

Planning Agenda Item # _____

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

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V- 1815; 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 intends to construct a single-family home on this odd-shaped lot, and would like to increase the amount of buildable space by vacating only that portion of a 25-foot [front yard] building setback that will be adjacent to 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, it involves an odd-shaped curvilinear corner lot, 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.

Page 1 of 2

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

IN THE MATTER OF THE VACATION OF
A BUILDING SETBACK

GENERALLY LOCATED WEST OF MAIZE
ROAD AND SOUTH OF 21ST STREET
NORTH

MORE FULLY DESCRIBED BELOW

) Case No. V-1815

) MICROFILMED
) OF RECORD

VACATION ORDER

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

That portion of building setback described as: That part of the platted 25 foot building setback on Lot 13, Block 3, Timber Ridge Addition, Wichita, Kansas, described as commencing at the N.E. Corner of said Lot 13; thence N 87°17'20" W, along the north line of said Lot 13, 25.76 feet to the point of intersection of said north line with the 25 foot building setback on said Lot 13; thence southwesterly along said building setback an arc distance of 53.17 feet to the point of beginning; thence continuing along said setback an arc distance of 19.57 feet; thence S 87°17'20" E, parallel with said north line, 10.14 feet; thence N 02°42'40" E, parallel with the west line of said Lot 13, 16.73 feet to the point of beginning. (V-1815)

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.

8.00

City Clerk

150029

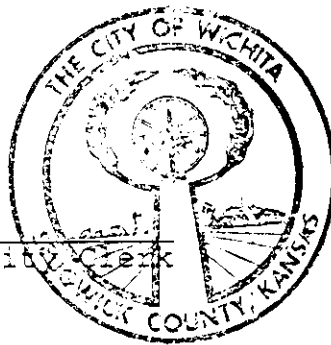
2409

8'

Vacation Order
V-1815
Page 2 of 2

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:

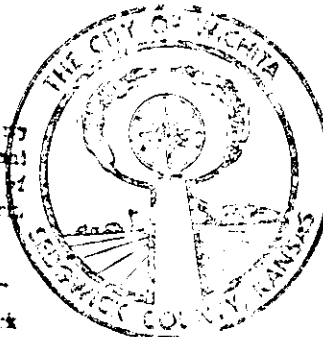
Gary E. Rebenstorf
Gary Rebenstorf, Director of Law

8:00 a

1313112

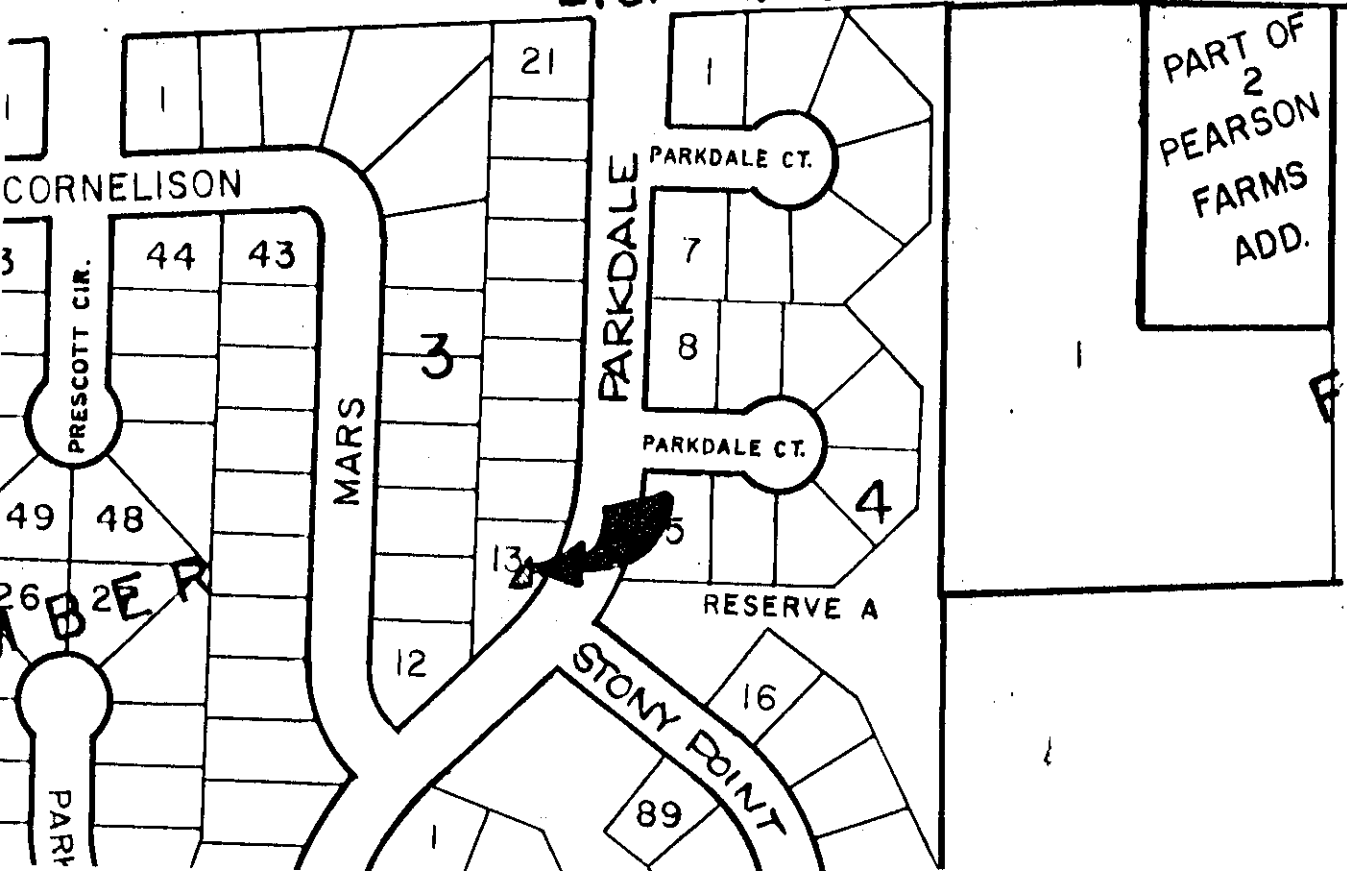
T KETTLER
REG. OF DEEDS

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 attached 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, Kansas, this JUL 13 1993
Pat Burnett Deputy City Clerk



Elma Broadfoot

21st ST. NO.



III. Application Filed 5/10/93
S/D Comm. Action 5/27/93

M.A.P.C. Action _____

W.C.C. Action _____

Bd. Co. Co. Action _____

Order to Vacate Recorded _____

Order 13, 1993
August