CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

September 16, 2005

Delano Barbecue Partners LLC
8100 E. 22nd Street North
#1700-2
Wichita, KS 67226-2317

Re: **VAC2005-00021** - Request to vacate alleyway generally located between 710 W. Douglas & 718 W. Douglas.

Dear Ladies and Gentlemen:

At its regular meeting on Tuesday, September 13, 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,

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
Sedgwick County Electric Coop, Attention: Allen Henning & Wayne Voss, P.O. Box 220, Cheney, KS, 67205-0220
F & T Properties, 8100 E. 22nd Street North, #1700-2, Wichita, KS 67226-2317
Reeves Family Irrevocable Trust, 116 N. Osage, Wichita, KS 67203
William R. Nevens, 728 W. Douglas, Wichita, KS 67203
Santa Fe, LLC, 7785 W. Wigwam, Las Vegas, NV 89113
American Overseas Schools Historical Society, P.O. Box 1500, Wichita, KS 67201
Charles Summers, 700 W. Douglas, Wichita, KS 67203
Thomas H & Sheila R Pottorff, 156 S. Parkwood, Wichita, KS 67218
Rhonda Ewertt, P.O. box 9441, Wichita, KS 67277

RECEIVED
SEP 16 2005
METROPOLITAN PLANNING
ROUTE

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

IN THE MATTER OF THE VACATION OF A PLATTED ALLEY RIGHT-OF-WAY	)	
GENERALLY LOCATED BETWEEN SENECA STREET AND SYCAMORE STREET, MIDWAY BETWEEN OAK STREET AND THE OSAGE STREET, ON THE NORTH SIDE OF DOUGLAS AVENUE	)	**Case No. VAC2005-00021**
MORE FULLY DESCRIBED BELOW	)	

VACATION ORDER

NOW on this 13th day of September, 2005 comes on for hearing the petition for vacation filed by Delano Barbecue and F & T Properties praying for the vacation of the following described platted alley right-of-way, to-wit:

> The platted 15-foot alley right-of-way, running north – south, abutting the west side of Lot 71 and the east side of Lot 69, all in the West Wichita Addition, Wichita, Sedgwick County, Kansas and ending at its intersection with Douglas Avenue on its south side and the platted alley running east – west on its north side, which abuts the north ends of Lots 71 & 69, all in the West Wichita Addition, Wichita, Sedgwick County, Kansas.

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 May 5, 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 platted alley right-of-way, 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 the platted alley right-of-way described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13th day of September 2005 ordered that the above-described platted alley 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.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary Rebenstorf, Director of Law

SUBDIVISION COMMITTEE
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 3
May 19, 2005

STAFF REPORT

CASE NUMBER: **VAC2005-00021** Request to vacate platted alley right-of-way

APPLICANTS: Delano Barbecue F&T Properties

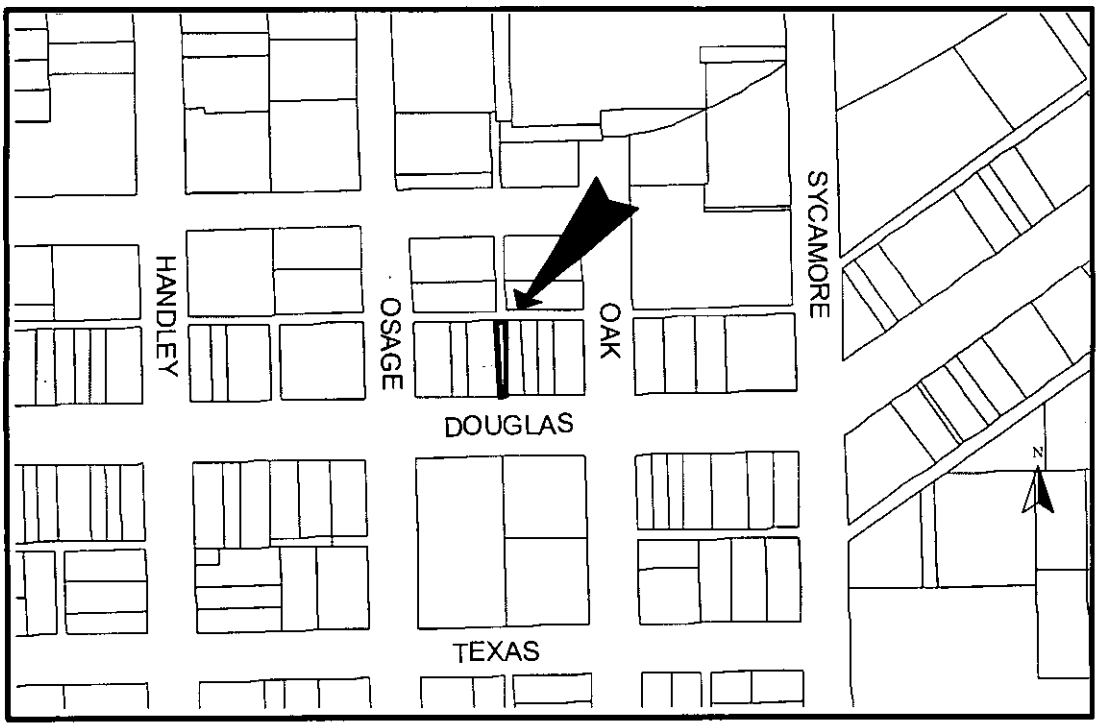
LEGAL DESCRIPTION: Generally described as that portion of a platted 15-foot alley right-of-way (ROW), running north – south, abutting the west side of Lot 71 and the east side of Lot 69, all in the West Wichita Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located between Seneca Street and Sycamore Street, midway between Oak Street and the Osage Street, on the north side of Douglas Avenue (WCC District IV)

REASON FOR REQUEST: Expansion of existing buildings

CURRENT ZONING: Site is public ROW. Properties north of the site are zoned "LI" Limited Industrial. Properties east and west of the site are zoned "LC" Limited Commercial. Properties south of the site, across Douglas Avenue, are zoned "GC" General Commercial.

VICINITY MAP:



The applicants are requesting consideration to vacate the 15-foot wide (x) 125-foot long portion of a north-south platted alley that runs between the previously described lots and ends at its south end at its intersection with Douglas Avenue and on its north end with another alley, which runs east-west. There are no sewer lines, manholes or water lines in the alley. Comments from franchised utilities have not been received and are needed to determine if they have utilities in the alley. The site is within the Delano Overlay District and within a Historical Environs and will need to comply with the applicable development standards. Both abutting property owners have signed the petition and application to vacate. The West Wichita Addition was recorded with the Register of Deeds August 4, 1872.

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 platted alley ROW, as described with conditions.

(1) Vacate that portion of the alley that abuts Lots 69 & 71, the West Wichita Addition, ending at its point of intersection with Douglas Avenue on its south side and the platted –east-west alley on its north side.

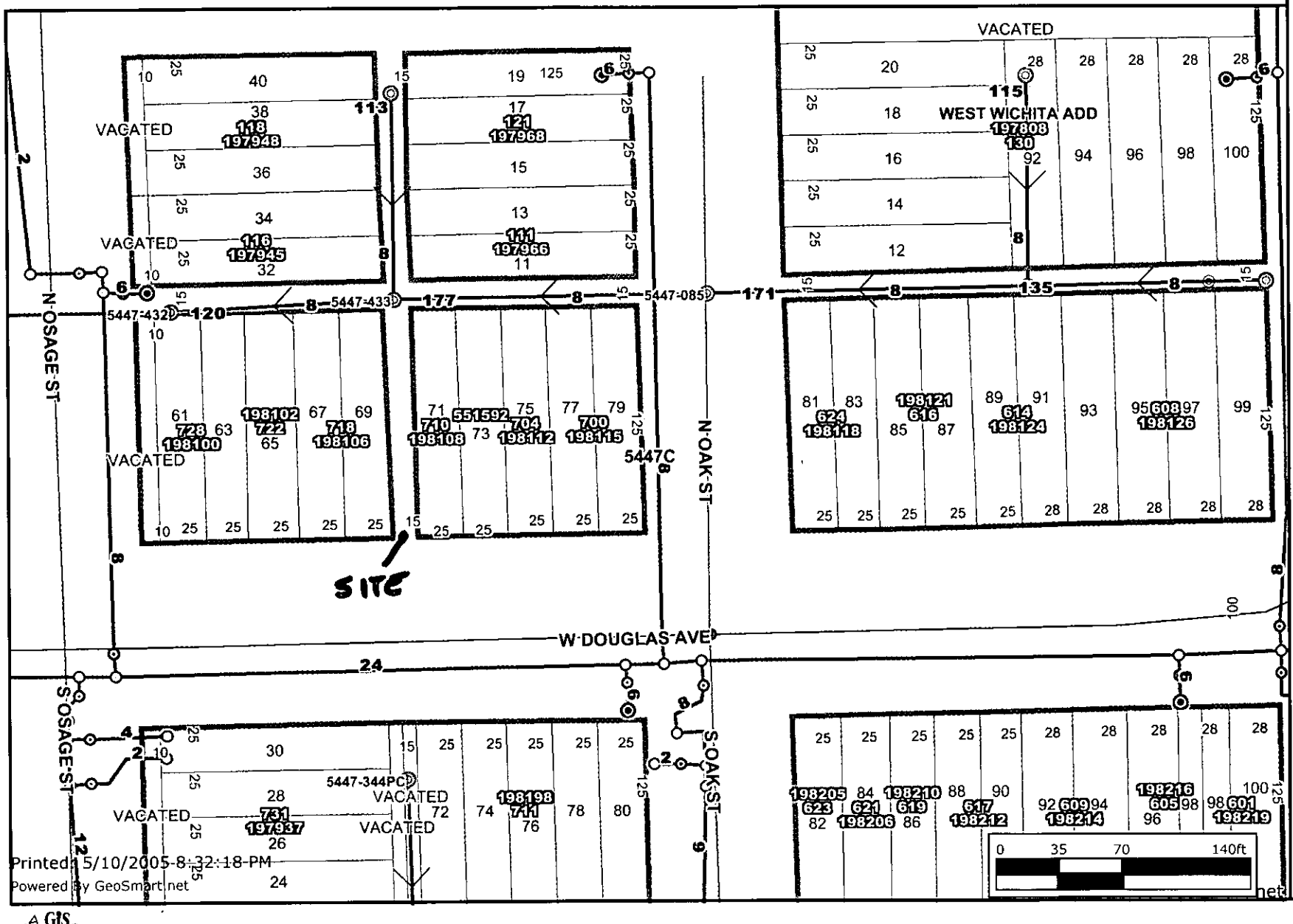
(2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant. If needed retain the alley as an easement until all utilities have been relocated

(3) All improvements shall be according to City Standards, including any applicable development standards, per the Delano Overlay District and the Historical Environs. If necessary provide a guarantee for continuation of the curb and the sidewalk.

(4) Per MAPC Policy Statement #7,all conditions to be completed within one year 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 and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

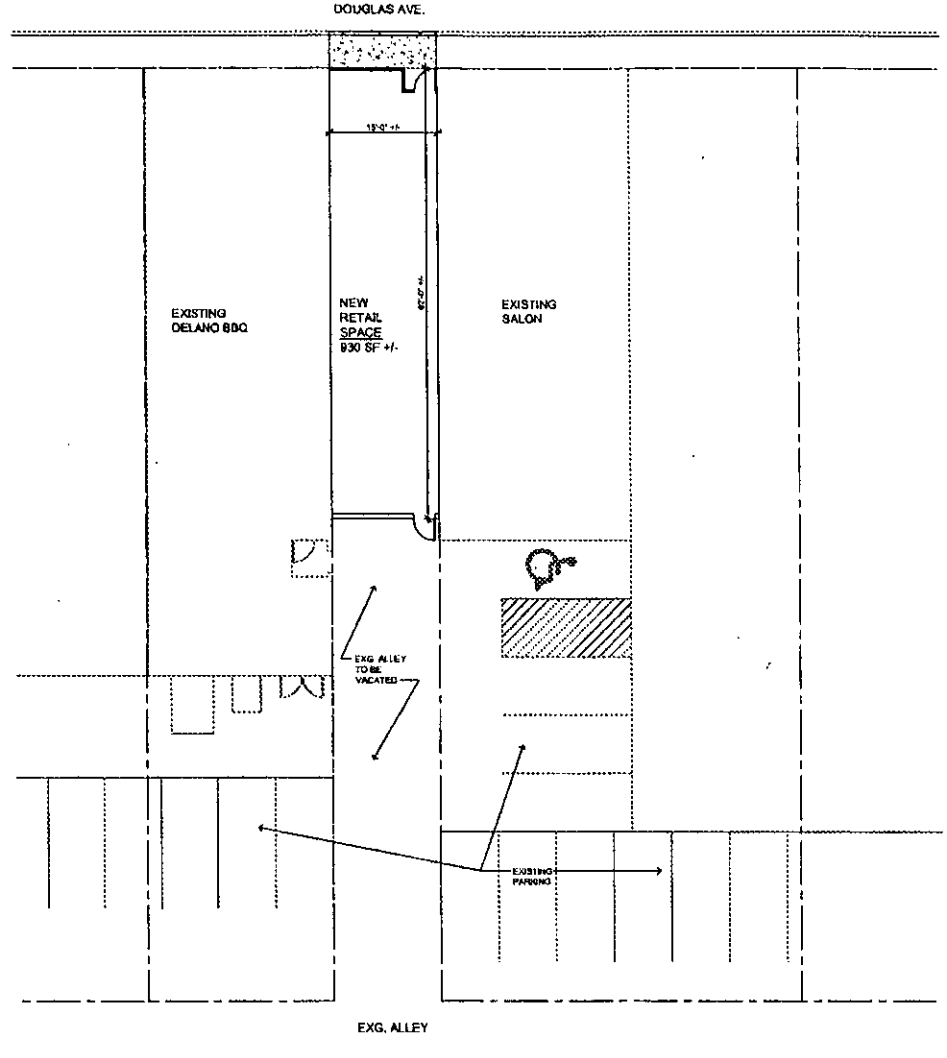
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sewer & water



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VAC2005-21

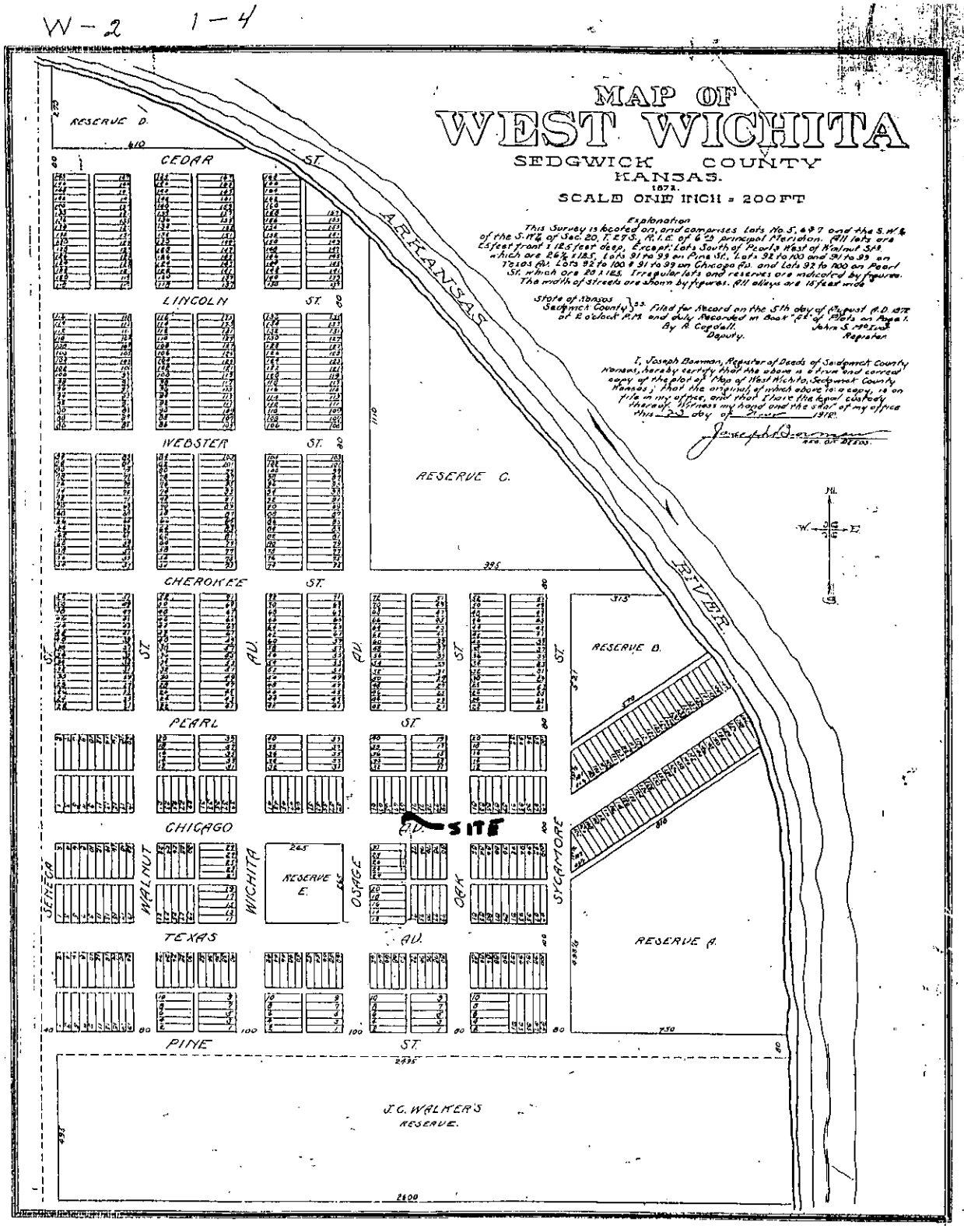


① **SITE PLAN**

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TEL: 316.267.4002 FAX: 316.267.1509
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DELANO RETAIL EXPANSION
WICHITA, KANSAS - DELANO DISTRICT

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VAC 2005-21