

Planning Agenda Item # _____

City of Wichita
City Council Meeting
January 29, 1991

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1694 - REQUEST TO VACATE A PORTION OF A
PLATTED BUILDING SETBACK, LOCATED NORTH OF HARRY AND EAST OF
MAIZE
(District #5)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of platted building setback.

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

Background: The applicant is requesting the vacation in order to clear title resulting from the house encroaching into the rear yard setback. The lot was platted with a 25-foot rear yard setback. A home was subsequently built, however, which only observed the typical 20-foot rear yard setback required under zoning. City Engineering and the utility companies have indicated their approval of the vacation. 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 A PLATTED BUILDING SETBACK.)
)
GENERALLY LOCATED NORTH OF HARRY)
AND EAST OF MAIZE ROAD. (V-1694))
)
)
)
MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 29th day of January, 1991, comes on for hearing the petition for vacation filed by Rodney and Teresa Neal, praying for the vacation of the following described building setback, to-wit:

That part of the rear 25 foot building setback of Lot 10, Block 1, Miles Lakewood Village Second Addition, Wichita, Sedgwick County, Kansas, described as commencing at the southeast corner of said Lot 10; thence $N46^{\circ}16'17''W$, along the easterly line of said Lot 10, 27.38 feet to the intersection of said 25 foot setback line; thence $S67^{\circ}46'49''W$, along said setback line, 34.69 feet for a place of beginning; thence $S67^{\circ}46'49''W$, along said setback line 41.74 feet; thence $S31^{\circ}24'37''E$, 9.75 feet; thence $N58^{\circ}25'23''E$, 41.2 feet; thence $N31^{\circ}24'37''W$, 3.09 feet to the place of beginning.

FILE COPY

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 Reporter of notice of this vacation proceeding for consecutive weeks on _____.

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-1694
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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 29th day of January, 1991, ordered that the above-described platted 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, Mayor

ATTEST:

Pat Burnett, Deputy City Clerk

Approved as to Form:

Thomas Powell, Director of Law

