

**City of Wichita
City Council Meeting
March 3, 1998**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2060 REQUEST TO VACATE PORTION OF A PLATTED BUILDING SETBACK LOCATED IN AN AREA AT THE SOUTHWEST CORNER OF SUNSET AND EMERSON, NEAR 13TH STREET NORTH AND EAST OF TYLER.
(District #5)

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of a portion of a platted building setback.

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

Background: The applicant proposes to construct a 3rd bay onto the existing garage on his property, extending as close as 10 feet to the right-of-way line for Emerson Avenue. The lot was platted with a 25-foot building setback along Emerson Avenue, which was intended to be the front yard. The residence constructed on the property faces Sunset Drive but honors the building setback along Emerson Avenue. The applicant has constructed a solid wood fence that encloses more than the area proposed for the addition onto the garage.

The residences to the south along Emerson Avenue are built at the 25-foot building setback line. However, Emerson Avenue curves to the north and east as it approaches Sunset Drive from the south, so the addition onto the garage is less intrusive into the front yard area than would be expected if the Emerson Avenue stayed on a straight course.

The Subdivision/Utility Committee recommended the request to vacate a portion of the platted building setback be approved subject to the following conditions:

- A. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.

The MAPC recommended approval of the Subdivision/Utility Committee recommendation. No members of the public spoke in opposition to this request.

Recommendations/Actions: Close the public hearing, approve the vacation; authorize the Mayor to sign the Vacation Order; record the certified copy of the Vacation Order, recording costs to be billed to: 150003-2909

STATE OF KANSAS }
SEDGWICK COUNTY } SS

APR 15 10 14 AM '98



Approved / Accepted By City Council

This MAR 10 1998

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S. Christensen
Deputy

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

IN THE MATTER OF THE VACATION OF)
PLATTED BUILDING SETBACK)
)
GENERALLY LOCATED) Case No. V-2060
SUNSET AND EMERSON, NEAR 13TH)
STREET NORTH AND EAST OF TYLER)
)
MORE FULLY DESCRIBED BELOW)

MICROFILMED
OF RECORD

VACATION ORDER

NOW on this 3rd day of March, 1998, comes on for hearing the petition for vacation filed by Robert T. Harvey & Deborah K. Hill, praying for the vacation of the following described platted building setback, to-wit:

That part of the platted 25-foot building setback on Lot 1, Block 4, Second Addition to Sunset Manor West, Wichita, Sedgwick County, Kansas, further described as commencing at the NE corner of said Lot 1: thence N43°53'30"W along the northeasterly line of said Lot 1, 24.59 feet; thence S46°06'30"W, 20 feet to a point on the platted 25 foot building setback line for a point of beginning; thence S43°53'30"E, 15 feet; thence S46°06'30"W, 26 feet; thence N43°53'30"W, 13.24 feet to a point on said 25 foot building setback line; thence northeasterly along said 25 foot building setback line an arc distance of 26.06 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 one time 2-6-98, which was at least 20 days prior to this public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described platted 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 platted building setback described herein should be approved.

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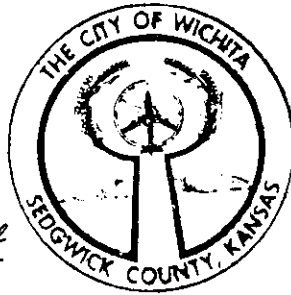
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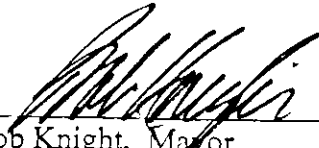
CITY CLERK

Vacation Order
V - 2060

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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 3rd day of March, 1998, ordered that the above-described platted 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.





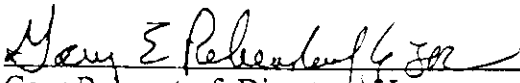
Bob Knight, Mayor

ATTEST:



Pat Burnett, City Clerk


Approved as to Form:



Gary Rebenstorf, Director of Law

State of Kansas)
Sedgwick County) ss
City of Wichita)

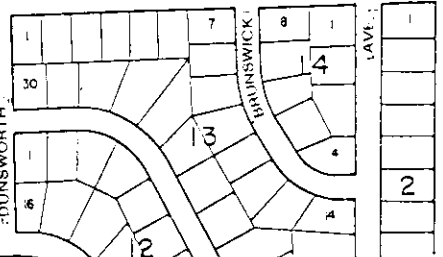
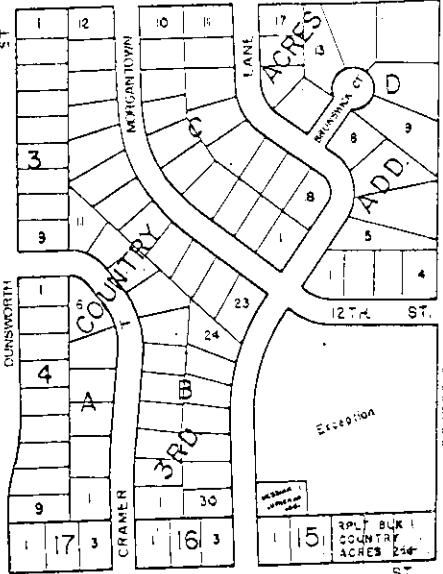
I Pat Burnett, City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is affixed is a true and correct copy of the original on file in my office.

Given under my hand and seal of the City of Wichita, this MAR 3 1998
 City Clerk



THIRTEENTH ST

COUNTRY ACRES



VAR. ORD. 31-578

Exception

REPL. BULK COUNTRY ACRES 244