

Planning Agenda Item # _____

City of Wichita
City Council Meeting
December 14, 1993

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1848 REQUEST TO VACATE A PORTION OF A
PLATTED 25-FOOT BUILDING SETBACK.
(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: The foundation for a garage has been found to encroach the setback by just under one (1)-foot. The vacation is being requested to clear the property of any related clouds on its title. The Subdivision Committee supports the vacation and City Engineering and the Utilities have indicated that no facilities will be adversely impacted.

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 the certified copy of the Vacation Order; recording costs to be billed to:

150029-2909

FILED

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

IN THE MATTER OF THE VACATION OF
BUILDING SETBACK

GENERALLY LOCATED WEST OF MAIZE
ROAD AND NORTH OF MAPLE

MORE FULLY DESCRIBED BELOW

Case No. V-1848

STATE OF KANSAS } SS
SEDCWICK COUNTY }
FILED FOR RECORD AT
8:00 a M

FEB 4 94 1357705

PAT KETTLER
REGISTER OF DEEDS

VACATION ORDER

NOW on this 14TH day of December, 1993, comes on for hearing the petition for vacation filed by Donald Klausmeyer and Paul Kelsey, praying for the vacation of the following described building setback, to-wit:

Beginning on a point on the platted 25-foot front yard building setback line, said point being 41.00 feet northeast of the southwesterly side lot line of Lot 3, Block 13, Oak Cliff Estates 3rd Addition, Wichita, Sedgwick County, Kansas, thence northeasterly along said setback line 25.00 feet; thence northwesterly at a right angle 1.00 feet; thence southwesterly parallel to said building setback line 25.00 feet; thence southeasterly at a right angle 1.00 feet to the point of beginning (V-1848).

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 11/23/93 & 11/30/93

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**

800h

Ct. Clerk

262 150029 2909 8-

Vacation Order
V - 1848

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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 14th of December, 1993 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.

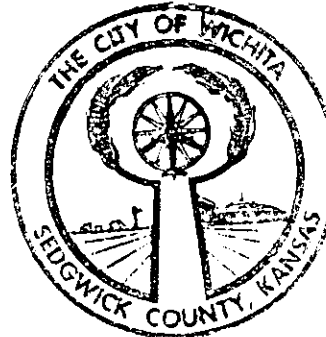

Elma Broadfoot, Mayor

ATTEST:

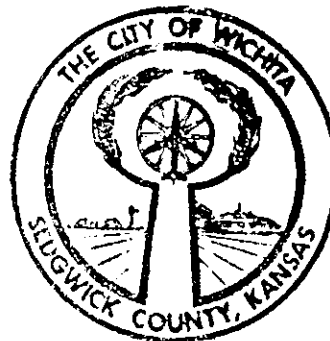

Pat Burnett, Deputy City Clerk

Approved as to Form:

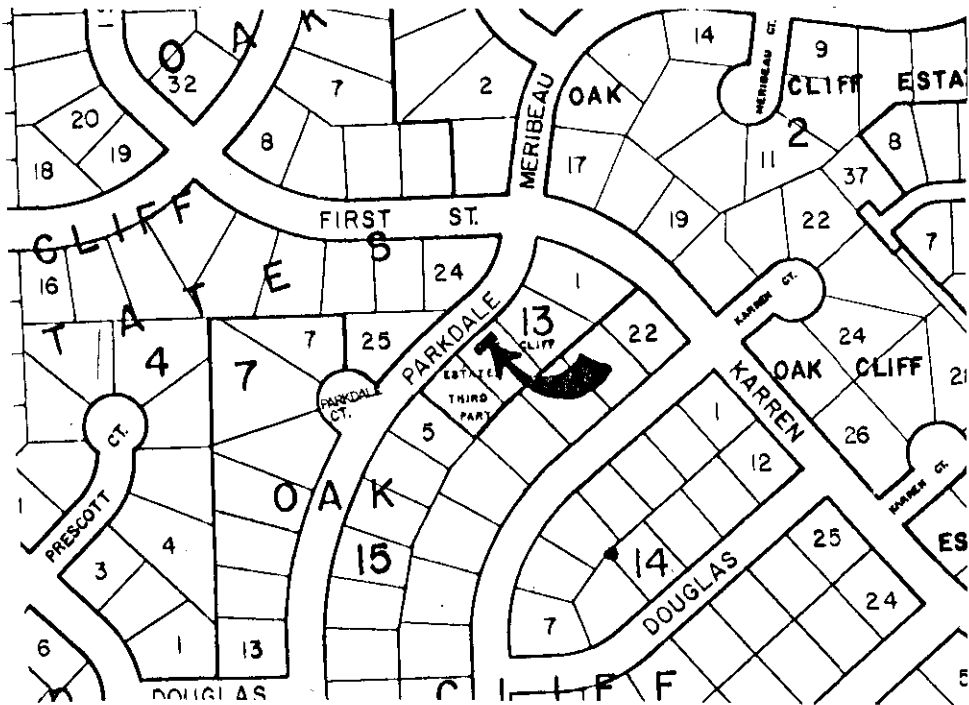

Gary E. Rebenstorf, Director of Law



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 DEC 14 1993
 Deputy City Clerk



Sketch.



Application Filed 10/25/93
S/D Comm. Action 11/10/93

W.C.C. Action 12-14-93 Approved

Bd. Co. Co. Action _____

M.A.P.C. Action 11/18/93

Order to Vacate Recorded _____

February 4 1994