

VACATION HEARING

RECOMMENDATION FROM MAPD TO BOARD OF CITY COMMISSIONERS

V-1275- VACATION OF A PORTION OF THE PLATTED BUILDING SETBACK AT THE
NORTHWEST CORNER OF HARMONY AND HARMONY COURT.

Note: The City Clerk will specify as to proper publication of notice of hearing and filing of written protest.

This vacation request was previously reviewed and recommended for approval subject to stated conditions by MAPC on June 28, 1984.

During the 1984 session of the Kansas Legislature, the procedure for handling vacation requests inside cities was amended in that after July 1, 1984, title to property involved in vacation requests inside cities may only be cleared by order of the Board of City Commissioners following the submission of a proper vacation petition, publication of notification, and public hearing before the Board.

A proper petition for the above identified vacation request has been filed in the office of the City Clerk. On the basis of the previous action of MAPC, it is recommended that the Board of Wichita City Commissioners find that no private rights will be injured or endangered and the public will suffer no loss or inconvenience by granting by order the vacation petitioned for subject to:

- A. Proper publication of notice of hearing.
- B. The absence of proper written protest filed with the City Clerk.
- C. The vacation order shall vacate only that portion of the 25-foot building setback where actual building construction is planned.
- D. All proceedings shall be without cost to the City, County, or any utility company.

Previous action by MAPC: Bayouth moved, Goebel seconded and it carried unanimously. Banzer was absent. Hansen and Gardner were not yet present. (6-28-84)

ACTION: Close the vacation hearing, approve the vacation request, authorize the Mayor to sign the vacation order and instruct the City Clerk to file a certified copy of the order with the Sedgwick County Register of Deeds.

VACATION CASE DATA

Legal Description: Beginning at a point 26.86 feet west and 88.14 feet north of the S.E. Corner of Lot 13, Block 3, Gleneagles 2nd Addition, Wichita, Kansas, said point being on the 25 foot building setback line; thence north 11.54 feet; thence west 16.28 feet; thence southeasterly along said setback line, 20.02 feet to beginning.

Applicant: Barry Miller, 6841 Shade, Apt. #802
Wichita, Kansas 67212

Protestors: None before the Subdivision Committee or MAPC

VACATION HEARING

RECOMMENDATION FROM MAPC TO BOARD OF CITY COMMISSIONERS

V-1275 VACATION OF A PORTION OF THE PLATTED BUILDING SETBACK AT THE NORTHWEST CORNER OF HARMONY AND HARMONY COURT.

NOTE: The City Clerk will certify as to proper publication of notice of hearing and filing of written protest.

A petition for the above identified vacation request has been filed in the office of the City Clerk. The Planning Commission recommends that the Board of City Commissioners find that no private rights will be injured or endangered and the public will suffer no loss or inconvenience by granting by order the vacation request subject to:

- A. Proper publication of notice of public hearing.
- B. The absence of proper written protest filed with the City Clerk.
- C. The vacation order shall vacate only that portion of the 25-foot building setback where actual building construction is planned.
- D. All proceedings being without cost to the City, County, or any utility company.

Previous action by MAPC: Bayouth moved, Goebel seconded and it carried unanimously. Banzer was absent. Haneson and Gardner were not yet present. (6/28/84)

ACTION: Close the public hearing, approve the vacation request, authorize the Mayor to sign the vacation order and instruct the City Clerk to file a certified copy of the order with the Sedgwick County Register of Deeds.

VACATION CASE DATA

Legal Description: Beginning at a point 26.86 feet west and 76.60 feet north of the S.E. corner of Lot 13, Block 3, Gleneagles 2nd Addition, Wichita, Kansas, said point being on the 25-foot building setback line; thence north 11.54 feet; thence west 16.28 feet; thence southeasterly along said setback line, 20.02 feet to beginning; (MAPC No. V-1275).

Applicant: Barry Miller
6841 Shade, Apt. #802
Wichita, Kansas 67212

Protestors: None before the Subdivision Committee or MAPC.

Comments: This vacation case was heard and approved by the Board of Wichita City Commissioners on August 21, 1984. It has been readvertized and returned for rehearing for the purpose of correcting an inadvertant error in the legal description previously used for publication and order preparation. There was no opposition to the request during the previous hearing.

BEFORE THE BOARD OF CITY COMMISSIONERS
OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF)
UTILITY EASEMENTS (MAPC NO. V-1275))
)
)
GENERALLY LOCATED AT THE NORTHWEST) Approved by Board of Commissioners
CORNER OF HARMONY AND HARMONY COURT) this FEB 19 1985
)
)
MORE FULLY DESCRIBED BELOW)

CORRECTIVE VACATION ORDER*

WHEREAS on August 24, 1984 a vacation order was recorded on Film 679, Page No. 802 by the Sedgwick County Register of Deeds containing the following legal description:

Beginning at a point 26.86 feet west and 88.14 feet north of the S.E. corner of Lot 13, Block 3, Gleneagles 2nd Addition, Wichita, Kansas, said point being on the 25-foot building setback line; thence north 11.54 feet; thence west 16.28 feet; thence south-easterly along said setback line, 20.02 feet to beginning; (MAPC No. V-1275).

SAID legal description contained an inadvertant error and is hereby rescinded and superceded by the following order of the Board of Wichita City Commissioners.

NOW on this 19th day of February, 1985, comes on for hearing the petition for vacation filed by Barry Miller, praying for the vacation of the following described platted setback, to-wit:

Beginning at a point 26.86 feet west and 76.60 feet north of the S.E. corner of Lot 13, Block 3, Gleneagles 2nd Addition, Wichita, Kansas, said point being on the 25-foot building setback line; thence north 11.54 feet; thence west 16.28 feet; thence south-easterly along said setback line, 20.02 feet to beginning; (MAPC No. V-1275).

The City Commission, 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 Record of notice of this vacation proceeding for consecutive weeks on FEB 6 & 13, 1985.
2. No private rights will be injured or endangered by the vacation of the above-described platted setback, 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 platted setback described herein should be approved.

6.00 C. Ty Clark

CORRECTIVE VACATION ORDER

IT IS, THEREFORE, BY THE BOARD OF CITY COMMISSIONERS, on this 19th day of February, 1985, ordered that the above-described platted setback is hereby vacated. IT IS FURTHER ORDERED that the vacation order filed August 24, 1984 and recorded on Film 679, Page No. 802 by the Sedgwick County Register of Deeds is hereby rescinded and superceded. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

Robert G. Knight
Robert G. Knight Mayor

ATTEST:
Donald C. Gisick
Donald C. Gisick, City Clerk

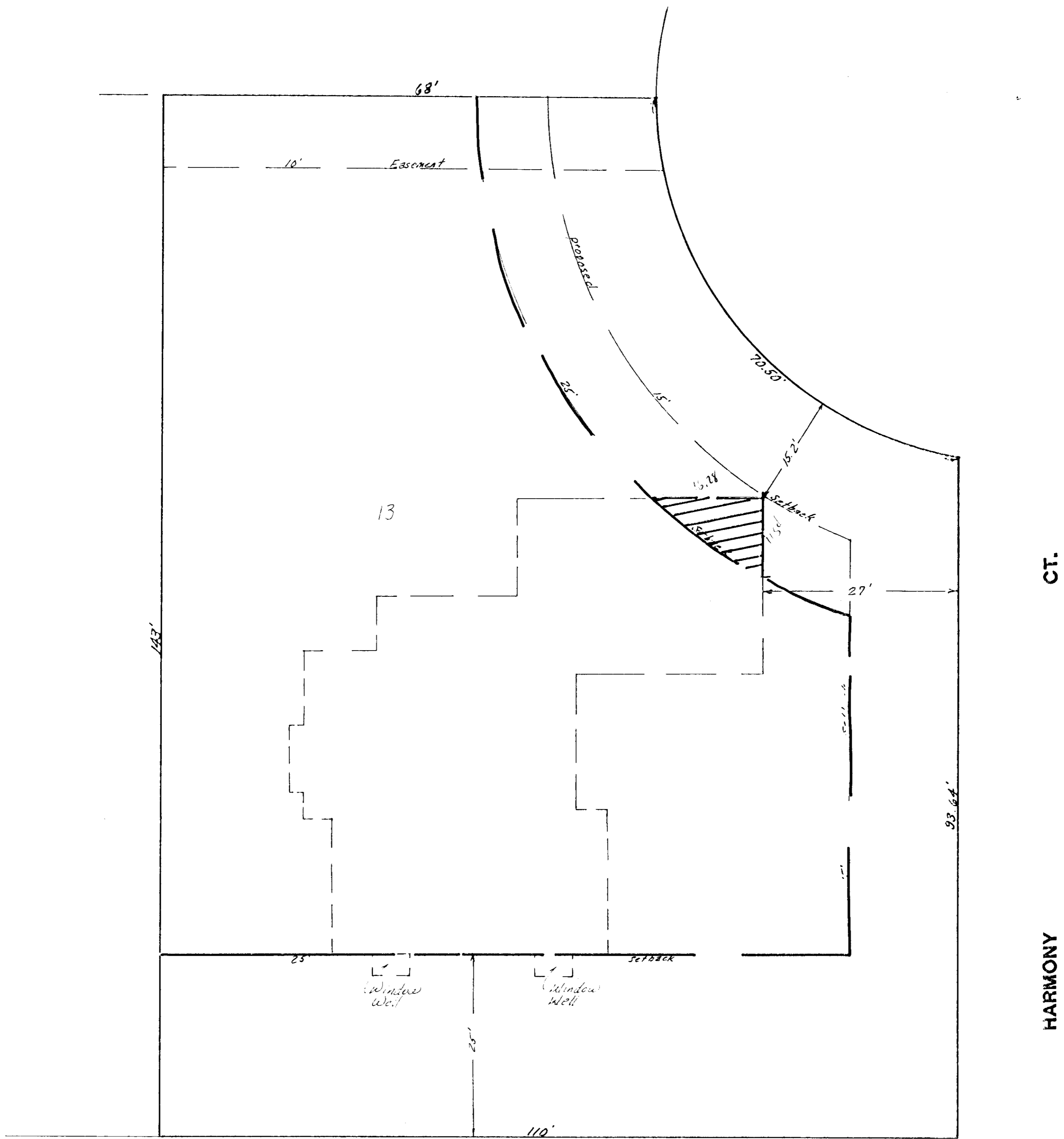
Approved as to Form:
John Dekker
John Dekker, Director of Law

*NOTE: This vacation order supercedes a vacation order filed August 24, 1984 and recorded on Film 679, Page No. 802 by the Sedgwick County Register of Deeds.

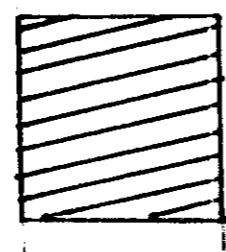
STATE OF KANSAS } SS
SEDGWICK COUNTY }
FILED FOR RECORD AT
2:00 PM
FEB 25 1985
NO. 7 33522
PAT KETTLER
REGISTER OF DEEDS

MICROFILMED
OF RECORD

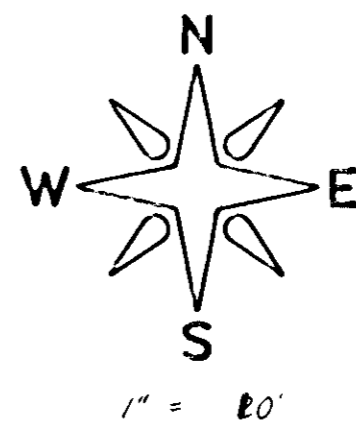
Ed Reed
Deputy



HARMONY



= Proposed building WITHIN SETBACK.



1" = 20'

Lot 13, Block 3, Gleneagles 2nd Addition
Wichita, Kansas.

V-1075

6/11/84



BAUGHMAN COMPANY, P.A.

SURVEYING & ENGINEERING

316 282-7271 • 330 LAURA • WICHITA, KANSAS 67211