

**City of Wichita
City Council Meeting
March 3, 1998**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2059 REQUEST TO VACATE BUILDING SETBACK
LOCATED IN AN AREA EAST OF RIDGE ROAD, NORTH SIDE OF 21ST
STREET NORTH.
(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: This property is platted as Lot 5 in the Lakeridge Commercial 2nd Addition with a platted 100' building setback along 21st Street. It is also shown as parcel 5 in the Lake Ridge Commercial CUP (DP-205). The restrictions on the approved plan for this CUP also show a 100' building setback. The request is to reduce the setback to 45', which is the same as the pad sites to the west in the same development. The applicants have submitted a request for an administrative adjustment to DP-205 to reduce the building setback consistent with this request. That adjustment will be processed based upon the outcome of this request.

The Subdivision/Utility Committee recommended the request to vacate a portion of the platted building setback be approved subject to the following conditions:

- A. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.

The MAPC recommended approval of the Subdivision/Utility Committee recommendation. No members of the public spoke in opposition to this request.

Recommendations/Actions: Close the public hearing, approve the vacation; authorize the Mayor to sign the Vacation Order; record the certified copy of the Vacation Order, recording costs to be billed to: 150003-2909

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STATE OF KANSAS }
SEDGWICK COUNTY } SS



Approved / Accepted By City Council

This **MAR 3 1998**

Page 1 of 2

APR 15 10 15 AM '98

S. Christensen
Deputy

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

IN THE MATTER OF THE VACATION OF
BUILDING SETBACK

GENERALLY LOCATED
EAST OF RIDGE ROAD, NORTH SIDE OF
21ST STREET NORTH

MORE FULLY DESCRIBED BELOW

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Case No. V-2059

MICROFILMED
OF RECORD

VACATION ORDER

NOW on this 3rd day of March, 1998, comes on for hearing the petition for vacation filed by Larry Bottenberg, Lakeridge Development LLC, praying for the vacation of the following described building setback, to-wit:

The north 55 feet of the south 100 feet of the east 330 feet of Lot 5, Lakeridge Commercial 2nd Addition, Wichita, Sedgwick County, Kansas.

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 one time 2-6-98, which was at least 20 days prior to this public hearing.
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.

CITY CLERK

CITY HALL

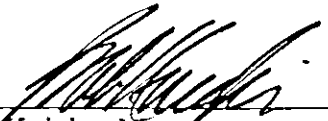
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Vacation Order
V - 2059

Page 2 of 2

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 3rd day of March, 1998, 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.

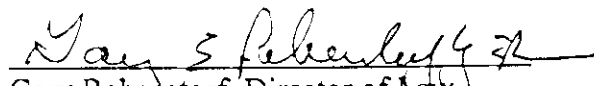

Bob Knight, Mayor

ATTEST:


Pat Burnett, City Clerk



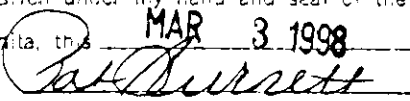
Approved as to Form:


Gary Rebenstorf, Director of Law



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 attached is a true and correct copy of the original in the City Clerk's office.

Given under my hand and seal of the City of Wichita, this **MAR 3 1998**
 City Clerk

