

Planning Agenda # _____

**City of Wichita
City Council Meeting
September 15, 1998**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2102 REQUEST TO VACATE PORTION OF THE 25 FOOT BUILDING SETBACK LOCATED IN AN AREA SOUTH OF CENTRAL AND WEST OF 119TH STREET.
(District #5)

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of portion of the 25 foot building setback line.

MAPC Recommendation: Approve vacation of portion of the 25 foot building setback line.
(unanimous)

Background: The applicant is requesting to vacate a portion of a 25 foot building setback. The existing garage was constructed into the 25 foot building setback approximately 1 1/2 feet.

The Subdivision Committee and the MAPC both voted unanimously to approve the requested vacation of the building setback.

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.

8⁰⁰

MICROFILMED
OF RECORD

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

IN THE MATTER OF THE VACATION OF)
PORTION OF THE 25 FOOT BUILDING)
SETBACK LINE)
)
GENERALLY LOCATED)
SOUTH OF CENTRAL AND WEST OF 119TH)
STREET)
)
MORE FULLY DESCRIBED BELOW)

STATE OF KANSAS) ss
SEDGWICK COUNTY)
Oct 8 8 03 AM '98
Case No. V-2102
BILL MEEK
REGISTER OF DEEDS



VACATION ORDER

NOW on this 15th day of September, 1998, comes on for hearing the petition for vacation filed by Robert E. Cook, praying for the vacation of the following described a portion of the 25 foot building setback line, to-wit:

Part of the building setback in Lot 47, Block 4, Bay Country, an Addition to Wichita, Sedgwick County, Kansas, being more particularly described as follows; Commencing at the Southerly most corner common to Lots 46 and 47, in said Block 4; thence Northwesterly, on the lot line between said Lots 46 and 47, on a platted bearing of North 28°16'24" West, a distance of 26.52 feet; thence South 61°43'36" West, a distance of 5.09 feet to the Point of Beginning, said point being on the platted 25 foot building setback line; thence South 28°39'39" East, a distance of 3.04 feet; thence South 61° 20'21" West, a distance 5.13 feet to a point on said 25 foot building setback line, thence Northeasterly, on said 25 foot building setback line, said line being a curve to the right, having a radius of 75 feet, a central angle of 4°33'25" and a chord bearing and distance of North 30°41'05" East, 5.96 feet, an arc distance of 5.97 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 8-21-98, 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 a portion of the 25 foot building setback line, 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.

8⁰⁰

City Clerk

Vacation Order
V - 2102

Page 2 of 2

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 a portion of the 25 foot building setback line 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 15th day of September, 1998, ordered that the above-described a portion of the 25 foot building setback line 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.

ATTEST:

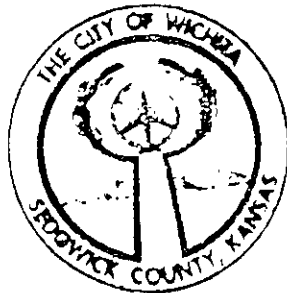
Pat Burnett
Pat Burnett, City Clerk



Bob Knight
Bob Knight, Mayor

Approved as to Form:

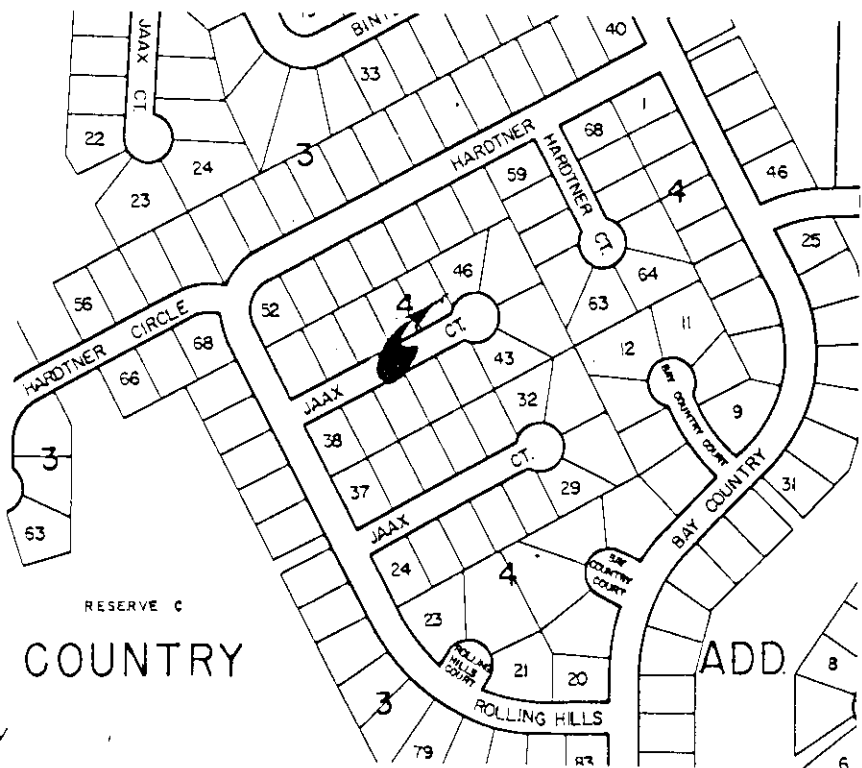
Gary Rebenstorf
Gary Rebenstorf, Director of Law



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 SEP 15 1998
Pat Burnett City Clerk



RESERVE C

COUNTRY

ADD