

Planning Agenda # _____

**City of Wichita
City Council Meeting
February 4, 1997**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2011 REQUEST TO VACATE A BUILDING SETBACK
IN AN AREA NORTH OF 21ST STREET NORTH AND WEST OF COOLIDGE,
(District #6)

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: The applicant is requesting the vacation of a building setback in order to accommodate the building foot print for a proposed Albertson's Supermarket on this site. This site was replatted in September/October of 1996; building setbacks were shown on this plat. Since platting, the applicants have made adjustments to the building plans. These adjusted plans require a setback of 100 feet. An adjustment to the CUP has been made, but the setback must also be vacated on the plat. City Engineering and the utility representatives had indicated that this vacation is acceptable. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions. No members of the public addressed the MAPC in opposition to this request.

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

MICROFILMED
OF RECORD

This FEB 4 1997

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copy

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

IN THE MATTER OF THE VACATION OF
BUILDING SETBACK

GENERALLY LOCATED
NORTH OF 21ST STREET NORTH AND
WEST OF COOLIDGE

MORE FULLY DESCRIBED BELOW

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Case No. V-2011



STATE OF KANSAS
SEDGWICK COUNTY, KS
FILED FOR RECORD AT
10:00 A.M.
1589607 & 105
LARRY CONSOLVER
REGISTER OF DEEDS
Diana Markheim
Deputy

VACATION ORDER

NOW on this 4th day of February, 1997, comes on for hearing the petition for vacation filed by Albertson's Inc., praying for the vacation of the following described building setback, to-wit:

The west 45 feet of the east 145 feet of Lot 1, Amidon Plaza 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 1/22/97 & 1/29/97
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.

3:00
ck

City Hall City Clerk

8:00
150029

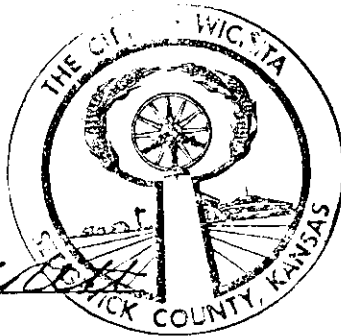
Vacation Order
V - 2011

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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 4th day of February, 1997, 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.

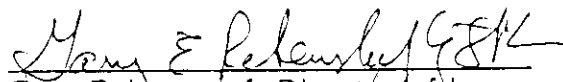
ATTEST:

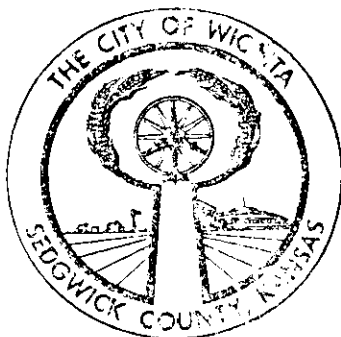

Pat Burnett, City Clerk




Bob Knight, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law



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

I, Pat Burnett 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.

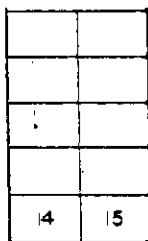
FEB 4 1997

 City Clerk

EXCEPT

3449 Z

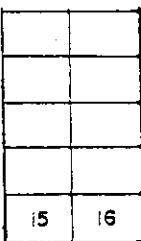
AMIDON



14

15

RIVERLAWN



15

16

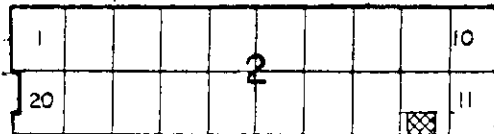
PERRY



16

17

TWENTY THIRD ST.

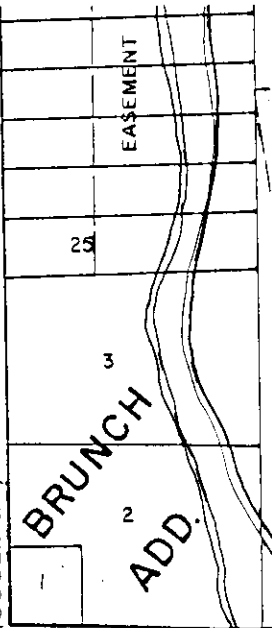


VACATED

ADD



COOLIDGE



EASEMENT

25

3

2

ADD.

BRUNCH

TWENTY FIRST ST.