

Planning Agenda # _____

City of Wichita
City Council Meeting
April 27, 1999

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: V-2138 - REQUEST TO VACATE PLATTED BUILDING
SETBACK LOCATED IN AN AREA SOUTH OF PAWNEE
AND WEST OF SENECA. (District IV)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

M. B. H. PE

Staff Recommendation: Approve vacation of platted building setback.

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

Background: The applicant is requesting to vacate a portion of a platted building setback to allow for the construction of an ATM. The piece of property is part of Parcel 1 of the Westway Shopping Center C.U.P. (DP-21).

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, subject to the applicant adjusting the C.U.P. to reduce the building setback shown on Parcel 1 to allow for the construction of an ATM and the site being developed in conformance with the approved site plan. The applicant has filed an administrative adjustment to reduce the building setback on the C.U.P. No written protests have been filed.

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Recommendations/Actions: Approve the Vacation Order and authorize the Mayor to sign.

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

IN THE MATTER OF THE VACATION OF)
PLATTED BUILDING SETBACK)
)
GENERALLY LOCATED) **Case No. V-2138**
SOUTH OF PAWNEE AND WEST OF SENECA)
)
)
MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 27th day of April, 1999, comes on for hearing the petition for vacation filed by Phil G. Ruffin, praying for the vacation of the following described platted building setback, to-wit:

A tract of land lying in Lot 1, Block 1, WESTWAY, an addition to Wichita, Sedgwick County, Kansas, more particularly described as follows:

Commencing at the Southeast corner of said Lot 1, thence, N 00° 00' 00" E, 212.44', along the East line of said addition, thence N 03° 56' 50" W, 145.26', along the East line of said addition, thence, N 00° 00' 00" E, 46.00', along the East line of said addition, thence, N 90° 00' 00" W, 37.00', to the point of beginning, thence, N 31° 42' 00" W, 40.00', thence, S 58° 39' 00" W, 20.00', thence, S 31° 42' 00" E, 40.00', thence, N 58° 39' 00" E, 20.00', to the point of beginning.

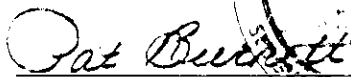
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Daily Reporter on March 2, 1999, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described platted building setback, and the public will suffer no loss or inconvenience thereby.

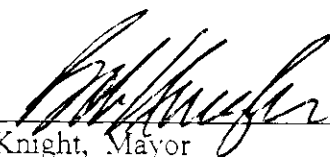
3. In justice to the petitioner(s), the prayer of the petition ought to be granted.
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.
5. The vacation of the platted building setback described herein should be approved, subject to the following condition:
 - A) The applicant shall adjust the C.U.P. to reduce the building setback shown on Parcel 1 to allow for the construction of an ATM.
 - B) The site shall be developed in conformance with the approved site plan.
 - C) 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 27th day of April, 1999, ordered that the above-described 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.

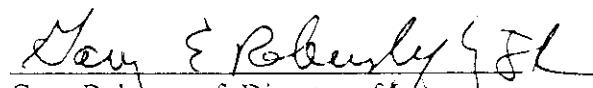
ATTEST:

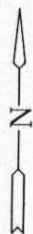

Pat Burnett, City Clerk




Bob Knight, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law



WESTWAY
SHOPPING
CENTER

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CL CRAWFORD

30' R/W
40' BLDG.
SETBACK

S 89°52'40" W

90' C.A.C.

100' BLDG. SETBACK

50' R/W

S 0°00'00" E 212.44'

150' C.A.C.

S 3°56'50"E 145.26'

S 0°00'00" E

46'

37'

PROPOSED BLDG.
SETBACK - VACATION

90' BLDG. SETBACK

ACCESS CONTROL EXCEPT FOR (4) FOUR OPENINGS

CL SENECA

SE COR. NE 1/4
SEC. 6, T28S, R1E
OF THE 6TH P.M.



COMMERCE BANK
WESTWAY SHOPPING CENTER
PROJECT NAME