

Planning Agenda Item # _____

City of Wichita
City Council Meeting
June 30, 1992

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1770 - Request to vacate portions of
building setbacks located in an area west of Oliver and
North of Kellogg.
(District #2)

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of building setbacks.

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

Background: Although an existing house has occupied this site for many years, it was just recently discovered that portions of two building setbacks from the two adjacent streets were being encroached. The applicant is requesting the vacation in order to clear the title to the property. The subdivision and Utility Advisory Committee indicated that the vacation would cause no harm.

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 the vacation; authorize the Mayor to sign the Vacation Order; and record certified copy of Vacation Order, recording costs be billed to 150029-2909.

272

1992

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

IN THE MATTER OF THE VACATION OF)
PORTIONS OF PLATTED BUILDING SETBACKS)
)
GENERALLY LOCATED WEST OF OLIVER AND)
NORTH OF KELLOGG (V-1770))
)
MORE FULLY DESCRIBED BELOW)

V-1770

VACATION ORDER

NOW on this 30th day of June 1992, comes on for hearing the petition for vacation filed by William M. Humphrey, etux, praying for the vacation of the following described building setbacks, to-wit:

That portion of a building setback described as:
That part of Lot 1, Block 13, Lincoln Heights an addition to Wichita, Sedgwick County, Kansas, described as commencing at the northerly most corner of said Lot 1; thence S. 44 degrees 50' W. along the northwesterly line of said Lot 1, 43.47 feet; thence S. 45 degrees 10' E., 29.79 Feet for a point of beginning; thence S. 16 degrees 31' 30" E., 5.93 feet; thence N. 44 degrees 50' E., 12.38 feet; thence S. 73 degrees 28' 03" W., 10.41 feet to the point of beginning

and

That portion of a building setback described as:
That part of Lot 1, Block 13, Lincoln Heights an addition to Wichita, Sedgwick County, Kansas, described as commencing at the easterly most corner of said Lot 1; thence S. 60 degrees 00' W. along the northeasterly line of Said Lot 1, 53.12 feet; thence S. 30 degrees 00' W., 20.98 feet for a point of beginning; thence S. 16 degrees 31' 30" E., 13.11 feet; thence N. 60 degrees 00' W., 18.07 feet; thence N. 73 degrees 28' 03" E., 12.43 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 Reporter of notice of this vacation proceeding for consecutive weeks on 6-12-92 and 6-19-92.
2. No private rights will be injured or endangered by the vacation of the above-described building setbacks, and the public will suffer no loss or inconvenience thereby.

8.00ck

City Clerk

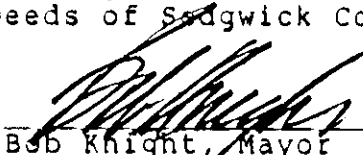
Vacation Order
V-1770
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3. In justice to the petitioner(s), the prayer of the petition ought to be granted.

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 building setbacks described herein should be approved.

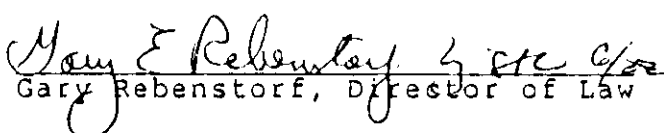
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 30th day of June, 1992, ordered that the above-described setbacks are hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

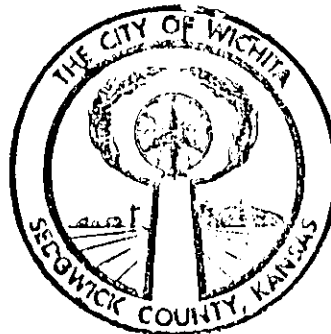

Bob Knight, Mayor

ATTEST:


Pat Burnett, Deputy City Clerk

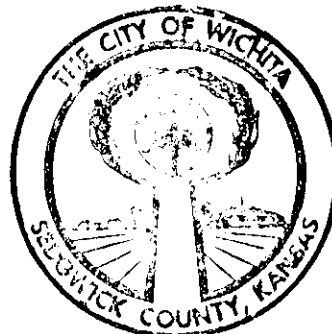
Approved as to Form:


Gary Rebenstorf, Director of Law

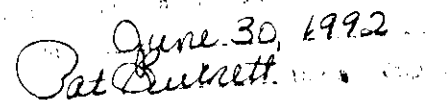


MICROFILMED
OF RECORD

STATE OF KANSAS
SEDCWICK COUNTY
FILED
8-00
AUG 27 1992 1231651
PAT KETTLER
REGISTER OF DEEDS




Ed Gasa
County

PAT BURNETT
June 30, 1992


A hand-drawn survey map of a property. The map shows a large rectangular lot with a north arrow pointing towards the bottom-left. The lot is divided into several areas:

- Top-left:** A small triangular area labeled "A" with a "P.O.B." (Point of Beginning) and a "Bldg." (Building) footprint. Measurements include 29.79, 51.46, and 25.1.
- Top-right:** A small triangular area labeled "B" with a "P.O.B." and a "Bldg." footprint. Measurements include 98.65, 53.12, and 20.98.
- Center:** A large irregular area labeled "# 4701" with a "P.O.B." and a "Bldg." footprint. Measurements include 105, 13, 39.7, and 3.5.
- Bottom-left:** A large area labeled "gar" (garage) with a "P.O.B." and a "Bldg." footprint. Measurements include 19, 19, 12, and 12.
- Bottom-right:** A small rectangular area labeled "San. Sew." (Sanitary Sewer) with a "P.O.B." and a "Bldg." footprint. Measurements include 44.58 and 12.15.

The map also includes various other measurements and labels:

- Top boundary:** 98.65, 53.12, 20.98.
- Right boundary:** 109.95.
- Left boundary:** 43.47, 100.
- Bottom boundary:** 44.58, 12.15, 10, 35.
- Internal measurements:** 29.79, 51.46, 25.1, 105, 13, 39.7, 3.5, 19, 19, 12, 12.
- Labels:** "A", "B", "# 4701", "gar", "San. Sew.", "P.O.B.", "Bldg.", "Easmt", "Util.", "35'".

98.65

20.28

Bkly.

109.55

р. а. в.

44.58

DOB

San. Sew.