

(First published in The Ark Valley News on _____,2022)

THE CITY OF BEL AIRE, KANSAS

ORDER OF VACATION

**AN ORDER VACATING A PORTION OF A PLATTED BUILDING
SETBACK LINE ON CERTAIN PROPERTY LOCATED IN THE LAWN
TERRACE ADDITION WITHIN THE CORPORATE CITY LIMITS OF
THE CITY OF BEL AIRE, KANSAS.**

WHEREAS, Thomas L. Goodson, has applied for a vacation of platted building setback line to allow the setback to be reduced to a 15' setback line at 5125 E. 46th St N.

WHEREAS, Notice of the public hearing regarding vacation was published in the Ark Valley News on May 19, 2022.

WHEREAS, Written notice of the public hearing regarding the request for vacation was mailed more than 20 days prior to the date of the public hearing, by regular mail to all property owners living within 200' feet of the subject property, advising of the date and time of a public hearing to be held regarding vacation of a portion of a dedicated building setback line upon the subject property;

WHEREAS, A public hearing was held before the Bel Aire Planning Commission on July 7, 2022;

WHEREAS, Following the public hearing the Planning Commission determined that due and legal notice was given for the requested vacation, no private rights would be injured or endangered by the vacation, the public would suffer no loss or inconvenience due to the vacation, and in justice to the petitioner the vacation should be granted;

WHEREAS, In conformance with Section 10.04(B) of the Bel Aire Subdivision Code, the Planning Commission voted unanimously to recommend to the Governing Body approval of vacation of platted building setback line to allow the setback to be reduced to a 15' setback line upon the above described property in Lawn Terrace Addition.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BEL AIRE, KANSAS:

SECTION 1. The City Council, after being duly and fully informed as to the true nature of this petition and the propriety of granting the same, makes the following findings:

1. The owner, Thomas L. Goodson has applied for a vacation of a portion of the setback line at 5125 E. 46th St N.

2. That due and legal notice has been given by publication as required by law, by publication in The Ark Valley News on May 19, 2022, was at least 20 days prior to the public hearing, written notification was mailed at least 20 days prior to the public hearing to all neighboring properties located within 200' of the subject property, and a public hearing was held on this request before the Bel Aire Planning Commission on July 7, 2022.
3. That following a public hearing, the Bel Aire Planning Commission found that no private rights will be injured or endangered by the vacation, the public will suffer no loss or inconvenience thereby, no written objection to said vacation has been filed with the City Clerk or the Planning Commission by any other property owner notified of the proposed vacation, and in justice to the applicants, the application to vacate ought to be granted.
4. That the Bel Aire Planning Commission unanimously voted to recommend that the Governing Body of the City of Bel Aire approve the requested vacation of a portion of the setback line at 5125 E. 46th St N.

SECTION 2. The vacation of:

A 15' portion of the 30' setback line along the east side of 46th N at 5125 E. 46th St N.

SECTION 3. This copy of this Order shall be certified by the City Clerk and sent to the County Register of Deeds to be filed.

Passed by the City Council this ____th day of July, 2022.

Approved by the Mayor this ____th day of July, 2022

MAYOR JIM BENAGE

ATTEST:

MELLISSA KREHBIEL, CITY CLERK
SEAL