

Planning Agenda Item # _____

City of Wichita
City Council Meeting
June 18, 1991

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1710 - REQUEST TO VACATE A PORTION OF A
PLATTED BUILDING SETBACK, LOCATED EAST OF ROCK ROAD BETWEEN
GREENBRIAR AND OXFORD.
(District #2)

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 applicant is requesting to vacate two feet of an area of a 20 foot platted building setback on two lots. In 1987, those same properties were involved in a request to vacate 10 feet of a then 25 foot setback. After protest letters by the Penstemon Homeowner's Association, a compromise was negotiated to allow a 5 foot vacation only. City Engineering and the utility companies have indicated their approval of this vacation. 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:

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.)
(V-1710))
)
GENERALLY LOCATED EAST OF ROCK ROAD)
BETWEEN GREENBRIAR & OXFORD.)
)
)
MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 18th day of June, 1991, comes on for hearing the petition for vacation filed by Ritchie Development Corp. & Mr. & Mrs. Richard H. Baldridge, praying for the vacation of the following described building setback, to-wit:

The east 2-feet of the west 20-feet of the south 75-feet of the north 90-feet of Lot 13, Block 1, and the east 2-feet of the west 20-feet of the north 75-feet of the south 90-feet of Lot 20, Block 1, Penstemon 4th Addition, Wichita, Sedgwick County, KS

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 _____.

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.

Vacation Order
V-1710
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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 18th day of June, 1991, 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.

Bob Knight, Mayor

ATTEST:

Pat Burnett, Deputy City Clerk

Approved as to Form:

Thomas Powell, Director of Law

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