

Planning Agenda # \_\_\_\_\_

**City of Wichita  
City Council Meeting  
August 29, 1995**

Agenda Report # \_\_\_\_\_

**TO:** Mayor and City Council

**SUBJECT:** PUBLIC HEARING V-1925 REQUEST TO VACATE A PORTION OF A BUILDING SETBACK IN AN AREA SOUTH OF 47TH ST. S. AND WEST OF BROADWAY  
(District #4)

**INITIATED BY:** Metropolitan Area Planning Department

*M. Hunt*

**AGENDA ACTION:** Planning

-----  
**Staff Recommendation:** Approve vacation of building setback.

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

**Background:** Based upon requirements of a Community Unit Plan, this site was platted with a 75 foot building setback to Broadway. A portion of this setback is being requested for vacation in order to allow for the construction of a water dispensing facility closer to the adjacent street (Broadway). Such a closer location to the street would provide better visibility for the facility. Traffic Engineering and Planning have indicated no objections to the vacation and no public facilities will be impacted by the vacation. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions, including a requirement for trees to be planted and maintained in front of this building.

**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; 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

This AUG 29 1995

CITY CLERK'S ORIGINAL  
RETURN TO CITY CLERK

Page 1 of 2 MICROFILMED  
OF RECORD

FILED 553 PAGE 485

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



IN THE MATTER OF THE VACATION OF  
A BUILDING SETBACK

GENERALLY LOCATED  
SOUTH OF 47TH ST. S.  
AND WEST OF BROADWAY

MORE FULLY DESCRIBED BELOW

)  
)  
)  
)  
)  
)  
)

Case No. V-1925

STATE OF KANSAS )  
SEDGWICK COUNTY ) SS  
FILED FOR RECORD AT  
11:00 a.m.

1478962 & 20 2

PAT KETTLER  
REGISTER OF DEEDS

VACATION ORDER

NOW on this 29th day of August, 1995, comes on for hearing the petition for vacation filed by Broadway Plaza Partners, etal, praying for the vacation of the following described building setback, to-wit:

Part of the 75 foot building setback line adjacent to Broadway on Lot 1, Block A, Broadway 47 Plaza 2nd Addition to Wichita, Sedgwick County, Kansas, described as beginning at a point on the 75 foot building setback line, 110.3 feet south of the south line of Lot 2 in said Block A; thence south along said building setback line, 20 feet; thence east at right angles, 55 feet; thence north 20 feet; thence west 55 feet to 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 8/9/95 & 8/16/95.

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.

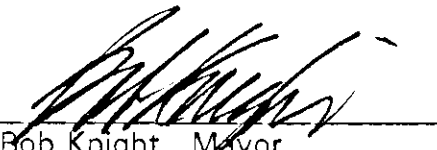
B. JO  
ck

Vacation Order  
V - 1925

Page 2 of 2

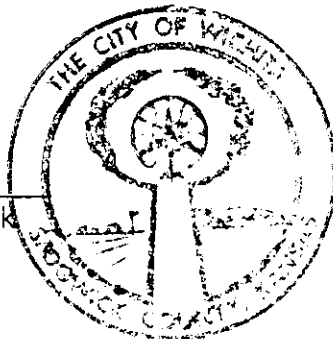
- 3. In justice to the petitioner(s), the prayer of the petition ought to be granted.
- 4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.
- 5. The applicant shall install and maintain landscaping consistent with the applicant's approved landscape plan.
- 6. The vacation of the building setback described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this day of 29th, day of August, 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, Deputy City Clerk

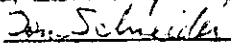


Approved as to Form:

  
Gary Rebenstorf, Director of Law

State of Kansas )  
Sedgwick County) s  
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 Sept. 1, 1995  
 Deputy City Clerk  
TOM SCHNEIDER

RECORDED

47 TH ST SQ

5

A

4

3

BROADWAY

2

47 PLAZA

2ND ADDITION



WATER ST.

BROADWAY

FORTY EIGHTH

ST. SQ.