

**City of Wichita
City Council Meeting
July 13, 1993**

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V- 1820; Request to vacate building setback, generally located south of 21st Street North and west of Maize Road. (District #5).

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning



Staff Recommendation: Approve vacation.

MAPC Recommendation: Approve vacation (unanimous).

Background: This is the vacation of a portion of a platted building setback. The applicant has constructed a single-family home on this lot at the end of a cul-de-sac, but unfortunately, due to the builder's error, the structure encroaches into the platted 25-foot building setback. This vacation will apply only to that portion of building setback adjacent to and in front of the house. Staff and MAPC have recommended approval because an adequate amount of building setback will continue to be available adjacent to and in front of the house, 25 feet of building setback will continue to be available for the remainder of the front yard, 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)
)
GENERALLY LOCATED WEST OF MAIZE)
ROAD AND SOUTH OF 21ST STREET)
NORTH)
)
MORE FULLY DESCRIBED BELOW)

Case No. V-1820
MICROFILMED
OF RECORD

VACATION ORDER

NOW on this 13TH day of July, 1993, comes on for hearing the petition for vacation filed by Lawrence Suter, praying for the vacation of the following described building setback, to-wit:

A part of Lot 36, Block 6, Timber Ridge Addition, Wichita, Sedgwick County, Kansas, described as follows: Commencing at the southwesterly corner of said Lot 36; thence N 24°12'40"E, along the westerly line of said Lot 36, 25 feet to the intersection of the previously described line with a 25 foot building setback line as platted in said Lot 36; thence southeasterly along said building setback line an arc distance of 10.55 feet to the point of beginning; thence continuing southeasterly along said building setback line an arc distance of 21.58 feet; thence S 41°37'33"W, 1.95 feet; thence N 48°22'27" W, 21.50 feet; thence N41°37'33" E, 1.53 feet to the point of beginning. (V-1820)

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 6/29/93 + 7/6/93.
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.

3.00

City Clerk

150089 2909

8-

Vacation Order
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5. The vacation of the building setback described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13th day of July, 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)
Sedgwick County) ss
City of Wichita)
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 JUL 13 1993

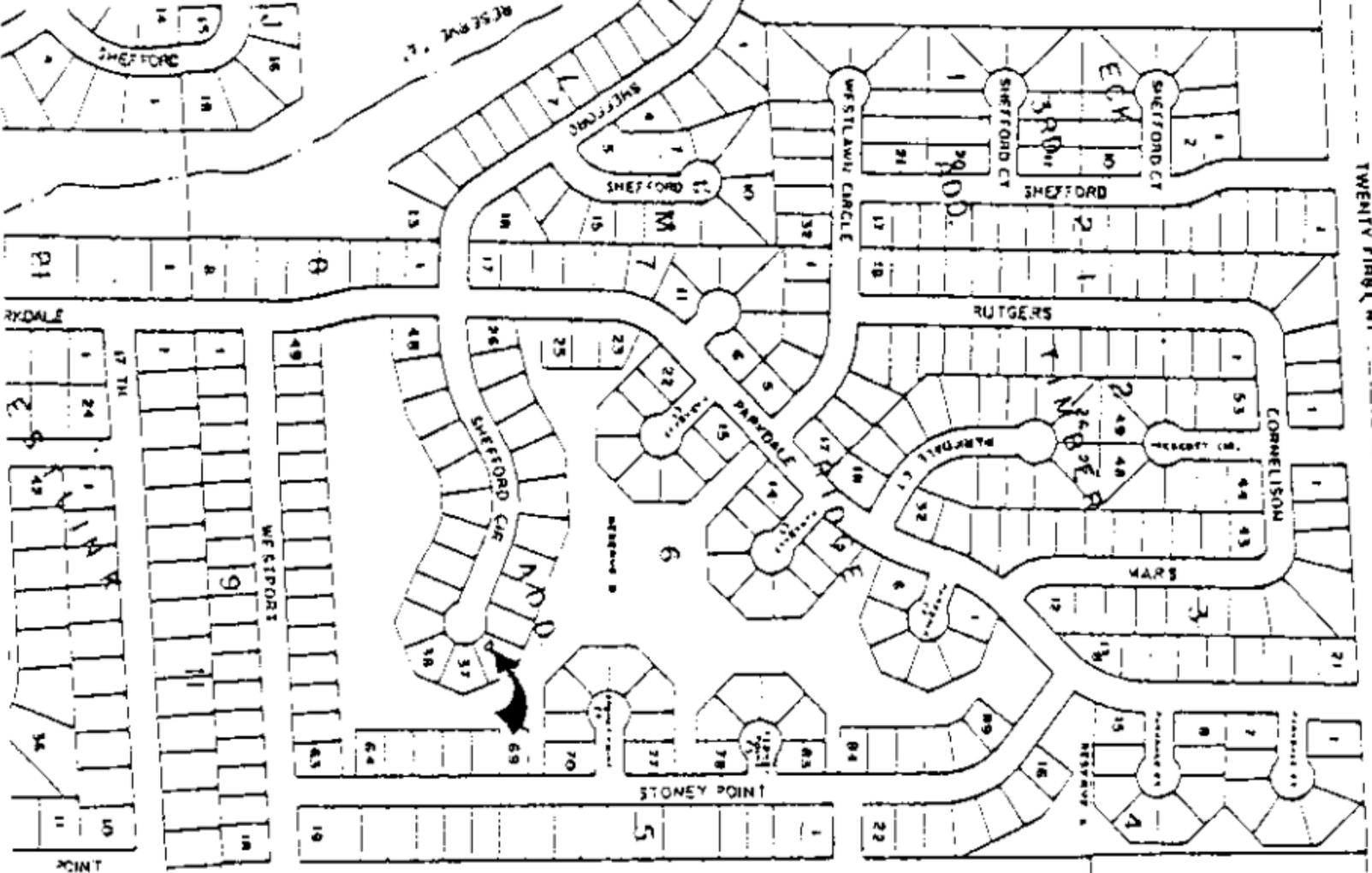
Pat Burnett Deputy City Clerk

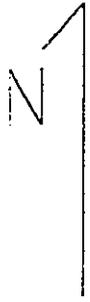


STATE OF KANSAS) ss
Sedgwick County)
City of Wichita)
8:00 a.m.
JUL 13 1993 1313115

OST KETTLER
REGISTER OF DEEDS

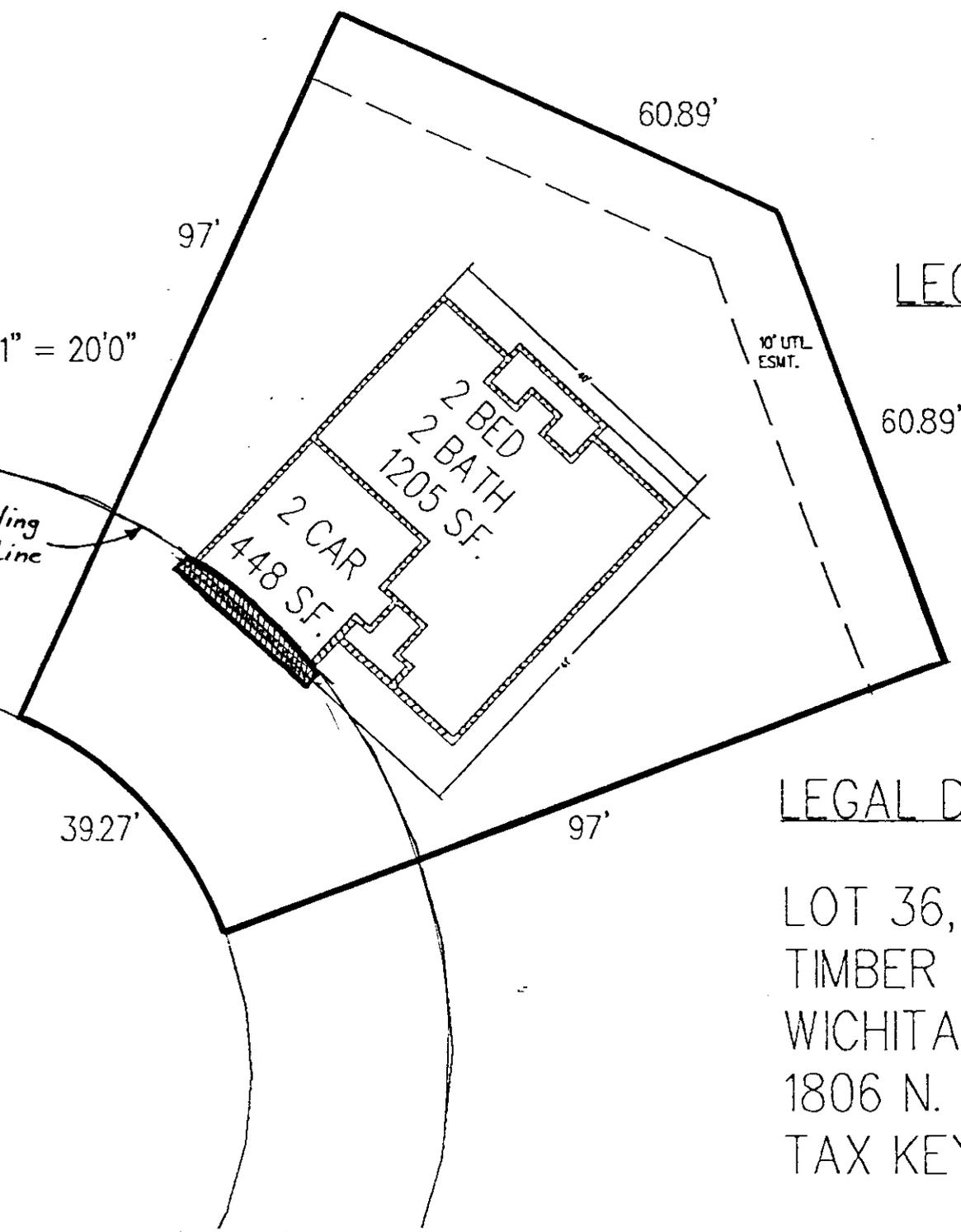
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SCALE: 1" = 20'0"

25' Building
Setback Line



LEGACY HOMES, INC.

LEGAL DESCRIPTION

LOT 36, BLOCK 6
TIMBER RIDGE ADDITION
WICHITA, SEDGWICK CO., KANSAS
1806 N. SHEFFORD CIRCLE
TAX KEY # D-43927