

Planning Agenda # _____

**City of Wichita
City Council Meeting
June 16, 1998**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2088 REQUEST TO VACATE A PORTION OF A
PLATTED BUILDING SETBACK LOCATED IN AN AREA SOUTH OF
KELLOGG, 1/2 MILE EAST OF WEBB ROAD.
(District #2)

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 is proposing to vacate a portion of the platted building setback in order to reduce the setback on this property. The new setback line will be consistent with the setback line established in the E.M. Stevens 4th Addition immediately west of the property. The setback line on this property was established at a time when the alignment of Kellogg and Kellogg Drive was not as well known.

The applicant will be providing a dedication of additional right-of-way for the Kellogg frontage as a condition of the approval of this vacation.

The Metropolitan Area Planning Commission approved the Subdivision Committee recommendation that the vacation petition be approved as requested subject to the following:

- A. The executed dedication document for additional right-of-way for Kellogg be provided prior to submission of this vacation petition to the Governing Body.
- B. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants.

Page 2
V-2088

No members of the public spoke in opposition to this request.

Recommendations/Actions: Close the public hearing, approve the vacation; authorize the Mayor to sign the Vacation Order; accept the dedication of the additional right-of-way; and record the certified copy of the Vacation Order and the right-of-way dedication.

1709731 4228

FILM 809 PAGE 277

Approved / Accepted By City Council

This JUN 16 1998

CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

STATE OF KANSAS) ss
Sedgwick County)

Page 1 of 2

JUL 22 8 02 AM '98

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

REGISTER OF DEEDS

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

GENERALLY LOCATED)
SOUTH OF KELLOGG, 1/2 MILE EAST OF)
WEBB ROAD)

MORE FULLY DESCRIBED BELOW)

Case No. V-2088



MICROFILMED
OF RECORD

VACATION ORDER

NOW on this 16th day of June, 1998, comes on for hearing the petition for vacation filed by Ross Tidemann, praying for the vacation of the following described a portion of a platted building setback, to-wit:

The south 92.30 feet of the north 255 feet of Lot 1, Block A, Pizza Hut Second Addition to Wichita, Sedgwick County, Kansas.

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 May 2, 1998, 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 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.
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, subject to the following condition:

8.00
RETURN ABOVE

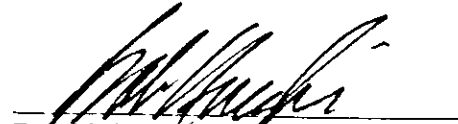
150003
8.00

Vacation Order
V - 2088

Page 2 of 2

- A) The executed dedication document for additional right-of-way for Kellogg be provided prior to submission of this vacation petition to the Governing Body.
- B) Any relocation or reconstruction of any utilities made necessary by this vacation shall be the responsibility of the applicant.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 16th day of June, 1998, ordered that the above-described a 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.

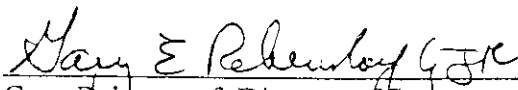

Bob Knight, Mayor

ATTEST:


Pat Burnett, City Clerk



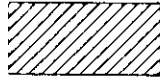
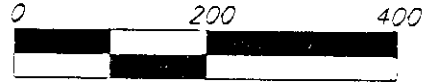
Approved as to Form:


Gary Rebenstorf, Director of Law



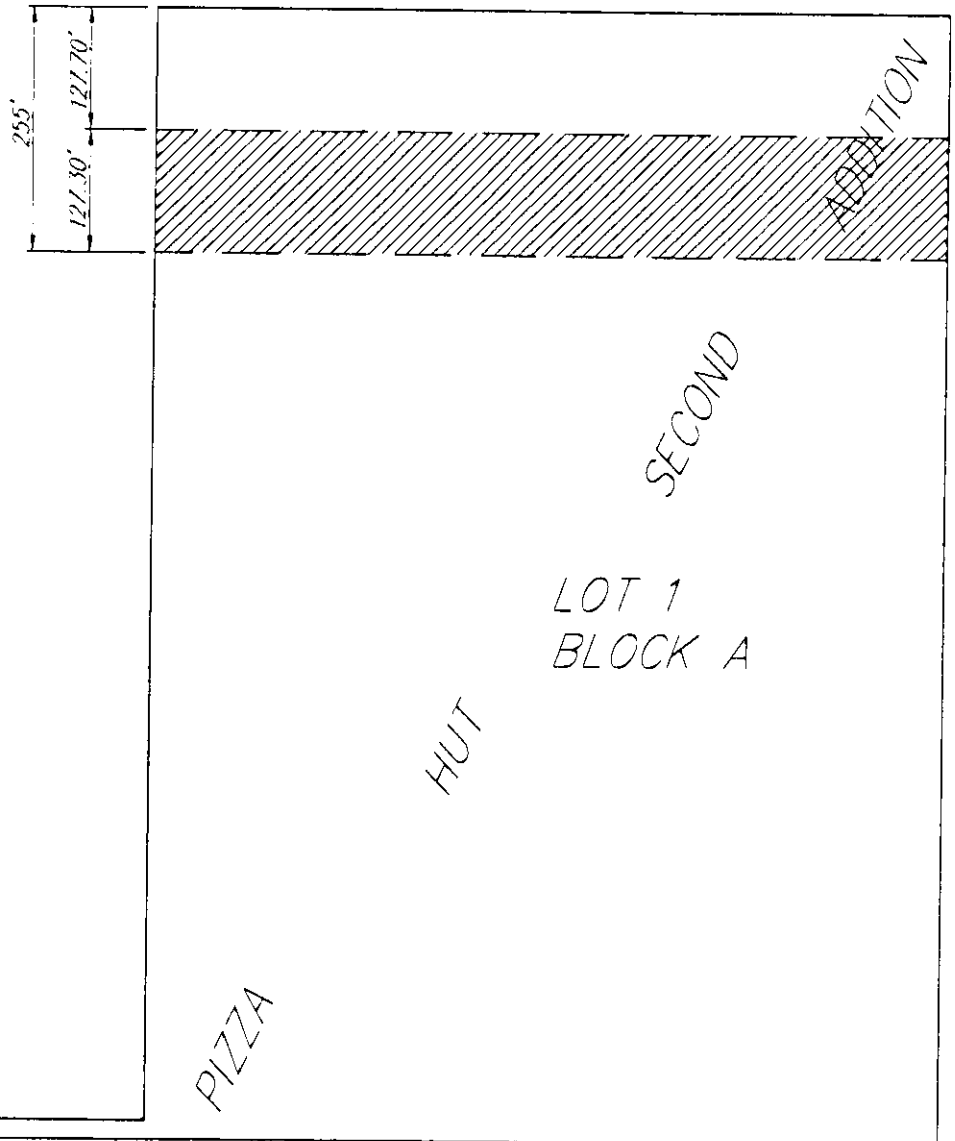
State of Kansas)
Sedgwick County) ss
City of Wichita)
Pat Burnett City Clerk of the City of Wichita,
Kansas, hereby certify that the instrument to which
this is affixed is a true and correct copy of the orig-
inal on file in my office.
Given under my hand and seal of the City of
Wichita, this JUN 16 1998
 City Clerk

EXHIBIT



= CONTINGENT DEDICATION
TO BE VACATED

U.S. 54 HIGHWAY (KELLOGG ST.) COND. CASE #A-54089



20 APRIL 1998

F:\SURVEY\MISC\PIZZA2\KB.GMG-MG



BAUGHMAN COMPANY P. A.

ENGINEERING, SURVEYING, & PLANNING