

Planning Agenda # _____

**City of Wichita
City Council Meeting
October 13, 1998**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2111 REQUEST TO VACATE A PORTION OF 100 FOOT BUILDING SETBACK LOCATED IN AN AREA NORTH OF HARRY, EAST OF WEBB ROAD.
(District #2)

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of 100 foot building setback.

MAPC Recommendation: Approve vacation of 100 foot building setback. (unanimous)

Background: The applicant is requesting the vacation of a building setback to allow the construction of an ATM at this location. The applicant has also received a variance to reduce the front yard setback from 20 feet to 5.

Traffic Engineering and Public Works has approved the vacation of this building setback. This vacation request was approved by the MAPC on August 13th.

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.

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

IN THE MATTER OF THE VACATION OF)
100 FOOT BUILDING SETBACK)
)
GENERALLY LOCATED)
NORTH OF HARRY, EAST OF WEBB ROAD)

J. Brehan
Deputy

Case No. V-2111

MORE FULLY DESCRIBED BELOW)

STATE OF KANSAS) SS
SEDGWICK COUNTY)

DEC 3 11 46 AM '98



VACATION ORDER

BILL HEEK
REGISTER OF DEEDS

MICROFILMED
OF RECORD

NOW on this 13th day of October, 1998, comes on for hearing the petition for vacation filed by Intrust Bank, c/o Doug Winkley, praying for the vacation of the following described 100 foot building setback, to-wit:

The west 20 feet EXCEPT the south 5 feet of that part of Lot 2, Block 1, Park Meadow Estates, Sedgwick County, Kansas, described as commencing at the SE corner thereof; thence S 89°38'15"W along the south line of said lot, 43 feet for a place of beginning; thence continuing S 89°38'15"W, 7 feet to a deflection corner of said lot; thence N 81°49'25"W along the south line of said lot, 65.66 feet to a corner of said lot; thence N00°00'E along a line of said lot 46.25 feet; thence N 89°38'15"E, 72 feet; thence S 00°00'W, 56.00 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 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 100 foot 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 100 building setback described herein should be approved, subject to the following condition:

8.00 ch

City Clerk

*150003
800
OK*

Vacation Order
V - 2111

Page 2 of 2

- 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 100 foot 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

 Bob Knight, Mayor

ATTEST:

Pat Burnett

 Pat Burnett, City Clerk

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

Pat Burnett City Clerk of the City of Wichita,
 Kansas, do hereby certify that this is a true and correct copy of the original
 instrument as recorded in the office of the City Clerk of the City of
 Wichita, Kansas.

Approved as to Form:

Given under my hand and the seal of the City of
 Wichita, Kansas, this 13th day of October, 1998.

Pat Burnett City Clerk

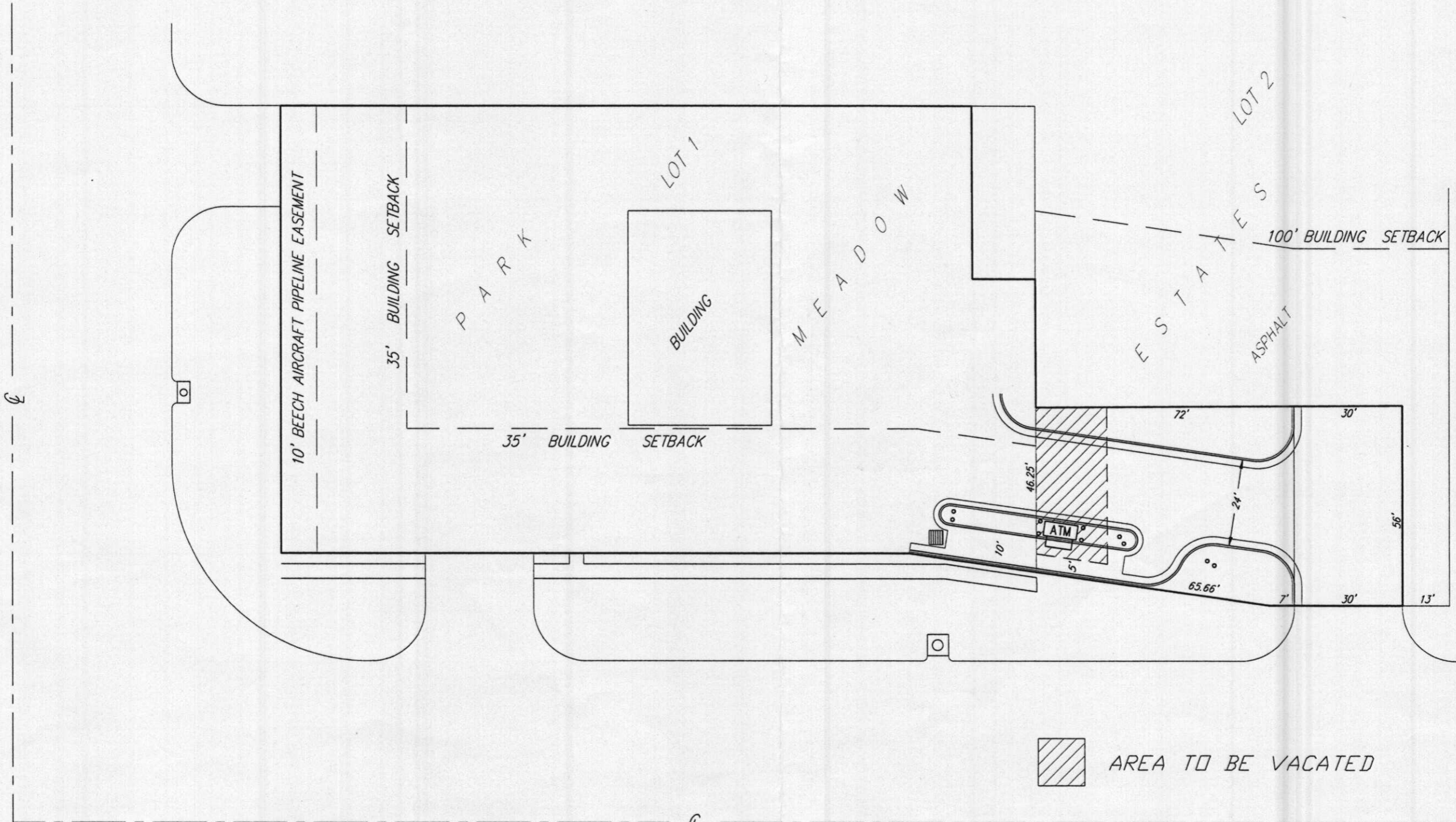
Gary Rebenstorf

 Gary Rebenstorf, Director of Law



EXHIBIT A


WEBB ROAD



Owner:
 Intrust Bank, N.A.
 c/o Doug Winkley
 105 North Main
 Wichita, KS 67202

Legal Description:
 Part of Lot 2, Block 1, Park Meadow
 Estates, Sedgwick County, Kansas.

Legal Description of vacation:
 The west 20 feet, except the south 5
 feet, of that part of said Lot 2
 described as commencing at the SE
 corner thereof; thence S 89°38'15" W
 along the south line of said lot, 43 feet
 for a place of beginning; thence
 continuing S 89°38'15" W, 7 feet to
 a deflection corner of said lot; thence
 N 81°49'15" W along the south
 line of said lot, 65.66 feet to a corner
 of said lot; thence N 00°00' E
 along a line of said lot, 46.25 feet;
 thence N 89°38'15" E, 72 feet;
 thence S 00°00' W, 56.00 feet to
 the point of beginning.

 AREA TO BE VACATED

SCALE: 1"=30'

HARRY