

Planning Agenda # _____

**City of Wichita
City Council Meeting
February 4, 1997**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2010 REQUEST TO VACATE A BUILDING SETBACK
LOCATED IN AN AREA SOUTH OF CENTRAL AND WEST OF 119TH
STREET WEST.
(District #5)

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 applicant wishes to vacate a portion of a platted building setback in order to clear the title to this property. A corner of the house on this lot was inadvertently constructed approximately 1 1/2 feet into the 25 foot front yard setback. City Engineering and the utility representatives of the Subdivision Committee have indicated that no facilities are impacted by the vacation. No members of the public addressed MAPC in opposition to this request.

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

COPY

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 CENTRAL AND WEST OF
119TH STREET WEST

MORE FULLY DESCRIBED BELOW

)
)
)
)
)
)
)

Case No. V-2010



STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AT
10:00 A.M.

1589608 E 106
LARRY CONSOLVER
REGISTER OF DEEDS

Larry Consolver
Deputy

VACATION ORDER

NOW on this 4th day of February, 1997, comes on for hearing the petition for vacation filed by James Frey and Nancy Kitchens, praying for the vacation of the following described building setback, to-wit:

Commencing at the northerly front corner of Lot 30, Block 4, Bay Country, an Addition to Wichita, Sedgwick County, Kansas; thence N61° 43' 36"E along the northwest line of said Lot 30, 25 feet to the intersection with the 25 foot building setback line as platted in said Lot 30; thence southerly along said setback line, having a central angle of 12° 43' 36" and a radius of 75 feet, an arc distance of 16.66 feet, (having a chord length of 16.62 feet bearing S21° 54' 36"E), to the point of beginning; thence continuing southerly along said setback line, having a central angle of 9° 37' 34" and a radius of 75 feet, an arc distance of 12.60 feet, (having a chord length of 12.59 feet bearing S10° 44' 01"E) thence S87° 39' 38"W, 1.84 feet; thence N02° 20' 22"W, 12.45 feet to the point of beginning.

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 1/22/97 & 1/29/97.

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.

8:00
ck

8:00
150029

City Hall City Clerk

Copy

Vacation Order
V - 2010

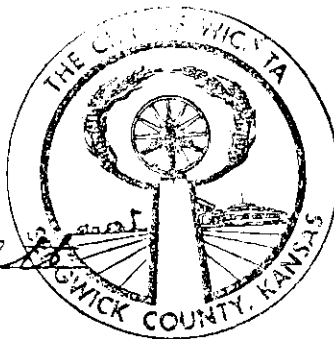
Page 2 of 2

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.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 4th day of February, 1997, 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.

ATTEST:

Pat Burnett
Pat Burnett, City Clerk



Bob Knight
Bob Knight, Mayor

Approved as to Form:

Gary Rebenstorf
Gary Rebenstorf, Director of Law



State of Kansas)
Sedgwick County)
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 of the City Clerk.

Given under my hand and seal of the City of Wichita, this FEB 4 1997
Pat Burnett City Clerk

