

Planning Agenda # _____

**City of Wichita
City Council Meeting
December 11, 2001**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: VAC-2184 - REQUEST TO VACATE A PORTION OF A
PLATTED 150-FOOT BUILDING SETBACK GENERALLY
LOCATED SOUTH OF 13TH STREET NORTH AND ON THE
WEST SIDE OF MAIZE ROAD.
(District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

M. Katt

Staff Recommendation: Approve the vacation of a portion of a platted 150-foot building setback.

MAPC Recommendation: Approve vacation of a portion of a platted 150-foot building setback.
(unanimous)

Background: The applicant is requesting consideration to reduce the platted 150-foot building setback to 70-feet, except the south 45-feet of Lot 2, Huntington Park Addition, Wichita, Sedgwick County, Kansas. The applicant filed for an administrative adjustment on Parcel 1 of DP-153 to reduce the platted building setback line, adjust the sign provisions and increase the number of permitted buildings in order to increase development flexibility. The administrative adjustment was approved May 31, 2001.

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. 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: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

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

**IN THE MATTER OF THE VACATION OF
A PORTION OF A PLATTED 150-FOOT
BUILDING SETBACK LINE**

**GENERALLY LOCATED SOUTHWEST
OF THE 13TH STREET NORTH - MAIZE
ROAD INTERSECTION**

MORE FULLY DESCRIBED BELOW

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)
) **Case No. V-2184**
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METROPOLITAN PLANNING
ROUTE **9** _____

VACATION ORDER

NOW on this 11TH day of December, 2001, comes on for hearing the petition for vacation filed by Mike Loveland praying for the vacation of the following described portion of a platted 150-foot building setback line:

Portion of a platted 150-foot building setback line:

The west 80 feet of the 150-foot platted setback except the south 45 feet of Lot 2, Huntington Park 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 on June 22, 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 portion of the platted 150-foot building setback line, and the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner, 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.

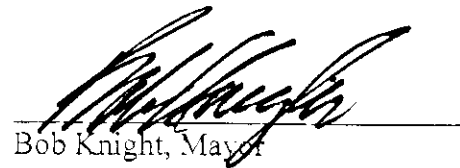
5. The vacation of the portion of the platted 150-foot building setback line described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 11th day of December 2001, ordered that the above-described portion of platted 150-foot building setback line 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.

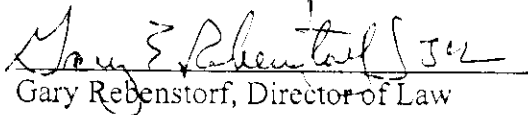
ATTEST:



Pat Burnett, City Clerk


Bob Knight, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

