

Planning Agenda # _____

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

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2003 REQUEST TO VACATE A BUILDING SETBACK
LOCATED IN THE VICINITY OF 37TH STREET NORTH AND ROCK ROAD
(District #2)

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 construct a new home. The lot was platted with a 30' building setback from Rock Road. The applicant is requesting a 6-foot reduction in the 30 foot platted setback to Rock Road to accommodate the building foot print.

City Engineering and the utility representatives of the Subdivision Committee indicated that no utilities are impacted by this vacation. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions. No members of the public addressed 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

MICROFILMED
OF RECORD

This FEB 4 1997

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COPY

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

IN THE MATTER OF THE VACATION OF
BUILDING SETBACK

GENERALLY LOCATED
IN THE VICINITY OF 37TH STREET NORTH
AND ROCK ROAD

MORE FULLY DESCRIBED BELOW

STATE OF KANSAS }
SEDGWICK COUNTY } SS
FILED FOR RECORD AT

Case No. V-2003-1600A-4



1589613 MR 10 97

LARRY CONSOLEY
REGISTER OF DEEDS

Deputy

VACATION ORDER

NOW on this 4th day of February, 1997, comes on for hearing the petition for vacation filed by Bernie & Arlene McKittrich, praying for the vacation of the following described building setback, to-wit:

Commencing at the southeast corner of said Lot 2, block 2, Willowbend Fifth Addition to Wichita, Sedgwick County Kansas; thence S89°11'13"W, 30.00 feet along the south line of said Lot 2, Block 2, Willowbend Fifth Addition; thence N0°48'47"W, 108.97 feet parallel to the east line of said Lot 2, Block 2, Willowbend Fifth Addition to the point of beginning; thence continuing N0°48'47"W, 43.57 feet; thence N89°11'13"E, 6.00 parallel to the south line of said Lot 2, Block 2, Willowbend Fifth Addition; thence S00°48'47"E, 43.57 parallel to the east line of said Lot 2, Block 2, Willowbend Fifth Addition; thence S89°11'13"W, 6.00 feet parallel to the south line of said Lot 2, Block 2, Willowbend Fifth Addition 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.

3. In justice to the petitioner(s), the prayer of the petition ought to be granted.

City Hall - City Clerk

800/150029

Vacation Order
V - 2003

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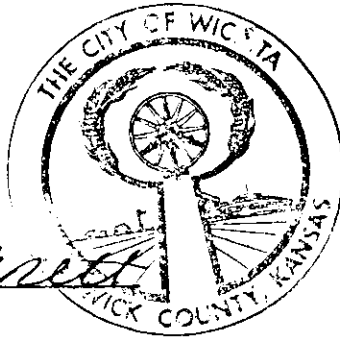
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

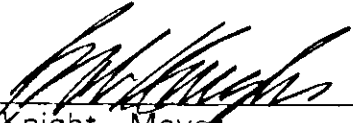
5. The vacation of the building setback described herein should be approved.

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.

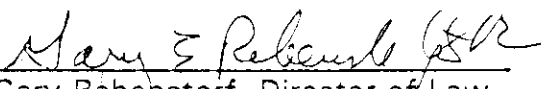
ATTEST:


Pat Burnett, City Clerk




Bob Knight, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

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 of the City Clerk.
Given under my hand and seal of the City of

FEB 4 1997


Pat Burnett

City Clerk

