

Planning Agenda Item # _____

City of Wichita
City Council Meeting
June 15, 1993

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V- 1806; Request to vacate a building setback, generally located south of Douglas and west of Rock. (District #2).

INITIATED BY: Metropolitan Area Planning Department

M. Kroul

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation.

MAPC Recommendation: Approve vacation (unanimous).

Background: This is the vacation of a building setback from 35 feet to 20 feet, sharing the same line from the right-of-way as the utility easement. This lot was the residual of a previous lot split, and recently has applied for its own respective lot split in order to be identified as a buildable site. Applicant proposes to build a medical office on this site. Staff and MAPC have recommended approval because reducing the building setback, to the utility easement, will provide applicant with sufficient area for construction of the building, and will not adversely affect the public interest.

This vacation has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

RECOMMENDATIONS/ACTIONS:

Close the public hearing, approve the vacation; authorize the Mayor to sign the Vacation Order; record the certified copy of the Order, recording costs to be billed to:

150029-2909.

Approved / Accepted By City Council
This JUN 15 1993

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

MICROFILMED
OF RECORD

IN THE MATTER OF THE VACATION OF A)
BUILDING SETBACK)

GENERALLY LOCATED SOUTH OF DOUGLAS AND)
WEST OF ROCK ROAD)

Case No. V-1806

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 15th day of June 1993, comes on for hearing the petition for vacation filed by Ted Mason, praying for the vacation of the following described building setback, to-wit:

That part of the 35 foot building setback lying southwest of the following described line: Commencing at the S.W. Corner of Lot 2, Block 2, Rockwood South Fifth Addition, Wichita, Sedgwick County, Kansas; thence north 89.99 feet along the east right-of-way line of Whittier having an assumed bearing of N 00°00'24"W; thence 39.12 feet on a bearing of N 89°58'36"E; thence 193.08 feet on a bearing of N 42°03'08"E, to the southwesterly right-of-way line of Armour; thence 20 feet on a bearing of S 42°03'08"W, along the previously described line to a point of beginning; thence 140.17 feet on a bearing of N47°56'52"W, to a point of intersection with said 35 foot building setback line. (V-1806)

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 5/14/93 + 5/21/93.
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.

3.00 ck

City Clerk

150029 2907 8'

Vacation Order
V-1806
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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 15th day of June, 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

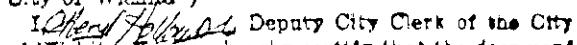
ATTEST:

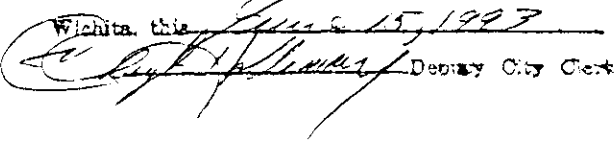

Pat Burnett, Deputy City Clerk

Approved as to Form:


Gary Rebenstorf, Director of Law



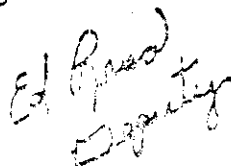
State of Kansas)
Sedgwick County) ss
City of Wichita)
I,  Deputy City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is affixed is a true and correct copy of the original on file in the office the the City Clerk.
Given under my hand and seal of the City of

Wichita, this June 15, 1993
 Deputy City Clerk



STATE OF KANSAS) ss
CROWN)
FILED)
8-00 a)
JUL 27 93 1308306

PAT KETTLER
REG. - REP. OF DEEDS


Ed Broad
Deputy

