

Planning Agenda Item # _____

City of Wichita
City Council Meeting
February 23, 1993

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V-1801 REQUEST TO VACATE A BUILDING SETBACK LOCATED SOUTH OF
HARRY STREET AND WEST OF WEST STREET
(District #4)

INITIATED BY: Metropolitan Area Planning Department

W. Kroat

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of building setback.

MAPC Recommendation: Approve vacation of building setback.
(unanimous)

Background: An existing structure encroaches 10 feet into the established 35-foot building setback along Harry Street. The applicant, in anticipation of a future sale, requests to vacate that portion of the setback on which the building encroaches. The vacation is requested so that the title to this parcel will be cleared of any defects in regard to this encroachment. The Subdivision Committee has indicated that no harm should result from this vacation.

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/Action: Close public hearing, approve the vacation; authorize the Mayor to sign Vacation Order, and record certified copy of Vacation Order; 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 SOUTH OF HARRY STREET)
AND WEST OF WEST STREET (V-1801))
)
)
MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 27TH day of FEBRUARY, 1993, comes on for hearing the petition for vacation filed by PATRICIA A. HART, praying for the vacation of the following described building setback, to-wit:

That portion of the building setback described as:
The south ten feet (10') of the north thirty-five feet (35') of
the west one hundred twenty feet (120') of Lot 1, Art Roll
Addition, Wichita, Sedgwick County, Kansas

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 _____.
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.

Vacation Order
V-1801
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IT IS, THEREFORE, BY THE CITY COUNCIL, on this
23rd day of February, 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.

Frank M. Ojile, Mayor

ATTEST:

Pat Burnett, Deputy City Clerk

Approved as to Form:

Gary Rebenstorf, Director of Law

HARRY ST.

300' (M&P)
N 0° 00' 00" W

358.55'

FD. THIMBLE
NE. COR. NE 1/4
SEC. 35 -27-1W

B/C

SIDEWALK

300.00'

.5' (PL. TO FC)

10' ENCROACHMENT OVER PLATTED
BUILDING SETBACK LINE.

101'

35' BUILDING SETBACK

ASPHALT

CONCRETE DRIVE

GRASS

CONCRETE DOCK

CONCRETE

40'

BLDG

100'

40'

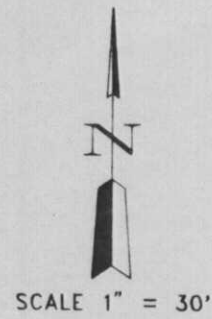
5' UTILITY EASE.

S 00° 42' 15" W 384.2' (M&P)

2.5'

S 89° 57' 16" E
300.00' (M&P)

FENCE LIES 0.5' SOUTH
OF SOUTH PROPERTY LINE.



Legal Description

Lot 1, Art R

STATE OF KANSAS

COUNTY OF SEDWICK

I, Adolf E. Reiser,
surveyor in and for
have caused to be
Description to be
accompanying
knowledge and

ADOLF E. REISER

S 00° 42' 15" W 383.95' (M&P)

333.95'

250.5'

10' UTILITY EASE.

BLDG

250.5'

72.0'

51.0'

34.4'

16.5'

16.5'

15.5'

.1' (PL. TO FC)

LEGEND
(M) - MEASURED

PLAT OF SURVEY