

Planning Agenda # _____

**City of Wichita
City Council Meeting
May 15, 2001**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: **VAC2001-00010 - REQUEST TO VACATE BUILDING SETBACK LOCATED AT THE SOUTHWEST CORNER OF 135TH STREET WEST AND MAPLE.**
(District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

M. W. W. B. W.

Staff Recommendation: Approve vacation of building setback.

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

Background: The applicant is requesting to vacate the 35 foot building setback between Lots 1 and 2 and the 100' building setback along Maple and 135th Street West, all on Lot 1 of Auburn Hills Commercial 2nd Addition, Wichita, Sedgwick County, Kansas. The proposed building will encroach on both setbacks; the 35-ft setback on the west and south sides and the 100-ft setback on the east side. This particular development is an approved Community Unit Plan (CUP), Development Plan 225. Any change to the recorded building setback lines will also require the applicant to submit an adjustment. 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.

Handwritten mark

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

**IN THE MATTER OF THE VACATION OF)
BUILDING SETBACK)**

**GENERALLY LOCATED)
SOUTHWEST CORNER OF 135TH STREET WEST)
AND MAPLE)**

MORE FULLY DESCRIBED BELOW)

RECEIVED

MAY 17 2001
METROPOLITAN PLANNING
ROUTE

Case No. VAC2001-00010

VACATION ORDER

NOW on this 15th day of May, 2001, comes on for hearing the petition for vacation filed by Kingman State Bank, praying for the vacation of the following described building setback, to-wit:

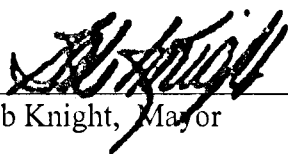
A 35 foot building setback between Lots 1 and 2 and the 100' building setback along Maple and 135th Street West, all on Lot 1 of Auburn Hills Commercial 2nd Addition, Wichita, Sedgwick County, Kansas.

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:

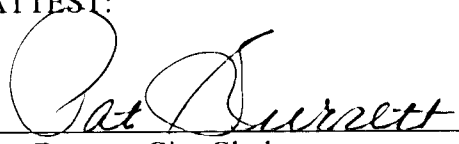
1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle on March 15, 2001, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described building setback, and 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.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 15th day of May 2001, 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.



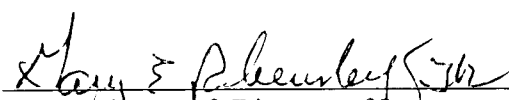
Bob Knight, Mayor

ATTEST:


Pat Burnett, City Clerk



Approved as to Form:



Gary Rebenstorf, Director of Law

W 6TH ST S

S 135TH ST W

