

Planning Agenda Item # _____

City of Wichita
City Council Meeting
January 14, 1992

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1746 REQUEST TO VACATE A PORTION OF A
BUILDING SETBACK AND UTILITY EASEMENT IN AN AREA SOUTH OF
21ST ST. NORTH AND WEST OF 119TH ST. WEST.
(District #5)

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of setback and utility
easement.

MAPC Recommendation: Approve vacation of setback and utility
easement. (unanimous)

Background: A minor encroachment into the platted building setback
and utility easement was found for an existing home. The vacation is
needed to clear the property's title. Because of the minor nature of
the encroachment, City Engineering, the utilities, and the Subdivision
Committee have indicated that the vacation should have no adverse
effects. 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

1-14-92

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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 SET-)
BACK AND UTILITY EASEMENT.)
)
GENERALLY LOCATED SOUTH OF 21ST ST. N.)
AND WEST OF 119TH ST. WEST. (V-1746))
)
)
MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 14th day of January, 1992, comes on for hearing the petition for vacation filed by Russell S. Bastin, praying for the vacation of the following described building setback and utility easement, to-wit:

Commencing at the southwest corner of Lot 24, Block B, Teal Brook Estates, an addition to Wichita, Sedgwick County, Kansas; thence N01°45'52"W, along the west line of said Lot 24, 40.75 feet; thence S89°32'47"E, 39.89 feet to a point on the 30 foot platted building setback and sanitary sewer easement line; thence northeasterly along said line, 4.55 feet; thence S00°27'13"W, 2.42 feet; thence N89°32'47"W, 3.86 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 12/30/91 & 1/6/92.

2. No private rights will be injured or endangered by the vacation of the above-described setback and utility easement, 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.

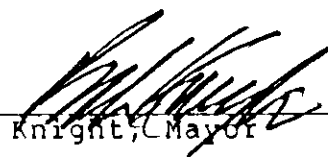
5. The vacation of the setback and utility easement described herein should be approved.

MICROFILMED
OF RECORD

g.oo.k City Clerk

Vacation Order
V-1746
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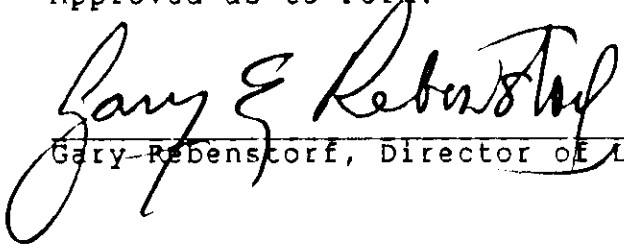
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 14th day of January, 1992, ordered that the above-described setback and utility easement is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

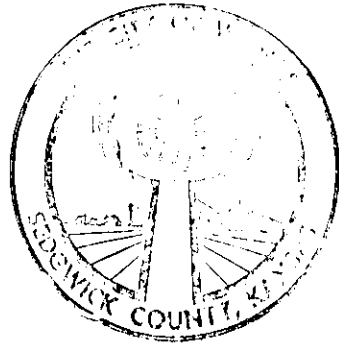

Bob Knight, Mayor

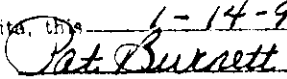
ATTEST:


Pat Burnett, Deputy City Clerk

Approved as to Form:


Gary E. Rebnstorf, Director of Law

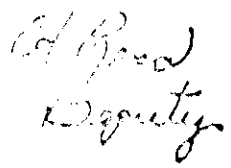


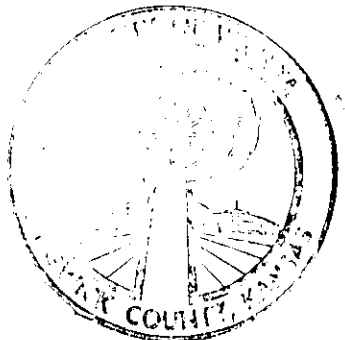
State of Kansas)
Sedgwick County) ss
City of Wichita)
I, Pat Burnett, Deputy City Clerk of the City
of Wichita, Kansas, hereby certify that the document
to which this is attached is a true and correct copy of
the original on file in the office of the City Clerk.
Given under my hand and seal of the City of
Wichita, this 1-14-92
 Deputy City Clerk

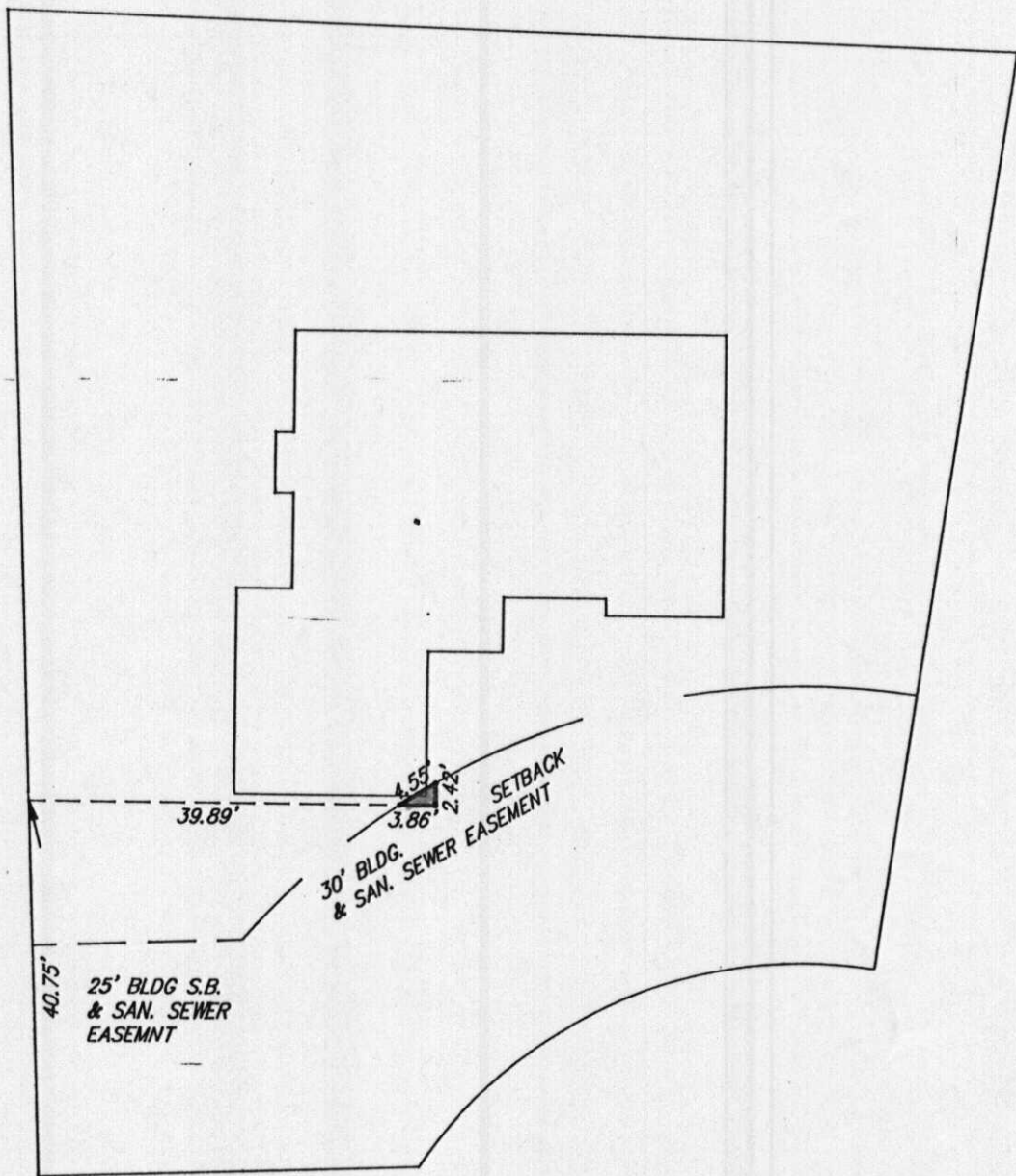
STATE OF KANSAS) ss
SEDGWICK COUNTY)
FILED FOR DEEDS)

JAN 14 1992

PAT KETTLER
DEPUTY CLERK OF DEEDS







TEAL BROOK COURT