

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

City of Wichita  
City Council Meeting  
September 14, 1999

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

**TO:** Mayor and City Council

**SUBJECT:** V-2191 - PUBLIC HEARING REQUEST TO VACATE A PORTION OF THE FRONT BUILDING SETBACK LOCATED AT THE NORTHEAST CORNER OF FORESTVIEW AND FORESTVIEW COURT, GENERALLY SOUTH OF CENTRAL AND EAST OF 135<sup>TH</sup> STREET WEST (526 FORESTVIEW). (District V)

**INITIATED BY:** Metropolitan Area Planning Department



**AGENDA ACTION:** Planning

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Staff Recommendation: Approve vacation of a portion of the front building setback

MAPC Recommendation: Approve vacation of a portion of the front building setback (unanimous)

Background: The applicant is requesting to vacate 10 feet of a 25-foot platted building setback for the construction of a home, which is already under construction.

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. 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.

This SEP 14 1999

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

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

GENERALLY LOCATED )  
NORTHEAST CORNER OF FORESTVIEW )  
AND FORESTVIEW COURT, GENERALLY )  
SOUTH OF CENTRAL AND EAST OF 135<sup>TH</sup> )  
STREET WEST (526 FORESTVIEW) )

Case No. V-2191

MORE FULLY DESCRIBED BELOW )

**VACATION ORDER**

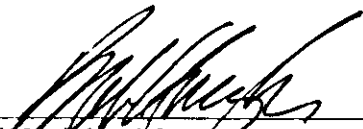
NOW on this 14th day of September, 1999, comes on for hearing the petition for vacation filed by Robert K. and Christina L. Edgington, praying for the vacation of the following described a portion of the front building setback, to-wit:

Vacation of part of a platted 25-foot building setback, more particularly described as: Commencing at the SE corner of Lot 5, Block 1, Rainbow Lakes West Fourth Addition, Sedgwick County, Kansas; thence northeasterly along the lot line common to said Lot 5 and 6 in said Block 1, 25.00 feet to the intersection with the 25 foot building setback line as platted in said Lot 5 for a point of beginning; thence northwesterly, westerly, and southwesterly along said building setback line, 94.80 feet, more or less, to a deflection point in said building setback line; thence easterly parallel with the south line of said Lot 5, 15.87 feet, more or less, to a point 10.00 feet normally distant southeasterly from said building setback line; thence northeasterly, easterly, and southeasterly parallel with said building setback line, 70.68 feet, more or less, to a point on the lot line common to said Lots 5 and 6; thence northeasterly along said common lot line, 10.00 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 on August 3, 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 a portion of the front 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 front building setback described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 14th day of September, 1999, ordered that the above-described a portion of the front 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.

  
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Bob Knight, Mayor

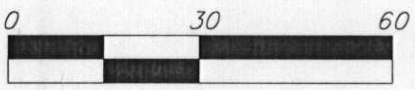
ATTEST:

  
\_\_\_\_\_  
Pat Burnett, City Clerk



Approved as to Form:

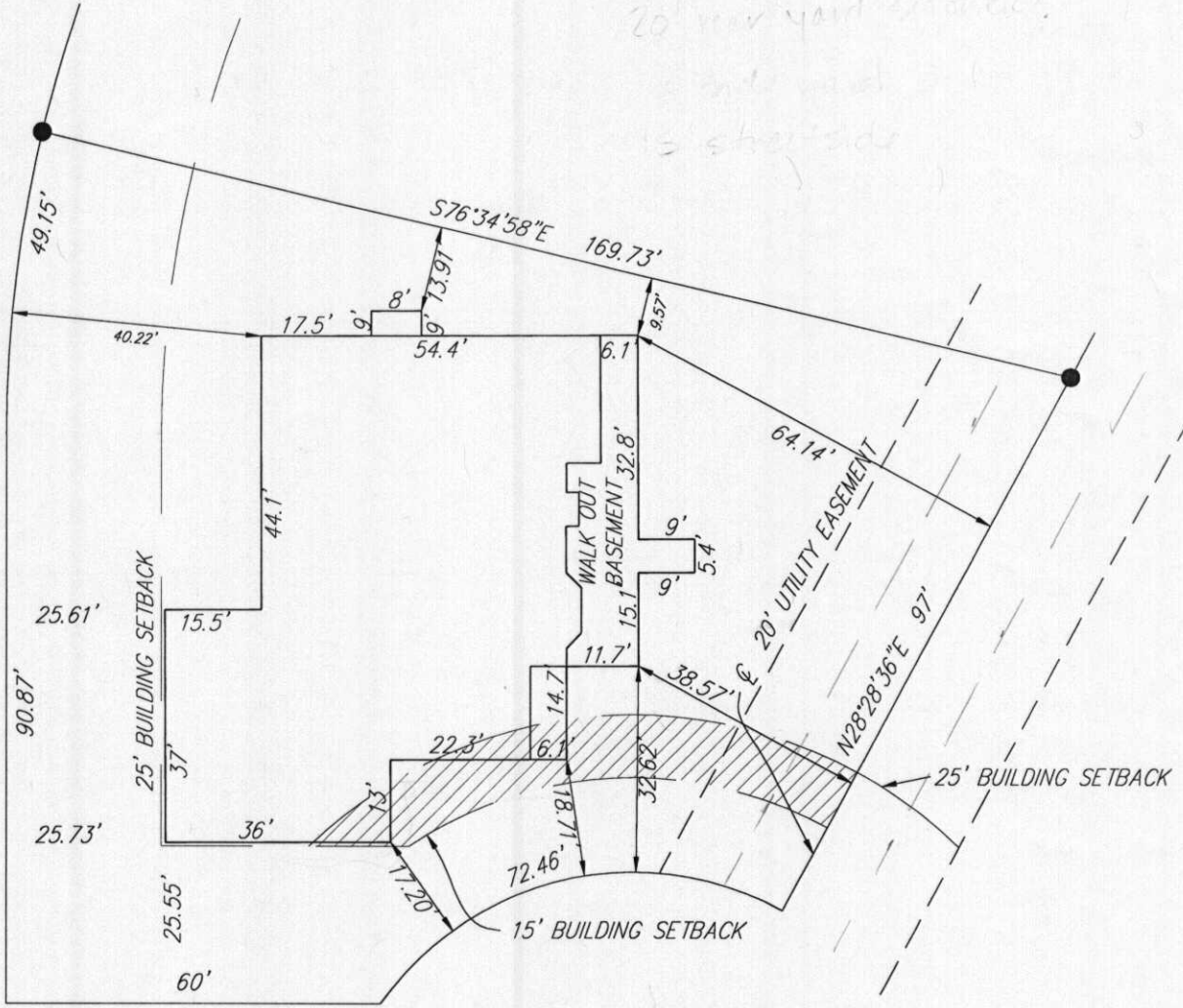
  
\_\_\_\_\_  
Gary Rebenstorf, Director of Law



LEGAL:  
LOT 5, BLOCK 1, RAINBOW LAKES FOURTH  
ADDITION, SEDGWICK COUNTY, KANSAS.

*20' rear yard setback?*  
*side yard setback = 5'*  
*street side*

FORESTVIEW



FORESTVIEW COURT