

City of Wichita
City Council Meeting
June 18, 1991

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1712 - REQUEST TO VACATE A PORTION OF A
PLATTED BUILDING SETBACK, COMPLETE ACCESS CONTROL AND STREET
RIGHT-OF-WAY. (District #2)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of building setback and complete access control; Deny vacation of street right-of-way.

MAPC Recommendation: Approve vacation of building setback, complete access control and street right-of-way.
(unanimous)

Background: In order to provide for a proposed building expansion, the applicant has requested the vacation of a portion of building setback. The area of complete access control being vacated is to clean up an earlier vacation of complete access control which mistakenly left out a small area needing to be vacated. The applicant has provided no reason for needing the right-of-way vacated other than to align the building with street right-of-way. This area of Governor was platted with an 80 feet right-of-way with the intent for a boulevard. From Kellogg to a half mile south, there was an apparent intent for a wider street. To the south and southwest are residential uses and staff is concerned that vacating right-of-way could be an additional move toward what has been the eroding of a residential neighborhood and vacating of setbacks to the property line. 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:
1. Approve the vacation as recommended by the MAPC and authorize the Mayor to sign the Vacation Order; recording costs to be billed to: 150029-2909
 2. Disapprove the vacation of street right-of-way; approve the vacation of complete access control and building setback and authorize the Mayor to sign the Vacation Order; recording costs to be billed to: 150029-2909

STATE OF KANSAS } SS
SEDGWICK COUNTY }
FILED FOR RECORD AT
8-00

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

AUG 16 91 1154277

PAT KETTLER
REGISTER OF DEEDS

*Ed Reed
Deputy*

IN THE MATTER OF THE VACATION OF)
A PLATTED BUILDING SETBACK AND)
COMPLETE ACCESS CONTROL. (V-1712))
)
GENERALLY LOCATED SOUTHEAST CORNER OF)
KELLOGG AND GOVERNEOUR.)
)
)
)
MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 18th day of June, 1991, comes on for hearing the petition for vacation filed by Edward and Michael Steven, praying for the vacation of the following described building setback and complete access control, to-wit:

Setback Vacation: The north 45 feet of the south 160 feet of the 25 foot building setback line adjacent to Gouverneur Road, as platted in Lot 1, Chrysler Addition, Wichita, Kansas.

Complete Access Control: "Complete Access Control" platted to Gouverneur Street across the north 11.5 feet of the south 260 feet of the west line of Lot 1, Chrysler Addition, Wichita, 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 Reporter of notice of this vacation proceeding for consecutive weeks on 6/5/91 & 6/12/91.
2. No private rights will be injured or endangered by the vacation of the above-described building setback and complete access control, 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.

MICROFILMED
OF RECORD

800 k

City Clerk

*1712
C0980*

11129 1291 200

Vacation Order
V-1712
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5. The vacation of the building setback and complete access control, described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 18th day of June, 1991, ordered that the above-described building setback and complete access control, 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.

Frank M. Ojile
FRANK M. OJILE VICE MAYOR

ATTEST:

Pat Burnett
Pat Burnett, Deputy City Clerk



Approved as to Form:

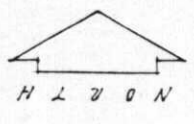
Joe Allen Lang
~~Thomas Powell~~, Director of Law
Joe Allen Lang (ACTING)

(State of Kansas)
(Sedgwick County) as
(City of Wichita)
I, Pat Burnett, Deputy City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is attached is a true and correct copy of the original on file in the office of the City Clerk. Given under my hand and seal of the City of

Wichita, this June 24, 1991
Pat Burnett Deputy City Clerk

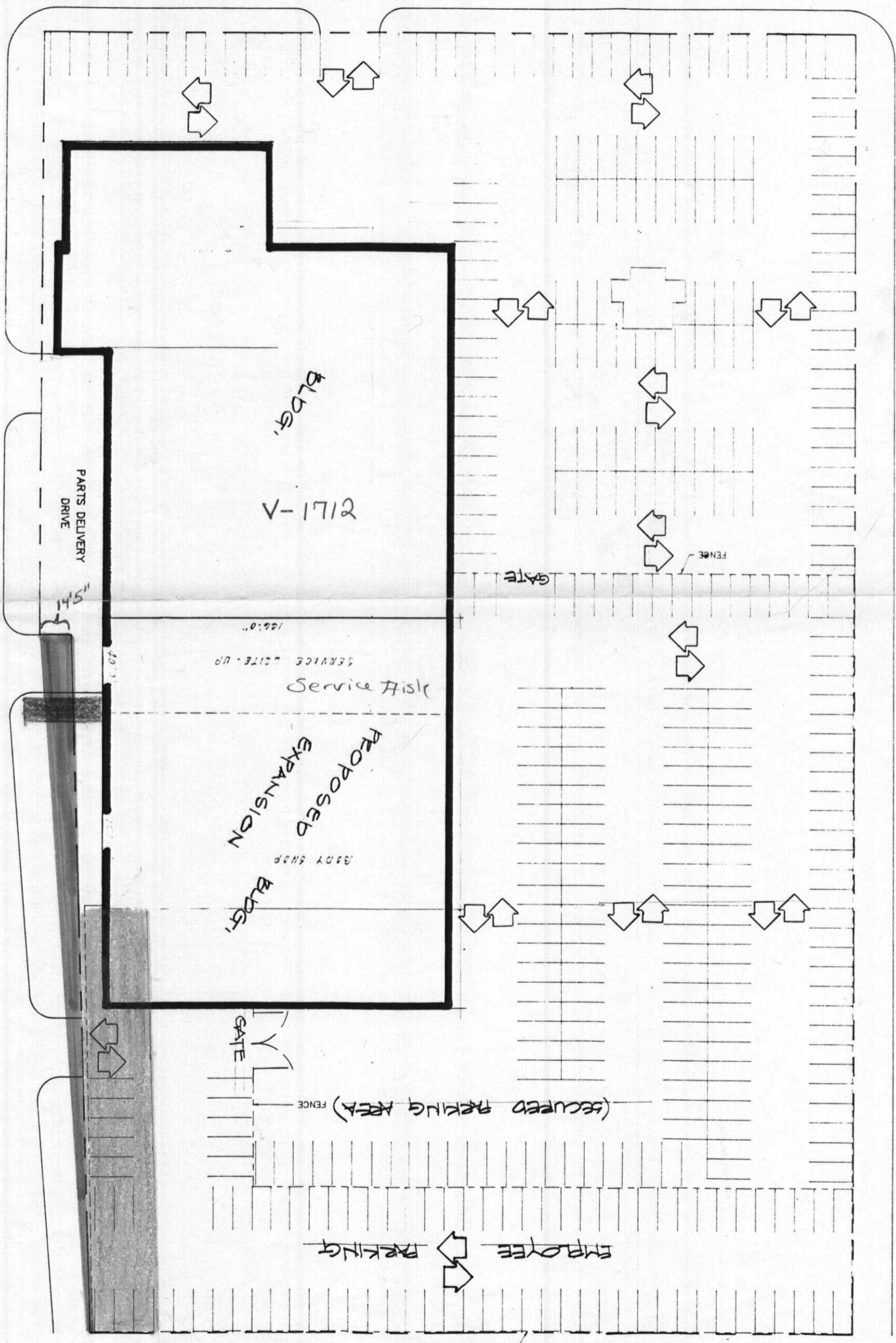


SITE PLAN 1" = 30.0'



EAST KELLOGG (U.S. HWY. 54)

EAST KELLOGG DRIVE (ACCESS ROAD)



GOVERNOUR STREET

WHITTIER STREET

Bldg. V-1712

PARTS DELIVERY DRIVE

PROPOSED EXPANSION
BODY SHOP BLDG.

Service Area

GATE

FENCE

GATE

(SECURED PARKING AREA) FENCE

EMPLOYEE PARKING

FENCE

H H