

City of Wichita
City Council Meeting
November 7, 1989

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1638 - REQUEST TO VACATE A PORTION OF A
PLATTED BUILDING SETBACK AT THE SOUTHWEST CORNER OF PARKMONT
DRIVE AND DALTON.
(District #2)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of a platted building setback.

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

Background: The configuration of this lot and its location on a corner has limited the buildable area of the lot. In order to build a proposed swimming pool on this lot, the applicant is requesting the reduction of the sideyard building setback. The applicant has submitted a restrictive covenant stating that development of the vacated portion of the setback is limited to construction of an unenclosed swimming pool. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions.

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 and restrictive covenant, recording costs to be billed to:

150029-2909

STATE OF KANSAS }
SEDGWICK COUNTY } SS
FILED FOR RECORD AT
12:30 P M

MICROFILMED
OF RECORD

Page 1 of 2

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

Nov 21 89 1039461

RAT KETTLER
REGISTER OF DEEDS

IN THE MATTER OF THE VACATION OF
A PLATTED SIDE YARD BUILDING SETBACK.)

GENERALLY LOCATED AT THE SOUTHWEST
CORNER OF PARKMONT DR. & DALTON
(V-1638).)

MORE FULLY DESCRIBED BELOW)

Ed Reso
Dignitary

Approved / Accepted By City Council

This NOV 7 1989

VACATION ORDER

NOW on this 7th day of November, 1989, comes on for hearing the petition for vacation filed by Charles Marin, Jr., praying for the vacation of the following described platted building setback, to-wit:

The northwesterly 40-feet of the southeasterly 90-feet of the southwesterly 15-feet of Lot 3, Block 2, Fifth Addition to Cherry Creek Hills, 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 Record of notice of this vacation proceeding for consecutive weeks on 10/25 & 11/1, 89.
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.

City Clerk

8.02

Vacation Order
V-1638
Page 2 of 2

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 7th day of November, 1989, 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.



Bob Knight

Bob Knight, Mayor

ATTEST:

John Moir

John Moir, City Clerk

Approved as to Form:

Thomas R. Powell

Thomas Powell, Director of Law

Form 1020

State of Kansas)
Sedgwick County) ss
City of Wichita)
I, PAT BURNETT, 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 NOV 7 1989
Pat Burnett Deputy City Clerk

THE CITY OF WICHITA
SEDGWICK COUNTY, KANSAS
5

