

(First published in The Ark Valley News on March 16, 2023)

THE CITY OF BEL AIRE, KANSAS

ORDER OF VACATION

AN ORDER VACATING A PORTION OF THE BACK BUILDING SETBACK LINE ALONG LOT 20; BLOCK 1 ON PROPERTY IN THE VILLAS AT PRESTWICK ADDITION WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF BEL AIRE, KANSAS.

WHEREAS, Villas at Prestwick, LLC, has applied for a vacation of platted building setback line to allow the back setback to be reduced by 6' from 10' to 4' at Lot 20; Block 1 of The Villas at Prestwick Addition.

WHEREAS, Notice of the public hearing regarding vacation was published in the Ark Valley News on March 16, 2023, prior to the hearing,

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 certified 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 April 13, 2023,

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 4' setback line upon the above described property in the Villas at Prestwick 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, Villas at Prestwick, LLC has applied for a vacation of a portion of the back setback line along Lot 20; Block 1.

2. That due and legal notice has been given by publication as required by law, by publication in The Ark Valley News 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 April 13, 2023.
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 platted building setback line from 10' to 4' at Lot 20; Block 1 is hereby granted and so ordered.

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 16th day of May 2023.

Approved by the Mayor this 16th day of May 2023.

MAYOR JIM BENAGE

ATTEST:

MELISSA KREHBIEL, CITY CLERK

SEAL