


City of Wichita
City Council Meeting
May 16, 2000

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: VAC2000-00006 - REQUEST TO VACATE A PORTION OF A 35-FOOT BUILDING SETBACK AND A PORTION OF ACCESS CONTROL LOCATED AT THE SOUTHEAST CORNER OF POPLAR AND 37TH STREET NORTH.
(District I)

INITIATED BY: Metropolitan Area Planning Department 

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of a portion of a 35-foot building setback and a portion of access control.

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

Background: The applicant is requesting to vacate a portion of a platted 35-foot building setback and a portion of access control along 37th Street North for future development of this site.

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 necessary signatures to sign.

MAY 18 2000

Rudd

**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 AND A PORTION OF ACCESS)
CONTROL)**

**GENERALLY LOCATED)
AT THE SOUTHEAST CORNER OF POPLAR)
AND 37TH STREET NORTH)**

Case No. VAC2000-00006

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 16th day of May, 2000, comes on for hearing the petition for vacation filed by 47th Street Associates, c/o Leslie Rudd, praying for the vacation of the following described a portion of a 35-foot building setback and a portion of access control, to-wit:

SETBACK VACATION:

The south 5 feet of the north 35 feet of Lot 1, Block B, Northridge Industrial Park, Wichita, Kansas, EXCEPT the west 35 feet thereof, TOGETHER with the south 5 feet of the north 35 feet of Lot 2 in said Block B.

ACCESS CONTROL VACATION:

The east 50 feet of the north line along Lot 2, Block B, Northridge Industrial Park, Wichita, 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 on April 4, 2000, which was at least 20 days prior to the public hearing.

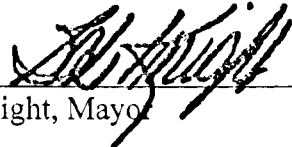
2. No private rights will be injured or endangered by the vacation of the above-described portion of a 35-foot building setback and portion of access control, and the public will suffer no loss or inconvenience thereby.

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.

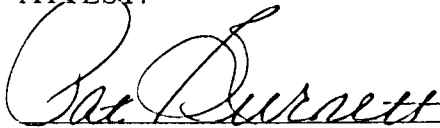
5. The vacation of a portion of a 35-foot building setback and a portion of access control described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 16th day of May 2000, ordered that the above-described a portion of a 35-foot building setback and a portion of access control 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.

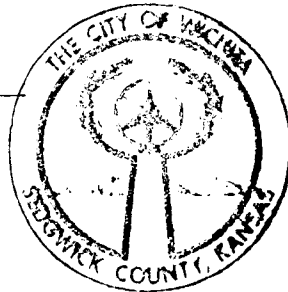


Bob Knight, Mayor

ATTEST:



Pat Burnett, City Clerk



Approved as to Form:



Gary Rebenstorf, Director of Law



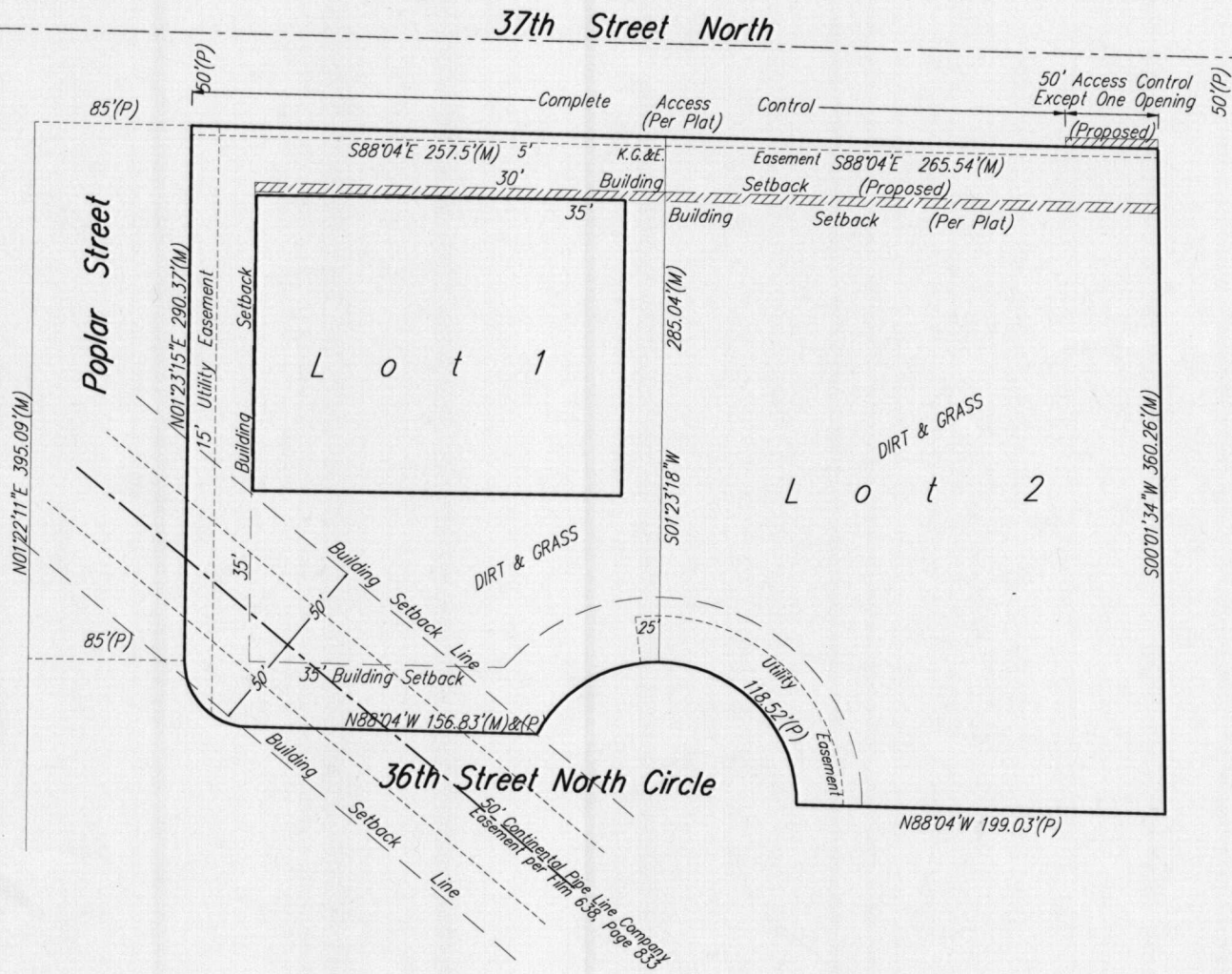
BAUGHMAN COMPANY P.A.

ENGINEERING, SURVEYING, & PLANNING

316-262-7271 * 315 ELLIS * WICHITA, KANSAS 67211

EXHIBIT

NW Corner NE. 1/4
Sec. 34, Twp. 26-S, R-1-E



Continental Pipe Line Company
Easement per Tim 6-36, Page 83