



Wichita-Sedgwick County Metropolitan Area Planning Department

July 22, 2005

USD 259
c/o Joe Hoover
3850 N. Hydraulic
Wichita, KS 67219

Re: **VAC2005-00002** - Request to vacate a portion of platted street right-of-way located between Pennsylvania Avenue and Hydraulic Avenue.

Dear Mr. Hoover:

At its regular meeting on Tuesday, July 19, 2005, the Wichita City Council considered the request. The action of the City Council was to APPROVE subject to the recommendation by the MAPC.

If you have any questions about this matter, please call 268-4494.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bill Longnecker'.

Bill Longnecker
Senior Planner

BL:le

cc: Jim Armour, City Engineer, Public Works Department, Mail Stop 1-71
Paul Gunzelman/Carla Jones, Public Works Engineering, Mail Stop 1-71
Board of Education, USD 259, 201 N. Water, Wichita, KS 67202

RECEIVED

JUL 22 2005

METROPOLITAN PLANNING
ROUTE _____

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

**IN THE MATTER OF THE VACATION OF A)
PORTION OF PLATTED STREET)
RIGHT-OF-WAY)**

**GENERALLY LOCATED BETWEEN)
PENNSYLVANIA AVENUE AND HYDRUALIC)
AVENUE)**

Case No. VAC2005-00002

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 19th day of July, 2005 comes on for hearing the petition for vacation filed by USD 259 c/o Joe Hoover praying for the vacation of the following described portion of platted street right-of-way, to-wit:

That portion of the platted 3rd Street right-of-way, as recorded on the Mathewson's 4th Addition, Wichita, Sedgwick County, Kansas, that is between Pennsylvania Avenue and Hydraulic Avenue, except for the east 30-feet (x) 70-feet.

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 February 3, 2005, 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

portion of platted street right-of-way, and the public will suffer no loss or inconvenience thereby.

3. The previously described vacated portion of platted street right-of-way will be retained as a utility easement.

4. Record a Restrictive Covenant binding, retaining and holding the previously described vacated portion of 3rd Street right-of-way to Lots 47 & 48, Mathewson's 4th Addition and the unplatted tract containing Washington Elementary School.

5. Record a dedication of public Cross Lot Access and Easement from the platted north-south alley to Pennsylvania Avenue along the south 24-feet of Lot 45, Mathewson's Addition.

6. Complete Access Control over the vacated portion of 3rd Street onto Pennsylvania Street and Hydraulic Avenue.

7. In justice to the petitioner(s), the prayer of the petition ought to be granted.

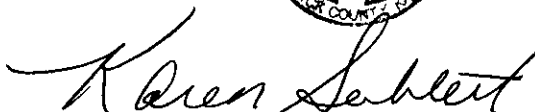
8. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

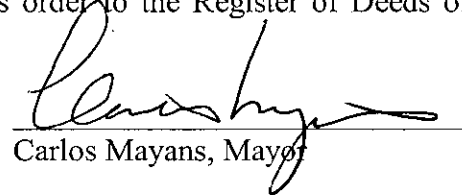
9. The vacation of a portion of the platted street right-of-way described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 19th day of July 2005 ordered that the above-described portion of platted street right-of-way 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.

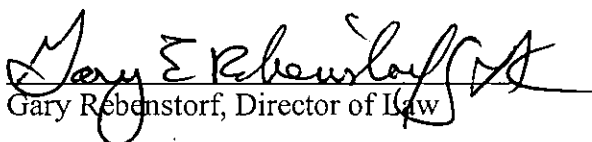


ATTEST:


Karen Sublett, City Clerk

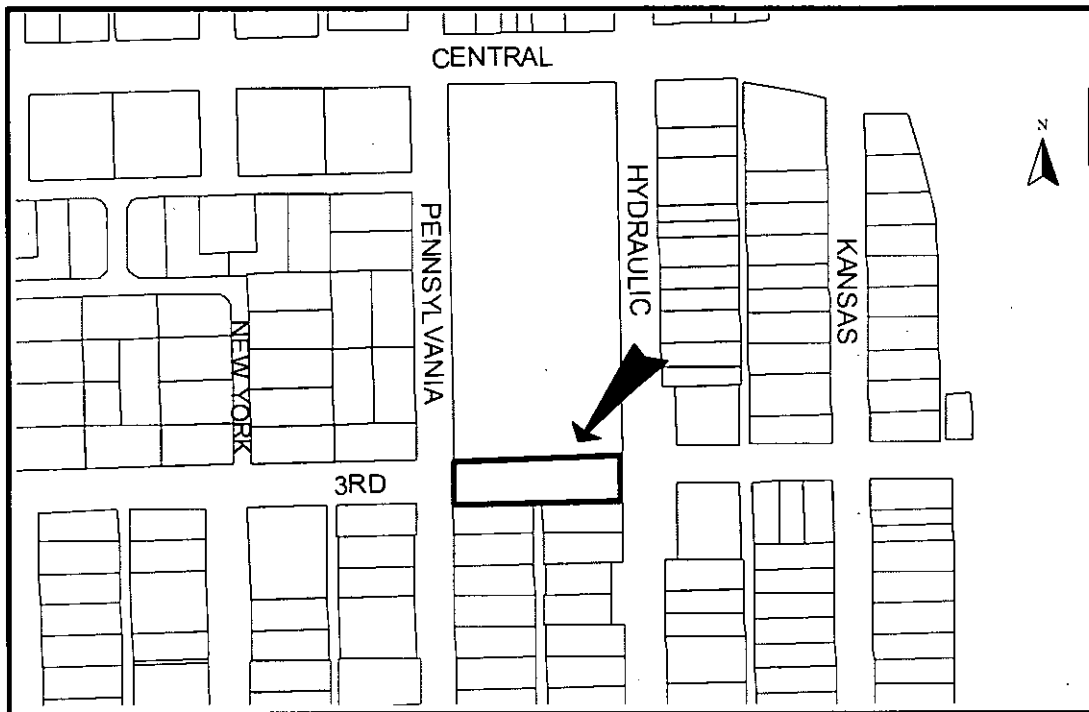

Carlos Mayans, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

STAFF REPORT

- CASE NUMBER:** VAC2005-00002 Request to vacate platted street right-of-way
- APPLICANTS:** USD 259 c/o Joe Hoover
- LEGAL DESCRIPTION:** Generally described as that portion of 3rd Street that is between Pennsylvania Avenue and Hydraulic Avenue, Wichita, Sedgwick County, Kansas
- LOCATION:** Generally located on the west side of Hydraulic Avenue and one block south of Central Avenue (Council District I)
- REASON FOR REQUEST:** Revert to school uses
- CURRENT ZONING:** The site is public right-of-way. The abutting properties are zoned "B" Multi-family residential
- VICINITY MAP:**



The applicant is requesting vacation of the developed portion of 3rd Street as previously described. The 70-foot (x) 270.07-feet of right-of-way (ROW) intersects Pennsylvania Avenue on its West side and Hydraulic Avenue on its east side. The applicant owns the abutting northern and southern properties. The northern, unplatted tract contains the Washington Elementary School and southern, Lots 47 & 48, Mathewson's 4th Addition, a parking lot and what was single-family use. There is a platted alley that intersects the south side of 3rd Street. Vacating this portion of 3rd Street would create a dead end on the north side of this alley.

There is a sewer line and manholes in the alley. There are water lines in the 3rd Street ROW. Sewer lines and manholes appear to be out of the 3rd Street ROW. There are franchised utilities in the ROW. This portion of the 3rd Street ROW was dedicated on the Mathewson's 4th Addition, which was recorded with the Register of Deeds August 2, 1886.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate the portion of the 3rd Street ROW, as described with conditions.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time February 3, 2005 which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by the vacation of the above-described portion of platted street ROW and the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

Therefore, the vacation of the portion of the platted 3rd Street ROW described in the petition should be approved with conditions;

- (1) Provide/dedicate public access from the platted north-south alley, located south of 3rd Street, to public right-of-way across the USD 259 property to either Hydraulic Avenue or Pennsylvania Avenue, per the recommendation of the Traffic Engineer.
- (2) Retain the vacated 3rd Street ROW as a utility easement where public or franchised utilities are located or retain the whole vacated ROW as a utility easement. Provide a metes and bounds description of that portion of the vacated ROW retain as a utility easement, if the whole vacated ROW is not retained as a utility easement. An FYI for USD 259, the Water and Sewer Department is going to replace the water lines in the 3rd Street ROW in the near future.
- (3) Retain the east 30-feet of the 3rd Street ROW.
- (4) The brick paving on 3rd Street will be retained and returned to the City.
- (5) Provide staff with a restrictive covenant tying and binding the vacated portion of the platted 3rd Street ROW to the USD's northern and southern properties.
- (6) Provide a guarantee for closure of the return(s) and continuation of the curbs.
- (7) If needed, provide dedication of complete access control, as recommended by the Traffic Engineer.

- (8) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants.
- (9) All improvements shall be according to City Standards, including any driveways from private property onto public ROW.
- (10) All conditions to be completed within 6 months of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County or franchised utilities and recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

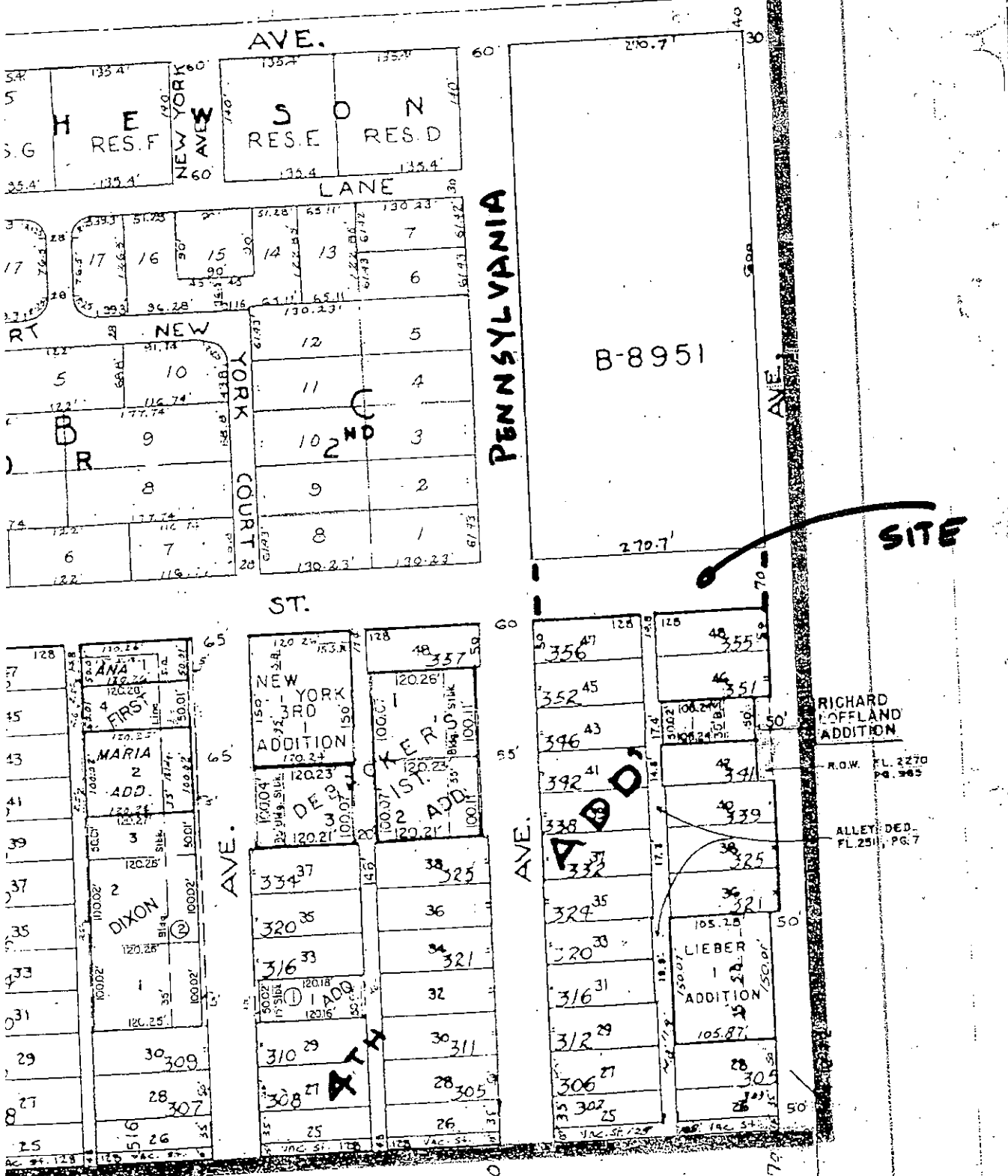
- (1) Provide Staff with dedication of public access from the platted north-south alley, located south 3rd Street, to public right-of-way across the USD 259 property to either Hydraulic Avenue or Pennsylvania Avenue, per the recommendation of the Traffic Engineer.
- (2) Retain the vacated 3rd Street ROW as a utility easement where public or franchised utilities are located or retain the whole vacated ROW as a utility easement. Provide a metes and bounds description of that portion of the vacated ROW retained as a utility easement, if the whole vacated ROW is not retained as a utility easement. An FYI for USD 259, the Water and Sewer Department is going to replace the water lines in the ROW in the near future.
- (3) Retain the east 30-feet of the 3rd Street ROW.
- (4) The brick paving on 3rd Street will be retained and returned to the City.
- (5) Provide Staff with a restrictive covenant tying and binding the vacated portion of the platted 3rd Street ROW to the USD's northern and southern properties.
- (6) Provide a guarantee for closure of the return(s) and continuation of the curbs.
- (7) If needed, provide dedication of complete access control, as recommended by the Traffic Engineer.
- (8) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants.
- (9) All improvements shall be according to City Standards, including any driveways from private property onto public ROW.

(10) All conditions to be completed within 6 months of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County or franchised utilities and recorded with the Register of Deeds.

VAC 2005-02

.27, R.1 E.

W1
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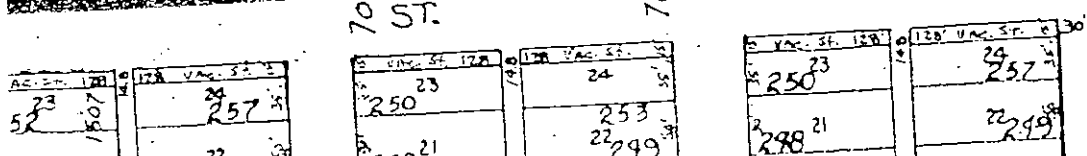
B-8951

SITE

RICHARD LOFFLAND ADDITION

R.O.W. FL. 2270 PG. 965

ALLEY DEED FL. 2511 PG. 7



Mathewson's 4th Addition To Wichita

VAC 05-02

SITE

Record of Transfer Record
JUL 2 1906
E. L. FORD
C. O. 514

70 1/2		THIRD STREET		70 1/2	
47	47	47	47	47	47
45	46	45	46	45	46
43	44	43	44	43	44
41	42	41	42	41	42
39	40	39	40	39	40
37	38	37	38	37	38
35	36	35	36	35	36
33	34	33	34	33	34
31	32	31	32	31	32
29	30	29	30	29	30
27	28	27	28	27	28
25	26	25	26	25	26

100 1/2		SECOND STREET		100 1/2	
23	24	23	24	23	24
21	22	21	22	21	22
19	20	19	20	19	20
17	18	17	18	17	18
15	16	15	16	15	16
13	14	13	14	13	14
11	12	11	12	11	12
9	10	9	10	9	10
7	8	7	8	7	8
5	6	5	6	5	6
3	4	3	4	3	4
1	2	1	2	1	2

Explanation.

All lots numbered 23, 24, 25 and 26 are 35 feet by 125 feet.
All lots not included above are 50 feet by 125 feet.
Streets and Alleys are indicated by figures on this plat.

J. D. Mulvey, Surveyor, do hereby certify that I have surveyed and plat the Mathewson's 4th Addition to the City of Wichita Kansas and that the accompanying plat is a correct exhibit of said survey. As ordered as follows:-
Commencing at a point 640 feet South and 1328 feet East of the N.W. Corner of the N.E. 1/4 of Section 21, T. 27 S. R. 1 E. 1/4 of 6th P.M.
Thence South 1328 feet and eleven inches to the station then thence South 1374 feet and 2 inches, thence West 1328 feet and 4 inches, thence North 1375 feet to place of beginning.

O. Mulvey
Surveyor

State of Kansas } ss.
County of Sedgewick }
That we J. D. Mathewson and C. M. Mathewson, the original owners of the land described in the foregoing certificate above to be surveyed and plat the lots, streets and alleys, as shown in the accompanying plat to be known as Mathewson's 4th Addition to the City of Wichita Kansas.
The streets and alleys are hereby dedicated to the public for the use of highways. Promoted however of the City Council of Wichita Kansas for any other Authority shall not at any time grant to any street or horse car Company, or Street railway Company, the right to construct any tracks on said streets or alleys, when the same shall revert to the owners herein.

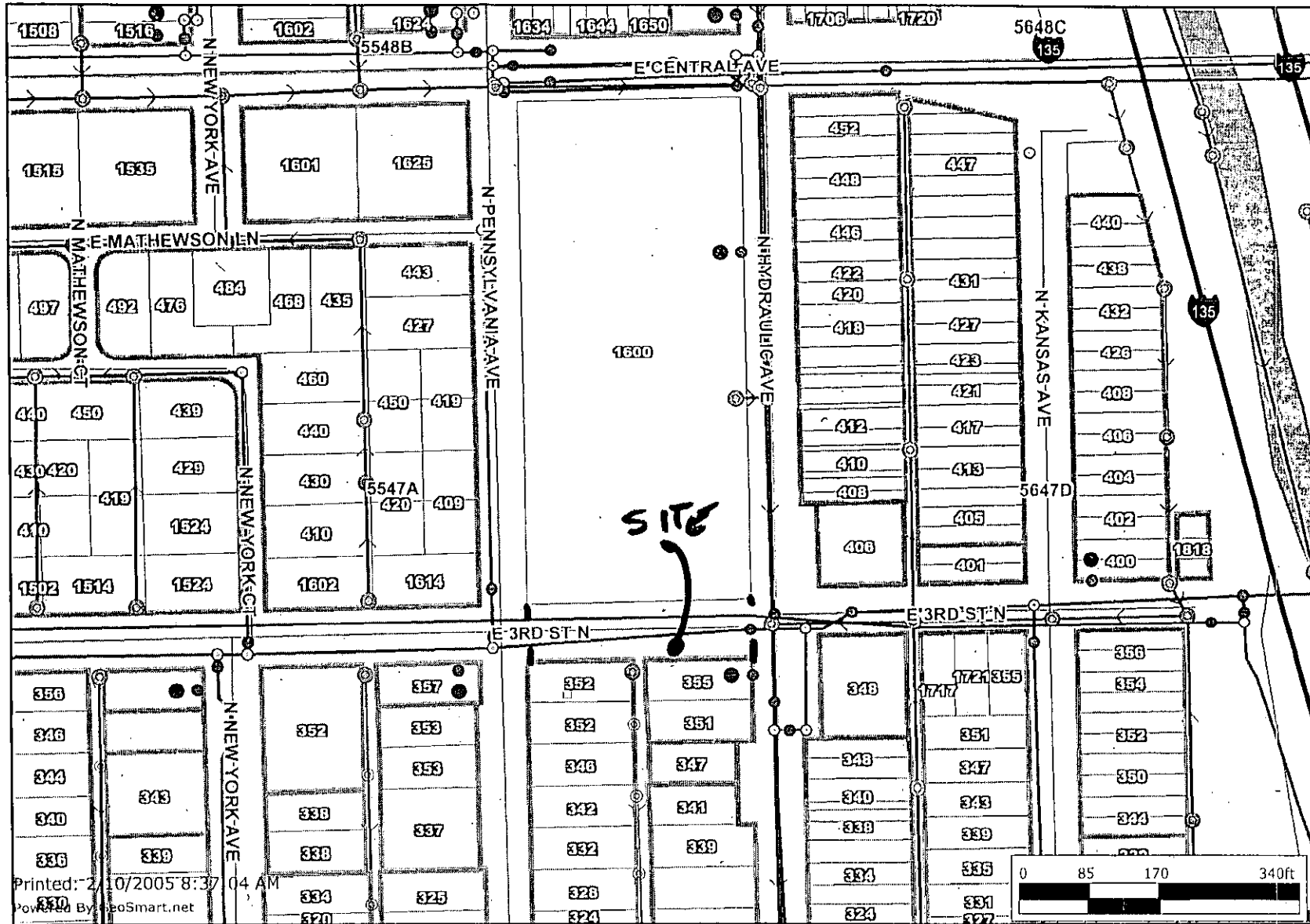
J. D. Mathewson
C. M. Mathewson

State of Kansas } ss.
County of Sedgewick }
On this 31st day of July 1896 before me a Notary Public in and for Sedgewick County Kansas came J. D. Mathewson and C. M. Mathewson to me personally known to be the same persons who signed the foregoing instrument of writing on the 31st day of July 1896 and as such acknowledged the same to be their voluntary act and deed.
In testimony whereof I have hereunto subscribed my name and affixed my official seal



vac2005-02

water, sewer & manholes



- ⊙ Sewer Manholes
- ⊗ Sewer Observation Manholes
- Hydrant Schematic
- Water Valve Schematic
- Water Node Schematic
- Property Parcels
- Lot Block
- Subdivisions
- Sewer Flow
- Sewer Lines
- Water Lines Schematic
- Major Roads
- State Highway
- US Federal Highway
- Interstate
- KTA
- Arterial
- Collector
- Ramp
- Roads
- Railroads
- Quarter Section
- ▨ Waterways
- Streams



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