

Planning Agenda Item # _____

City of Wichita
City Council Meeting
July 11, 1989

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1606 REQUEST TO VACATE A PORTION OF A
PLATTED BUILDING SETBACK ON THE SOUTHEAST CORNER OF 17TH
STREET NORTH AND AMARADO
(District #5)

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: The configuration of this lot and its location on a corner has limited the buildable area of the lot. In order to build a proposed swimming pool on this lot, the applicant is requesting the reduction of the sideyard building setback. The applicant has submitted a restrictive covenant stating that development of the vacated portion of the setback is limited to construction of an unenclosed swimming pool. This case is associated with V-1601. 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 and restrictive covenant, recording costs to be billed to:

150029-2909

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 SOUTHEAST)
CORNER OF 17TH STREET NORTH AND AMARADO)
(V-1606))
)
MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 11th day of July, 1989, comes on for hearing the petition for vacation filed by Richard H. and Ann T. Egelof, praying for the vacation of the following described portion of a platted building setback, to-wit:

The west 40 feet of the east 50 feet of the north 15 feet of Lot 40, Block 4, Amarado Estates, an addition to 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 Daily Record of notice of this vacation proceeding for consecutive weeks on JUN 28 1989 & JUL 5 1989.
2. No private rights will be injured or endangered by the vacation of the above-described portion of a platted 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.

8.00 CA

city clerk

Vacation Order
V-1606
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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 11th day of July, 1989, 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.



TEST:

John Moir
John Moir, City Clerk

Bob Knight
Bob Knight, Mayor

Approved as to Form:

Thomas Powell
Thomas Powell, Director of Law



State of Kansas)
Sedgwick County) ss
City of Wichita)

I, Dale E. Rea, Deputy City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is affixed is a true and correct copy of the original on file in the office the the City Clerk.
Given under my hand and seal of the City of

Wichita, this JUL 13 1989
Dale E. Rea Deputy City Clerk

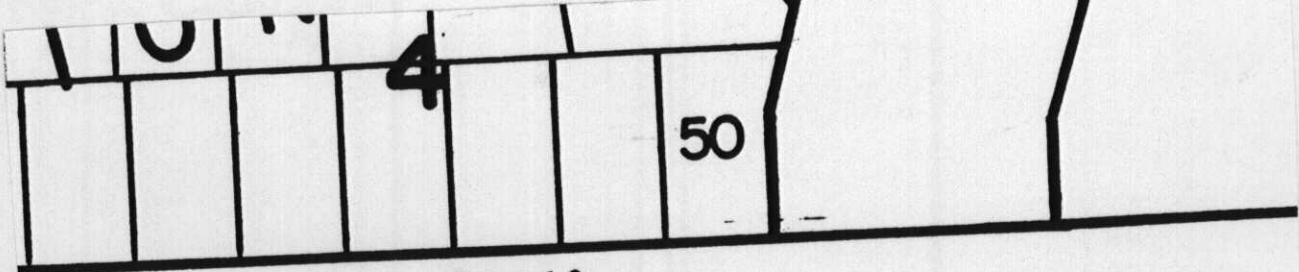
STATE OF KANSAS) ss
SEDGWICK COUNTY)
FILED & RECORDED AT
14-30.Pi

JUL 17 09 10 18604

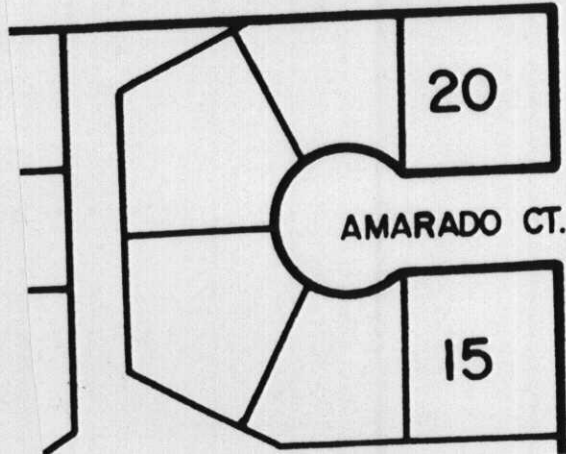
PAT WHEELER
REGISTER OF DEEDS

Ed Bassal
Deputy

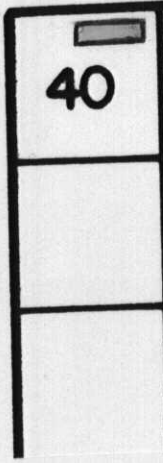
MICROFILMED
OF RECORD



17th ST. NO.



AMARADO



DRAINAGE
CATION

