

Planning Agenda # _____

City of Wichita
City Council Meeting
April 13, 1999

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: V-2164 - REQUEST TO VACATE A PORTION OF A BUILDING SETBACK LOCATED IN AN AREA AT THE SOUTHEAST CORNER OF 47TH STREET SOUTH AND BROADWAY. (District IV)

INITIATED BY: Metropolitan Area Planning Department *M. Klout*

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 portion of a platted building setback to allow for the construction of an ATM. The applicant has submitted a site plan which shows an ATM located within the 100 foot platted building setback line. The Traffic Engineer has reviewed and approved the applicant's plan.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, subject to conformance with the site plan and to submitting an administrative adjustment to reduce the 100 foot setback on the Kmart Plaza South Shopping Center C.U.P. (DP-68). The adjustment request has been submitted. No written protests have been filed.

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Recommendations/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the Mayor to sign.

9

CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

1797588 278

Approved / Accepted By City Council

This 4-13-99

Page 1 of 2

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

MICROFILMED
OF RECORD

FILED 924 PAGE 1 206

IN THE MATTER OF THE VACATION OF)
BUILDING SETBACK)
)
GENERALLY LOCATED)
SOUTHEAST CORNER OF 47TH STREET)
SOUTH AND BROADWAY)
)
MORE FULLY DESCRIBED BELOW)

Case No. V-2164

BILL MEER
REGISTER OF DEEDS

STATE OF KANSAS }
SEDGWICK COUNTY } SS
MAY 27 11 13 AM '99

VACATION ORDER

NOW on this 13th day of April, 1999, comes on for hearing the petition for vacation filed by Kmart Corporation, praying for the vacation of the following described building setback, to-wit:



A tract of land lying in Lot 1, KMART PLAZA SOUTH, an addition to Wichita, Sedgwick County, Kansas, more particularly described as follows:

Commencing at the Northwest corner of said Lot 1, that is on the south line of 47th Street South, thence, S 00°18'45"W, 65.77', along the West line of said addition, thence S 89°41'15"E, 46.74', to the point of beginning, thence, N 59°44'39" E, 20.00', thence, S 30°15'21"E, 46.00', thence, S 59°44'39"W, 20.00', thence, N 30°15'21"W, 46.00', to the point of beginning.

Gina Kyprie
Chief Deputy

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 on March 2, 1999, which was at least 20 days prior to the 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.

8.00

CITY OF WICHITA
ATTENTION: CITY CLERK

8.00
150003

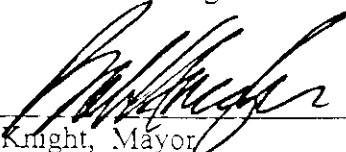
Vacation Order
V - 2164

Page 2 of 2

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

- A) The applicant will be required to submit an administrative adjustment to reduce the 100 foot setback on the Kmart Plaza South Shopping Center C.U.P. (DP-68).
- B) The site shall be developed in conformance with the approved site plan.
- C) 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 April, 1999, 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.

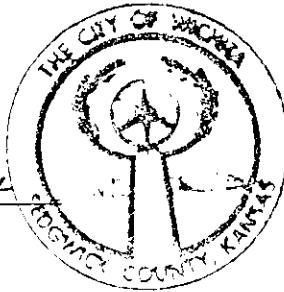


 Bob Knight, Mayor

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 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 APR 27 1999



 Pat Burnett, City Clerk



CL BROADWAY

(SECTION LINE)

NW COR. NW 1/4
SEC. 21, T28S, R1E
OF THE 6TH P.M.

CL 47TH STREET SOUTH

(SECTION LINE)

136' R/W

ACCESS CONTROL EXCEPT
FOR (2) TWO ENTRANCES

S 89.25'45" E

EASEMENT UTILITY

DRIVE

65.77'

100' BUILDING SETBACK

S 89.41'15" E
46.74'

212.5'

N 0'18'45" E

CURB

PROPOSED BLDG.
SETBACK VACATION

NOLAN'S

GARDENS

ADDITION

1

3

1

K-MART

PLAZA

SOUTH

30' BLDG.
SETBACK