Planning A da #_____

City of Wichita
City Council Meeting
March 3, 1998

Agenda Report #_____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2061 REQUEST TO VACATE PORTION OF PLATTED BUILDING SETBACK LOCATED IN AN AREA SOUTHWEST CORNER OF 31ST STREET SOUTH AND HANDLEY AVENUE, EAST OF SENECA AND SOUTH OF 31ST STREET SOUTH.
(District #4)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of platted building setback.

MAPC Recommendation: Approve vacation of platted building setback. (unanimous)

Background: This property was recently rezoned to the "NR" Neighborhood Retail zoning district. The applicant proposes to begin construction on the property and wishes to be allowed to use the maximum width of the lot allowed under the "NR" zoning, which is 15-feet for a street side yard. The property was platted with a 30-foot setback along Handley Avenue when it was platted several years ago. The change in zoning and proposed use is the reason behind the request to vacate a portion of the platted building setback.

The Subdivision/Utility Committee recommended the request to vacate a portion of the platted building setback be approved subject to the following conditions:

A. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.

The MAPC recommended approval of the Subdivision/Utility Committee recommendation. No members of the public spoke in opposition to this request.

Recommendations/Actions: Close the public hearing, approve the vacation; authorize the Mayor to sign the Vacation Order; record the certified copy of the Vacation Order, recording costs to be billed to: 150003-2909

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STATE OF KANSAS } SS
SEDGWICK COUNTY }

APR 15 10 14 AM '98

S Christensen
Deputy

Approved / Accepted By City Council
This MAR 3 1998

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

IN THE MATTER OF THE VACATION OF PLATTED BUILDING SETBACK	)	
GENERALLY LOCATED SOUTHWEST CORNER OF 31ST STREET SOUTH AND HANDLEY AVENUE, EAST OF SENECA AND SOUTH OF 31ST STREET SOUTH	)	Case No. V-2061
MORE FULLY DESCRIBED BELOW	)	

MICROFILMED OF RECORD

VACATION ORDER

NOW on this 3rd day of March, 1998, comes on for hearing the petition for vacation filed by Joan Sutherland, Attn: Paul Sutherland, praying for the vacation of the following described platted building setback, to-wit:

The west 15 feet of the east 30 feet of the south 131 feet of Lot 1, Sutherland 6th Addition, Wichita, 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 one time 2-6-98, which was at least 20 days prior to this public hearing.

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.

8.00 CK

CITY CLERK

1500 a 9 $8.00

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 3rd day of March, 1998, 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

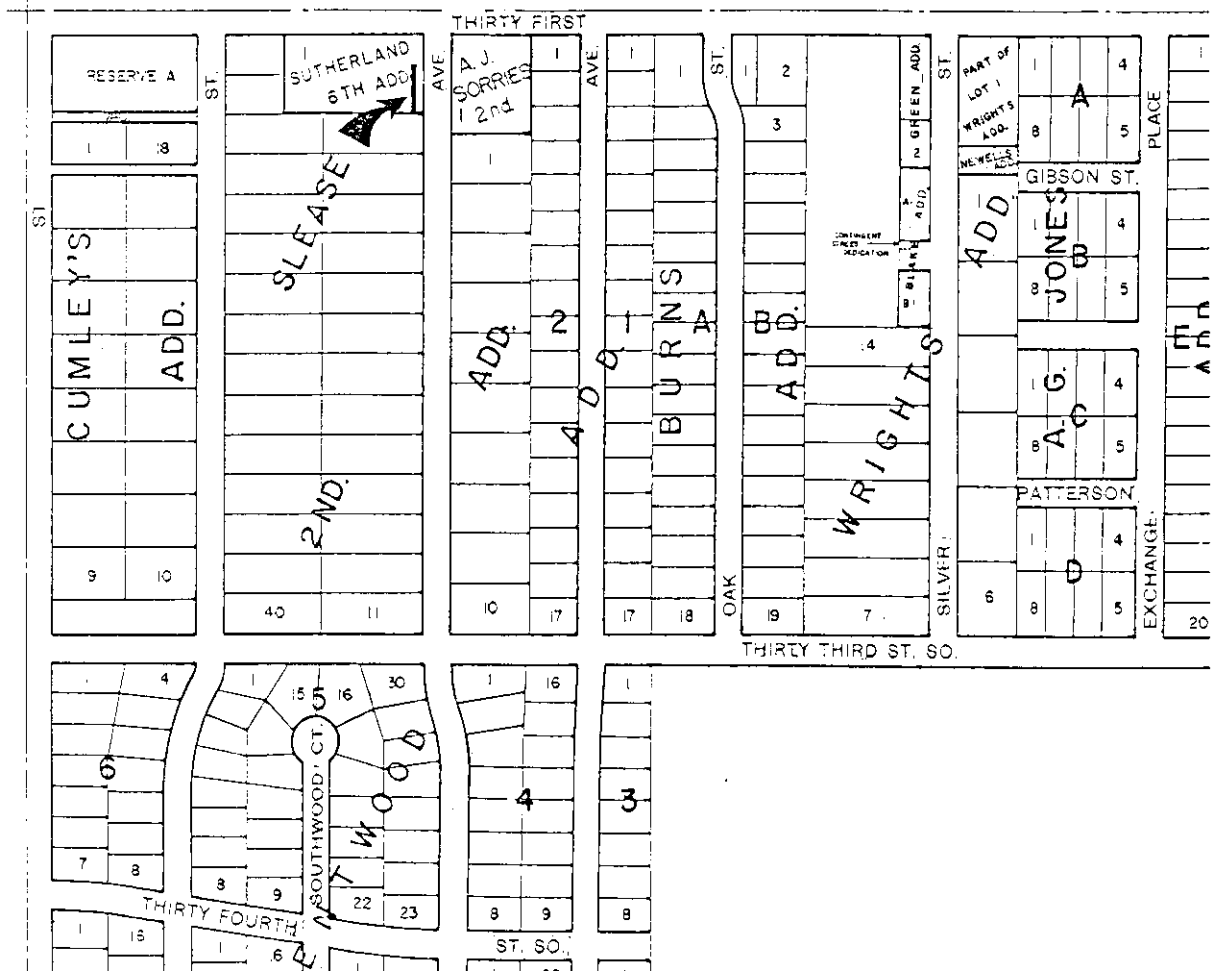
THE CITY OF WICHITA SEDGWICK COUNTY, KANSAS

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 my office.

Given under my hand and seal of the City of Wichita, this MAR 3 1998

City Clerk


THIRTY FIRST
RESERVE A
CUMLEY'S ADD.
SUTHERLAND 6TH ADD.
SLEASE 2ND.
A. J. SORRIES 1 2nd
ADD.
BURNS ADD.
GREEN ADD.
BLAKE ADD.
WRIGHTS ADD.
PART OF LOT 1 WRIGHTS ADD.
NEWELLS ADD.
GIBSON ST.
JONES ADD.
A. G. PATTERSON
THIRTY THIRD ST. SO.
THIRTY FOURTH ST. SO.
SOUTHWOOD CT.
ENTWOOD
OAK
SILVER
EXCHANGE
PLACE
ST.
AVE.