

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

**City of Wichita  
City Council Meeting  
December 3, 1996**

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

**TO:** Mayor and City Council

**SUBJECT:** PUBLIC HEARING V-1995 REQUEST TO VACATE BUILDING SETBACKS  
LOCATED IN AN AREA WEST OF TYLER AND NORTH OF WESTLINK  
AVENUE.  
(District #5)

**INITIATED BY:** Metropolitan Area Planning Department *MSM*

**AGENDA ACTION:** Planning

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Staff Recommendation: Approve vacation of building setbacks.

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

Background: The vacation of a portion of a platted building setback is being requested to allow for construction of a new auto parts sales business. The applicant is requesting to reduce the west setback line from 30 feet to 10 feet, and the western portion of the north setback line from 30 feet to 12 feet. No municipal or public utilities are being impacted by the vacation. In order to address the concerns of neighboring properties, the applicant did agreed to and has submitted a CUP adjustment with the reduced setbacks and agreed to provide landscaping and screening along those two lot lines. 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; 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

COPY

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 TYLER AND NORTH OF  
 WESTLINK AVENUE

MORE FULLY DESCRIBED BELOW

)  
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 )  
 ) Case No. V-1995  
 )  
 )  
 )

STATE OF KANSAS }  
 SEDGWICK COUNTY } SS  
 FILED FOR RECORD AT  
 2008  
 1580643 \$225  
 LARRY CONSOLV  
 REGISTER OF DEEDS

*Larry Consolva*  
 Deputy

VACATION ORDER

NOW on this 3rd day of December, 1996, comes on for hearing the petition for vacation filed by Edward T. Neville, praying for the vacation of the following described building setback, to-wit:

The east 20 feet of the west 30 feet, together with the south 18 feet of the north 30 feet of the west 93 feet of Lot 3, Westlink Center 2nd Addition.

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:

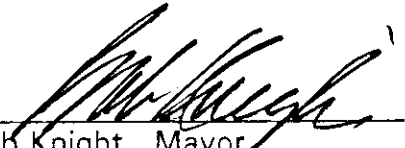
1. That due and legal notice has been given by publication as required by law, by publication in the Daily Reporter of notice of this vacation proceeding for consecutive weeks on 11/15/96 & 11/22/96
2. No private rights will be injured or endangered by the vacation of the above-described building setback, 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.

COPY

Vacation Order  
V - 1995

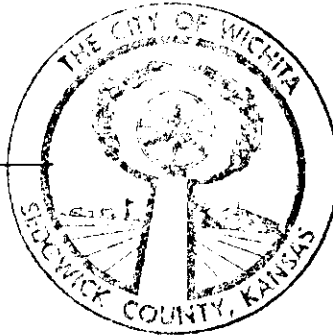
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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 3rd day of December, 1996, ordered that the above-described building setback is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

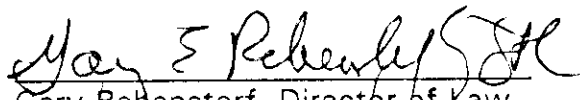
  
Bob Knight, Mayor

ATTEST:

  
Pat Burnett, City Clerk



Approved as to Form:

  
Gary Rebenstorf, Director of Law

ROLLING HILLS  
EIGHTH ADD. 2

ROLLING HILLS 1  
3rd ADD.

THUNDERBIRD  
ADD. 6TH

7 6 5  
1 2 3 4  
AVE. PETERSON

9 8 7 6 5 4 3 2 1  
REPLAT

8 7 6 5 4 3 2 1

5TH

3

1

PART OF  
WESTLINK  
CENTER 2nd  
ADDITION

WESTLINK  
CENTER 4TH ADD.

WESTLINK  
CENTER 3rd.

CENTRAL

2

JOY  
ADD.

WESTLINK  
CENTER  
NO 3

AVE.

TYLER