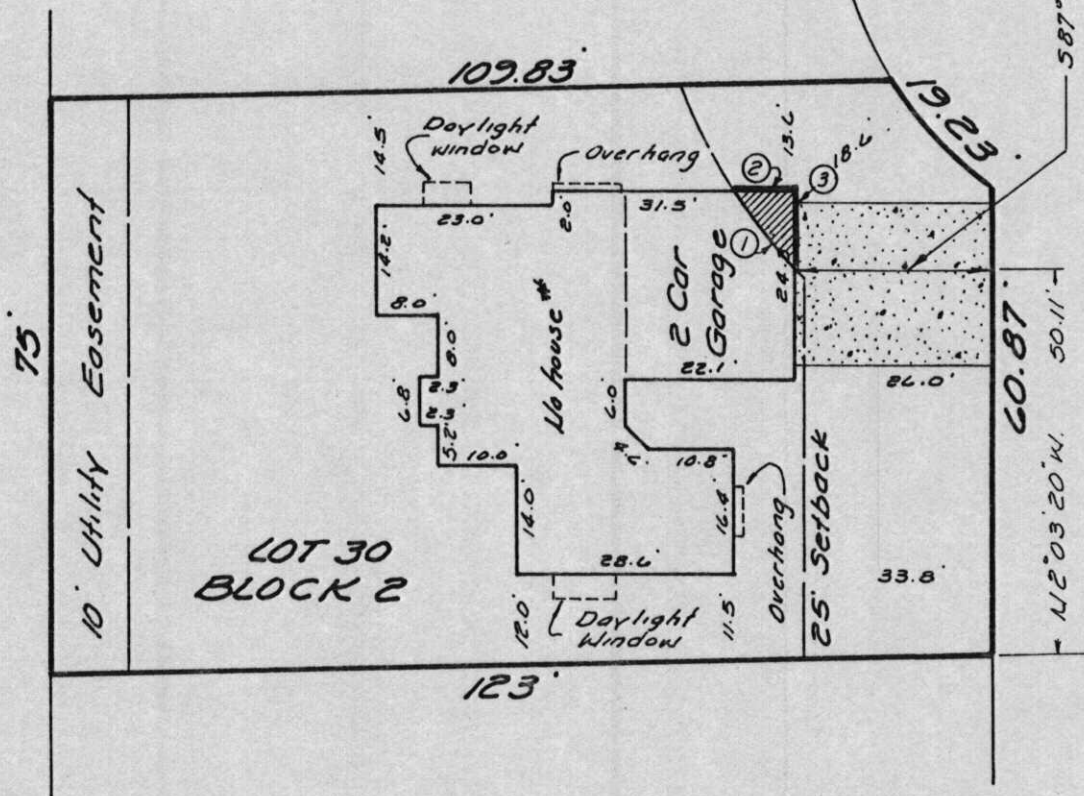
STATE OF KANSAS) ss
SEDGWICK COUNTY)
FILED FOR RECORD AT

12:30 PM

JUL 17 89 1018607

PAT KETTLER
REGISTER OF DEEDS

Ed Rosal
Deputy



FILE # 880241
Offset tolerance $\pm 0.2'$

- ① Radius = 75', Arc length = 13.47'
- ② N 87° 54' 40" E, 8.24'
- ③ S 2° 03' 20" E, 10.43'