

Planning Agenda Item # _____

City of Wichita
City Council Meeting
August 27, 1991

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1726 - REQUEST TO VACATE A PORTION OF A
PLATTED BUILDING SETBACK LOCATED NORTH OF 53RD ST. SOUTH, IN
AN AREA EAST OF ASH.
(District #4)

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: A home at this site was damaged by tornadoes and was reconstructed on the existing foundation. However, the front porch was enclosed by the contractor who assumed the lots in the area were built with a typical 25 foot setback rather than the 30 foot setback actually platted. An enclosed porch violates setback requirements and the vacation is requested to remove the violation. The utilities and City Engineering have no objection to the vacation. 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

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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 SET-
BACK

GENERALLY LOCATED NORTH OF 53RD ST.
SOUTH, IN AN AREA EAST OF ASH ST.
(V-1726)

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 27th day of August, 1991, comes on for hearing the petition for vacation filed by Mark D. Sullivan, praying for the vacation of the following described building setback, to-wit:

The north 4.5 feet of the south 30 feet of the east 11.3 feet of the west 35.5 feet of Lot 2, Block L, Mona Kay Matlock Addition an Addition in 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 Reporter of notice of this vacation proceeding for consecutive weeks on 8/13/91 and 8/20/91.
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

8.000k

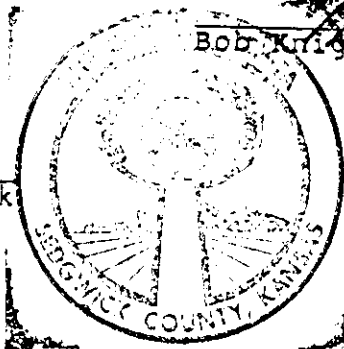
City Clerk

Vacation Order
V-1726
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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 27th day of August, 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.

ATTEST:

Pat Burnett
Pat Burnett, Deputy City Clerk



Bob Knight
Bob Knight, Mayor

Approved as to Form:

Joe Lang
Joe Lang, Acting Director of Law

State of Kansas)
Sedgwick County) ss
City of Wichita)
I, *Cheryl Williams*, Deputy City Clerk of the City of Wichita, Kansas, hereby certify that the document on file in the office of the City Clerk is a true and correct copy of the original as the same appears on file in the office of the City Clerk.
Witness my hand and seal of the City of Wichita, Kansas, this *24th* day of *August*, 1991.
Cheryl Williams Deputy City Clerk

STATE OF KANSAS }
SEDCWICK COUNTY } ss
FILED FOR RECORD AT
8:00 a.m.

JAN 3 1992 1179862

PAT KETTLER
REGISTER OF DEEDS

Pat Kettler
Register of Deeds

