

City of Wichita
City Council Meeting
October 11, 1988

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: Public Hearing V-1543 - REQUEST TO VACATE A PORTION OF A 20-FOOT FRONT YARD BUILDING SETBACK, LOCATED ON THE NORTH SIDE OF IDLEWILD, IN AN AREA WEST OF HYDRAULIC (District #4).

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of building setback.

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

Background: The mobile home that has been placed on this lot encroaches into the front yard building setback 7.2 feet. This vacation has been requested in order to clear the existing encroachment and only vacates that portion of the setback which is actually encroached upon. After vacation, a 12.8-foot setback will remain. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions.

This case was deferred by the City Council on July 19, August 16 and August 30. The reasons for these deferrals was to allow time for the applicant and the Homeowners Association to come to an agreement regarding this case. Since the previous case deferrals, the private restrictive covenants which affect this overall subdivision have been amended to provide for this vacation of setback.

Legal Considerations: The City Clerk needs to certify as to proper notification and no filing of written protest.

Recommendations/Action: Close public hearing; approve vacation; authorize the Mayor to sign the Vacation Order; and record certified copy of Order, recording costs to be billed to:

755-68-360-50000-295-000-000.

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

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

Approved / Accepted By City Council

GENERALLY LOCATED ON THE NORTH SIDE
OF IDLEWILD IN AN AREA WEST OF
HYDRAULIC (V-1543).

This OCT 11 1988

MORE FULLY DESCRIBED BELOW

STATE OF KANSAS)
SEDGWICK COUNTY) ss
FILED FOR RECORD AT
8:00 AM

OCT 18 1988 0975236

VACATION ORDER

PAT KETTLER

Ed Rea
Deputy

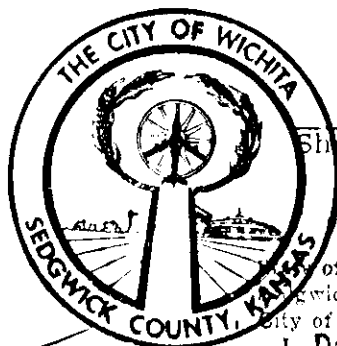
NOW on this 11th day of October, 1988, comes on for hearing the petition for vacation filed by Karen D. Bell, praying for the vacation of the following described portion of a platted building setback, to-wit:

Beginning at a point 12.8 feet north and 22.1 feet west of the southeast corner of Lot 28, Block B. Pinewood Estates, to Wichita, Sedgwick County, Kansas; thence north 7.2 feet; thence west 15.5 feet; thence south 7.2 feet; thence east 15.5 feet to the point of beginning. (V-1543)

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 Record of notice of this vacation proceeding for consecutive weeks on SEPT 28 + OCT 5, 88.
2. No private rights will be injured or endangered by the vacation of the above-described 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 building setback described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 11th day of October, 1988, ordered that the above-described 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.



S. Kamen
Sheldon Kamen, Mayor

ATTEST:

Dale E. Rea
Dale E. Rea, Deputy City Clerk

Approved as to Form:

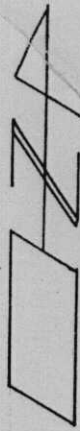
of Kansas)
Sedgwick County) ss
City of Wichita)
I, Dale E. Rea, Deputy City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is affixed is a true and correct copy of the original on file in the office of the City Clerk. Given under my hand and seal of the City of Wichita, this OCT 14 1988
Dale E. Rea Deputy City Clerk

Thomas R. Powell
Thomas Powell, Director of Law

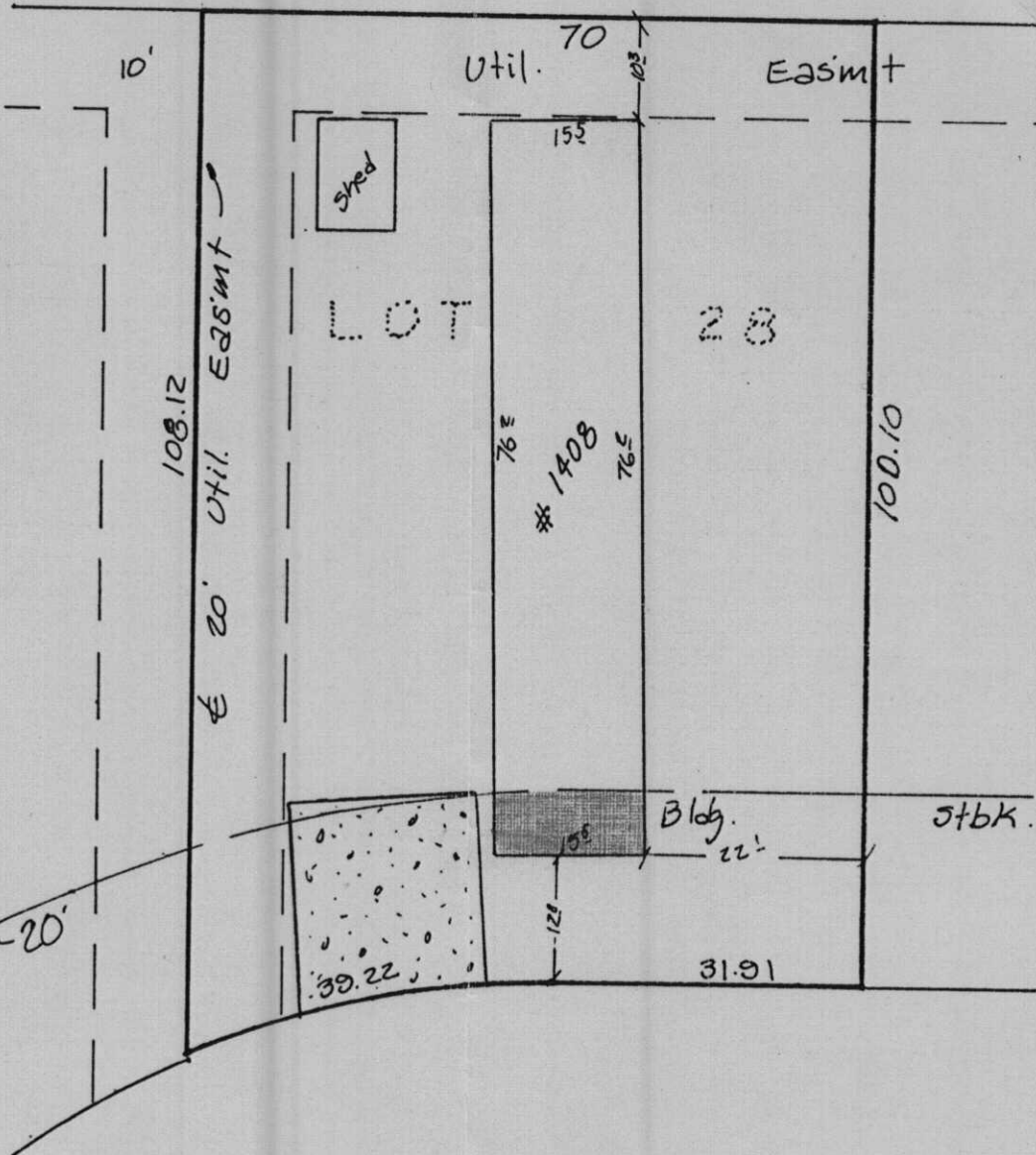
City Clerk

g.ook

MICROFILMED
OF RECORD



1" = 20'



Idlewild