Planning Agenda #_____

City of Wichita
City Council Meeting
May 17, 1994

Agenda Report #____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1863 REQUEST TO VACATE A PORTION OF A PLATTED BUILDING SETBACK AND UTILITY EASEMENT LOCATED WEST OF RIDGE RD. AND NORTH OF 13TH ST. NORTH
(District #5)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

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

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

Background: A recent zone change to "C" commercial zoning was approved for this site in order to allow for installation of a baseball batting cage facility. However, a portion of the site encumbered by a building setback and utility easement. Consequently, to build the batting cage, a vacation of this setback and easement is also needed. While City Engineering indicated that a sewer line is in the easement area, it was far enough away so as not to be impacted by the vacation. In regards to the building setback, the Subdivision Committee and Planning Commission felt that no negative impact would result. As a requirement of the zoning case, a covenant was required, limited how the area of the zone change and vacation could be used. This covenant has been submitted for recording with this vacation case.

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 and Restrictive Covenant; recording costs to be billed to:

150029-2909

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Approved / Accepted By City Council

This MAY 17 1994

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

IN THE MATTER OF THE VACATION OF A BUILDING SETBACK AND UTILITY EASEMENT	)	
GENERALLY LOCATED WEST OF RIDGE AND NORTH OF 13TH ST. NORTH	)	Case No. V-1863
MORE FULLY DESCRIBED BELOW	)	

MICROFILMED OF RECORD

VACATION ORDER

NOW on this 17th day of May, 1994, comes on for hearing the petition for vacation filed by Mark Strandiford, praying for the vacation of the following described building setback and utility easement, to-wit:

Vacation of Utility Easement legally described as: The south 6 feet of the west 9 feet of the east 20 feet of Lot 1, and the north 54 feet of the west 9 feet of the east 20 feet of Lot 2, Block A, Brock Addition, Wichita, Sedgwick County, Kansas

Vacation of Building Setback legally described as: The south 6 feet of the west 24 feet of the east 35 feet of Lot 1, and the north 54 feet of the west 24 feet of the east 35 feet of Lot 2, Block A, Brock Addition, 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 5-6-94 + 5-13-94.

2. No private rights will be injured or endangered by the vacation of the above-described building setback & utility easement, 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.

3.00 ck. City Clerk 150029 8901 8-

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

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 17th day of May, 1994, ordered that the above-described building setback & utility easement 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

THE CITY OF WICHITA SEDGWICK COUNTY, KANSAS

Approved as to Form:

Gary Rebenstorf, Director of Law

State of Kansas)
Sedgwick County) ss
City of Wichita)

I, Cheryl Holloway, 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 the the City Clerk.

Given under my hand and seal of the City of Wichita, this 16th day of May, 1994.

Cheryl Holloway, Deputy City Clerk

STATE OF KANSAS) ss
SEDGWICK COUNTY)

FILED FOR RECORD AT 8:00 A.M.

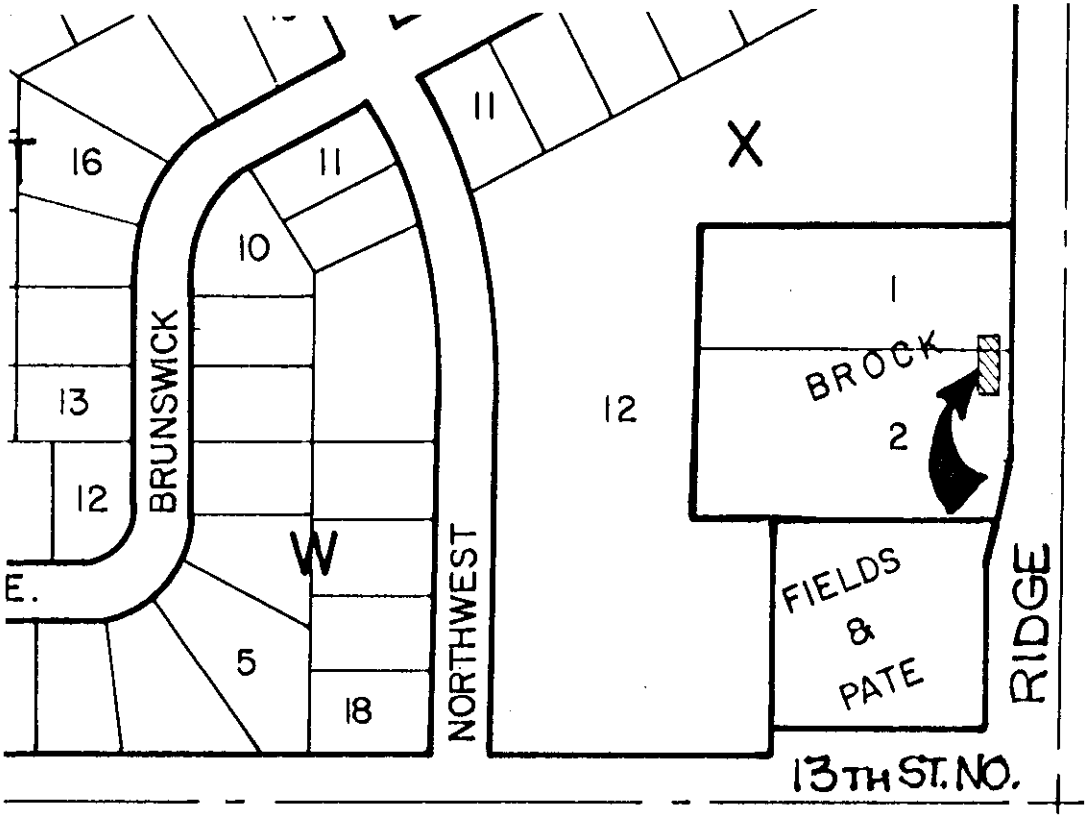
JUN 16 1994

NO. 1389995

PAT KETTLER
REGISTER OF DEEDS

Ed Reed
Deputy

REGISTER OF DEEDS SEDGWICK COUNTY KANSAS



Application Filed 3/15/94
S/D Comm. Action 3/31/94
App.
M.A.P.C. Action 4 > 7
App

W.C.C. Action 5-17-94 Approved

Bd. Co. Co. Action

Order to Vacate Recorded June 16, 1994