

City of Wichita
City Council Meeting
January 5, 1988

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V-1512 - REQUEST TO VACATE A PORTION OF A PLATTED BUILDING
SETBACK, LOCATED ON THE EAST SIDE OF MAIN STREET, IN AN
AREA SOUTH OF 11TH STREET NORTH. (District #1)

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: A building permit was issued in error for enclosing the front porch on the house located on the subject lot. This has resulted in a 5-foot encroachment into the setback. The purpose of this case is to clear the encroachment and thereby remove the "cloud" from the title to the property. After vacation, a 15-foot setback will be observed. This case provides for vacation of only that part of the 20-foot setback where the porch has been enclosed. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions.

Legal Considerations: The City Clerk needs to certify 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

JAN 12 1988

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

GENERALLY LOCATED ON THE EAST SIDE OF MAIN
STREET, IN AN AREA SOUTH OF 11TH STREET
NORTH. (V-1512)

MORE FULLY DESCRIBED BELOW

☐ DEED
☐ TAX
☐ AGENT

VACATION ORDER

NO. 9 26731
PAT KETTLER
REGISTER OF DEEDS

Approved / Accepted By City Council

This JAN 5 1988

MICROFILMED
OF RECORD

NOW on this 5th day of January, 1988, comes on for hearing the petition
for vacation filed by Jeffery Harp, praying for the vacation of the following
described portion of a platted building setback, to-wit:

That portion of the platted front yard setback on Lot 3,
Midtown 2nd Addition, Wichita, Kansas, described as beginning
20 feet east and 14 feet south of the northwest corner of said
Lot 3; thence south 24 feet; thence west 5 feet; thence north
24 feet; thence east 5 feet to beginning. (V-1512)

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 DEC. 23 & 30, 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 5th day of January,
1988, 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.

ATTEST:

Dale E. Rea
Dale E. Rea, Deputy City Clerk

Approved as to Form:

Thomas R. Powell
Thomas Powell, Director of Law

Robert G. Knight
Robert G. Knight, Mayor

State of Kansas
Sedgwick County
Dale E. Rea
Deputy City Clerk
JAN 11 1988
Deputy City Clerk

