

City of Wichita
City Council Meeting
August 25, 1992

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1776 REQUEST TO VACATE PORTIONS OF PLATTED
BUILDING SETBACKS LOCATED EAST OF ROCK ROAD
(District #2)

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of building setbacks.

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

Background: The lot involved in this vacation was acquired by the Penstemon Homeowner's Association. Rather than using the lot as a building site, the Association is developing it as a neighborhood type park and playground. The vacation is to allow the construction of a gazebo in an advantageous location which maximizes the area available for playground and open space type uses. The Subdivision Committee, City and Traffic Engineering have indicated that the vacation should have no adverse impacts. 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 the public hearing, approve the vacation; authorize the Mayor to sign the Vacation Order; and record certified copy of the Vacation Order; recording costs to be billed to:

150029-2909

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

STATE OF KANSAS } ss
SEDGWICK COUNTY }
FILED }
8:00 a.m.
JUL 7 1992 1240321

IN THE MATTER OF THE VACATION OF)
PORTIONS OF PLATTED BUILDING SETBACKS)
GENERALLY LOCATED EAST OF ROCK ROAD AND)
SOUTH OF 29TH STREET NORTH (V-1776))
MORE FULLY DESCRIBED BELOW)

PAT KETTLER
REGISTER OF DEEDS
Pat Kettler

VACATION ORDER

NOW on this 25th day of August, 1992, comes on for hearing the petition for vacation filed by the Penstemon Homeowners Board, praying for the vacation of the following described building setbacks, to-wit:

Portion of building setbacks described as: Part of Lot 1, Block 1, Penstemon 4th, an Addition to Wichita, Sedgwick County, Kansas, described as: Beginning at the point of intersection of the north building setback line and the west building setback line; thence south 12'; thence west 10'; thence north to a point 10' south of the north line of said Lot 1; thence easterly parallel to and 10' south of the north line of said Lot 1, 16'; thence south parallel with the west line of said Lot 1 to the platted building setback line; thence west along the platted building setback line to the point of beginning.

MICROFILMED
OF RECORD

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:

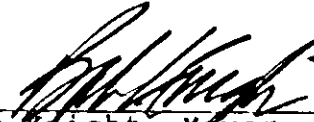
1. That due and legal notice has been given by publication as required by law, by publication in the Daily Reporter of notice of this vacation proceeding for consecutive weeks on 8-7-92 & 8-14, 1992.
2. No private rights will be injured or endangered by the vacation of the above-described building setbacks, 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.

8.00 ck
City Clerk

Vacation Order
V-1776
Page 2 of 2

5. The vacation of the building setbacks described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 25th day of August, 1992, ordered that the above-described building setbacks are 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.



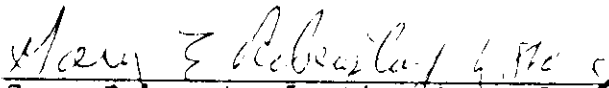
Bob Knight, Mayor

ATTEST:

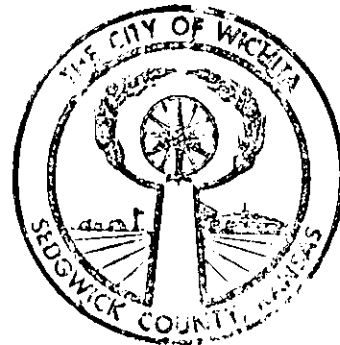
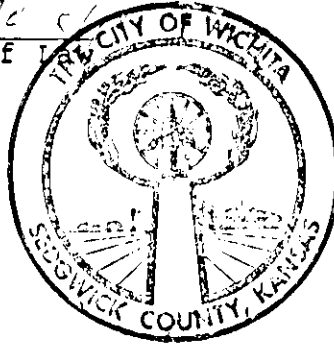


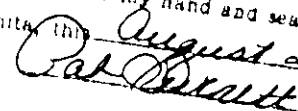
Pat Burnett, Deputy City Clerk

Approved as to Form:

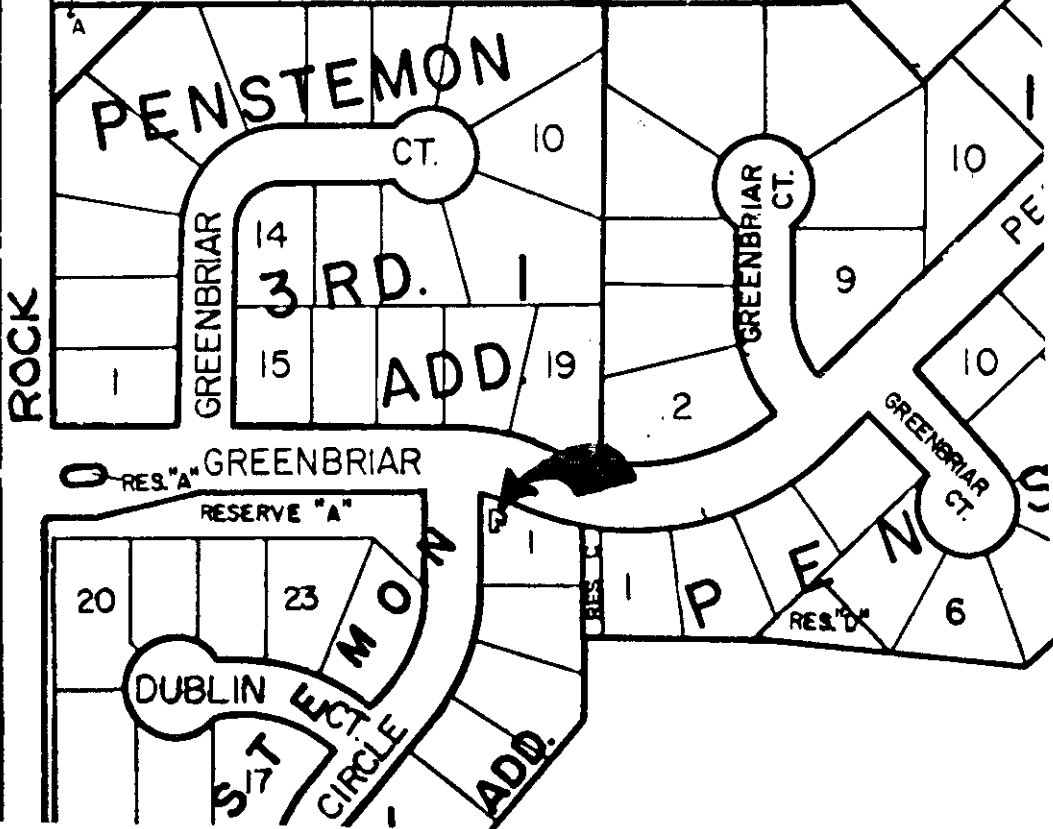


Gary Rebenstorf, Director of



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 August 25, 1992

Deputy City Clerk

PART OF CENTRAL
CHRISTIAN 2nd



Application Filed 7/6/92
 S/D Comm. Action 7/23/92 *App*
 M.A.P.C. Action 7/30/92

W.C.C. Action _____
 Bd. Co. Co. Action _____
 Order to Vacate Recorded _____