

City of Wichita
City Council Meeting
February 23, 1993

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1800 REQUEST TO VACATE A BUILDING SETBACK
LOCATED NORTH OF 21ST STREET NORTH AND WEST OF ROCK
(District #2)

INITIATED BY: Metropolitan Area Planning Department *McKrodt*

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of building setback.

MAPC Recommendation: Approve vacation of building setback.
(unanimous)

Background: Applicant's home sits on a corner lot facing west, and has a 25-foot building setback along the west boundary (front) and the south boundary (side), both sides fronting streets. The vacation is requested so that the applicant can construct an attached garage to his residence along the south side. This will permit applicant to increase the amount of living space in his home by utilizing the existing (attached) garage area, on the northwest side, as living area. This is the only practicable direction in which the addition may be built.

A Restrictive Covenant has been submitted by the applicant for recording which will limit access for the new attached garage. Access to the garage will be from the easterly side (of the garage), thereby (i) increasing the drive area available for parking, and (ii) decreasing the likelihood that vehicles parked in the drive will interfere with the street right-of-way. The Subdivision Committee has indicated that no harm should result from this 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 the public hearing, approve the vacation; authorize the Mayor to sign the Vacation Order; and record certified copy of the Vacation Order and Restrictive Covenant; recording costs to be billed to:

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

IN THE MATTER OF THE VACATION OF BUILDING)
SETBACK)
)
GENERALLY LOCATED NORTH OF 21ST STREET)
NORTH AND WEST OF ROCK ROAD (V-1800))
)
)
MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 23rd day of February, 1993, comes on for hearing the petition for vacation filed by Ronald B. Hatcher, praying for the vacation of the following described building setback, to-wit:

The building setback described as that portion of Lot 9, Block 4, Sycamore Village Third Addition to Wichita, Sedgwick County, Kansas, described as commencing at the S.W. Corner thereof; thence southeasterly along the southerly line of said Lot 9, 46.28 feet; thence north parallel with the west line of said Lot 9, 8.58 feet for a place of beginning; thence continuing north parallel with the west line of said Lot 9, 16.7 feet to a point on the platted 25 foot building setback line; thence southeasterly along said 25 foot building setback line, 25.39 feet; thence south parallel with the west line of said Lot 9, 12.4 feet; thence west 25 feet to the point of beginning.

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 _____.
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.

Vacation Order
V-1800
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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 23rd day of February, 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.

Frank M. Ojile, Mayor

ATTEST:

Pat Burnett, Deputy City Clerk

Approved as to Form:

Gary Rebenstorf, Director of Law

