Planning Agenda #_____

City of Wichita
City Council Meeting
May 16, 1995

Agenda Report #_____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1903 REQUEST TO VACATE A PORTION OF A BUILDING SETBACK IN AN AREA NORTH OF CENTRAL AND EAST OF BEBE. (District #5)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation subject to limiting access on Central to one driveway.

MAPC Recommendation: Approve vacation of building setback. (7 - 5)

Background: This case was originally heard and approved by the City Council April 25, 1995. However, a proper publication of the legal notice did not take place and a rehearing of the case is necessary. As noted previously, this vacation of a portion of a platted building setback is being requested to allow for construction of a banking drive through facility. As a condition of the vacation it was recommended that the site be limited to the one opening presently in use for access out to Central. Two openings were originally platted, however , out to Central. At the April 25, 1995 Council's review of this case the vacation of the setback was approved without requiring a limitation on the site's access to one opening. 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/Actions: Close the public hearing; approve the vacation as recommended by the Planning Commission; 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

ved / Accepted By City Council

This MAY 16 1995

MICROFILMED OF RECORD

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

IN THE MATTER OF THE VACATION OF A BUILDING SETBACK	)	
GENERALLY LOCATED NORTH OF CENTRAL AND EAST OF BEBE	)	Case No. V-1903
MORE FULLY DESCRIBED BELOW	)	

VACATION ORDER

NOW on this 16th day of May, 1995, comes on for hearing the petition for vacation filed by Central National Bank, etal, praying for the vacation of the following described building setback, to-wit:

Beginning 30 feet East and 38 feet South of the Northwest corner of Lot 1, William G. Farha Addition to Wichita, Kansas; Thence West 13 feet; Thence South 28 feet; Thence East 13 feet; Thence 28 feet to beginning. (V-1903)

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 4/25/95 + 5/5/95.

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.

Book

5. The vacation of the building setback described herein should be approved.

City Clerks Office
455 N. Main - 12th Floor
Wichita, KS 67202

Vacation Order
V - 1903

IT IS, THEREFORE, BY THE CITY COUNCIL, on this MAY 16 1995 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

Pat Burnett, Deputy City Clerk

Approved as to Form:

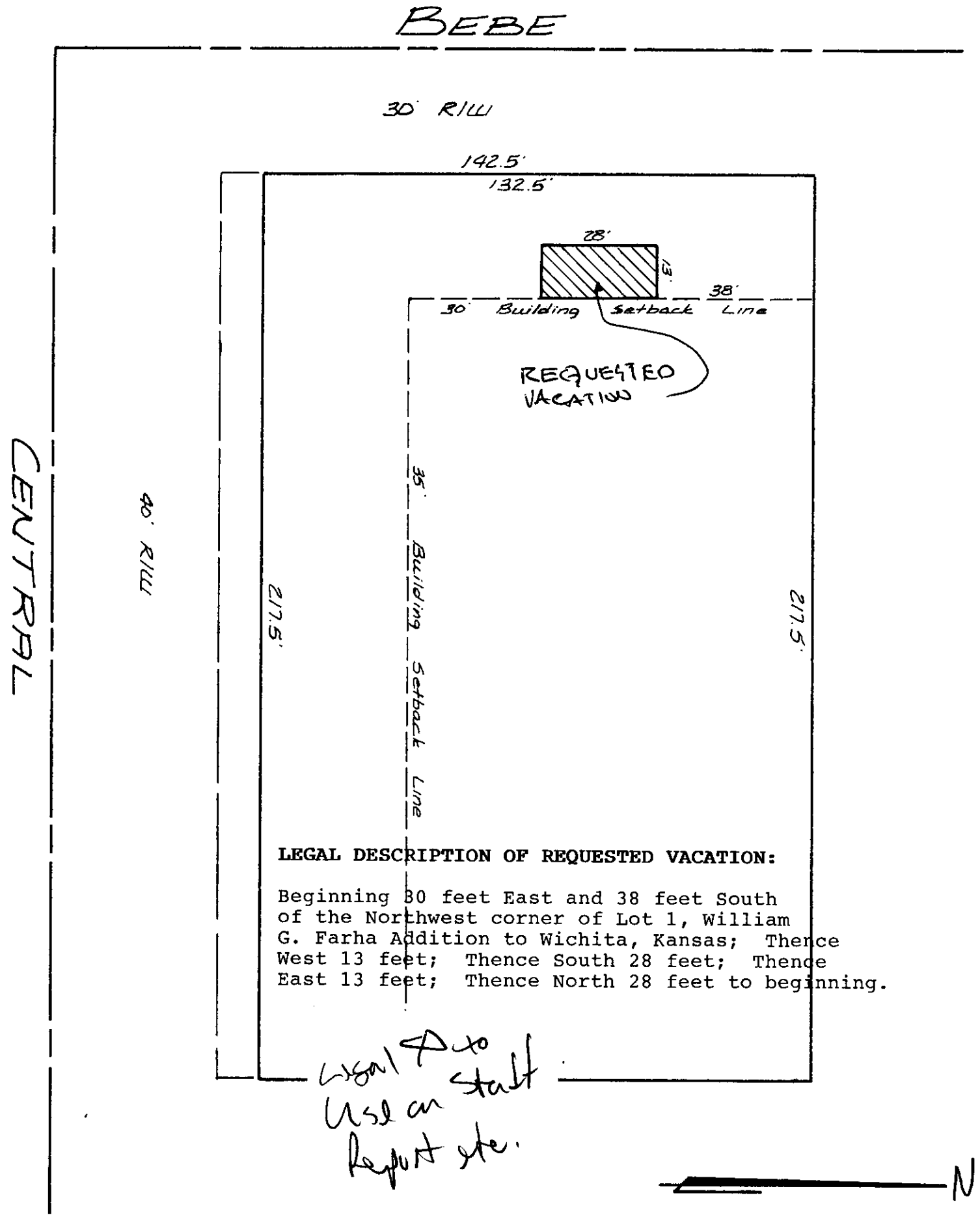
Gary E. Rebenstorf

Gary Rebenstorf, Director of Law

State of Kansas)
Sedgwick County) ss
City of Wichita)
I, Tom Schneider 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 May 19, 1995

Tom Schneider Deputy City Clerk

STATE OF KANSAS } SS
SEDGWICK COUNTY }
FILED FOR RECORD AT
10:00 A.M.
1455565 MAY 26 95
PAT KETTLER
REGISTER OF DEEDS



LEGAL DESCRIPTION OF REQUESTED VACATION:

Beginning 30 feet East and 38 feet South of the Northwest corner of Lot 1, William G. Farha Addition to Wichita, Kansas; Thence West 13 feet; Thence South 28 feet; Thence East 13 feet; Thence North 28 feet to beginning.

Legal Desc to Use on Staff Report site.