

Planning Agenda # _____

**City of Wichita
City Council Meeting
October 17, 2000**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: VAC2000-00036 - REQUEST TO VACATE BUILDING
SETBACK AND UTILITY EASEMENT LOCATED AT THE
SOUTHWEST CORNER OF CENTRAL AND ROCK.
(District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

*M. Hout
D. Hout*

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

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

Background: The applicants are requesting to vacate 20 feet of a 70-foot building setback along with the 10-foot utility easement for the construction of fueling facilities for the existing supermarket. This site is part of the Rockwood Center Commercial C.U.P. (DP-41). The Applicant will be required to submit an Administrative C.U.P. Adjustment to reduce a portion of the 70-foot building setback along the northern property line to 50 feet on the C.U.P.

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 submitting an Administrative C.U.P. Adjustment to reduce a portion of the 70-foot building setback along the northern property line on the C.U.P. to 50 feet. 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.

Duff

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

RECEIVED

NOV 06 2000

**METROPOLITAN PLANNING
ROUTE**

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

**GENERALLY LOCATED
SOUTHWEST CORNER OF CENTRAL AND
ROCK**

Case No. VAC2000-00036

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 17th day of October, 2000, comes on for hearing the petition for vacation filed by Dillon Real Estate Company Inc., praying for the vacation of the following described building setback and utility easement, to-wit:

Vacation of a portion of a 70-foot building setback located in Lots 3 and 4, Block 1, Rockwood Center 2nd Addition to Wichita, Sedgwick County, Kansas, described as follows: Beginning at a point on the East line and 50 feet South of the Northeast corner of said Lot 3; thence West, parallel with the North line of said Lot 3, 20 feet; thence south, parallel with the East line of said Lot 3, 20 feet; thence east, parallel with the North line of said Lots 3 and 4, 40 feet; thence North parallel with the East line of said Lot 3, 20 feet; thence West, parallel with the North line of said Lot 4, 20 feet to the point of beginning. AND

Vacation of a portion of a 10-foot utility easement common to Lots 3 and 4, Block 1, Rockwood Center 2nd Addition to Wichita, Sedgwick County, Kansas, described as follows: The North 140 feet of the 10-foot utility easement common to the east line of said Lot 3 and the West line of said Lot 4.

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:

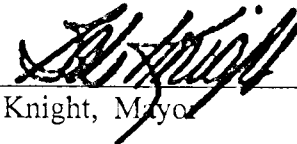
1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle on August 29, 2000 which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described building setback and 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.
5. The vacation of building setback and utility easement described herein should be approved, subject to the following condition:
 - A) The Applicant shall submit an Administrative C.U.P. Adjustment to reduce a portion of the 70-foot building setback along the northern property line on the C.U.P. to 50 feet.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 17th day of October 2000, 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.

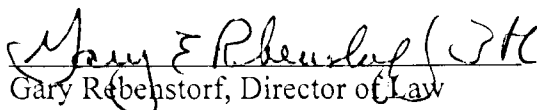
ATTEST:


Pat Burnett, City Clerk




Bob Knight, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

[illegible]

1 (LOWEST OPENING) FOR LOT 4, BLOCK 1, SHALL
M.S.L. OR ELEVATION 156.6 CITY DATUM. BUILDING
ARE PER ROCKWOOD CENTER COMMERCIAL
NT #1).