

Planning Agenda Item # _____

**City of Wichita
City Council Meeting
November 16, 1993**

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V- 1839; Request to vacate building setback, generally located south of 37th Street North and east of Meridian. (District # 6).

INITIATED BY: Metropolitan Area Planning Department

Kraut

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation.

MAPC Recommendation: Approve vacation (unanimous).

Background: This is the vacation of a platted 25-foot front yard building setback. Prior to the present vacation request, a house was constructed on this site. Due to a survey error at the time of construction, the house was improperly located on the lot, with a resulting encroachment into the front yard setback of less than 1-foot. Staff and MAPC have recommended approval because no utilities, public or private, will be compromised at this site, and the vacation will not adversely affect the public interest.

This vacation has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

RECOMMENDATIONS/ACTIONS:

Close the public hearing; approve the vacation; authorize the Mayor to sign the Vacation Order; and record the certified copy of the 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)
BUILDING SETBACK)
) MAPD
GENERALLY LOCATED SOUTH OF 37TH) Case No. V-1839
STREET NORTH AND EAST OF MERIDIAN)
)
)
MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 16TH day of November, 1993, comes on for hearing the petition for vacation filed by Richard A. Ochs, praying for the vacation of the following described building setback, to-wit:

The north 29.5 feet of the south 47.1 feet of the east 0.5 foot of the 25 feet Building Setback on Lot 27, Block 3, Sharp-Nett Addition, Wichita, Kansas. (V-1839).

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 10-25-93 & 11-1-93
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.

S. O. C.
Clerk

City Clerk

8'

Vacation Order
V - 1839

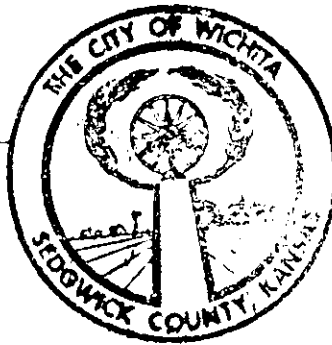
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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 16th day of November, 1993, ordered that the above-described building setback is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

Elma Broadfoot
Elma Broadfoot, Mayor

ATTEST:

Pat Burnett
Pat Burnett, Deputy City Clerk



Approved as to Form:

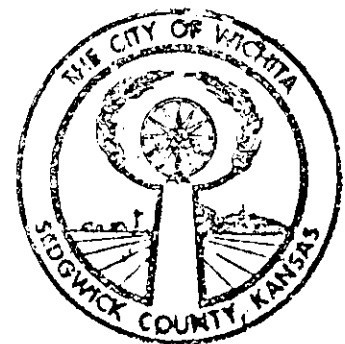
Gary E. Rebenstorf
Gary Rebenstorf, Director of Law

STATE OF KANSAS
NOV 18 1993
2534 1354350
PAT NETTLER
REGISTER OF DEEDS

MICROFILMED
OF RECORD

Ed Gross
Deputy

State of Kansas)
Sedgwick County) ss
City of Wichita)
I, Pat Burnett, 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 of the City Clerk.
Given under my hand and seal of the City of Wichita, this NOV 17 1993
Pat Burnett Deputy City Clerk



Sketch.



Application Filed 9/13/93
S/D Comm. Action 9/30/93

M.A.P.C. Action 10/07/93

W.C.C. Action 11-16-93 approved

Bd. Co. Co. Action _____

Order to Vacate Recorded _____

January 25, 1994