

Planning Agenda # _____

City of Wichita
City Council Meeting
October 13, 1998

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2119 REQUEST TO VACATE BUILDING SETBACK
LOCATED NORTH OF 21ST STREET NORTH AND EAST OF WOODLAWN.
(District #1)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

*MKhalt
by DE*

Staff Recommendation: Approve vacation of building setback.

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

Background: The applicant is requesting to vacate a portion of the 25 foot building setback for a corner lot at Mainsgate and Welgate Circle to permit the encroachment of an existing swimming pool. The pool extends 7 feet to 20 feet into the setback area.

Public Works has reviewed and approved this request. The vacation request has been reviewed and approved by the Planning Commission on September 10th. Neighbors were notified of the Planning Commission meetings and none showed up to object.

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.

OCT 28 1998

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

J. Brelan
Deputy

IN THE MATTER OF THE VACATION OF)
BUILDING SETBACK)
)
GENERALLY LOCATED) Case No. V-2119
2500 WELGATE)
)
)
MORE FULLY DESCRIBED BELOW)

STATE OF KANSAS) ss
SEDGWICK COUNTY)

Dec 3 11 46 AM '98



VACATION ORDER

BILL MEEK
REGISTER OF DEEDS

NOW on this 13th day of October, 1998, comes on for hearing the petition for vacation filed by Dilla Munro, praying for the vacation of the following described building setback, to-wit:

That part of Lot 17, Block C, Comotara First Addition an Addition to Wichita, Sedgwick County, Kansas, described as commencing at the S.E. corner of said Lot 17; thence N00°56'56"W, 28.68 feet to the intersection with the platted 25 foot setback line; thence southwesterly, along said setback line, being a curve, having a radius of 298.10 feet, a central angle of 03° 55'23", an arc length of 20.41' feet and a chord bearing S60° 21'17"W, 20.41 feet for a place of beginning; thence S00°56'56"E, 4.97 feet; thence S43° 03'28"W, 7.36 feet; thence S89°03'04"W, 9.27 feet; thence N44° 57'20"W, 3.43 feet to the platted 25 foot setback line; thence northeasterly, along said setback line, having a radius of 298.10 feet, a central angle of 03°33'19", an arc length of 18.50 feet and a chord bearing N64° 05'38"E, 18.50 feet to the place 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 9-22-98, 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 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.

MICROFILMED
OF RECORD

J. Brelan

City Clerk

MICROFILMED
OF RECORD

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Vacation Order
V - 2119

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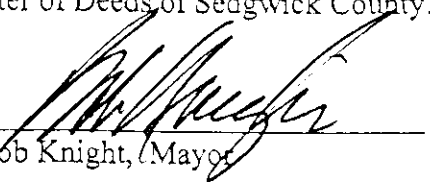
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

5. The vacation of the building setback described herein should be approved, subject to the following condition:

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

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13th day of October, 1998, 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:


Pat Burnett


Gary Rebenstorf, Director of Law



