

Planning Agenda # _____

**City of Wichita
City Council Meeting
August 30, 1994**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1875 REQUEST TO VACATE A BUILDING
SETBACK WEST OF MERIDIAN AND NORTH OF PAWNEE
(District #4)

INITIATED BY: Metropolitan Area Planning Department

W. Kroul

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of building setback.

MAPC Recommendation: Approve vacation of building setback. (Unanimous--Bill Johnson abstained)

Background: A planned expansion for an existing plant was prepared under the belief that no building setback existed to Sheridan. Because construction plans were prepared under that assumption, the applicant is requesting to vacate the area needed for the expansion in order to avoid a costly redesign of the development. Sheridan at this time does not cross the railroad tracks to the south and was platted with 80-feet of right-of-way or more than the 70-feet that would be required for a present day industrial street. Unless Sheridan was ever to extend across the railroad tracks, this segment of Sheridan could itself be considered for 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

This AUG 30 1994

FILM 1480 PAGE 0816

Page 1 of 2

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

IN THE MATTER OF THE VACATION OF
BUILDING SETBACK

GENERALLY LOCATED WEST OF
MERIDIAN AND NORTH OF PAWNEE

MORE FULLY DESCRIBED BELOW



Case No. V-1875

STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AT
1:00 P M

OCT 5 1994

NO. 1413504
PAT KETTLER
REGISTER OF DEEDS

*Ed Reed
Deputy*

VACATION ORDER

NOW on this 30TH day of August, 1994, comes on for hearing the petition for vacation filed by Dwayne Shannon for Metal Fab, praying for the vacation of the following described building setback, to-wit:

That portion of a building setback described as:

Beginning 35' south of the NW corner of Lot 1, Block A Metal Fab Addition to Wichita, Sedgwick County, Kansas going south 382.75', thence going east 35', thence going north 382.75', thence going west 35' to the point of beginning said parcel being the 35' setback area along Sheridan Avenue.

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 8/19/94 & 8/26/94.
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

80

City Clerk

Vacation Order
V - 1875

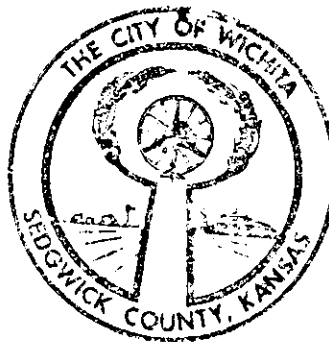
Page 2 of 2

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 30th day of August, 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.

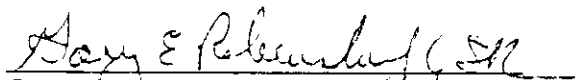

Elma Broadfoot, Mayor

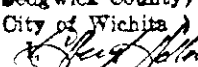
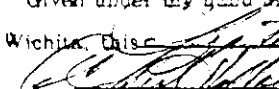
ATTEST:

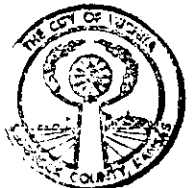

Pat Burnett, Deputy City Clerk

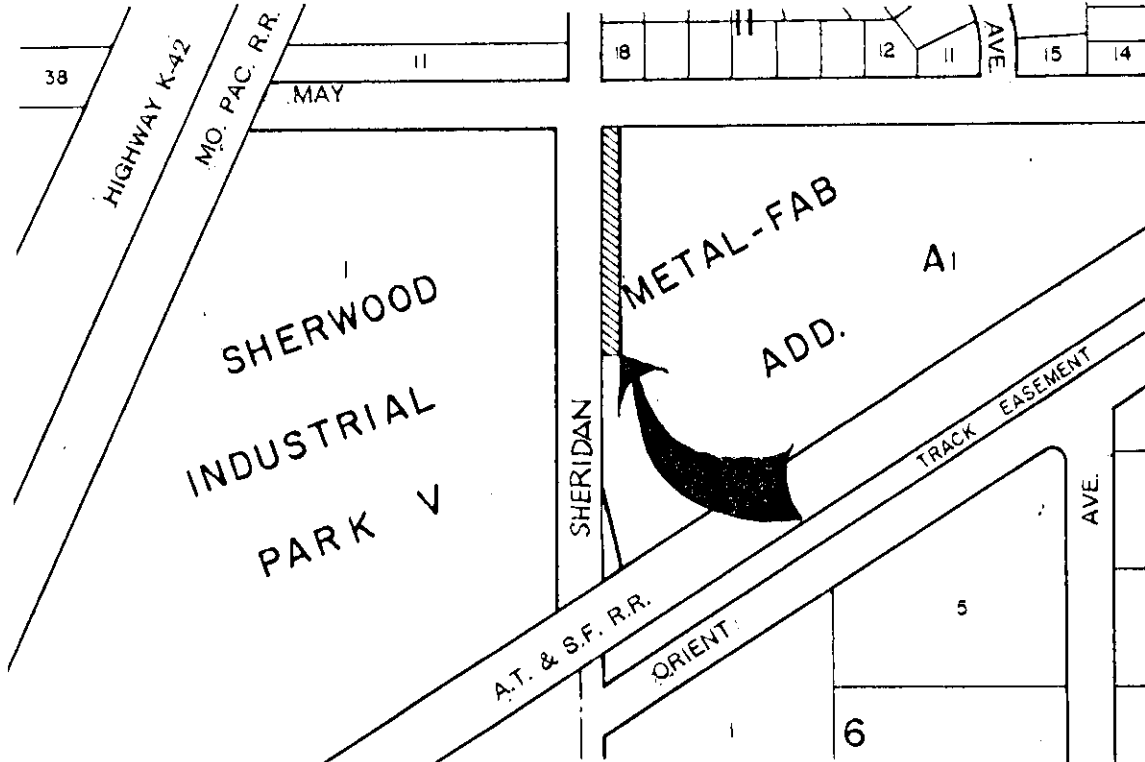


Approved as to Form:


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 September 6, 1994.
 Deputy City Clerk





Application Filed 5/23/94
S/D Comm. Action 6/9/94

M.A.P.C. Action 6 > 16/94

W.C.C. Action 8-30-94 Approved

Bd. Co. Co. Action _____

Order to Vacate Recorded October 5, 1994