

Planning Agenda # _____

**City of Wichita
City Council Meeting
May 17, 1994**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1852 Request to vacate portions of utility easements and a building setback located east of Rock Rd. and north of 37th St. North. (District #2)

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of utility easements and building setbacks.

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

Background: Additional building area is needed for homes being planned for the two lots involved in this vacation. The applicants are in essence shifting the utility easement to one of the lots while reducing the building setback on that lot. Both lots, however are intending to face the homes to Mulberry which was originally platted with only a 15 foot setback on the two lots. In order to provide a more appropriate setback, restrictive covenants have been submitted requiring homes to be setback at least 20 feet. Also, to offset the reduction of easement in Lot 6, a substitute easement is being granted in the adjacent Lot 7. City Engineering, the utility representatives and the Subdivision Committee have indicated that the vacation along with the covenants and substitute easements are acceptable and should result in no negative impacts.

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/Actions:

Close the public hearing, approve the vacation; authorize the Mayor to sign the Vacation Order; accept the utility easements; and record a certified copy of the Vacation Order, the covenants and the utility easements, recording costs to be billed to:

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 17th day of May, 1994, ordered that the above-described utility easement and 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.

Elma Broadfoot
Elma Broadfoot, Mayor

ATTEST:

Pat Burnett
Pat Burnett, Deputy City Clerk



Approved as to Form:

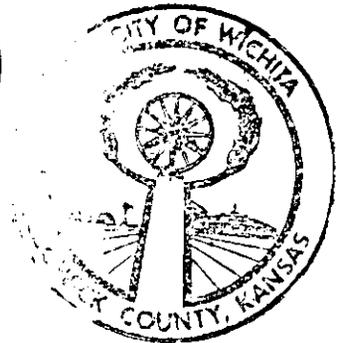
Gary Rebenstorf
Gary Rebenstorf, Director of Law

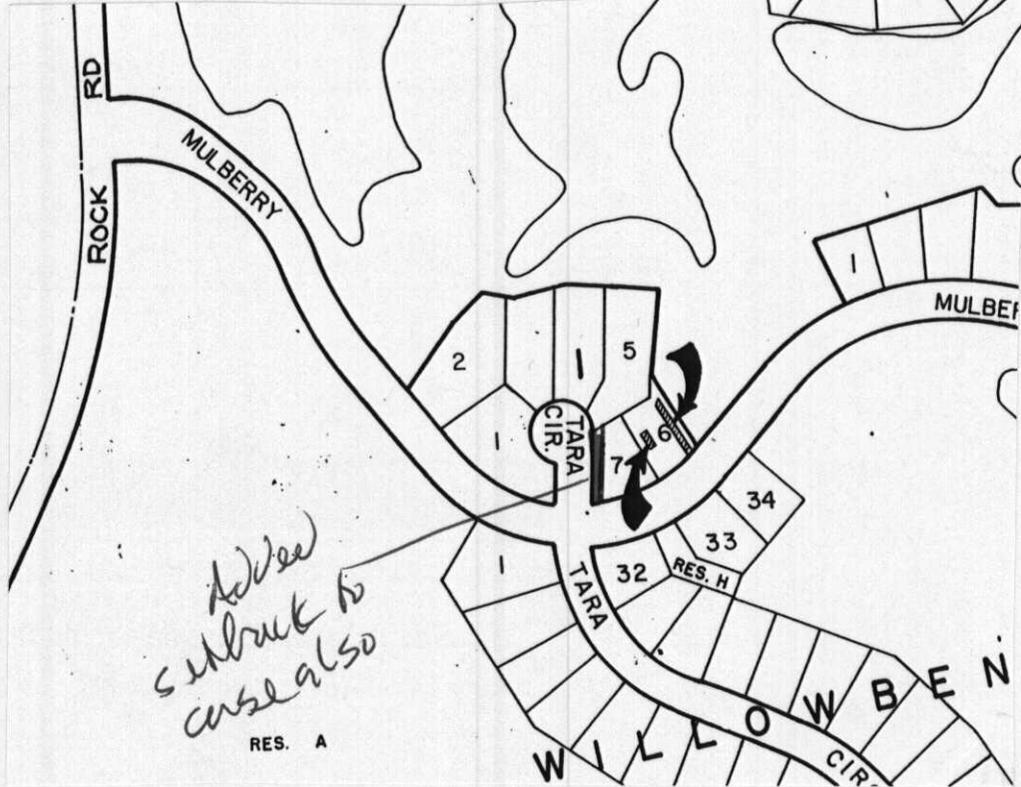
State of Kansas)
Sedgwick County) of
City of Wichita)
I, *Pat Burnett*, Deputy City Clerk of the City
of Wichita, Kansas, hereby certify that the documents
to which this is affixed is a true and correct copy of
the original on file in the office of the City Clerk.
Given under my hand and seal of the City of
Wichita, this 17th day of May, 1994.
Pat Burnett Deputy City Clerk

STATE OF KANSAS) ss
SEDGWICK COUNTY)
FILED FOR RECORD AT
8:00 A.M.

JUN 16 1994
NO. 1389992
PAT KETTLER
REGISTER OF DEEDS

Ed Reed
Deputy





Application Filed 12/13/93

S/D Comm. Action 1/6/94

APP.
M.A.P.C. Action >

1/13/94

W.C.C. Action 5-17-94 Approved

Bd. Co. Co. Action _____

Order to Vacate Recorded June 16, 1994