

Planning Agenda # _____

City of Wichita
City Council Meeting
December 22, 1998

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2130 REQUEST TO VACATE A BUILDING SETBACK LOCATED IN AN AREA WEST OF HOOVER, SOUTH OF HARRY. (District #V)

INITIATED BY: Metropolitan Area Planning Department *Knout*

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of building setback.

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

Background: The applicants vacated 40 feet of the north 50 foot building setback earlier this year. However, after construction began the applicants realized this building was constructed too close to Hoover Court and would need to vacated the remaining 10 feet of the building setback. Therefore the applicants are requesting to vacate the remainder of the setback. Because of the location on a short cul de sac in an industrial district, staff had no objection to the request.

Public Works has reviewed and approved this request. The Subdivision and MAPC approved this request. No one spoke in opposition to this 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.

Int.

1778435 23 28

Approved / Accepted By City Council
This DEC 22 1998

App. / Accepted By City Council
This DEC 22 1998

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MICROFILMED
OF RECORD

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

IN THE MATTER OF THE VACATION OF)
BUILDING SETBACK)
)
GENERALLY LOCATED)
WEST OF HOOVER, SOUTH OF HARRY)
)
MORE FULLY DESCRIBED BELOW)

Case No. V-2130

STATE OF KANSAS } ss
SEDGWICK COUNTY }

MAR 23 12 41 PM '99



REC'D DEEDS

S. Christian
Deputy

VACATION ORDER

NOW on this 22nd day of December, 1998, comes on for hearing the petition for vacation filed by Matrix Aviation, Inc., praying for the vacation of the following described building setback, to-wit:

North 10 feet of the west 192.7 feet of the east 242.7 feet of Lot 14, Block 2, Airport Industrial Park, Wichita, Sedgwick County, Kansas.

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 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 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.

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CT*

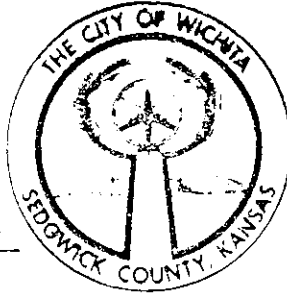
CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

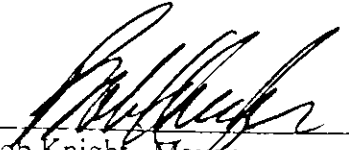
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Vacation Order
V - 2130

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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 22nd day of December, 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, Mayor

ATTEST:

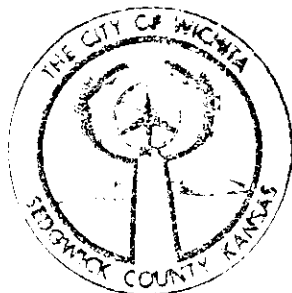


Pat Burnett, City Clerk

Approved as to Form:

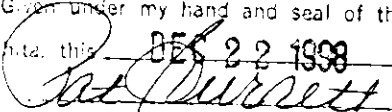


Gary Rebenstorf, Director of Law

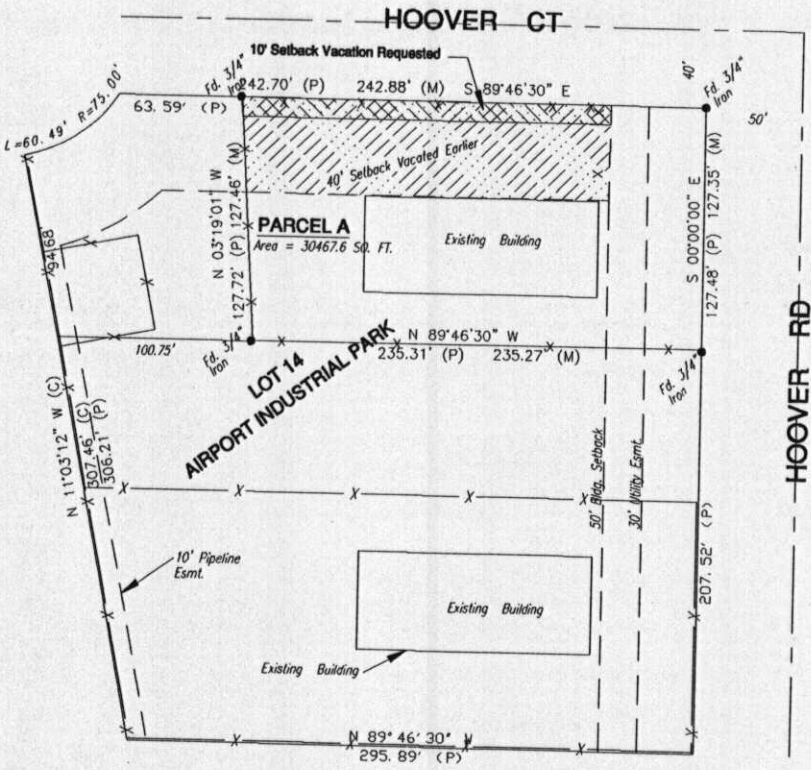


(State of Kansas)
Sedgwick County) ss
City of Wichita)

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 DEC 22 1998


City Clerk



VACATION REQUEST FOR 10' BUILDING SETBACK
MATRIX AVIATION
1701 SOUTH HOOVER, WICHITA, KANSAS