

Planning Agenda Item # _____

City of Wichita
City Council Meeting
November 5, 1991

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1733 - REQUEST TO VACATE A PORTION OF A
PLATTED BUILDING SETBACK LOCATED SOUTH OF 21ST ST. NORTH AND
EAST OF MAIZE ROAD.
(District #5)

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 garage was found to have a minor encroachment into a setback platted from an adjacent cul-de-sac rather than the street itself. The vacation is needed to clear the property's title. The Subdivision and Utility Advisory Committee have indicated that the vacation will have no adverse effects. 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, recording costs to be billed to:

150029-2909

Page 1 of 2

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.)
GENERALLY LOCATED SOUTH OF 21ST ST.)
NORTH AND EAST OF MAIZE ROAD. (V-1733))
MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 5th day of November, 1991, comes on for hearing the petition for vacation filed by Wayne Wehking, praying for the vacation of the following described building setback, to-wit:

That part of Lot 47, Westwind 2nd Addition, Wichita, Kansas, described as commencing at the northwest corner of said Lot 47; thence S00°02'E, along the west line of said Lot 47, 25.5 feet; thence N89°58'E, 4.9 feet for a point of beginning; thence continuing N89°58' E. 5.89 feet to a point on the platted 25 foot building setback line; thence southwesterly along the said 25 foot building setback line, 7.75 feet; thence N00°02'W, 5.02 feet to the point of beginning. (V-1733)

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 10/22/91 & 10/29/91.
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.

MICROFILMED OF RECORD

8.00.k

city clerk

Vacation Order
V-1733
Page 2 of 2

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 5th day of November, 1991, 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.



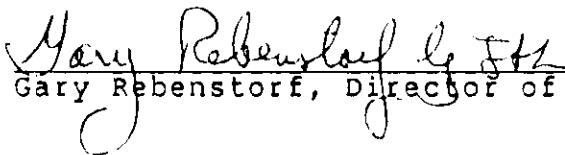
Bob Knight, Mayor

ATTEST:



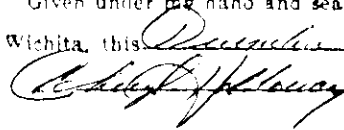
Pat Burnett, Deputy City Clerk

Approved as to Form:



Gary Rebenstorf, Director of Law

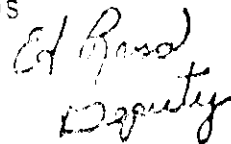


State of Kansas }
Sedgwick County) ss
City of Wichita)
I, Christy H. Halloway, Deputy City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is affixed is a true and correct copy of the original on file in the office of the City Clerk.
Given under my hand and seal of the City of Wichita, this December 30, 1991
 Deputy City Clerk

STATE OF KANSAS } ss
SEDGWICK COUNTY)
FILED FOR RECORD AT
8:00 a 11

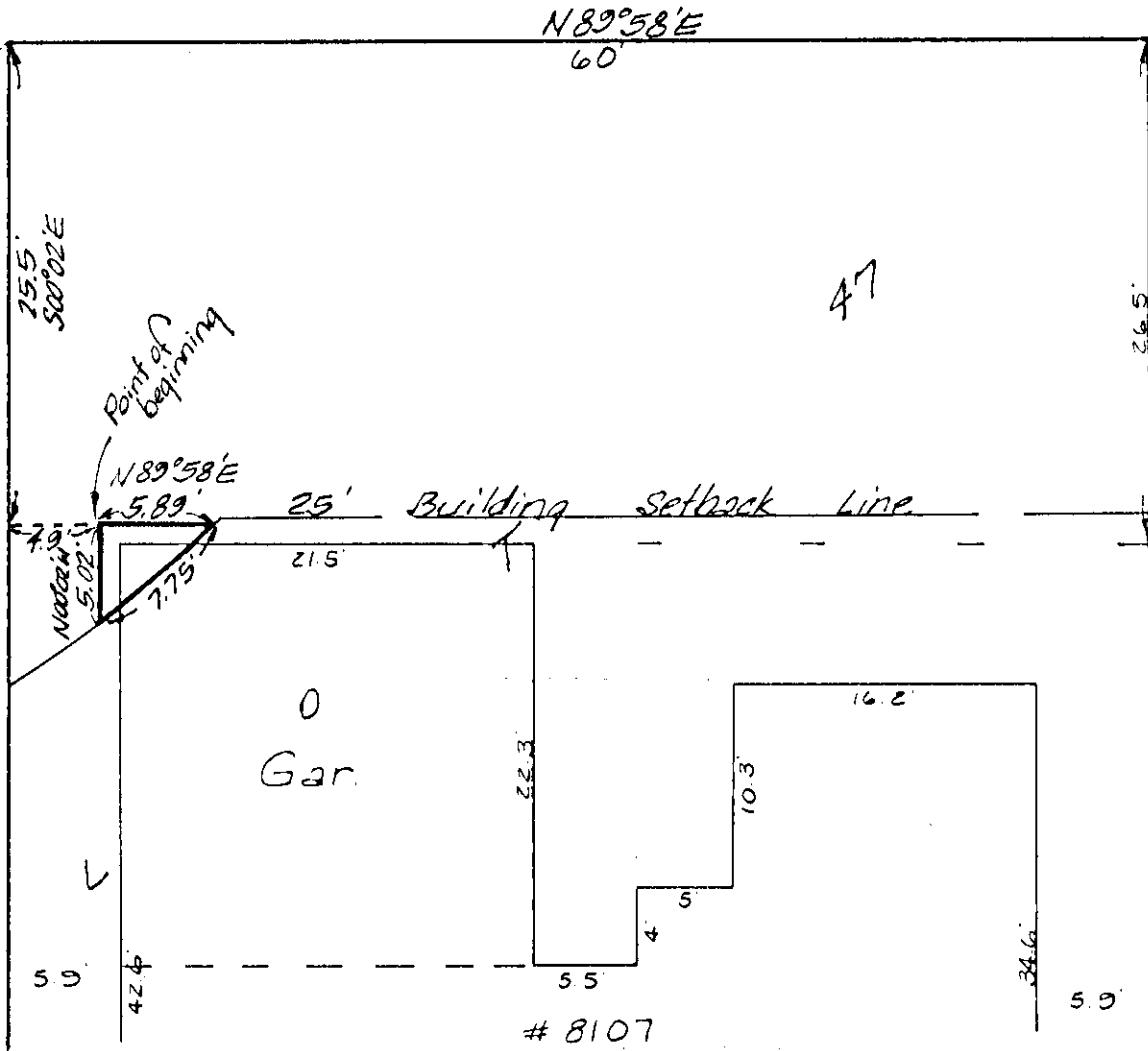
MAR 5 92 11 21 36

PAT KETTLER
REGISTER OF DEEDS


Ed Bass
Deputy

Westlawn

Circle



8107