

Planning Agenda # _____

**City of Wichita
City Council Meeting
June 2, 1998**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2081 REQUEST TO VACATE BUILDING SETBACK
LOCATED IN AN AREA WEST OF SENECA AND 1/8 MILE SOUTH OF
PAWNEE.
(District #4)

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of building setback.

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

Background: The applicant is requesting to vacate a building setback in order to construct a canopy and an ATM. This vacation would reduce the building setback from 90 feet to 29 feet on a portion of the property. (See attached map)

The vacation request has been reviewed and approved by the Planning Commission. No members of the public addressed the MAPC in opposition to this request.

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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CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

STATE OF KANSAS) SS
SEDGWICK COUNTY)

Approved / Accepted By City Council

This JUN 2 1998

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REGISTER OF DEEDS

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

*Pat Hiett
Deputy*

IN THE MATTER OF THE VACATION OF)
BUILDING SETBACK)
)
GENERALLY LOCATED)
WEST OF SENECA AND 1/8 MILE SOUTH OF)
PAWNEE)
)
MORE FULLY DESCRIBED BELOW)

Case No. V-2081



MICROFILMED
OF RECORD

VACATION ORDER

NOW on this 2nd day of June, 1998, comes on for hearing the petition for vacation filed by Ruffin Properties, Attn: Phil Ruffin, praying for the vacation of the following described building setback, to-wit:

Commencing at the most easterly NE corner of Lot 1, Block 1, Westway Addition, Wichita, Sedgwick County, Kansas; thence S00°00'00"E along the east line of said Lot 1, 452.22 feet; thence N90°00'00"W, 90 feet to an intersection with a building setback line as platted in said Lot 1; thence S00°00'00"E along said building setback line, 36.67 feet for a point of beginning; thence continuing S00°00'00"E along said building setback line, 73.00 feet; thence N90°00'00"E, 10.50 feet; thence N00°00'00"E, 30.50 feet; thence N90°00'00"E, 50.50 feet; thence N00°00'00"E 37.50 feet; thence N90°00'00"W, 50.50 feet; thence N00°00'00"E, 5.00 feet; thence N90°00'00"W, 10.50 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 MAY 8 1998, 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.
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.

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Vacation Order
V - 2081

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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 2nd day of June, 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

 Bob Knight, Mayor

ATTEST:

Pat Burnett

 Pat Burnett, City Clerk

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.

Approved as to Form:

Given under my hand and seal of the City of Wichita, this JUN 2 1998
Pat Burnett
 _____ City Clerk

Gary E. Rebenstorf

 Gary E. Rebenstorf, Director of Law



