

Planning Agenda Item # _____

City of Wichita
City Council Meeting
July 30, 1991

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V-1718 - REQUEST TO VACATE PLATTED BUILDING SETBACKS;
LOCATED NORTH OF 47TH ST. SOUTH IN AN AREA BETWEEN
OAKLAWN/SUNVIEW AND THE ARKANSAS RIVER. WOOD RIVER
ADDITION AND WOOD RIVER 2ND ADDITION.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of platted building setbacks.

MAPC Recommendation: Approve vacation of platted building setbacks.
(unanimous)

Background: A conditional use (CU-329) permit was obtained in June 1990 to allow manufactured homes in a "AA" one Family Subdivision. The applicant is requesting the vacation to create more buildable space for manufactured housing. A condition of this vacation was a restrictive covenant requiring all garages or carports observe a minimum 25 foot setback. County Engineering and the utility companies have indicated approval of this vacation. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions.

Legal Considerations: This request for vacation is located on property outside the City of Wichita, but within three miles thereof. As such, no petition, publication of notification or public hearing is required before the Wichita City Council.

Recommendations/Action: Approve vacation; accept and record the restrictive covenant.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF
Platted building setback

GENERALLY LOCATED
North of 47th St. South in an area
between Oaklawn/Sunview and the
Arkansas River. Wood River Addition
and Wood River 2d Addition. V-1718

STATE OF KANSAS
Sedgwick County
FILED FOR RECORD AT
11:00 A.M.
SEP 12 91 1159407
PAT KETTLER
REGISTER OF DEEDS

VACATION ORDER

NOW on this 11th day of September, 1991, at 9:00 o'clock A.M. comes on for hearing the petition for vacation filed by Smith & Co., praying for the vacation of the following described platted building setback.

See attachment "A"

the said petitioners being represented by their attorney,
n/a .

WHEREUPON, it is shown that proper notice has been given by publication in the Daily Reporter, a newspaper printed in the State of Kansas and being published in and for general circulation in Sedgwick County, Kansas, the first publication being made on the 16th, day of August, 1971, and proper proof of such publication being filed herein. The Board being advised in the premises find that such notice is in due legal form and conforms to K.S.A. 58-2613.

THEREAFTER, the matter is presented to the Board and the Board finds that no private rights will be injured or endangered by such vacation and that the public will suffer no loss or inconvenience thereby, and that in justice to the petitioners, their prayer should be granted and that no written objections have been filed hereto with the County Clerk.

Parenty Clerk
ATTN: Mary Ann

**MICROFILMED
OF RECORD**

The Board further finds that the Governing Body of the City of Wichita, by Resolution, at its regular meeting held on the 30th day of July, 1991, and the Metropolitan Area Planning Commission on the 20th day of June, 1991, recommended and approved the vacation of the above-described platted building setback.

IT IS, THEREFORE, BY THE BOARD OF COUNTY COMMISSIONERS, in regular session duly assembled, ordered that the above-described platted building setback is hereby vacated.

Billy Q. McCray
BILLY Q. MCCRAY, CHAIRMAN

ATTEST:

Don Wright
DON WRIGHT, COUNTY CLERK



APPROVED AS TO FORM:

Richard Euson
for RICHARD EUSON, ASST. COUNTY COUNSELOR

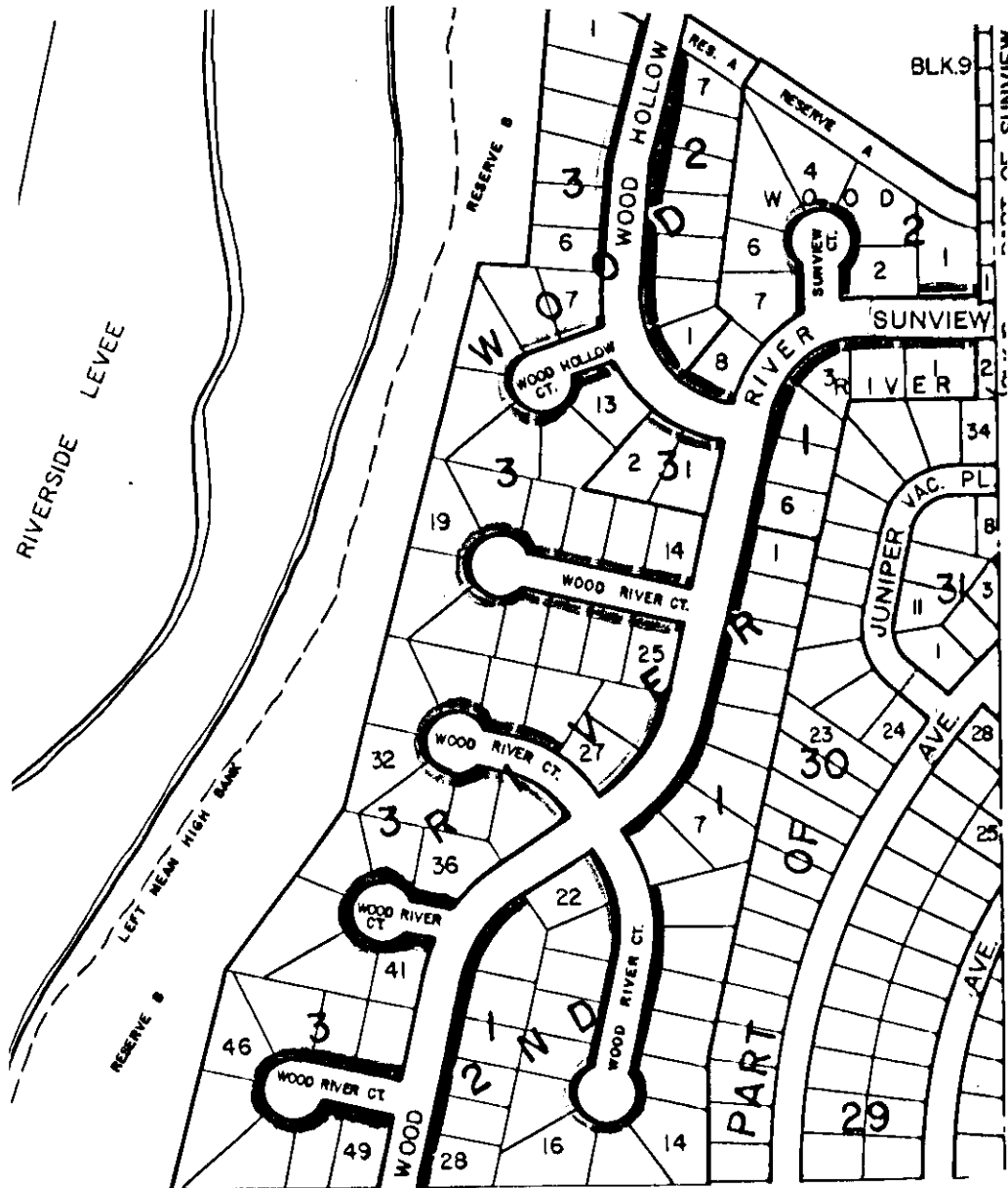
ATTACHMENT A

Five feet of all platted 25 foot setbacks EXCEPT on Lots 2 through 6, Block 2, and Ten feet of the platted 25 foot setbacks on Lots 2 through 6, Block 2 all in Wood River Addition, Sedgwick County, Kansas.

Five feet of all platted 25 foot setbacks EXCEPT on Lots 13 through 18, Block 1; Lots 7 through 13, Block 3; Lots 18 through 21, Block 3; Lots 30 through 34, Block 3; Lots 37 through 41, Block 3; and Lots 45 through 48, Block 3; and ten feet of the platted 25 foot setbacks on Lots 13 through 18, Block 1; Lots 7 through 13, Block 3; Lots 18 through 21, Block 3; Lots 30 through 34, Block 3; Lots 37 through 41, Block 3; and Lots 45 through 48, Block 3; all in Wood River 2nd Addition, Sedgwick County, Kansas.

T0700
T0102

Sketch.



Application Filed 5/23/91

S/D Comm. Action 6/13/91

M.A.P.C. Action _____

W.C.C. Action _____

Bd. Co. Co. Action _____

Order to Vacate Recorded _____