

Planning Agenda # _____

**City of Wichita
City Council Meeting
April 21, 1998**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2055 REQUEST TO VACATE A PORTION OF A
PLATTED BUILDING SETBACK ON WHITE TAIL COURT WEST OF
WHITE TAIL CIRCLE GENERALLY LOCATED SOUTH OF 13TH STREET
NORTH AND WEST OF 127TH STREET EAST.
(District #2)

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 applicants are developing the White Tail Subdivision. The plat established building setbacks along the front at 25 feet. The home design on this lot necessitates the reduction of the platted building setback as requested in order to fit the home onto the lot and provide a more usable rear yard area.

The Subdivision Committee and MAPC both have recommended approval. 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: 150003-2909

STATE OF KANSAS) ss

JUL 29 8 17 AM '50

REFERENCES

Pat Hyatt
Deputy



MICROFILMED
OF RECORD

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

IN THE MATTER OF THE VACATION OF
BUILDING SETBACK

GENERALLY LOCATED
127TH EAST AND 13TH STREET NORTH

MORE FULLY DESCRIBED BELOW

Case No. V-2055

VACATION ORDER

NOW on this 21st day of April, 1998, comes on for hearing the petition for vacation filed by Ritchie Development Corporation, praying for the vacation of the following described building setback, to-wit:

Beginning at a point in the east line and 25.16 feet north of the S.E. corner of Lot 68, Block 4, white Tail Addition to Sedgwick County, Kansas, said point being in the platted setback line in said Lot 68, thence bearing S2°02'12"51"E along the east line of said Lot 68 a distance of 1.66 feet; Thence bearing S87°57'09"W a distance of 45.00 feet; Thence bearing N2°02'51"W a distance of 17.00 feet; Thence bearing N85°13'24"W a distance of 47.27 feet to a point in the west line and 13.00 feet north of the S.W. corner of said Lot 68; Thence bearing N2°02'51"W along said west line a distance of 12.00 feet to a point on the platted setback line on a curve to the right having a radius of 75.00 feet and a chord of 67.77 feet bearing S66°02'31"E; Thence along said curve and platted setback line through a central angle of 52°00'40" an arc distance of 68.08 feet to the intersection with a curve to the left having a radius of 1661.00 feet and a chord of 33.08 feet bearing S84°53'57"E; Thence along said curve and platted setback line through a central angle of 1°08'28" an arc distance of 33.08 to the point of beginning.

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 3-27-98, 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.

City Clerk.

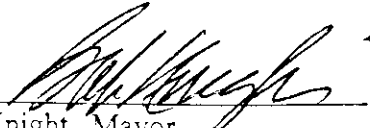
V-2055
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Vacation Order
V - 2055

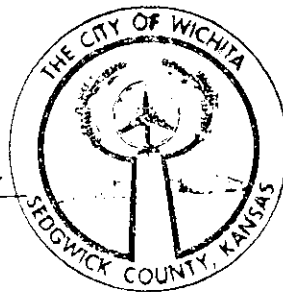
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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 21st day of April, 1998, ordered that the above-described building setback is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

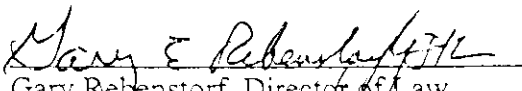

Bob Knight, Mayor

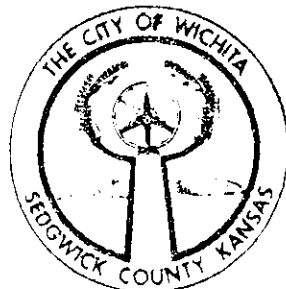
ATTEST:


Pat Burnett, City Clerk



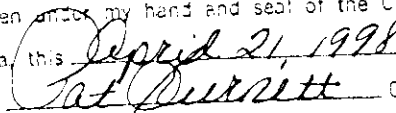
Approved as to Form:


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 my office.

Given under my hand and seal of the City of Wichita, this April 21, 1998
 City Clerk

