

Planning Agenda Item # _____

City of Wichita
City Council Meeting
December 15, 1992

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1790 REQUEST TO VACATE A BUILDING SETBACK
AND UTILITY EASEMENT
(District #5)

INITIATED BY: Metropolitan Area Planning Department *W Krout*

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of the building setback and utility easement.

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

Background: The vacation is being requested to allow for a better location and orientation of planned multi-family housing units located adjacent to a golf course. In terms of the utility easement both City Engineering and the utility representatives of the Subdivision Committee indicate that no utilities are involved in the easement. The Subdivision Committee also indicates that no adverse effects should result from vacation of the associated building setback. 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 the public hearing, approve the vacation; authorize the Mayor to sign the Vacation Order; and record certified copy of the Vacation Order; recording costs to be billed to:

150029-2909

FILE COPY

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

IN THE MATTER OF THE VACATION OF A)
UTILITY EASEMENT AND BUILDING SETBACK)
)
GENERALLY LOCATED SOUTH OF 29TH STREET)
NORTH AND EAST OF ROCK ROAD (V-1790))
)
)
MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 15TH day of December, 1992, comes on for hearing the petition for vacation filed by Gaddis Properties, praying for the vacation of the following described utility easement and building setback, to-wit:

The north 10 feet of the east 255 feet and the east 10 feet of Lot 1, Block 1, Windemere Second Addition, an addition to Wichita, 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 _____.
2. No private rights will be injured or endangered by the vacation of the above-described utility easement and 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 utility easement and building setback described herein should be approved.

Vacation Order
V-1790
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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 15th day of December, 1992, ordered that the above-described utility easement and 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.

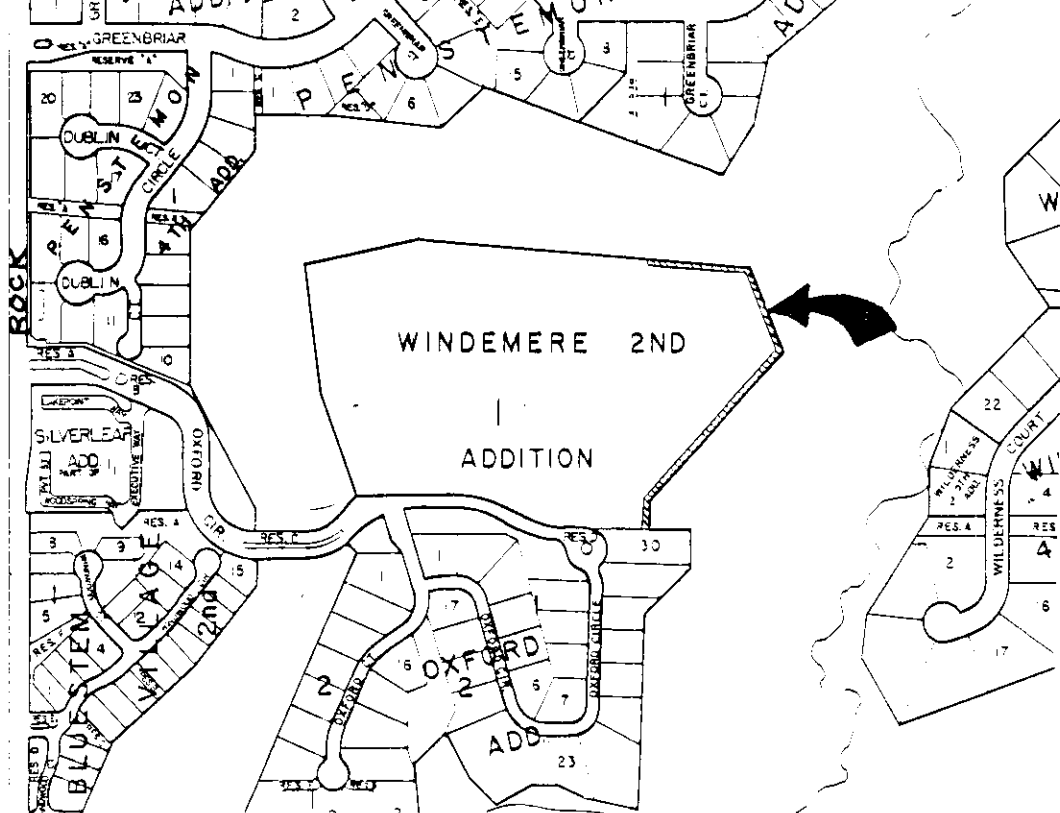
Frank M. Ojile, Mayor

ATTEST:

Pat Burnett, Deputy City Clerk

Approved as to Form:

Gary Rebenstorff, Director of Law



Application Filed 10/26/92

S/D Comm. Action ~~10/28/92~~ 11-12-92

M.A.P.C. Action 11/19/92

W.C.C. Action 12-15-92 Approved

Bd. Co. Co. Action _____

Order to Vacate Recorded _____

February 4, 1993