

Planning Agenda # _____

**City of Wichita
City Council Meeting
January 8, 2002**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: VAC2001-00051 – REQUEST TO VACATE A PORTION OF A
PLATTED 25-FOOT BUILDING SETBACK LINE
GENERALLY LOCATED SOUTHEAST CORNER OF
CRANBROOK STREET AND MT. VERNON.
(District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of the described portion of the platted 25-foot front building setback.

MAPC Recommendation: Approve vacation of the described portion of the platted 25-foot front building setback. (unanimous)

Background: The applicant is requesting consideration to vacate a portion of a platted 25-foot front building setback line, where a garage was built. The existing encroachment is 4.6-feet at its deepest on the west side and 1.4-feet on the east side. The garage is 20.4-feet wide.

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.

Dupl

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

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

**GENERALLY LOCATED)
SOUTHEAST CORNER OF CRANBROOK AND)
MT. VERNON)**

Case No. VAC2001-00051

MORE FULLY DESCRIBED BELOW)

RECEIVED

JAN 23 2002

METROPOLITAN PLANNING
ROUTE _____

VACATION ORDER

NOW on this 8th day of January, 2002, comes on for hearing the petition for vacation filed by Ultimate Homes, Inc., c/o Lee Copeland, praying for the vacation of the following described a portion of the platted front building setback, to-wit:

Commencing at the northwest corner of Lot 2, Block 7, Huntcrest 2nd Addition, Wichita, Kansas; thence S 0 degrees 00' 00" E, 25.23-ft; thence southwesterly along a curve to the left having a radius of 1115.83-ft and a central angle of 0 degrees 43' 19" for an arc distance 14.06-ft (bearing S 82 degrees 03' 17" W chord distance of 14.06-ft) for a point of beginning; thence N 0 degrees 08' 58" W, 2.25-ft; thence S 89 degrees 51' 02" W, 22.40-ft; thence S 0 degrees 08' 58" E, 5.80-ft; thence northeasterly along a curve to the right having a radius of 1115.83-ft and a central angle of 1 degree 09' 52" for an arc distance of 22.68-ft (bearing N 80 degrees 51' 24" E chord distance of 22.68-ft) 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 Wichita Eagle on November 14, 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 a portion of the platted 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.

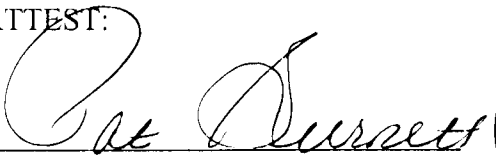
5. The vacation of a portion of the platted front building setback described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 8th day of January 2002, ordered that the above-described a portion of the platted 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.



Bob Knight, Mayor

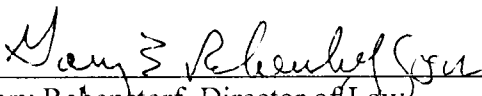
ATTEST:



Pat Burnett, City Clerk



Approved as to Form:



Gary Rebenstorf, Director of Law



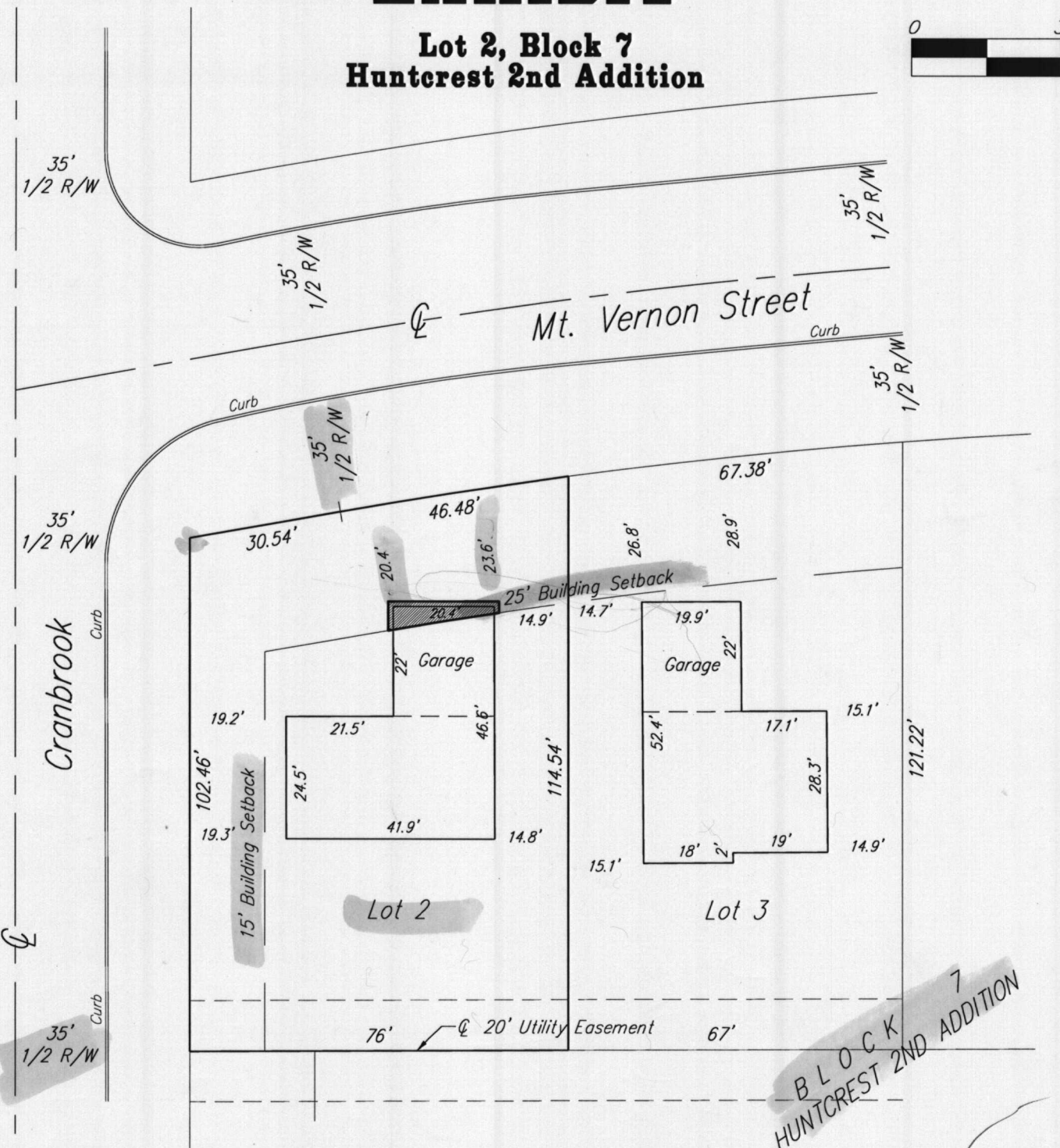
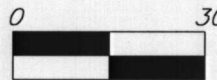
BAUGHMAN COMPANY P.A.

ENGINEERING, SURVEYING, & PLANNING

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

EXHIBIT

Lot 2, Block 7 Huntercrest 2nd Addition



BLOCK 7
HUNTERCREST 2ND ADDITION