Planning Agenda Item #____

City of Wichita
City Council Meeting
July 13, 1993

Agenda Report #____

TO: Mayor and City Council Members

SUBJECT: V- 1818; Request to vacate building setback, generally located south of Kellogg and east of 143rd Street East.

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. Mr. & Mrs. Bays intend to construct their single-family home on this lot, and prefer that the structure be oriented towards a nearby lake. In order to accomplish this, the vacation of a 15-foot portion of the 40-foot [front yard] building setback is required, which will increase the amount of buildable space for the house. The vacated building setback will only apply to that portion that is immediately adjacent to the house. Staff and MAPC have recommended approval because 25 feet of building setback will continue to be available adjacent to and in front of the house, 40 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.

Because this site is located in an unincorporated area of the county, but within three-miles of the City of Wichita, and pending Council approval, this vacation will be scheduled for final public hearing by the Board of County Commissioners.

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

RECOMMENDATIONS/ACTIONS: Approve the vacation.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

MICROFILMED OF RECORD

IN THE MATTER OF THE VACATION OF BUILDING SETBACK GENERALLY LOCATED EAST OF 143RD STREET EAST AND SOUTH OF KELLOGG	MAPD CASE NO. V-1818

VACATION ORDER

NOW on this 11th day of August, 1993, at 9:00 o'clock A.M. comes on for hearing a petition praying for the vacation of the following-described real property, to wit:

That portion of building setback described as:

> The west 15' of the platted 40' building setback of Lot 5, Block 4, Springdale Country Club Estates Addition, Wichita, Sedgwick County, Kansas

WHEREUPON, it is shown that proper notice has been given by publication once each week for three consecutive weeks in the official county newspaper, the first such publication having occurred on July 23, 1993; and it is further shown that proper proof of such publication has been filed herein. The Board finds that such notice is in lawful form and that it conforms to K.S.A. 58-2613.

THEREAFTER, the Board, having heard all interested parties and being otherwise duly advised in the premises, finds and determines that no private rights will be injured or endangered by such vacation; that the public will suffer no loss or inconvenience thereby; that no written objections hereto have been filed with the Sedgwick County Clerk; and that, in justice to the petitioner, the petition's prayer should be granted.

8.00 ck

City Clerk

150029 0909

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The Board further finds that on June 3, 1993, the Metropolitan Area Planning Commission recommended that the vacation petition herein be approved; and on July 13, 1993, the Governing Body of the City of Wichita recommended that the said petition be approved.

THEREFORE, IT IS ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS THAT the above-described real property be and the same is hereby vacated.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

Mark F. Schroeder, Chairman

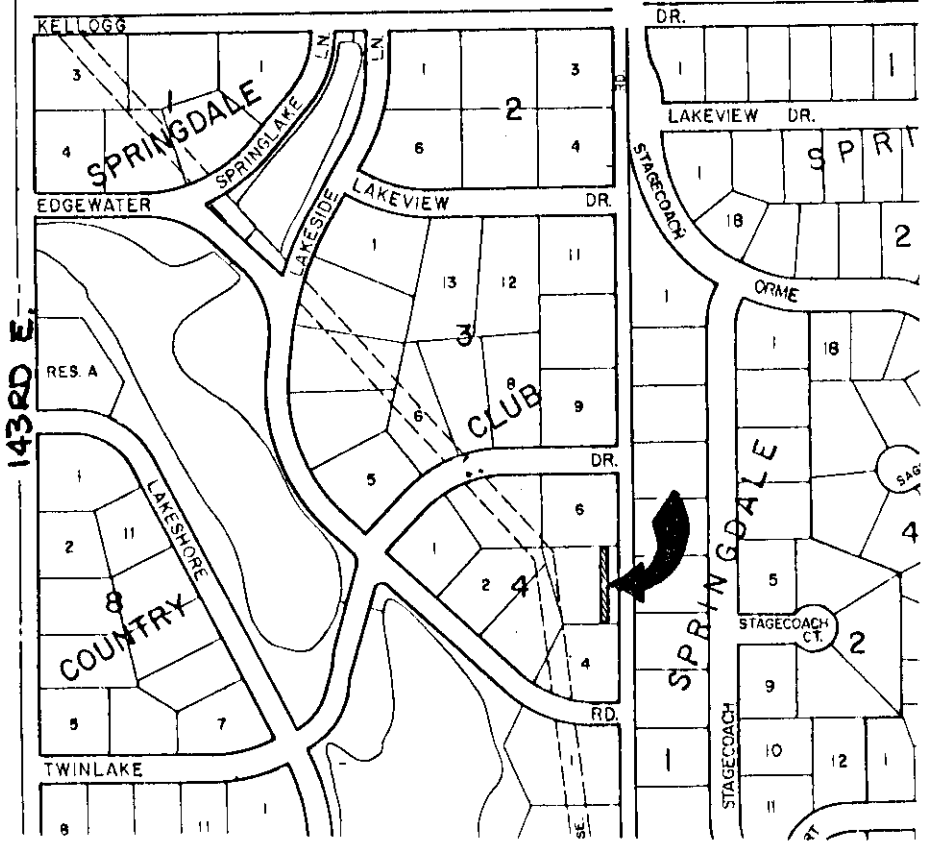
ATTEST:

Susan E. Crockett-Spoon
County Clerk

APPROVED AS TO FORM:

Richard A. Euson
Assistant County Counselor

STATE OF KANSAS } SS
SEDGWICK COUNTY
FILED AT
8:00 A
Bk 2533 Pg 523
PAT KETTLER
REGISTER OF DEEDS
Deputy



Application Filed 5/14/93
S/D Comm. Action 6/10/93

M.A.P.C. Action

W.C.C. Action

Bd. Co. Co. Action

Order to Vacate Recorded