

Planning Agenda # _____

**City of Wichita
City Council Meeting
December 22, 1998**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2135 REQUEST TO VACATE A PORTION OF A 35 FOOT BUILDING SETBACK LOCATED IN AN AREA SOUTH OF DOUGLAS, BETWEEN WHITTIER AND ARMOUR (225 S. ARMOUR).
(District II)

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

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of a portion of a 35 foot building setback.

MAPC Recommendation: Approve vacation of a portion of a 35 foot building setback.
(unanimous)

Background: The applicant is requesting to vacate a portion of a 35 foot building setback to allow for the construction of an ATM. The applicant has provided a hold harmless agreement with the City to allow for the construction of an ATM in the 20 foot wide utility easement. The Board of Zoning Appeals has approved a variance to reduce a portion of the front yard setback 20 feet to 10 feet.

Public Works has reviewed and approved this request. The Subdivision Committee and MAPC have approved the vacation of this building setback. No one spoke in opposition to the request.

Legal Considerations: The City Clerk needs to certify as to proper notification and no filing of written protest. A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Recommendations/Actions: Close the public hearing; and approve the Vacation Order and authorize the Mayor to sign.

This DEC 22 1998

MICROFILMED OF RECORD

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

IN THE MATTER OF THE VACATION OF A PORTION OF A 35 FOOT BUILDING SETBACK GENERALLY LOCATED SOUTH OF DOUGLAS, BETWEEN WHITTIER AND ARMOUR (225 S. ARMOUR) MORE FULLY DESCRIBED BELOW

STATE OF KANSAS SEDGWICK COUNTY } SS

Case No. V-2135

MAR 23 12 41 PM '99

BILL MEEK



Christiansen Deputy

VACATION ORDER

NOW on this 22nd day of December, 1998, comes on for hearing the petition for vacation filed by Southwest National Bank, c/o Keith D. Stevens, praying for the vacation of the following described a portion of a 35 foot building setback, to-wit:

Vacation of 35 foot Building Setback: That part of Lot 2, Block 2, Rockwood South Fifth Addition, Wichita, Sedgwick County, Kansas described as commencing at the SW corner of said Lot 2, and on the east right-of-way line Whittier; thence north 89.99 feet along said right-of-way line of Whittier having an assumed bearing of N00°01'24"W; thence east 39.12 feet on a bearing of N89°58'36"E; thence northeasterly 193.08 feet on a bearing of N42°03'08"E to the southwesterly right-of-way line of Armour; thence southeasterly 60 feet on a bearing of S47°56'52"E along said southwesterly right-of-way line of Armour, thence southwesterly 10 feet on a bearing of S42°03'08"W for a point of beginning; thence southeasterly 60 feet on a bearing of S47°56'52"E; thence southwesterly 25 feet on a bearing of S42°03'08"W; thence northwesterly 60 feet on a bearing of N47°56'52"W; thence northeasterly 25 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 12-2-98, which was at least 20 days prior to this public hearing.

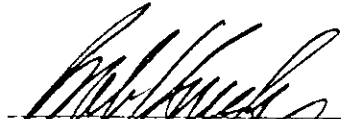
2. No private rights will be injured or endangered by the vacation of the above-described a portion of a 35 foot building setback, and the public will suffer no loss or inconvenience thereby.

CITY CLERK'S ORIGINAL RETURN TO CITY CLERK

800-150003

- 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 a portion of a 35 foot 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.
 - B) The vacation case will not be scheduled for City Council until the variance to reduce the front setback is approved by the Board of Zoning Appeals.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 22nd day of December, 1998, ordered that the above-described a portion of a 35 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, Mayor

ATTEST:



 Pat Burnett, City Clerk



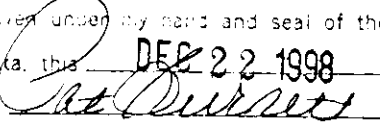
Approved as to Form:



 Gary Rebenstorf, Director of Law

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

(Pat Burnett, City Clerk of the City of Wichita, Kansas, hereby certifies 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 DEC 22 1998

 _____ City Clerk

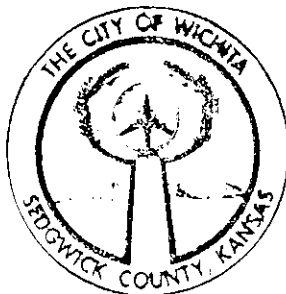
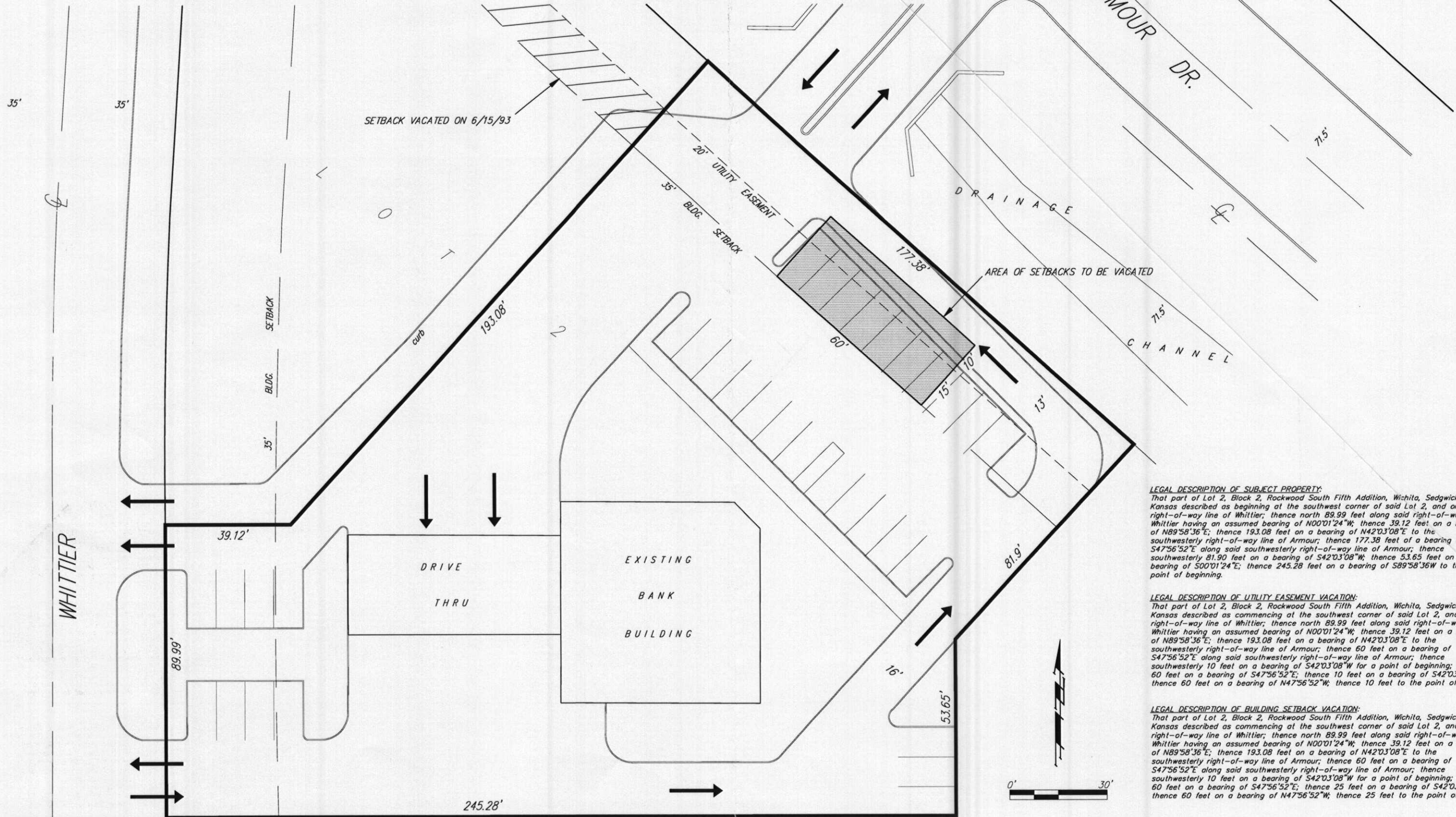


EXHIBIT A

SOUTHWEST NATIONAL BANK VACATION



LEGAL DESCRIPTION OF SUBJECT PROPERTY:
 That part of Lot 2, Block 2, Rockwood South Fifth Addition, Wichita, Sedgwick County, Kansas described as beginning at the southwest corner of said Lot 2, and on the east right-of-way line of Whittier; thence north 89.99 feet along said right-of-way line of Whittier having an assumed bearing of N00°01'24"W; thence 39.12 feet on a bearing of N89°58'36"E; thence 193.08 feet on a bearing of N42°03'08"E to the southwesterly right-of-way line of Armour; thence 177.38 feet of a bearing of S47°56'52"E along said southwesterly right-of-way line of Armour; thence 81.90 feet on a bearing of S42°03'08"W; thence 53.65 feet on a bearing of S00°01'24"E; thence 245.28 feet on a bearing of S89°58'36"W to the point of beginning.

LEGAL DESCRIPTION OF UTILITY EASEMENT VACATION:
 That part of Lot 2, Block 2, Rockwood South Fifth Addition, Wichita, Sedgwick County, Kansas described as commencing at the southwest corner of said Lot 2, and on the east right-of-way line of Whittier; thence north 89.99 feet along said right-of-way line of Whittier having an assumed bearing of N00°01'24"W; thence 39.12 feet on a bearing of N89°58'36"E; thence 193.08 feet on a bearing of N42°03'08"E to the southwesterly right-of-way line of Armour; thence 60 feet on a bearing of S47°56'52"E along said southwesterly right-of-way line of Armour; thence 10 feet on a bearing of S42°03'08"W for a point of beginning; thence 60 feet on a bearing of S47°56'52"E; thence 10 feet on a bearing of S42°03'08"W; thence 60 feet on a bearing of N47°56'52"W; thence 10 feet to the point of beginning.

LEGAL DESCRIPTION OF BUILDING SETBACK VACATION:
 That part of Lot 2, Block 2, Rockwood South Fifth Addition, Wichita, Sedgwick County, Kansas described as commencing at the southwest corner of said Lot 2, and on the east right-of-way line of Whittier; thence north 89.99 feet along said right-of-way line of Whittier having an assumed bearing of N00°01'24"W; thence 39.12 feet on a bearing of N89°58'36"E; thence 193.08 feet on a bearing of N42°03'08"E to the southwesterly right-of-way line of Armour; thence 60 feet on a bearing of S47°56'52"E along said southwesterly right-of-way line of Armour; thence 10 feet on a bearing of S42°03'08"W for a point of beginning; thence 60 feet on a bearing of S47°56'52"E; thence 25 feet on a bearing of S42°03'08"W; thence 60 feet on a bearing of N47°56'52"W; thence 25 feet to the point of beginning.