Planning Agenda #_____

City of Wichita
City Council Meeting
February 7, 1995

Agenda Report #_____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1882 REQUEST TO VACATE A PORTION OF A BUILDING SETBACK IN AN AREA WEST OF TYLER AND SOUTH OF MAPLE (District #5)

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: Rather than the present day sideyard setback of 15-feet, this property was platted with a 30-foot setback to Tyler Road. This property also has a 30-foot front yard setback to Tippecanoe. The applicant is requesting the vacation in order to provide additional area needed for construction of a detached garage. City Engineering and the utility representatives of the Subdivision Committee have indicated that no utilities are impacted by the vacation. As a condition of the vacation, the applicant has agreed to dedicate complete access control to Tyler from this lot and also is granting two (2) additional feet of utility easement along the lot's south line. 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: Accept the dedications of access control and utility easement; and close the public hearing; approve the vacation; authorize the Mayor to sign the vacation order; record the Certified copy of the vacation order; the dedication of access control and the utility easement; recording costs to be billed to: 150029-2909

MICROFILMED OF RECORD

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

IN THE MATTER OF THE VACATION OF A BUILDING SETBACK	)	
GENERALLY LOCATED WEST OF TYLER AND SOUTH OF MAPLE	)	Case No. V-1882
MORE FULLY DESCRIBED BELOW	)	

VACATION ORDER

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

A portion of a building setback described as:
The west of 15 feet of the 30 foot building setback platted adjacent to the east line of Lot 1, Block U, Callahan Addition, Sedgwick County, Kansas, except the north 30 feet thereof.

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 1/23/95 & 1/30/95

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.

ck City Clerk

150029 2909 8-

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

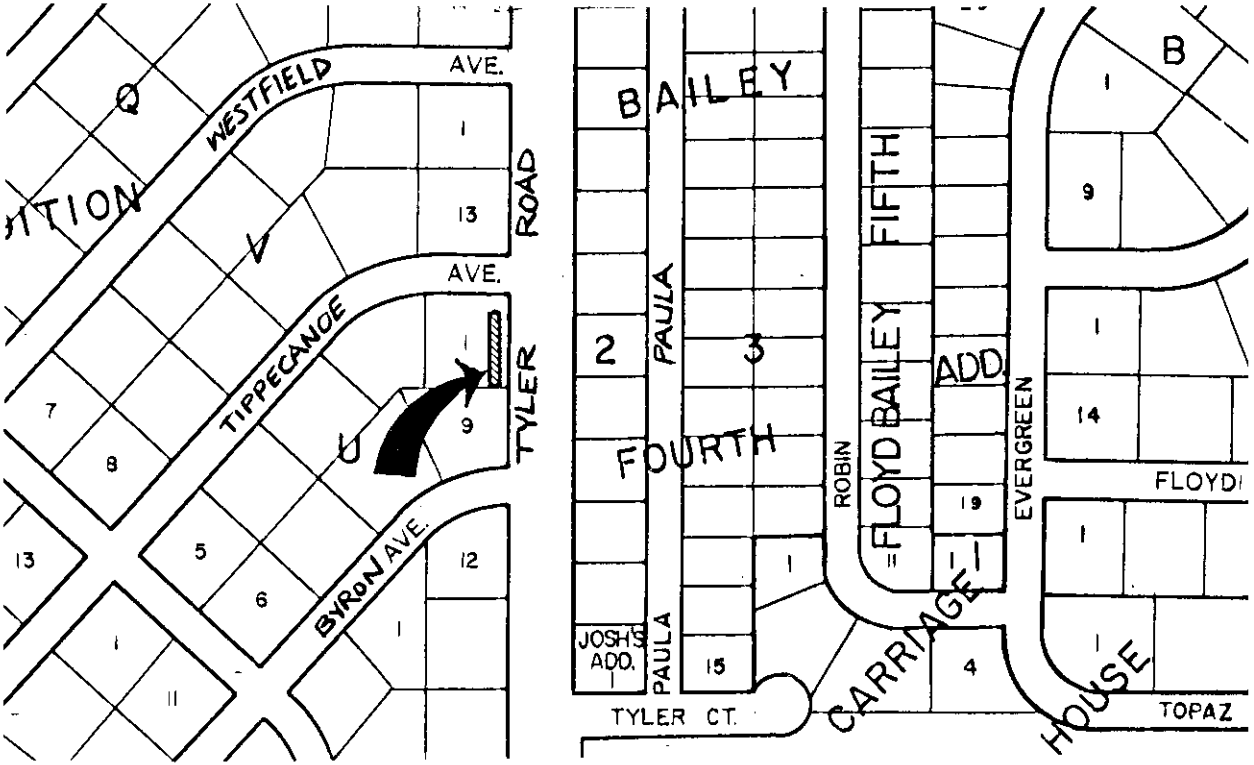
ATTEST:

Pat Burnett, Deputy City Clerk

State of Kansas)
Sedgwick County) ss
City of Wichita)
I Cheryl Holloway, Deputy City Clerk of the City of Wichita, Kansas, do hereby certify 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 the seal of the City of Wichita, this February 23 1995

Deputy City Clerk
CHERYL HOLLOWAY

STATE OF KANSAS } ss
SEDGWICK COUNTY }
FILED FOR RECORD AT 8:00 A M
MAR 07 1995
NO. 1439735
PAT KETTLER
REGISTER OF DEEDS
Ed Reed
Deputy



Application Filed 7/18/94 W.C.C. Action 2-7-95 Approved

S/D Comm. Action 8/4/94 Approved (5-0) Bd. Co. Co. Action

M.A.P.C. Action > Approved - Unanimous Order to Vacate Recorded March 7, 1995