

Planning Agenda # _____

**City of Wichita
City Council Meeting
February 7, 1995**

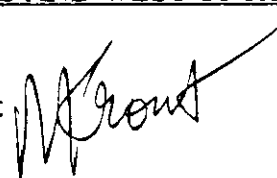
Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1899 REQUEST TO VACATE A BUILDING
SETBACK LOCATED SOUTH OF DOUGLAS AND WEST OF ROCK.
(District #2)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning



Staff Recommendation: Approve vacation of building setback.

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

Background: This is a request to vacate 25 feet of a 35 foot side yard setback originally platted because of requirements in the Community Unit Plan, which presumed that adjoining lots would develop under separate ownerships. The adjoining properties are, however, under the same ownership and the applicant is requesting the vacation in order to provide more area for a proposed office building. No municipal or other utilities will be impacted by the vacation, and Planning Department staff agrees that the setback is not necessary. 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	)	
A BUILDING SETBACK	)	
	)	
GENERALLY LOCATED SOUTH OF	)	Case No. V-1899
DOUGLAS AND WEST OF ROCK	)	
	)	
<u>MORE FULLY DESCRIBED BELOW</u>	)	

VACATION ORDER

NOW on this 7th day of February, 1995, comes on for hearing the petition for vacation filed by Roger Farrow, etal, praying for the vacation of the following described building setback, to-wit:

That portion of a building setback described as:
Commencing at a point 35' E and 10' N of the SW Corner of Lot 12, Block 1, Rockwood South Fifth Addition to Wichita, Sedgwick County, Kansas, thence E 146.62', thence N 25' , thence W 146.62', thence S 25' 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 1/20/95 + 1/27/95.
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.

City Clerk

1500292909

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Vacation Order
V - 1899

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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.

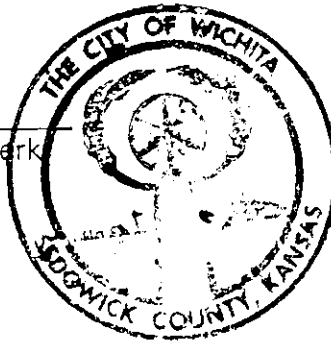
5. The vacation of the building setback described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 7th day of February, 1995, 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.

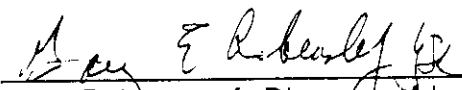

Elma Broadfoot, Mayor

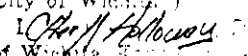
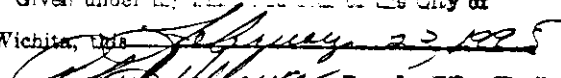
ATTEST:

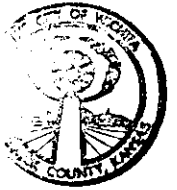

Pat Burnett, Deputy City Clerk



Approved as to Form:


Gary Rebenstorf, Director of Law

State of Kansas,
Sedgwick County, ss.
City of Wichita, ss.
I,  Cheryl Holloway, Deputy City Clerk of the City of Wichita, do hereby certify that the document to which this is attached is a true and correct copy of the original on file in the City Clerk's Office.
Given under my hand and seal of the City of Wichita, this  23rd day of February, 1995.
CHERYL HOLLOWAY, Deputy City Clerk



STATE OF KANSAS } 88
SEDGWICK COUNTY }
FILED FOR RECORD AT

MAR 07 1995
1439738

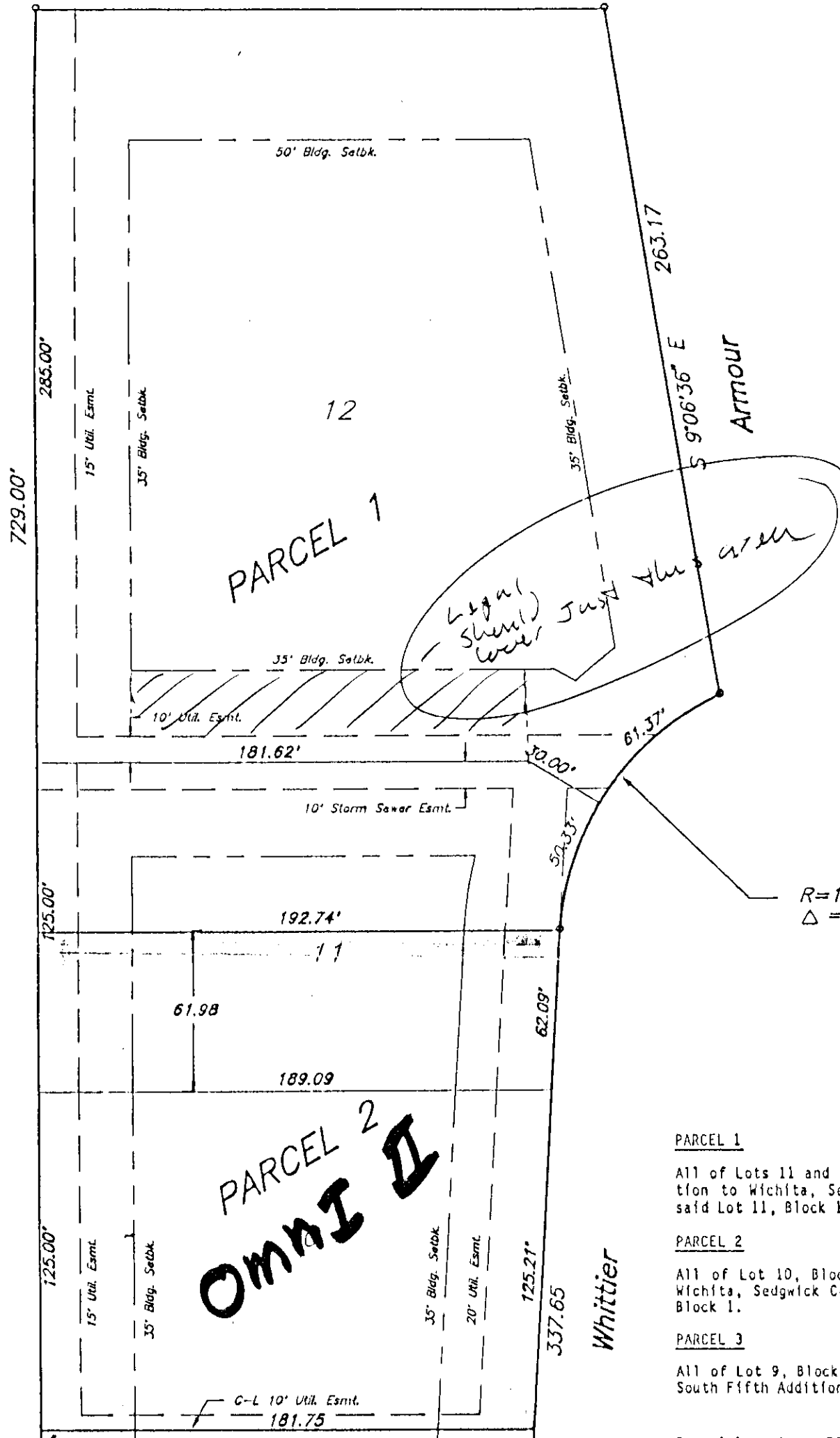
NO. PAT KETTLER
REGISTER OF DEEDS


Ed Reed
Deputy



Douglas

N 89°53'24" E 210.47



Scale: 1" = 50'

PARCEL 1

All of Lots 11 and 12, Block 1, Rockwood South Fifth Addition, an addition to Wichita, Sedgwick County, Kansas, except the South 61.98' of said Lot 11, Block 1.

PARCEL 2

All of Lot 10, Block 1, Rockwood South Fifth Addition, an addition to Wichita, Sedgwick County, Kansas, and the South 61.98' of said Lot 11, Block 1.

PARCEL 3

All of Lot 9, Block 1, and the North 69.00' of Lot 8, Block 1, Rockwood South Fifth Addition, an addition to Wichita, Sedgwick County, Kansas.