

Planning Agenda Item # _____

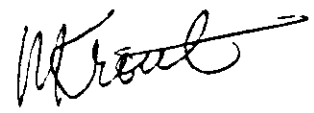
City of Wichita
City Council Meeting
May 19, 1992

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V-1760 - REQUEST TO VACATE A PORTION OF A PLATTED BUILDING SETBACK

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: An existing home was recently found to have a portion of the main structure encroaching a 30-foot building setback adjacent to a cul-de-sac. County Engineering and members at the Subdivision and Utility Advisory Committee indicate no objection to the vacation. The applicant is requesting to vacate the portion of the setback being encroached, in order to clear a cloud on the property's title. 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.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

*Sent City
to Mayor
Hansen
12/5/92*

IN THE MATTER OF THE VACATION OF
A BUILDING SETBACK,

GENERALLY LOCATED EAST OF 143RD STREET
EAST AND NORTH OF HARRY

MAPD CASE NO. V-1760

VACATION ORDER

NOW on this 8th day of July, 1992, at 9:00 o'clock A.M. comes
on for hearing a petition praying for the vacation of the
following-described building setback, to wit:

[see attached legal description]

WHEREUPON, it is shown that proper notice has been given by
publication once each week for three consecutive weeks in the
official county paper, the first such publication having occurred
on June 16, 1992; and it is further shown that proper proof of such
publication has been filed herein. The Board finds that such
notice is in lawful form and that it conforms to
K.S.A. 58-2613.

THEREAFTER, the Board, having heard all interested parties and
being otherwise duly advised in the premises, finds and determines
that no private rights will be injured or endangered by such
vacation; that the public will suffer no loss or inconvenience

*10-cc
ck City Clerk*

10-cc 10-cc

thereby; that no written objections hereto have been filed with the Sedgwick County Clerk; and that, in justice to the petitioner, the petition's prayer should be granted.

The Board further finds that on April 23, 1992, the Metropolitan Area Planning Commission recommended that the vacation petition herein be approved; and on May 19, 1992, the Governing Body of the City of Wichita recommended that the said petition be approved.

THEREFORE, IT IS ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS THAT the above-described building setback be and the same is hereby vacated.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

Betsy Gwin
BETSY GWIN, Chair

ATTEST:

Don Wright
DON WRIGHT, County Clerk

APPROVED AS TO FORM:

Richard A. Euson
RICHARD A. EUSON
Assistant County Counselor

STATE OF KANSAS
JUL 1 1992
8:00 a
JUL 1 1992
PAT TITLER
CLERK OF COURTS

Charles Euson
Charles Euson

MAPD CASE NO. V-1760

LEGAL DESCRIPTION

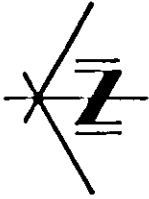
That part of Lot 6, Block 2, "TIMBER LAKES ESTATES", an Addition to Sedgwick County, Kansas, described as follows:

Commencing at the southeast corner of said Lot 6, Block 2; thence south $81^{\circ}47'22''$ west, on the south line of said Lot 6, a distance of 139.03 feet; thence north $8^{\circ}12'38''$ west, a distance of 27.09 feet to a point on the platted 30 foot setback line, said point being the point of beginning; thence south $38^{\circ}16'35''$ west, a distance of 2.61 feet; thence north $51^{\circ}43'26''$ west, a distance of 26.00 feet; thence north $38^{\circ}16'35''$ east, a distance of 2.83 feet to a point on said 30 foot setback line; thence southeasterly, on said setback line, an arc distance of 26.12 feet, more or less, to the point of beginning.

MORTGAGEE TITLE INSPECTION
(this does not constitute a boundary survey)

RESERVE "A"

Assigned Minimum Building Pad Elevation:	1298.0
Existing Pad Elevation:	1300.5
First Floor Elevation:	1302.07
Garage Floor Elevation:	1300.58
Window Exit Wall Elevation:	1301.54
(Not for use with Letter of Map Amendment)	



FILE #920121 & #920377

Offset Tolerances
Front ± 0.4', Side ± 0.4'

O = Overhang
W = Window Well Exit

Revised
4 March 1992

RESERVE "A"

Easement

**LOT 6,
EXCEPT THE
SOUTH 10',
BLOCK 2**

Well
(Ownership
Unknown)

RESERVE "A"

47.23'

10' Utility Easement

5' Utility Easement
155.79'

Client's Fence

3 Car Garage

30' Building Setback

PORTION OF SETBACK TO BE VACATED

WILLOWBEND COURT

Portion of lot 6, now part of adjoining lot

Subject property is determined to be in Flood Zone C, as shown on Sedgwick County FIRM Map, Community Panel #200321 0225 A, dated June 3, 1986.