

Planning Agenda Item # _____

City of Wichita
City Council Meeting
October 9, 1990

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1681 - REQUEST TO VACATE PORTIONS OF
PLATTED BUILDING SETBACKS LOCATED SOUTH OF 21ST STREET NORTH
IN AN AREA WEST OF TYLER
(District #5)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of building setbacks.

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

Background: When this area was platted as the Jamesburg Park Addition, several corner lots adjacent to 21st Street North were platted without side yard setbacks. Homes subsequently were built that observed the 6-foot side yard setbacks established by zoning. However, a note on the plat implies that 15-foot side yard setbacks were to be observed for corner lots. While certain title companies originally interpreted that the involved lots were properly observing setbacks as under zoning, recent interpretations by some Title Companies are now indicating that existing homes are encroaching a platted setback. In order to remove the cloud on these properties, this vacation is proposing to reduce any setback considered as established by the plat, to a 6-foot side yard setback or what would exist under zoning for these lots. 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:

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

IN THE MATTER OF THE VACATION OF)
PORTION OF PLATTED BUILDING SETBACKS)
GENERALLY LOCATED SOUTH OF 21ST STREET)
NORTH IN AN AREA WEST OF TYLER (V-1681))
MORE FULLY DESCRIBED BELOW)

MICROFILMED
OF RECORD

VACATION ORDER

NOW on this 9th day of October, 1990, comes on for hearing the petition for vacation filed by Cory L. Rollins, et al., praying for the vacation of the following described building setbacks, to-wit:

The south 9 feet of the 15 foot setback as platted along the north line of Lot 1, Block B, Jamesburg Park an Addition to Wichita, Sedgwick County Kansas, except for the east 25 feet thereof.

AND

The south 9 feet of the 15 foot setback, as platted, along the north line of Lot 1, Block A, Jamesburg Park an Addition to Wichita, Sedgwick County Kansas, except for the west 25 feet thereof.

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 SEP 19 1990 SEP 26 1990
2. No private rights will be injured or endangered by the vacation of the above-described building setbacks, 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 setbacks described herein should be approved.

8.00

City Clerk

Vacation Order
V-1681
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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 9th day of October, 1990, ordered that the above-described building setbacks 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
Bob Knight, Mayor

ATTEST:

Pat Burnett
Pat Burnett, Deputy City Clerk

Approved as to Form:

Thomas Powell
Thomas Powell, Director of Law

State of Kansas)
Sedgwick County) ss
City of Wichita)
I, Pat Burnett, Deputy City Clerk of the City
of Wichita, Kansas, do hereby certify that the document
to which this is attached is a true and correct copy of
the original of the same as the same was presented to the City Clerk.
Given under my hand and seal of the City of
Wichita, this OCT 9 1990
Pat Burnett Deputy City Clerk

STATE OF KANSAS } SS
SEDGWICK COUNTY }
FILED FOR RECORD AT
2-00 11
DEC 12 1990 1109253

CLERK
REGISTER OF DEEDS



ET

21 ST. ST. NO.

