

Planning Agenda # _____

**City of Wichita
City Council Meeting
May 17, 1994**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1861 Request to vacate a building setback located south of 47th St. S. and east of Hydraulic.
(District #3)

INITIATED BY: Metropolitan Area Planning Department *W. Krout*

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of building setback.

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

Background: Due to a physical condition the applicant desires to construct an addition to the front of his existing residence in order to provide better access to the house. The Subdivision Committee has indicated that the vacation should have no negative impacts and no objections were made by neighboring property owners notified of the case.

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/Actions: Close the public hearing, approve the vacation; authorize the Mayor to sign the Vacation Order; and record the certified copy of the Vacation Order; recording costs to be billed to:

150029-2909

Approved / Accepted By City Council
MAY 17 1994
This _____

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

IN THE MATTER OF THE VACATION OF)	
A BUILDING SETBACK)	
)	
GENERALLY LOCATED)	Case No. V-1861
SOUTH OF 47TH ST. S. & EAST OF)	
HYDRAULIC)	
)	
<u>MORE FULLY DESCRIBED BELOW</u>)	

VACATION ORDER

NOW on this 17th day of May, 1994, comes on for hearing the petition for vacation filed by Scott Stucky, praying for the vacation of the following described building setback, to-wit:

That portion of a platted building setback described as: The northwesterly 5 feet of the 30 foot building setback platted adjacent to Minneapolis Avenue on Lot 3, Block A, South Hydraulic Park, 2nd Addition, 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 5-6-94 & 5-13-94.
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.

MICROFILMED
CITY RECORD

3.00
ck

City Clerk

150039 2900

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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 17th day of May, 1994, 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.

Eima Broadfoot
Eima Broadfoot, Mayor

ATTEST:

Pat Burnett
Pat Burnett, Deputy City Clerk



Approved as to Form:

Gary Rebenstorf
Gary Rebenstorf, Director of Law



State of Kansas)
Sedgwick County) ss
City of Wichita)

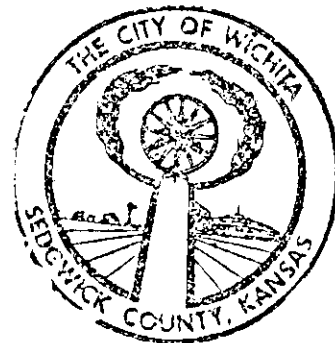
I, *Carol Holway*, Deputy City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is affixed is a true and correct copy of the original on file in the office of the City Clerk.

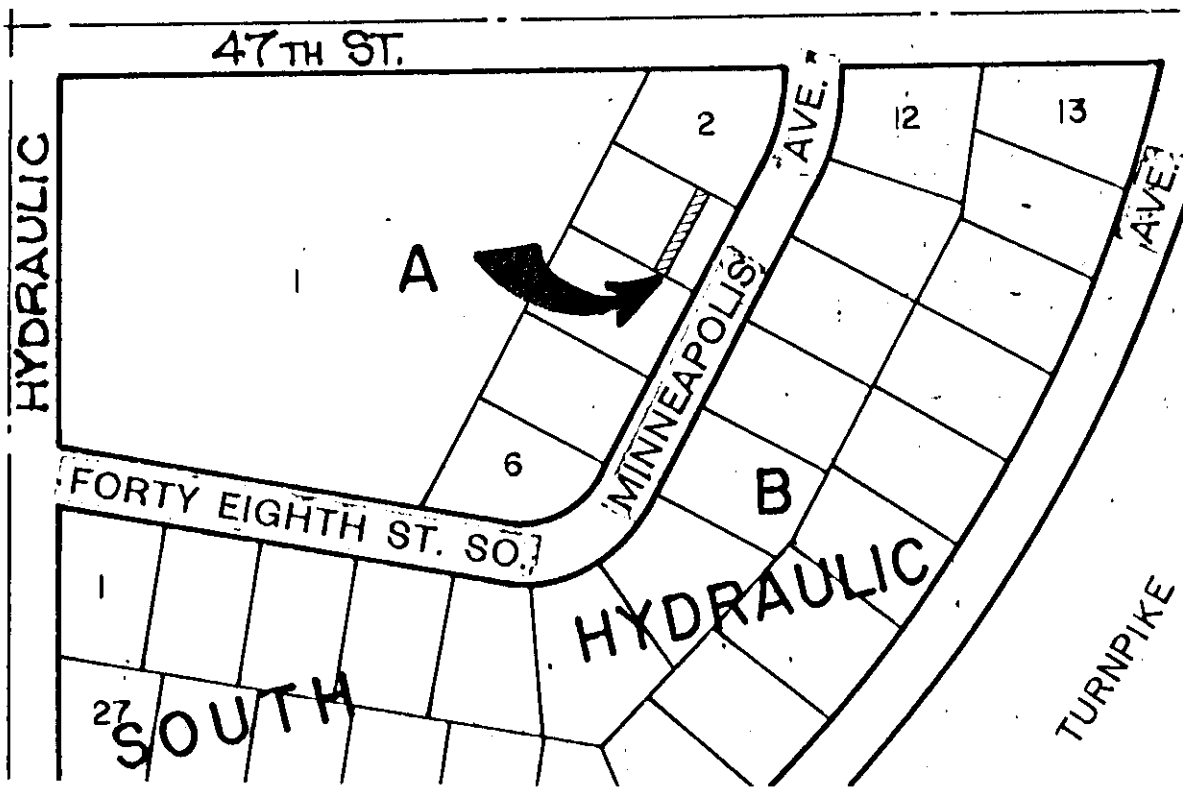
Given under my hand and seal of the City of Wichita, this 17th day of May, 1994.
Carol Holway Deputy City Clerk

STATE OF KANSAS } SS
SEDGWICK COUNTY }
FILED FOR RECORD AT
8:00 AM

JUN 16 1994
1389993
NO. PAT KETTLER
REGISTER OF DEEDS

Ed Reed
Deputy





Application Filed 3/14/94
 S/D Comm. Action 3/31/94

M.A.P.C. Action 4 > 2

APP
4 AD

W.C.C. Action 5-17-94 *Approved*

Bd. Co. Co. Action _____

Order to Vacate Recorded June 16, 1994