

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

**City of Wichita  
City Council Meeting  
December 9, 1997**

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

**TO:** Mayor and City Council

**SUBJECT:** PUBLIC HEARING V-2037 REQUEST TO VACATE BUILDING SETBACK  
LOCATED IN AN AREA SOUTH OF PAWNEE, WEST OF SENECA,  
(District #4)

**INITIATED BY:** Metropolitan Area Planning Department



**AGENDA ACTION:** Planning

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Staff Recommendation: Approve vacation of building setback.

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

Background: The applicants are constructing a drive-up ATM Machine at the Emprise Bank. The location of the ATM is acceptable under City rules, but would encroach into a platted building setback. In order to accommodate to construction, a portion of the building setback is being vacated.

The Subdivision Committee and MAPC both approved the vacation. No members of the public addressed the MAPC in opposition to this request.

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

1662650 429

1661 734 1601 700

Approved / Accepted By City Council

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This ~~DEC 9 1997~~

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

IN THE MATTER OF THE VACATION OF BUILDING SETBACK

GENERALLY LOCATED SOUTH OF PAWNEE, WEST OF SENECA

MORE FULLY DESCRIBED BELOW

Case No. V-2037



REGISTER OF DEEDS LARRY CONSOLEVER

JAN 29 10 43 AM '98

STATE OF KANSAS SEDGWICK COUNTY } SS

VACATION ORDER

S. Christian Deputy

NOW on this 9th day of December, 1997, comes on for hearing the petition for vacation filed by Emprise Bank, % Arden Strole and Phil G. Ruffin, dba Westway Properties, praying for the vacation of the following described building setback, to-wit:

Building setback described as: That part of Lot 1, Block 1, Westway Addition, Wichita, Sedgwick County, Kansas described as commencing at a point on the west line of Seneca Avenue, said point being 488.28 feet south and 60 feet west of the N.E. corner of the N.E. 1/4 of Section 6, T28S, R1E of the 6th P.M., Sedgwick County, Kansas; thence south along the west line of said Seneca Avenue, 171.94 feet; thence west at right angle to said Seneca Avenue, 90 feet to a point on the 90 foot building setback line; thence north along said building setback line, 75 feet for a point of beginning; thence continuing north along said building setback line, 13 feet; thence east at right angles, 72 feet; thence south at right angles, 13 feet; thence west 72 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 one time on 11-18-97, which was at least 20 days prior to the date set for public hearing thereon.
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.

S. Christian

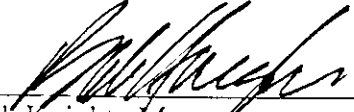
City Hall

800 / 150029

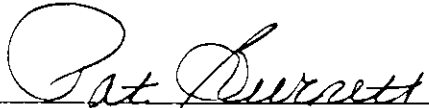
Vacation Order  
V -2037

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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 9th day of December, 1997, 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.

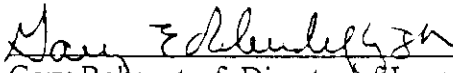
  
\_\_\_\_\_  
Bob Knight, Mayor

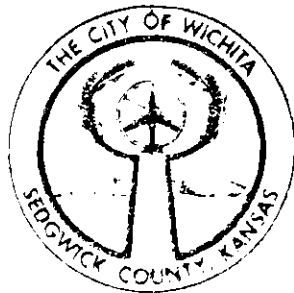
ATTEST:


  
\_\_\_\_\_  
Pat Burnett, City Clerk



Approved as to Form:

  
\_\_\_\_\_  
Gary Rebenstorf, Director of Law



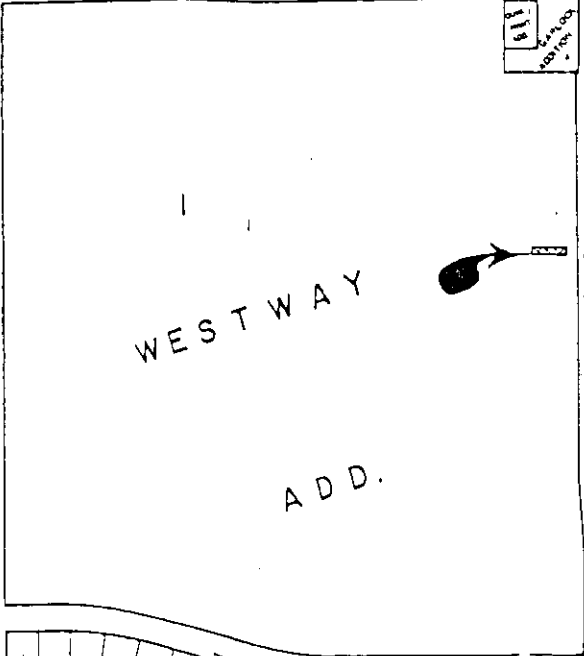
State of Kansas )  
Sedgwick County ) ss  
City of Wichita )  
I, **Pat Burnett** City Clerk of the City of Wichita,  
Kansas hereby certify that the document to which  
this is attached is a true and correct copy of the orig-  
inal on file in my office.  
Given under my hand and seal of the City of  
Wichita this **DEC 9 1997**  
  
\_\_\_\_\_  
City Clerk

PAWNEE



1	20		
BROWNS			
		10	11
		SAVANNAH	
1	18		
ADD.			
		9	10
		FERN	

ELIZABETH AVE.



WESTWAY

ADD.

GENECA AVE.

9	
OFF	
0	

1	6
11	7

MARTINSON

1	11
WESTWAY 7	
12	

CRAWFORD ST.

9
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1	5
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DALLAS ST.