

Planning Agenda # _____

**City of Wichita
City Council Meeting
December 16, 1997**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2041 REQUEST TO VACATE A PORTION OF A
PLATTED BUILDING SETBACK LOCATED ON THE EAST SIDE OF
MCLEAN BOULEVARD AND SOUTH OF BENJAMIN STREET.
(District #5)

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of a platted building setback.

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

Background: The applicants constructed an open, lean-to addition onto an existing accessory storage structure and did not realize there was a 30 foot platted building setback along McLean into which they were encroaching by 15 feet. The Subdivision Committee and MAPC reviewed and approved the vacation request. No notified neighbors or other 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

This DEC 16 1997

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MICROFILMED
OF RECORDBEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSASIN THE MATTER OF THE VACATION OF
A PORTION OF A PLATTED BUILDING
SETBACKGENERALLY LOCATED
ON THE EAST SIDE OF MCLEAN BOULEVARD
AND SOUTH OF BENJAMIN STREETMORE FULLY DESCRIBED BELOW

Case No. V-2041



STATE OF KANSAS } ss
 SEDGWICK COUNTY }
 JAN 29 9 44 AM '98
 REGISTER OF DEEDS
 LARRY CONSOLVER

Chick
Deputy

VACATION ORDER

NOW on this 16th day of December, 1997, comes on for hearing the petition for vacation filed by James & Odie Edwards, praying for the vacation of the following described portion of a platted building setback, to-wit:

Beginning at the SW corner of Lot 14, Block G, Benjamin Hills Estates, a subdivision in the City of Wichita, Sedgwick County, Kansas; thence SE along the property line between Lot 13 and Lot 14 of said Block G of Benjamin Hills Estates a distance of 30 feet; thence NE and parallel with the east right-of-way line of McLean Boulevard a distance of 21.66 feet to the point of beginning; thence NW and perpendicular to the east right-of-way line of McLean Boulevard a distance of 15 feet; thence NE and parallel with the east right-of-way line of McLean Boulevard a distance of 20 feet; thence SE and perpendicular to the east right-of-way line of McLean Boulevard a distance of 15 feet; thence SW and parallel with the east right-of-way line of McLean Boulevard a distance of 20 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 for consecutive weeks on 11-25-97.
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.

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RETURN ABOVE150029
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Vacation Order
V - 2041

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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.

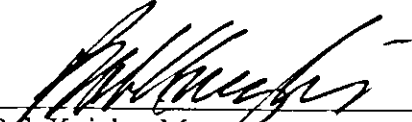
5. The vacation of the a portion of a platted building setback described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 16th day of December, 1997, ordered that the above-described a portion of 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, City Clerk




Bob Knight, Mayor

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