

Planning Agenda # _____

**City of Wichita
City Council Meeting
April 12, 1994**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1859 GERALD AND PRISCILLA
O'SHAUGHNESSY'S REQUEST TO VACATE A BUILDING SETBACK
LOCATED EAST OF ROCK ROAD AND NORTH OF CENTRAL
(District #2)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

W Krout

Staff Recommendation: Approve vacation of building setback.

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

Background: The building setback involved in this vacation was originally platted to an adjacent public street. That street was, however, vacated a number of years ago. The building setback, though, was not vacated at that time. The applicant is now planning an addition to an existing house, that would encroach this building setback. Since a public street is no longer involved, the Subdivision Committee has agreed that the previously platted setback is unnecessary and the portion requested for vacation is acceptable. City Engineering and the utilities have also noted that no utilities will be impacted by 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/Actions:

Close the public hearing, approve the vacation;
authorize the Mayor to sign the Vacation Order; and
record the certified copy of the Vacation 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
BUILDING SETBACK

GENERALLY LOCATED EAST OF ROCK
ROAD AND NORTH OF CENTRAL, 2ND
ADDITION TO VICKRIDGE

MORE FULLY DESCRIBED BELOW

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)
)
) Case No. V-1859
)
)
)

VACATION ORDER

NOW on this 12TH day of April, 1994, comes on for hearing the petition for vacation filed by Gerald and Priscilla O'Shaughnessy, by Gary Wiley, P.A., Agent, praying for the vacation of the following described building setback, to-wit:

That portion of platted building setback described as:

The north 15 feet of the south 30 feet of the west 120 Feet of the east 160 Feet of Lot 1, Block 2, Second Addition to Vickridge, Sedgwick County, Kansas

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 4-1-94 & 4-8-94.

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.

MICROFILMED
OF RECORD

g.ck

City Clerk

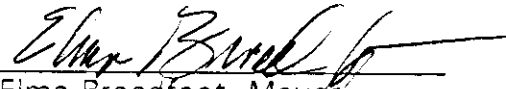
150029 2909

8'

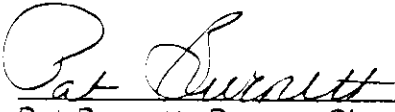
Vacation Order
V - 1859

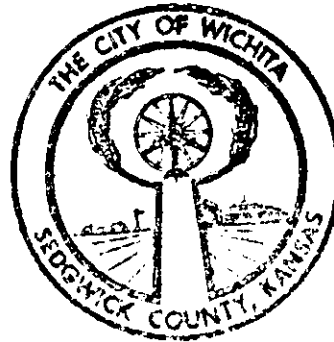
Page 2 of 2

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 12th day of April, 1994, 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.

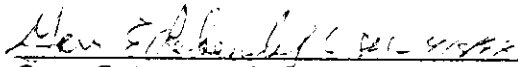

Elma Broadfoot, Mayor

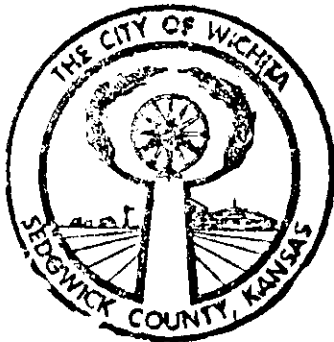
ATTEST:

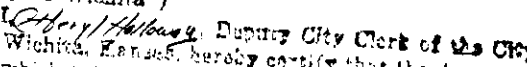
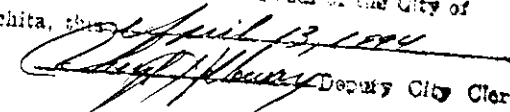

Pat Burnett, Deputy City Clerk



Approved as to Form:

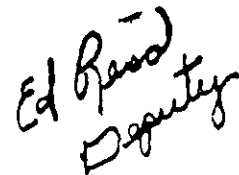

Gary Rebenstorf, Director of Law



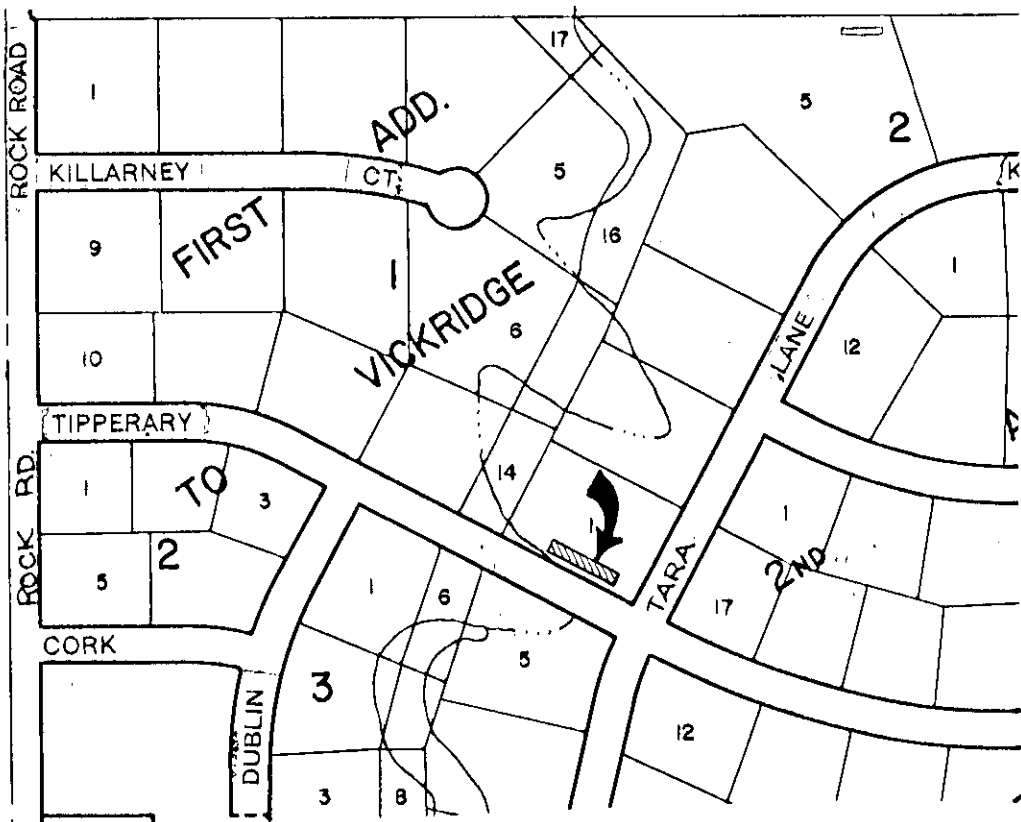
State of Kansas)
Sedgwick County) ss
City of Wichita)
I, , Deputy City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is affixed is a true and correct copy of the original on file in the office of the City Clerk. Given under my hand and seal of the City of Wichita, this  April 13, 1994.
Deputy City Clerk



STATE OF KANSAS } 58
SEDGWICK COUNTY }
FILED FOR RECORD AT
8:00 AM
JUL 21 1994
1398238
NO. PAT KETTLER
REGISTER OF DEEDS


Ed Reed
Deputy

Sketch.



Application Filed 2/14/94 W.C.C. Action 4-12-94 Approved
S/D Comm. Action 3/3/94 App.
Bd. Co. Co. Action _____
M.A.P.C. Action >
3-10-94 Approved Order to Vacate Recorded July 21, 1994
1398738