Planning Agenda #_____

City of Wichita
City Council Meeting
December 3, 1996

Agenda Report #_____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2000 REQUEST TO VACATE A BUILDING SETBACK LOCATED IN AN AREA NORTH OF 21ST STREET NORTH AND WEST OF TYLER ROAD.
(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: This vacation request is being proposed in order to clear the title on this property because the house on this lot was mistakenly constructed within the 25 foot building setback. Because construction is complete, the vacation of 2.5 feet of the 25 foot building setback should be granted. 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

FILM 1668 PAGE 012

MICROFILMED OF RECORD

Approved / Accepted By City Council
This DEC 3 1996

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 TYLER ROAD)
)
MORE FULLY DESCRIBED BELOW)

Case No. V-2000

STATE OF KANSAS } SS
SEDGWICK COUNTY }
FILED FOR RECORD AT 2:00 PM
1580642 5225
HARRY CONSOLVER
REGISTER OF DEEDS
Deputy

REGISTER OF DEEDS SEDGWICK COUNTY KANSAS

VACATION ORDER

NOW on this 3rd day of December, 1996, comes on for hearing the petition for vacation filed by Miles Millspaugh, praying for the vacation of the following described building setback, to-wit:

East 2.5 feet of west 25 feet except the north 10.0 feet and the south 35.0 feet of Lot 44, Block 2, Bradford South 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 11/15/96 11/22/96

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 cc

City Clerk

$8.00
150029-2909

Vacation Order
V - 2000

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 3rd day of December, 1996, 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.

Bob Knight, Mayor

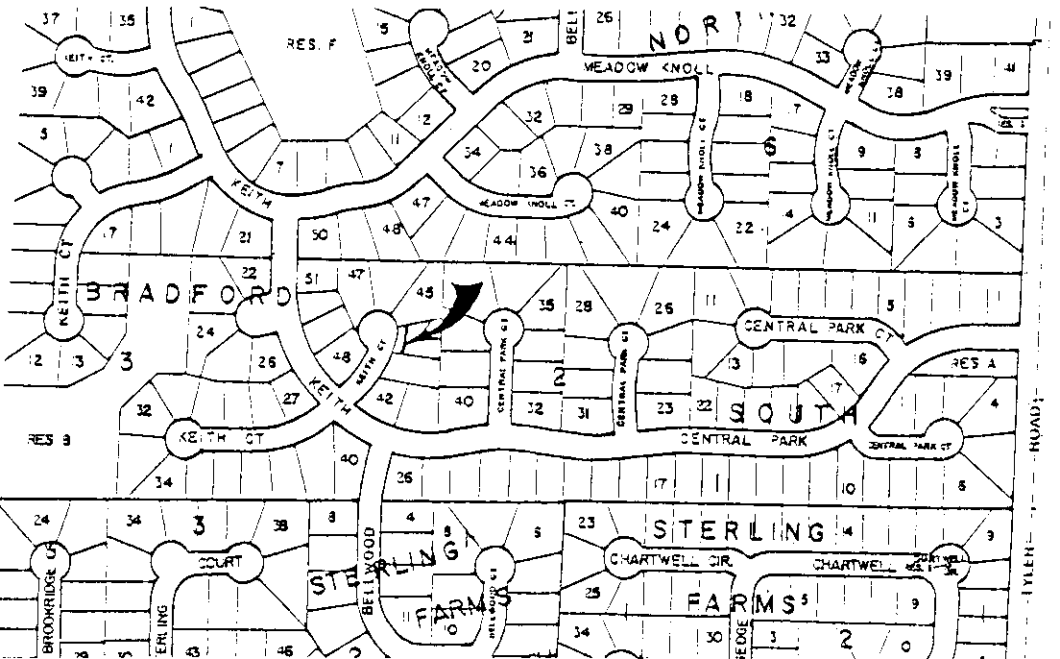
ATTEST:

Pat Burnett, City Clerk

THE CITY OF WICHITA SEDGWICK COUNTY, KANSAS

Approved as to Form:

Gary Rebenstorf, Director of Law



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