

Planning Agenda Item # _____

City of Wichita
City Council Meeting
June 6, 1989

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1599 REQUEST TO VACATE A PLATTED BUILDING SETBACK, LOCATED SOUTH OF KELLOGG BETWEEN LIGHTNER AND FABRIQUE
(District #2)

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: The setbacks for this plat are also controlled by a Community Unit Plan (C.U.P.). Setbacks under the C.U.P. offer greater flexibilities relative to possible forms of development and the applicant wishes to be in a position to take advantage of various options for development at this site. 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

Approved / Accepted By City Council

This JUN 27 1989 KANSAS } SS
 SEDGWICK COUNTY }
 FILED FOR RECORD AT
8:00 AM

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

JUN 27 89 1015496

PAT KETTLER
 REGISTER OF DEEDS

Ed. R. ...

IN THE MATTER OF THE VACATION OF)
 A PLATTED BUILDING SETBACK)
)
 GENERALLY LOCATED IN AN AREA SOUTH OF)
 KELLOGG BETWEEN LIGHTNER AND FABRIQUE)
 (V-1599))
)
 MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 6th day of June, 1989, comes on for hearing the petition for vacation filed by Everett Fettis for T.G. Davis Jr., praying for the vacation of the following described platted building setback, to-wit:

That part of the 30 foot building setback line on Lot 1, Davis-Moore 5th Addition, Wichita, Kansas, described as commencing at the westerly most S.W. corner of said Lot 1 and being a common corner with the N.W. corner of Lot 19, Drivers Addition to Wichita, Kansas; thence east, along the south line of said Lot 1, 150 feet for a place of beginning; thence east, along the south line of said lot 1, 270 feet to a lot corner of said Lot 1 common with the N.E. corner of Lot 9 in said Drivers Addition; thence south, along the lot line common to said Lot 1 and said Lot 9, 30 feet; thence east, parallel with the south line of said Lot 1, 30 feet; thence north, northwesterly and west, along the setback line to a point 150 feet east and 30 feet north of the westerly most S.W. corner of said Lot 1; thence south, 30 feet 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 MAY 24 & 31, 1989.
2. No private rights will be injured or endangered by the vacation of the above-described platted building setback, and the public will suffer no loss or inconvenience thereby.

8.00 *ca*

City Clerk

MICROFILMED
OF RECORD

Vacation Order
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3. In justice to the petitioner(s), the prayer of the petition ought to be granted.

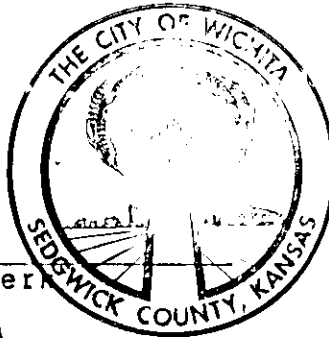
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

5. The vacation of the platted building setback described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 6th day of June, 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



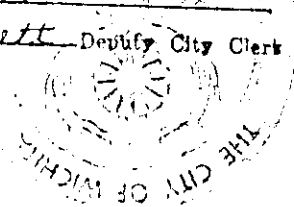
Bob Knight
Bob Knight, Mayor

Approved as to Form:

Thomas Powell
Thomas Powell, Director of Law

State of Kansas)
Sedgwick County) ss
City of Wichita)
I, PAT BURNETT, 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 JUN 13 1989

Pat Burnett Deputy City Clerk



KELLOGG

ENGLEWOOD			
2			II
6			7
ADD.			

CHRISTINE AVE.

A. J. CHRISTMAN			
2			II
6			7
ADD.			

LIGHTNER DR.

DAVIS			
19			
16			15
DRIVER			

PART OF HUDSON ADD.			
A 2			
19			
8			
6			
ADD.			

UNIVERSAL - 1ST ADD.			
-			
MOORE			

5TH			
ADD.			

COURTLEIGH EILERT			
6			
7			CH

1			20
MANOR			

CHRISTINE AVE.

1			22
PARK A			

LIGHTNER DR.

1			40
FAIRIE			

1			35
LEXINGTON RD.			

1			15
3			
7			9
8			
ROOKSIDE DR.			

1			30
4			

1			30
4			