

City of Wichita
City Council Meeting
August 20, 1996

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1982 REQUEST TO VACATE A BUILDING
SETBACK LOCATED IN AREA SOUTH OF MAPLE AND WEST OF
TYLER.
(District # 5)

INITIATED BY: Metropolitan Area Planning Department *ME*

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of building setback.

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

Background: The applicant desires to vacate a portion of a platted building setback in order to clear the title of the property for an encroachment. An accessory structure was constructed assuming a 15-foot building setback from Callahan when the property (corner lot) had been platted with 30-foot building setbacks from Callahan and Cheryl. The applicants property was also platted with only 8 feet (half of a 16 foot easement) or two feet less than the standard easement when sanitary sewer lines are involved. Therefore, the applicant has provided an additional easement of two feet along the existing easement. No objections have been received from nearby property owners. No utilities or other public facilities will be impacted by the vacation. 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 and accept the dedication authorize the Mayor to sign the Vacation Order; and record the certified copy of the Vacation Order and the dedication recording costs to be billed to: 150029-2909

FILE COPY

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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
SOUTH OF MAPLE AND WEST
OF TYLER

MORE FULLY DESCRIBED BELOW

Case No. V-1982-¹⁰⁴⁸
STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AT
11:00 a.m.

SEP 10 1993
1555196

NO. PAT KETTLER
REGISTER OF DEEDS

[Handwritten signature]

VACATION ORDER

NOW on this 20th day of August, 1996, comes on for hearing the petition for vacation filed by Mervin and Opalea Cyr, praying for the vacation of the following described access control, to-wit:

That portion of a platted building setback commencing at the NW corner of Lot 1, Block L, Callahan Addition, Sedgwick county, Kansas; thence Southeasterly along the Northeasterly line of said Lot 1, 82.1 feet; thence Southwesterly, parallel with the Northwesternly line of said Lot 1, 13.8 feet to a point of beginning; thence Southwesterly, parallel with the Northwesternly line of said Lot 1, 16.2 feet; thence Southeasterly, parallel with the Northeasterly line of said Lot 1, 30.4 feet; thence Northeasterly, parallel with the Northwesternly line of said Lot 1, 16.2 feet; thence Northwesternly 30.4 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 8-9-96 & 8-12-96.
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.

COPY

FILE COPY

Vacation Order
V -1982

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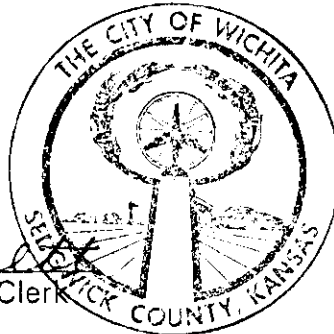
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

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

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 20th day of August, 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.

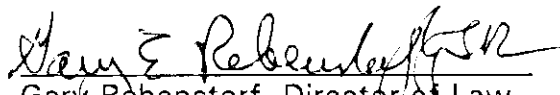
ATTEST:

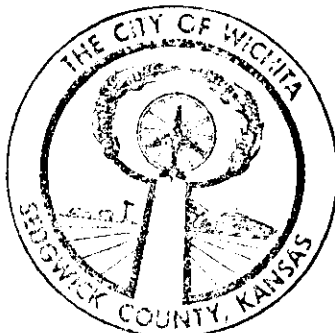

Pat Burnett, City Clerk




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 Wichita, this AUG 20 1996
 City Clerk

