

(First published in The Ark Valley News on _____,2023)

THE CITY OF BEL AIRE, KANSAS

ORDER OF VACATION

**AN ORDER VACATING A PORTION OF FRONT BUILDING SETBACK
ON PROPERTY IN THE ROCK SPRINGS 3RD ADDITION WITHIN THE
CORPORATE CITY LIMITS OF THE CITY OF BEL AIRE, KANSAS.**

WHEREAS, Russel Relph, has applied for a vacation of platted building setback line to allow the setback to be reduced by 5' from 25' to 20' at 5243-5245 and 5237-5239 Toben Court.

WHEREAS, Notice of the public hearing regarding vacation was published in the Ark Valley News on October 20, 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 November 10, 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 20' setback line upon the above described property in Rock Springs 3rd 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, Russel Relph has applied for a vacation of a portion of the setback line along 5243-5245 and 5237-5239 Toben Court.

2. That due and legal notice has been given by publication as required by law, by publication in The Ark Valley News on October 20, 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 November 10, 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.

SECTION 2. The vacation of:

The front building setback from the originally platted 25' to 20' at 5243-5245 and 5237-5239 Toben Court

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 January 2023.

Approved by the Mayor this ____th day of January 2023

MAYOR JIM BENAGE

ATTEST:

MELLISSA KREHBIEL, CITY CLERK
SEAL