

Planning Agenda # _____

**City of Wichita
City Council Meeting
April 18, 1995**

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V-1905 REQUEST TO VACATE A BUILDING
SETBACK IN AN AREA NORTH OF HARRY AND EAST OF 143RD ST.
EAST.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of building setback.

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

Background: The vacation is being requested to clear the title to a property on which an existing home was found to be encroaching 5 feet into a 30 foot platted building setback. County Engineering and the utility representatives of the Subdivision Committee indicated that no utilities would be impacted by the vacation. Neighboring property owners have been notified and no objections have yet been indicated. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions.

Legal Considerations: This request for vacation is located on property outside the City of Wichita, but within three miles thereof. As such, no petition, publication of notification or public hearing is required before the Wichita City Council.

Recommendations/Actions: Approve vacation

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF
BUILDING SETBACK

GENERALLY LOCATED NORTH OF HARRY
AND EAST OF 143RD STREET EAST
SOUTH OF KELLOGG

MAPD CASE NO. V-1905

VACATION ORDER

NOW on this 14th day of June, 1995, 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: Commencing
at the southerly most corner of Lot 15, Block 4, Timber
Lakes Estates 3rd Addition to Sedgwick County, Kansas;
thence N48°26'30"E, along the southwesterly line of said
Lot 15, 30 feet; thence N41°33'30"E, 24.5 feet for a place
of beginning; thence N41°33'30"E along the existing 30 foot
building setback line, 47 feet; thence S48°26'30"E, 5 feet;
thence S41°33'30"W, 47 feet; thence N48°26'30"W, 5 feet
to the place of beginning.

MICROFILMED
OF RECORD

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 May
24, 1995; 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

County Clerk

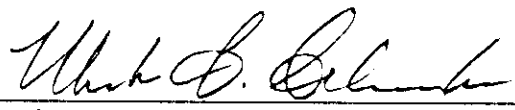
colH

Clerk; and that, in justice to the petitioner, the petition's prayer should be granted.

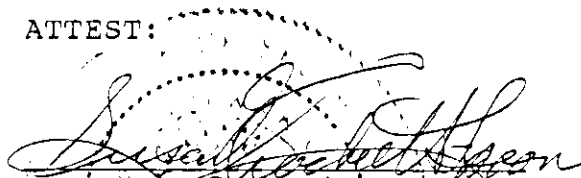
The Board further finds that on March 23, 1995, the Metropolitan Area Planning Commission recommended that the vacation petition herein be approved; and on April 18, 1995, the Governing Body of the City of Wichita recommended that the said petition be approved.

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.

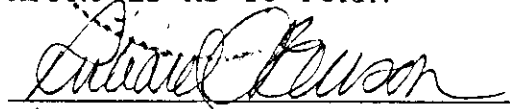
BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS


Mark F. Schroeder, Chairman

ATTEST:

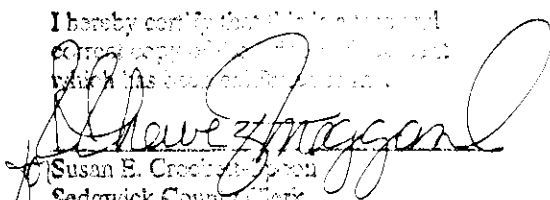

Susan E. Crockett-Spoon
County Clerk

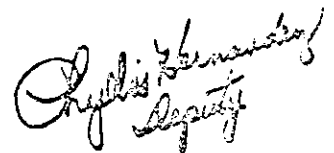
APPROVED AS TO FORM:


Richard A. Euson
Assistant County Counselor



SEDGWICK COUNTY, KS
FILED FOR RECORD AT
8:00 AM
1495812 8182
FAT NEFF
REGISTER OF DEEDS

I hereby certify that this is a true and correct copy of the original as filed with this Board and recorded.

Susan E. Crockett-Spoon
Sedgwick County Clerk


Cynthia Hernandez
Deputy

EXHIBIT

LOT 15, BLOCK 4,
TIMBER LAKES ESTATES
3RD ADDITION
TO
SEDGWICK COUNTY, KANSAS



1" = 30'

