Planning Agenda Item #_____

City of Wichita
City Council Meeting
August 16, 1988

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: V-1549 - REQUEST TO VACATE A PORTION OF A PLATTED BUILDING SETBACK, LOCATED IN AN UNINCORPORATED AREA OF THE COUNTY ON THE WEST SIDE OF SANDALWOOD IN AN AREA SOUTH OF SANDPIPER

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of building setback.

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

Background: This vacation case has been requested in order to clear a "cloud" on the property's title caused by a building encroachment into the subject setback. The Vacation Resolution provides for vacation of only that part of the setback encroached upon by the building. After vacation, a 28-foot setback will remain. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions.

Legal Considerations: This request for vacation is located on property outside the City of Wichita, but within three miles thereof. As such, no petition, publication of notification or public hearing is required before the Wichita City Council.

Recommendations/Action: Approve vacation; adopt resolution; record resolution, recording cost to be billed to:

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

(_____) (Published in the Daily Record AUG 19 1988, 19__)

Approved / Accepted By City Council
This AUG 16 1988

Film 991 Page 0643
Recorded / Published Aug 30, 1988

RESOLUTION

A RESOLUTION APPROVING THE VACATION OF A PORTION OF A PLATTED BUILDING SETBACK DESCRIBED AS:

That part of Lot 8, Block 6, Shadybrook Farm Addition, Sedgwick County, Kansas, described as commencing at the intersection of the south line of said Lot 8 with the 30 feet building setback line; thence northerly along said building setback line, 22 feet for a place of beginning; thence easterly at right angles to said building setback line, 2 feet; thence northerly parallel with said building setback line, 27 feet; thence westerly at right angles, 2 feet; thence southerly along said building setback line, 27 feet to the place of beginning;

WHEREAS, there has been filed in the office of the Wichita-Sedgwick County Metropolitan Area Planning Department, proceedings for the vacation of building setback described as:

That part of Lot 8, Block 6, Shadybrook Farm Addition, Sedgwick County, Kansas, described as commencing at the intersection of the south line of said Lot 8 with the 30 feet building setback line; thence northerly along said building setback line, 22 feet for a place of beginning; thence easterly at right angles to said building setback line, 2 feet; thence northerly parallel with said building setback line, 27 feet; thence westerly at right angles, 2 feet; thence southerly along said building setback line, 27 feet to the place of beginning; and

WHEREAS, said Department has given notice of such proceedings to all adjoining property owners of a public hearing to be held before the Wichita-Sedgwick County Metropolitan Area Planning Commission; and

WHEREAS, such a public hearing was held by the Wichita-Sedgwick County Metropolitan Area Planning Commission on July 21, 1988;

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That the building setback, described as follows, to wit:

CASE NO. V-1549

That part of Lot 8, Block 6, Shadybrook Farm Addition, Sedgwick County, Kansas, described as commencing at the intersection of the south line of said Lot 8 with the 30 feet building setback line; thence northerly along said building setback line, 22 feet for a place of beginning; thence easterly at right angles to said building setback line, 2 feet; thence northerly parallel with said building setback line, 27 feet; thence westerly at right angles, 2 feet; thence southerly along said building setback line, 27 feet to the place of beginning;

Be and the same is approved for vacation.

SECTION 2. That it is hereby recommended to the Board of County Commissioners of Sedgwick County, Kansas, that the said above-described building setback be vacated in the event that a proper petition is filed under the provisions of Kansas Statutes Annotated, 58-2613, 58-2614 and 58-2615.

SECTION 3. That this resolution shall be in force and take effect from and after its passage and publication once in the official city paper.

Passed and approved at Wichita, Kansas, this 16th day of August, 1988.

S Kamen
Sheldon Kamen, Mayor

ATTEST:

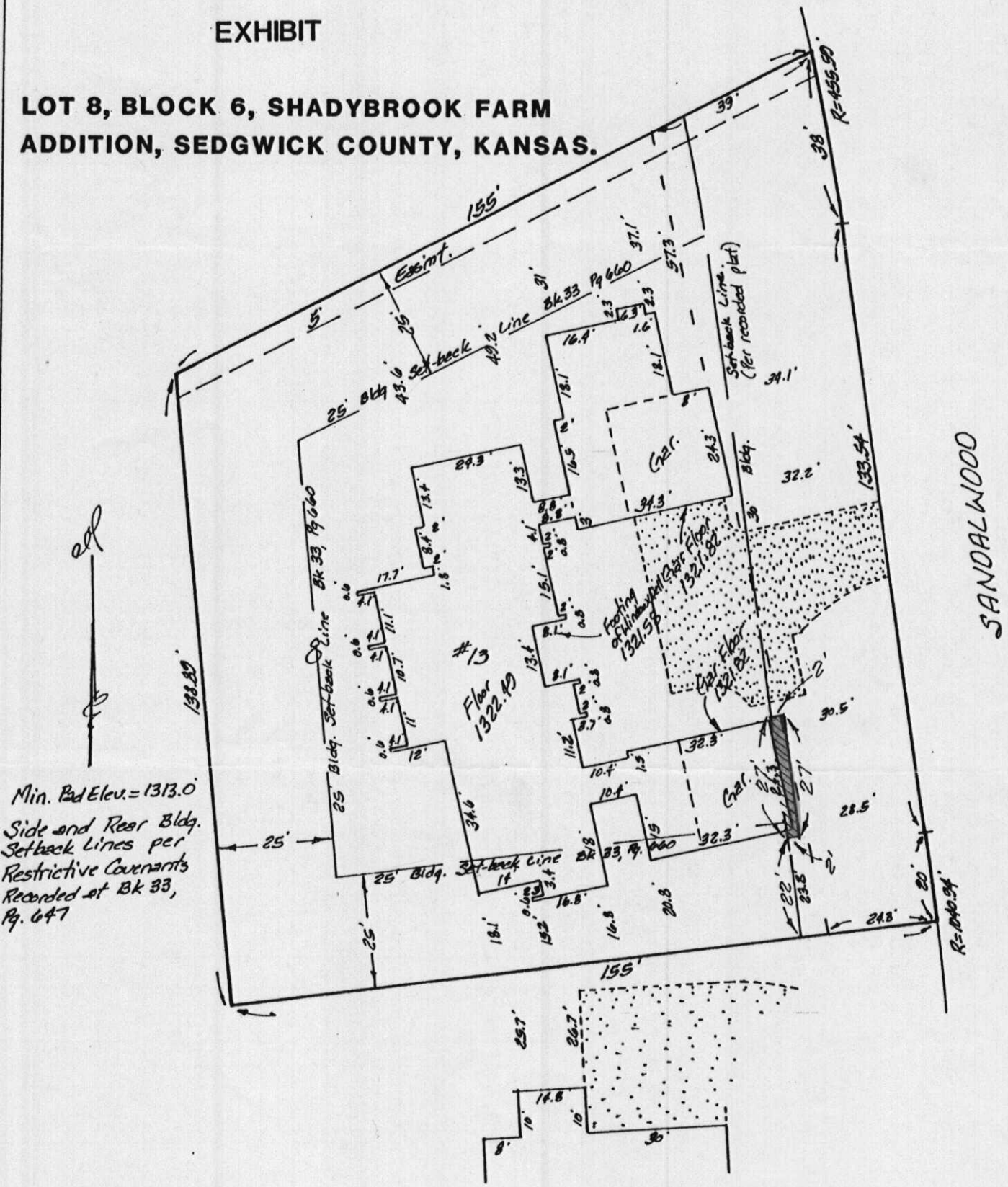
Dale E. Rea
Dale E. Rea, Deputy City Clerk (Seal)

City Clerk

PL/6806/4

EXHIBIT

LOT 8, BLOCK 6, SHADYBROOK FARM ADDITION, SEDGWICK COUNTY, KANSAS.



14 March 88 Revised to show side and rear Setbacks

V-1549