

Planning Agenda # \_\_\_\_\_

**City of Wichita  
City Council Meeting  
February 11, 1997**

Agenda Report # \_\_\_\_\_

**TO:** Mayor and City Council

**SUBJECT:** PUBLIC HEARING V-2014 REQUEST TO VACATE A PORTION OF A BUILDING SETBACK IN AN AREA NORTH OF PAWNEE AND EAST OF 119TH STREET WEST.

(District #5)

**INITIATED BY:** Metropolitan Area Planning Department *MK/SPM*

**AGENDA ACTION:** Planning *4*

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**Staff Recommendation:** Approve vacation of a portion of a building setback.

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

**Background:** The applicant is requesting this vacation in order to bring the existing house on this lot into conformance with current platted building setbacks. The house on this lot was inadvertently constructed approximately 10 feet into the 25 foot platted street side yard setback along Lotus Street. City Engineering and the utility companies have indicated that this vacation is acceptable.

The vacation request has been reviewed and approved by the Planning Commission, subject to conditions. No members of the public addressed the MAPC in opposition to this request.

**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

COPY

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

IN THE MATTER OF THE VACATION OF A PORTION OF A BUILDING SETBACK GENERALLY LOCATED NORTH OF PAWNEE AND EAST OF 119TH STREET WEST MORE FULLY DESCRIBED BELOW

Case No. V-2014

MICROFILMED OF RECORD

VACATION ORDER

NOW on this 11th day of February, 1997, comes on for hearing the petition for vacation filed by Todd J. and Kendra C. Mulvaney, praying for the vacation of the following described a portion of a building setback, to-wit:

That portion of a platted building setback described as: The southeasterly 10 feet of the northwesterly 25 feet of Lot 6, Block 5, Pawnee Mesa Addition an Addition to Sedgwick County, Kansas, except the southwesterly 25 feet thereof.

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 1/31/97 & 2/7/97.
2. No private rights will be injured or endangered by the vacation of the above-described a portion of a 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 a portion of a building setback described herein should be approved.

8:00 ck


City of Wichita City Clerk

150029 2907 500

COPY

Vacation Order  
V - 2014

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 11th day of February, 1997, ordered that the above-described a portion of a 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.

  
\_\_\_\_\_  
Bob Knight, Mayor

ATTEST:

  
\_\_\_\_\_  
Pat Burnett, City Clerk



Approved as to Form:

  
\_\_\_\_\_  
Gary Rebenstorf, Director of Law



STATE OF KANSAS ) ss  
SEDGWICK COUNTY )  
FILED FOR RECORD AT

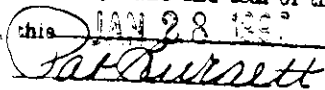
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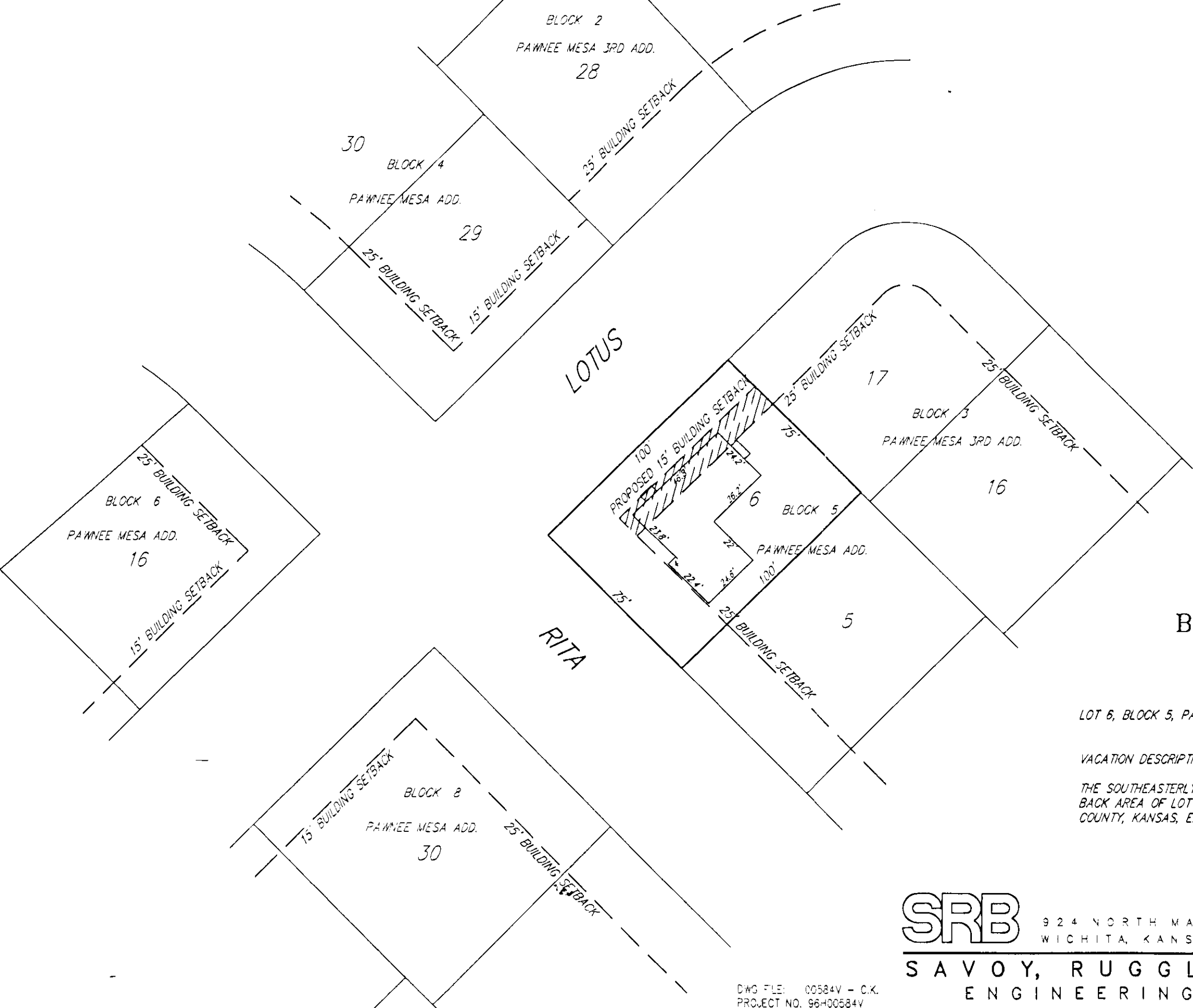
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LARRY CONSOLVER  
REGISTER OF DEEDS

  
\_\_\_\_\_  
Deputy



state of Kansas )  
Sedgwick County) ss  
City of Wichita )  
I, **Pat Burnett** 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 the the City Clerk.  
Given under my hand and seal of the City of  
Wichita, this JAN 28 1997  
  
\_\_\_\_\_  
City Clerk



1" = 40'

# EXHIBIT

## PARTIAL VACATION OF BUILDING SETBACK LINE

LOT 6, BLOCK 5, PAWNEE MESA ADDITION, AN ADDITION TO SEDGWICK COUNTY, KANSAS.

VACATION DESCRIPTION:

THE SOUTHEASTERLY 10 FEET OF THE NORTHWESTERLY 25 FEET OF THE BUILDING SETBACK AREA OF LOT 6, BLOCK 5, PAWNEE MESA ADDITION, AN ADDITION TO SEDGWICK COUNTY, KANSAS, EXCEPT THE SOUTHWESTERLY 25 FEET THEREOF.



924 NORTH MAIN  
WICHITA, KANSAS 67203

316-264-8008  
FAX 264-4621

SAVOY, RUGGLES & BOHM, P. A.  
ENGINEERING & SURVEYING

DWG FILE: 00584V - C.K.  
PROJECT NO. 96H00584V