


Planning Agenda # _____

**City of Wichita
City Council Meeting
January 4, 2000**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: **V-2182 – REQUEST TO VACATE A PORTION OF A BUILDING SETBACK LOCATED NORTH OF 13TH STREET NORTH AND WEST OF CADDY LANE.**
(District V)

INITIATED BY: Metropolitan Area Planning Department 

AGENDA ACTION: Planning

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

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

Background: The applicant is requesting to vacate three feet of the 25-foot platted building setback. The existing home was built into this 25-foot platted setback. The applicants have also filed for an administrative adjustment to reduce the zoning setback from 25 feet to 22 feet.

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 the vacation shall only be for the portion of the existing home which encroaches into the setback, and the applicant shall comply with all conditions of the administrative adjustment. 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.

Dee

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

IN THE MATTER OF THE VACATION OF)	
A PORTION OF A BUILDING SETBACK)	
)	
)	
GENERALLY LOCATED)	Case No. V-2182
NORTH OF 13TH STREET NORTH AND WEST)	
OF CADDY LANE)	
)	
)	
<u>MORE FULLY DESCRIBED BELOW</u>)	

VACATION ORDER

NOW on this 4th day of January, 2000, comes on for hearing the petition for vacation filed by Donald and Wilma O'Kraekel, praying for the vacation of the following described a portion of a building setback, to-wit:

The west 3 feet of the 25 foot platted building setback except the north 25 feet and the south 15 feet on Lot 73, Block 3, Amarado Estates Addition.

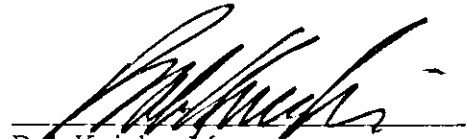
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Daily Reporter on June 22, 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 a 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 building setback described herein should be approved, subject to the following conditions:

- A) The vacation shall only be for the portion of the existing home which encroaches into the setback.
- B) The applicant shall comply with all conditions of the administrative adjustment.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 4th day of January 2000, ordered that the above-described a portion of a 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.

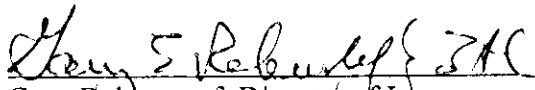

Bob Knight, Mayor

ATTEST:


Pat Burnett, City Clerk



Approved as to Form:


Gary Rebenstorf, Director of Law

