

Planning Agenda # _____

**City of Wichita
City Council Meeting
December 3, 1996**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1995 REQUEST TO VACATE BUILDING SETBACKS
LOCATED IN AN AREA WEST OF TYLER AND NORTH OF WESTLINK
AVENUE.
(District #5)

INITIATED BY: Metropolitan Area Planning Department *MK 2/2m*

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of building setbacks.

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

Background: The vacation of a portion of a platted building setback is being requested to allow for construction of a new auto parts sales business. The applicant is requesting to reduce the west setback line from 30 feet to 10 feet, and the western portion of the north setback line from 30 feet to 12 feet. No municipal or public utilities are being impacted by the vacation. In order to address the concerns of neighboring properties, the applicant did agree to and has submitted a CUP adjustment with the reduced setbacks and agreed to provide landscaping and screening along those two lot lines. 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

Approved / Submitted by City Council

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

IN THE MATTER OF THE VACATION OF)
BUILDING SETBACK)
)
GENERALLY LOCATED)
WEST OF TYLER AND NORTH OF)
WESTLINK AVENUE)
)
MORE FULLY DESCRIBED BELOW)

Case No. V-1995

STATE OF KANSAS)
SEDGWICK COUNTY) SS
FILED FOR RECORD AT)
2008)
1580643 \$225)
LARRY CONSOLV)
REGISTER OF DEEDS)
Devin Markiewicz)
Deputy)

VACATION ORDER

NOW on this 3rd day of December, 1996, comes on for hearing the petition for vacation filed by Edward T. Neville, praying for the vacation of the following described building setback, to-wit:

The east 20 feet of the west 30 feet, together with the south 18 feet of the north 30 feet of the west 93 feet of Lot 3, Westlink Center 2nd Addition.

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:

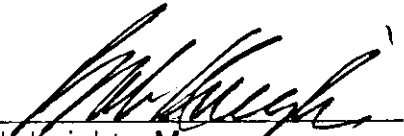
1. That due and legal notice has been given by publication as required by law, by publication in the Daily Reporter of notice of this vacation proceeding for consecutive weeks on 11/15/96 & 11/22/96
2. No private rights will be injured or endangered by the vacation of the above-described building setback, 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.

COPY

Vacation Order
V - 1995

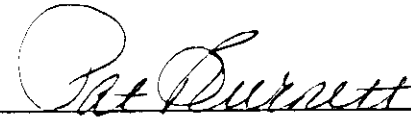
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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 3rd day of December, 1996, ordered that the above-described building setback is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

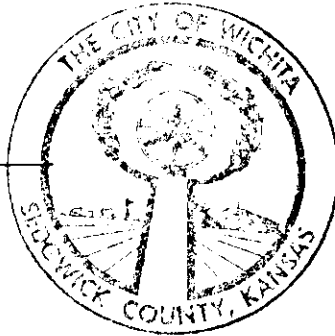


Bob Knight, Mayor

ATTEST:



Pat Burnett, City Clerk



Approved as to Form:



Gary Rebenstorf, Director of Law

ROLLING HILLS
EIGHTH ADD. 2

ROLLING HILLS
3rd ADD.

THUNDERBIRD
6TH ADD. 7 6 5

AVE. PETERSON

9 8 7 6 5

8 7 6 5 4 3 2 1

20 19 18 17 16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1

8 7 6 5 4 3 2 1

REPLAT

5TH

PART OF
WESTLINK
CENTER 2nd
ADDITION

CENTRAL
2

WESTLINK
CENTER 4TH ADD.

WESTLINK
AVE.

ADD.

WESTLINK
CENTER
3rd.

JOY
ADD.

WESTLINK
CENTER
NO 3

TYLER

AVE.