

City of Wichita
City Council Meeting
June 9, 1987

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V-1460 - REQUEST TO VACATE A PORTION OF A PLATTED BUILDING
SETBACK, GENERALLY LOCATED ON THE WEST SIDE OF LINDEN, IN
AN AREA NORTH OF 13TH STREET NORTH.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve vacation of building setback.

Background: Barry Downing, 669 N. Armour, Wichita, KS 67206, is requesting this vacation to provide more buildable lot area. After vacation, a 20-foot building setback will remain from Linden Street.

Analysis: The Planning Commission recommends the City Council find: (1) that no private rights will be injured or endangered; and (2) the public will suffer no loss or inconvenience by granting by order the vacation, subject to:

1. Proper publication of notice of public hearing;
2. The absence of proper written protest filed with the City Clerk;
3. Any relocation or reconstruction of utilities necessitated by this vacation shall be at the sole expense of the applicant; and
4. The Vacation Order shall except from vacation the north 25 feet and the south 25 feet of the lot.

Legal Considerations: The City Clerk certifies as to proper notification and no filing of written protest.

Recommendations/Action: Close public hearing; approve vacation; authorize the Mayor to sign the Vacation Order; and record certified copy of Order, recording costs to be billed to:

755-68-360-50000-295-000-000

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

IN THE MATTER OF THE VACATION OF A PORTION OF A PLATTED BUILDING SETBACK.

GENERALLY LOCATED ON THE WEST SIDE OF LINDEN, IN AN AREA-NORTH OF 13TH STREET NORTH. (V-1460)

MORE FULLY DESCRIBED BELOW

Approved / Accepted By City Council This JUN 9 1987

VACATION ORDER

NOW on this 9th day of June, 1987, comes on for hearing the petition for vacation filed by Barry and Paula Downing, praying for the vacation of the following described portion of a platted building setback, to-wit:

The west 5.0 feet of the east 25 feet of Lot 16, Block 1, Country Place Estates, Wichita, Sedgwick County, Kansas, except the north 25 feet and the south 25 feet thereof. (V-1460)

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 Record of notice of this vacation proceeding for consecutive weeks on MAY 27, JUN 5, 1987.
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.
5. The vacation of the building setback described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 9th day of June, 1987, 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.

MICROFILMED OF RECORD

STATE OF KANSAS SEDGWICK COUNTY FILED FOR RECORD AT 7:00 AM

JUN 17 1987

NO. 8 89111

PAT KETTLER REGISTER OF DEEDS

ATTEST:

Dale E. Rea, Deputy City Clerk

Robert G. Knight, Mayor

Approved as to Form:

Thomas Powell, Interim Director of Law

State of Kansas Sedgwick County City of Wichita Dale E. Rea Deputy City Clerk JUN 15 1987

GATEWOOD COURT

47

45

17

RESERVE "B"

14

DOWNING

16

Williamson

ESTATES

48

LINDEN COURT

13

GORE

11

HUSTON

2

RESERVE "A"

8

10

LINDEN

GATEWOOD

LINDEN CIRCLE

ADDITION

RESERVE "A"

7

5

THIRTEENTH ST.