

Planning Agenda # _____

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

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2037 REQUEST TO VACATE BUILDING SETBACK
LOCATED IN AN AREA SOUTH OF PAWNEE, WEST OF SENECA,
(District #4)

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 constructing a drive-up ATM Machine at the Emprise Bank. The location of the ATM is acceptable under City rules, but would encroach into a platted building setback. In order to accommodate to construction, a portion of the building setback is being vacated.

The Subdivision Committee and MAPC both approved the vacation. 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

1662650 429⁰

1661 734 1601 700

MICROFILMED
OF RECORD

Approved / Accepted By City Council

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This DEC 9 1997

BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSASIN THE MATTER OF THE VACATION OF
BUILDING SETBACKGENERALLY LOCATED
SOUTH OF PAWNEE, WEST OF SENECAMORE FULLY DESCRIBED BELOW

Case No. V-2037

REGISTER OF DEEDS
LARRY CONSOLEVER

JAN 29 10 43 AM '98

STATE OF KANSAS
SEDGWICK COUNTY } SS

VACATION ORDER

S. Christensen

Deputy

NOW on this 9th day of December, 1997, comes on for hearing the petition for vacation filed by Emprise Bank, % Arden Strole and Phil G. Ruffin, dba Westway Properties, praying for the vacation of the following described building setback, to-wit:

Building setback described as: That part of Lot 1, Block 1, Westway Addition, Wichita, Sedgwick County, Kansas described as commencing at a point on the west line of Seneca Avenue, said point being 488.28 feet south and 60 feet west of the N.E. corner of the N.E. 1/4 of Section 6, T28S, R1E of the 6th P.M., Sedgwick County, Kansas; thence south along the west line of said Seneca Avenue, 171.94 feet; thence west at right angle to said Seneca Avenue, 90 feet to a point on the 90 foot building setback line; thence north along said building setback line, 75 feet for a point of beginning; thence continuing north along said building setback line, 13 feet; thence east at right angles, 72 feet; thence south at right angles, 13 feet; thence west 72 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 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.

S. Ch

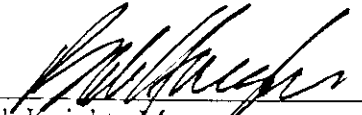
City Hall

800 / 150029

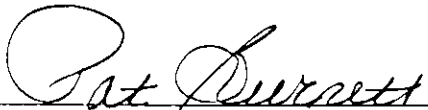
Vacation Order
V -2037

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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 9th day of December, 1997, 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.

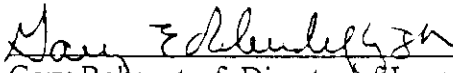

Bob Knight, Mayor

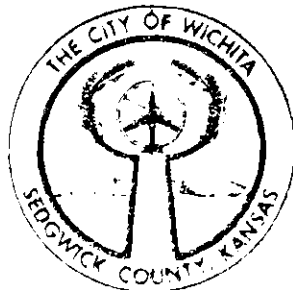
ATTEST:


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 attached 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

[illegible]

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WESTWAY

ADD.

ONE
ADD

A hand-drawn map of a residential area. The map shows several streets and numbered lots. At the top, a street is labeled 'CRAWFORD ST.'. Below it, a street is labeled 'MARTINSON'. To the right of 'MARTINSON', a street is labeled 'WESTWAY'. At the bottom, a street is labeled 'DALLAS ST.'. The lots are numbered as follows: Lot 1 is at the top left; Lot 6 is below Lot 1; Lot 11 is to the right of Lot 6; Lot 7 is below Lot 6; Lot 23 is to the left of Lot 7; Lot 12 is to the right of Lot 7; Lot 5 is at the bottom left; and Lot 1 is at the bottom right. The map is drawn with simple lines and text.