

Planning Agenda # _____

**City of Wichita
City Council Meeting
December 9, 1997**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2052 REQUEST TO VACATE A PORTION OF A
PLATTED BUILDING SETBACK LOCATED IN AN AREA AT THE NORTH
SIDE OF INTERSECTION OF OSAGE AVENUE AND OAK AVENUE.
(District #4)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of a portion of a platted building setback.

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

Background: The applicant owns an unusual-shaped corner lot and wishes to construct an accessory storage shed. Because of existing improvements and the location of certain other trees, the best location for the storage shed is within the platted building setback. An existing wood privacy fence will screen the proposed construction.

The Subdivision Committee and MAPC both approved the vacation, subject to the owner paying for any expenses incurred if any utilities must be relocated. No members of the public addressed the MAPC in opposition to this request.

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**

Approved / Accepted By City Council

This DEC 9 1997

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

IN THE MATTER OF THE VACATION OF A PORTION OF A PLATTED BUILDING SETBACK

**GENERALLY LOCATED
NORTH SIDE OF INTERSECTION OF
OSAGE AVENUE AND OAK AVENUE**

MORE FULLY DESCRIBED BELOW

Case No. V-2052



STATE OF KANSAS)
Sedgewick County) ss

JAN 29 9 45 AM '98

REGISTER OF DEEDS
LARRY COSOLVER

VACATION ORDER

NOW on this 9th day of December, 1997, comes on for hearing the petition for vacation filed by Richard O. Brouillette, praying for the vacation of the following described portion of a platted building setback, to-wit:

That part of Lot 1, Block A, South Seneca Gardens third Addition, Sedgwick county, Kansas, described as follows: Commencing at the front common corner to Lots 1 and 2 in said block A; thence N.E. along said lot line 30 feet, said point being on the 30 foot building set back line as platted in said Lot 1, Block A; thence S.E. along said 30 foot building setback line, 5.0 feet, for a point of beginning, said point of beginning being the intersection of a 5 foot utility easement and a 30 foot building set back line; thence continuing S.E. along said line 18.05 feet; thence S.W. parallel with the N.W. line of said Lot 1, Block A, 25.04 feet; thence N.W. perpendicular to the N.W. line of said Lot 1, Block A, 18 feet to a point on a 5 foot utility easement as platted for Lot 1, Block A; thence N.E. parallel with the N.W. line of said Lot 1, Block A, along the 5 foot utility easement 23.62 feet 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 vacation proceeding one time on 11-18-97, which was at least 20 days prior to the date set for public hearing thereon.
2. No private rights will be injured or endangered by the vacation of the above-described a portion of a platted 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.

800
150029

g.ck

City Clerk

Vacation Order
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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 a portion of a platted building setback described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 9th day of December, 1997, ordered that the above-described portion of a platted 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
Pat Burnett, City Clerk



Bob Knight
Bob Knight, Mayor

Approved as to Form:

Gary E. Rebenstorf
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 DEC 9 1997
Pat Burnett City Clerk

