

Planning Agenda # _____

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

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2039 REQUEST TO VACATE BUILDING SETBACK
AND UTILITY EASEMENT LOCATED ON THE NORTH SIDE OF 10TH
STREET, BETWEEN MINNEAPOLIS AND PIATT,
(District #1)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: approve vacation of building setback and utility easement.

MAPC Recommendation: Approve vacation of building setback and utility easement.
(unanimous)

Background: The applicants purchased this property and discovered during the survey that one of the buildings encroached 5 feet into a 25 foot platted building setback and another building encroached 4 feet into a platted utility easement. Neither condition resulted in problems with any existing operation.

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

This DEC 9 1997

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**MICROFILMED
OF RECORD**

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

**IN THE MATTER OF THE VACATION OF
BUILDING SETBACK AND
UTILITY EASEMENT**

GENERALLY LOCATED
ON THE NORTH SIDE OF 10TH STREET,
BETWEEN MINNEAPOLIS AND PLATT

MORE FULLY DESCRIBED BELOW

Case No. V-2039



S Christian
Deputy
STATE OF KANSAS) SS
SEDCWICK COUNTY)

JAN 29 9 44 AM '98

REGISTER OF DEEDS
LARRY CONSLIVER

VACATION ORDER

NOW on this 9th day of December, 1997, comes on for hearing the petition for vacation filed by K.C. Estates, Inc., % Thomas A. Bishop, President, praying for the vacation of the following described building setback and utility easement, to-wit:

Building setback described as: that part of Lot 1, K. C. Estates, Wichita, Sedgwick County, Kansas described as commencing at the S.E. Corner of said Lot 1; thence north, along the east line of said Lot 1, 25 feet; thence west, parallel with the south line of said Lot 1, 12 feet for a place of beginning; thence south, at a right angle, 5 feet; thence west, at a right angle, 24 feet; thence north, at a right angle, 5 feet; thence east, at a right angle, 24 feet to the place of beginning. and;

Utility Easement described as: the westerly 10 feet of Lot 1, K. C. Estates, Wichita, Sedgwick County, Kansas, except the north 10 feet thereof.

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 building setback and utility easement, 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.

300k

City Clerk

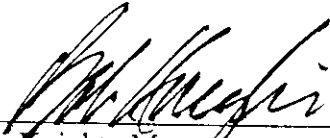
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150029

Vacation Order
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5. The vacation of the building setback and utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 9th day of December, 1997, ordered that the above-described building setback and utility easement 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.

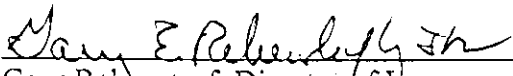

Bob Knight, Mayor

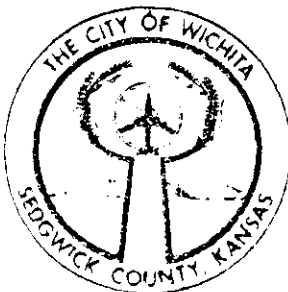
ATTEST:


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 DEC 9 1997
 City Clerk

$1^{\circ} = 30'$ 