

Planning Agenda # _____

**City of Wichita
City Council Meeting
April 18, 2000**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: **VAC2000-00001 - REQUEST TO VACATE A PORTION OF A
25-FOOT PLATTED BUILDING SETBACK LOCATED
SOUTH OF CENTRAL AT THE NORTHEAST CORNER OF
CEDAR DOWNS AND CEDAR DOWNS COURT.
(District V)**

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of a platted 25-foot building setback to a 15-foot street side setback.

MAPC Recommendation: Approve vacation of a platted 25-foot building setback to a 15-foot street side setback. (unanimous)

Background: As a requirement of a lot split, the applicant is requesting to vacate a portion of a 25-foot platted building setback on the southerly border of lot 3 and 4. This setback is being reduced to side yard setback of 15 feet.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Recommendations/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures to sign.

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

**IN THE MATTER OF THE VACATION OF)
A PORTION OF A 25-FOOT PLATTED)
BUILDING SETBACK)**

**GENERALLY LOCATED)
SOUTH OF CENTRAL AT THE NORTHEAST)
CORNER OF CEDAR DOWNS AND CEDAR)
DOWNS COURT)**

Case No. VAC2000-00001

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 18th day of April, 2000, comes on for hearing the petition for vacation filed by RCK Construction, Inc., c/o Randy Ketzner, praying for the vacation of the following described a portion of a 25-foot platted building setback, to-wit:

That part of Lots 3 and 4, The Havens, an Addition to Wichita, Sedgwick County, Kansas described as follows: Commencing at the most southerly corner common to said Lots 3 and 4, thence N09deg51'26"W along the lot line common to said Lots 3 and 4, 16.11 feet to a point 15.00 feet normally distant northwest of the southeast line of said Lots 3 and 4, and for a point of beginning; thence southwesterly parallel with the southeast line of said Lots 3 and 4, being a curve to the left, having a central angle of 16deg20'47" and a radius of 151.71 feet, an arc distance of 43.28 feet, (having a chord length of 43.14 feet bearing S51deg40'29"W), to the P.T. of said curve; thence S43deg30'06"W parallel with the southeast line of said Lot 3, 7.55 feet to a point 25.00 feet normally distant northeast of the southwest line of said Lot 3; thence N46deg29'54"W parallel with the southwest line of said Lot 3, 10.00 feet to a point on the 25 foot building setback line as platted in said Lots 3 and 4; thence N43deg30'06"E along said 25 foot building setback line, 7.55 feet to the P.C. of a curve to the right; thence northeasterly along said curve, having a central angle of 17deg39'04" and a radius of 161.71 feet, an arc distance of 49.82 feet, (having a chord length of 49.62 feet bearing N52deg19'38"E), to a point on the lot line common to said Lots 3 and 4; thence continuing northeasterly along said curve to the right, having a central angle of 09deg09'19" and a radius of 161.71 feet, an arc distance of 25.84 feet, (having a chord length of 25.81 feet bearing N65deg43'50"E), to a point 25.00 feet normally distant northeast of the lot line common to said Lots 3 and 4; thence S09deg51'26"E parallel with the lot line common to said Lots 3 and 4, 10.16 feet to a point 15.00 feet normally distant northwest of the southeast line of said Lot 4; thence southwesterly

parallel with the southeast line of said Lot 4, being a curve to the left, having a central angle of 09deg48'18" and a radius of 151.71 feet, an arc distance of 25.96 feet, (having a chord length of 25.93 feet bearing S64deg45'02"W), to the point of beginning.

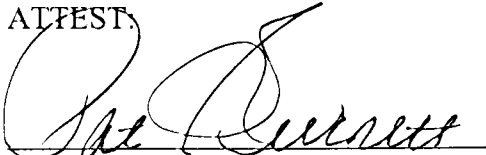
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Daily Reporter on March 9, 2000, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described a portion of a 25-foot platted 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 described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 18th day of April 2000, ordered that the above-described a portion of a 25-foot platted 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





BAUGHMAN COMPANY P.A.

ENGINEERING, SURVEYING, & PLANNING

316-262-7271 • 315 ELLIS • WICHITA, KANSAS 67211

EXHIBIT

