

Planning Agenda # \_\_\_\_\_

City of Wichita  
City Council Meeting  
December 22, 1998

Agenda Report # \_\_\_\_\_

**TO:** Mayor and City Council

**SUBJECT:** PUBLIC HEARING V-2134 REQUEST TO VACATE A PORTION OF A PLATTED BUILDING SETBACK LOCATED IN AN AREA NORTHWEST CORNER OF MACARTHUR AND CLARENCE AVENUE (1918 W. MACARTHUR ROAD). (District IV)

**INITIATED BY:** Metropolitan Area Planning Department *W. Krout*

**AGENDA ACTION:** Planning

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Staff Recommendation: Approve vacation of a portion of a platted building setback.

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

Background: The applicant is requesting to vacate 20 feet of a 35 foot building setback. This would leave a 15 foot street side setback along Clarence Avenue, which meets the Unified Zoning Code Requirement. The vacation of this setback would allow the applicant to construct a three car garage.

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.

Handwritten mark

Approved / Accepted By City Council

DEC 22 1998

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STATE OF KANSAS )  
SEDGWICK COUNTY ) SS

MAR 23 12 41 PM '99

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

BILL MEER  
REGISTER OF DEEDS

IN THE MATTER OF THE VACATION OF )  
A PORTION OF A PLATTED BUILDING )  
SETBACK )

GENERALLY LOCATED )  
NORTHWEST CORNER OF MACARTHUR AND )  
CLARENCE AVENUE (1918 W. MACARTHUR )  
ROAD) )

Case No. V-2134

MORE FULLY DESCRIBED BELOW )



S Christian  
Deputy

VACATION ORDER

NOW on this 22nd day of December, 1998, comes on for hearing the petition for vacation filed by Lloyd Hitchcock, praying for the vacation of the following described a portion of a platted building setback, to-wit:

The west 20 feet of the East 35 foot building setback on Lot 2, Silver Spur 4th Addition.

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 platted 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 a portion of a platted building setback described herein should be approved, subject to the following condition:

CITY CLERK'S ORIGINAL  
RETURN TO CITY CLERK

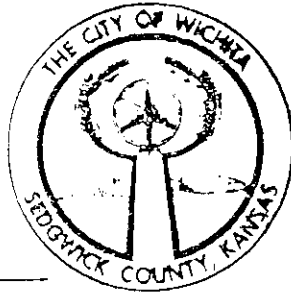
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Vacation Order  
V - 2134

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- 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 22nd day of December, 1998, ordered that the above-described portion of a platted 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

Approved as to Form:

*Gary E. 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 annexed 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  
*Pat Burnett* City Clerk

CAREY

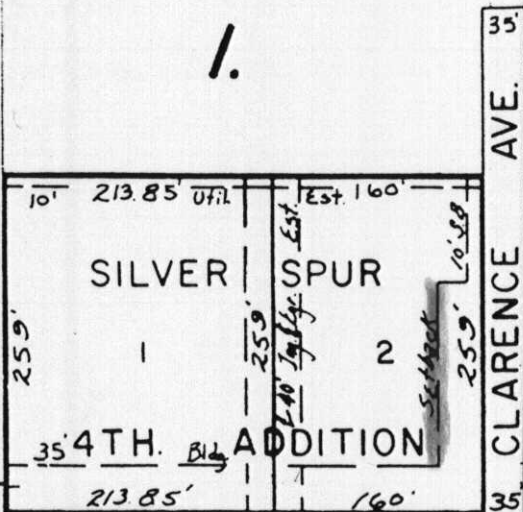
RIVERSIDE

PART OF  
**SILVER**  
**SPUR**  
**ADD.**

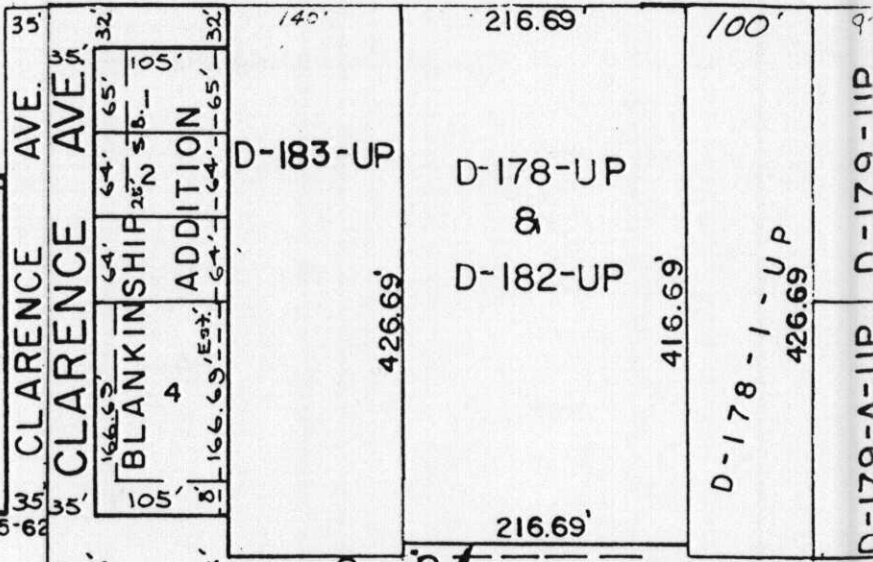
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Dedicated for Road & Recorded 5-15-62



-A-UP

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ER SUPERVISION OF  
ICK COUNTY CLERK

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