

Planning Agenda Item # _____

City of Wichita
City Council Meeting
April 23 , 1991

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V-1703 - REQUEST TO VACATE A PORTION OF PLATTED BUILDING
SETBACK; LOCATED NORTH OF HARRY AND EAST OF GREENWICH ROAD.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of platted building setback.

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

Background: The applicant requests a 10 foot vacation of a 40 feet platted building setback for the construction of a house. The property is hindered by a 20 foot Home Owner's Association setback by covenant to the north and some trees to the south they wish to preserve. The County Engineer and utility companies have indicated their approval. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions.

Legal Considerations: This request for vacation is located on property outside the City of Wichita, but within three miles thereof. As such, no petition, publication of notification or public hearing is required before the Wichita City Council.

Recommendations/Action: Approve vacation; adopt resolution; record resolution, recording cost to be billed to:

300210-9024

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF)
Platted Building Setback)
)
)
GENERALLY LOCATED)
North of Harry and east of Greenwich)
Rd., Windsor Park Addition, V-1703)
)
)
_____)

VACATION ORDER

NOW on this 29th day of May, 1994 at 9:00
o'clock A.M. comes on for hearing the petition for vacation
filed by Eugene W. McWhirter praying for the vacation of the
following described platted building setback.

The east 10 feet of the 40 feet platted setback along the
west property line of Lot 8, Block 7, Windsor Park Addition,
to Sedgwick County, KS.

the said petitioners being represented by their attorney,
n/a.

WHEREUPON, it is shown that proper notice has been given by
publication in the _____, a newspaper printed in the
State of Kansas and being published in and for general
circulation in Sedgwick County, Kansas, the first publication
being made on the _____, day of _____, 19____, and
proper proof of such publication being filed herein. The Board
being advised in the premises find that such notice is in due
legal form and conforms to K.S.A. 58-2613.

THEREAFTER, the matter is presented to the Board and the
Board finds that no private rights will be injured or endangered
by such vacation and that the public will suffer no loss or
inconvenience thereby, and that in justice to the petitioners,
their prayer should be granted and that no written objections
have been filed hereto with the County Clerk.

The Board further finds that the Governing Body of the City of Wichita, by Resolution, at its regular meeting held on the 23d day of April, 1991, recommended and approved the vacation of the above-described building setback.

IT IS, THEREFORE, BY THE BOARD OF COUNTY COMMISSIONERS, in regular session duly assembled, ordered that the above-described building setback is hereby vacated.

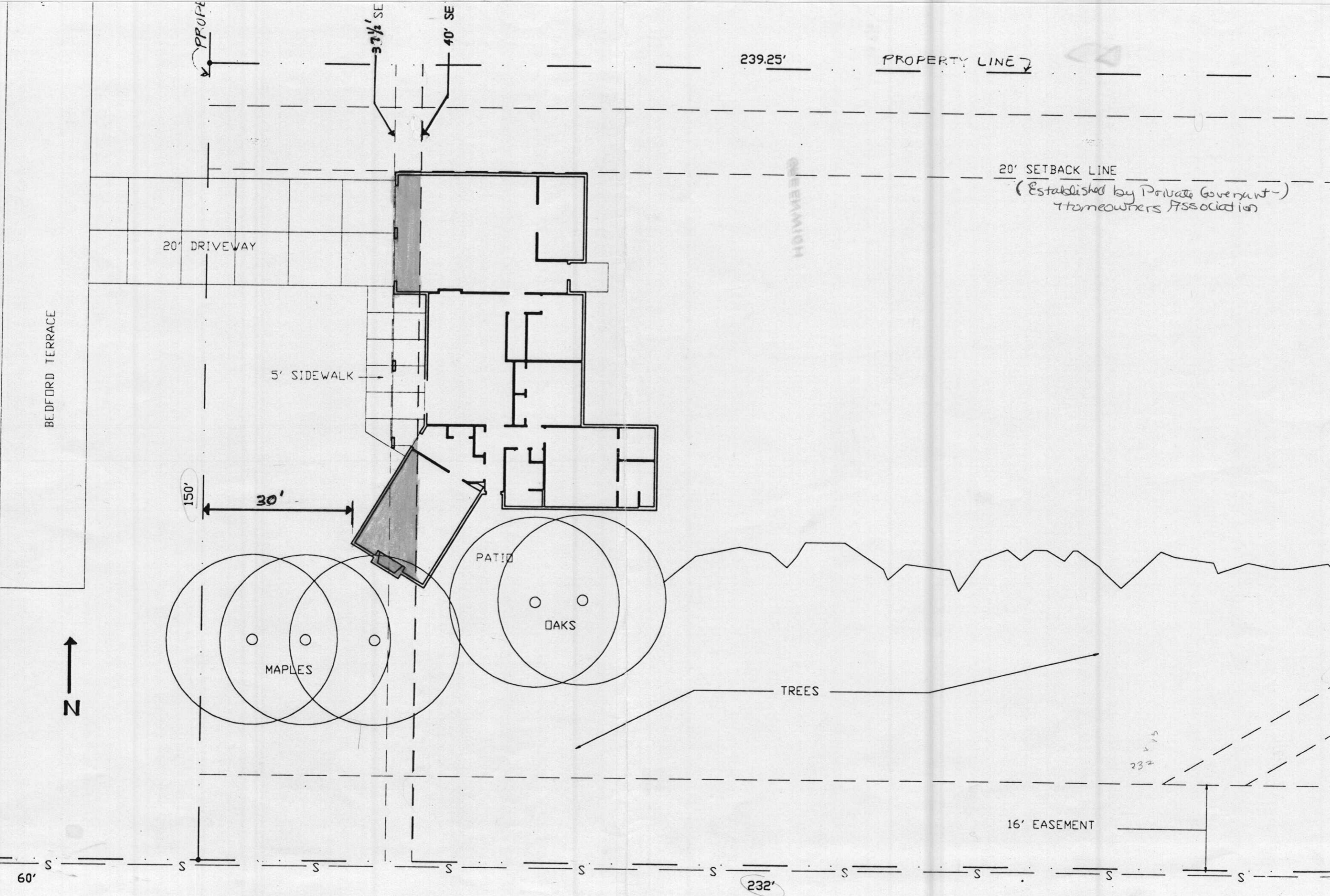
BILLY Q. McCRAY, CHAIRMAN

ATTEST:

DON WRIGHT, COUNTY CLERK

APPROVED AS TO FORM:

RICHARD EUSON, ASST. COUNTY COUNSELOR



V-1703