

Planning Agenda # _____

**City of Wichita
City Council Meeting
January 8, 2002**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: VAC2001-00055 – REQUEST TO VACATE A PLATTED 30-FOOT FRONT BUILDING SETBACK LINE GENERALLY LOCATED NORTHEAST OF THE GREENWICH – MT. VERNON INTERSECTION.
(District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning



Staff Recommendation: Approve vacation of the described platted 30-foot front building setback line.

MAPC Recommendation: Approve vacation of the described platted 30-foot front building setback line. (unanimous)

Background: The applicant is requesting consideration to vacate a portion of a platted 30-foot front building setback line, on Lot 17, Blk 6, Smithmoor 9th Addition. The applicant has an existing encroachment caused by a garage, which encroaches 4.9-feet into the 30-foot setback at its deepest point.

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.

**IN THE MATTER OF THE VACATION OF
PORTION OF A PLATTED 30-FOOT FRONT
BUILDING SETBACK**

Case No. VAC2001-00055

RECEIVED
JAN 23 2002
METROPOLITAN PLANNING
ROUTE 8

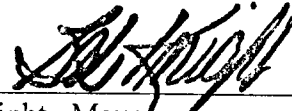
NOW on this 8th day of January, 2002, comes on for hearing the petition for vacation filed by , praying for the vacation of the following described a portion of a platted 30-foot front building setback, to-wit:

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 Wichita Eagle on November 29, 2001 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 platted 30-foot front 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 a portion of a platted 30-foot front building setback described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 8th day of January 2002, ordered that the above-described a portion of a platted 30-foot front 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.



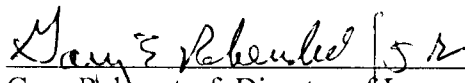
Bob Knight, Mayor

ATTEST:



Pat Burnett, City Clerk

Approved as to Form:



Gary Rebenstorf, Director of Law

