



Wichita-Sedgwick County Metropolitan Area Planning Department

November 9, 2006

The Anthony Family shelter
C/o Janet Pape
256 N. Ohio Avenue
Wichita, KS 67214

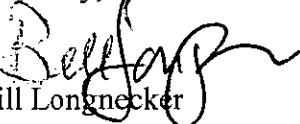
Re: **VAC2006-00014** - Request to vacate a portion of a platted alley, generally located between Ohio & Indiana Avenues and 1st & 2nd Streets.

Dear Ms. Pape:

At its regular meeting on Tuesday, November 7, 2006, 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
Spangenberg Phillips Architects, c/o Mike Decker, 141 North Mead, Suite 201, Wichita, KS 67202
Catholic Diocese, 424 N. Broadway, Wichita, KS 67202
Catholic Charities, Inc., 437 N. Topeka, Wichita, KS 67202
Jerry W. Sutton, 239 N. Indiana, Wichita, KS 67214
Steven J & Marcia E Gordon, 1206 E. 1st, Wichita, KS 67214
Steven J & Marcia E Gordon AND Donald C Wallen Trust, 1206 E. 1st, Wichita, KS 67214
William R & Florence M Gorges, 15823 Highview Drive, Goddard, KS 67052
Donald C Luallen Trust, 1220 E 1st, Wichita, KS 67214
Clarence & Juanita J Lieber, 3634 S. 215th West, Goddard, KS 67052
City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

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www.wichita.gov



Date Recorded: 12/11/2006 11:07:56 AM



Associated with D17978

Approved / Accepted by City Council

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

This 11-7-06

CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

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

**GENERALLY LOCATED
BETWEEN 1ST AND 2ND STREETS AND OHIO
AND INDIANA AVENUES**

Case No. VAC2006-00014

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 7th day of November, 2006 comes on for hearing the petition for vacation filed by The Anthony Family Shelter c/o Janet Pape and Spangenberg Phillips Architects c/o Mike Decker praying for the vacation of the following described portion of a platted alley right-of-way, to-wit:

That portion of the platted 14.25-foot wide alley right-of-way located between Lots 15 - 24 (between Ohio & Indiana Avenues) all dedicated in the Mathewson 3rd 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:

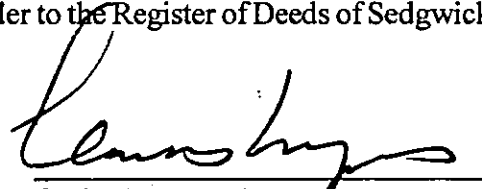
1. That due and legal notice has been given by publication as required by law, by publication in The Wichita Eagle on March 16, 2006 which was at least 20 days prior to the public hearing.

VAC 2006-00014

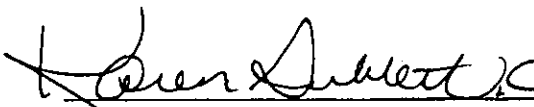
06-1123

2. No private rights will be injured or endangered by the vacation of the above-described portion of a platted alley right-of-way, and the public will suffer no loss or inconvenience thereby.
3. Record dedications by separate instruments additional easement and public right-of-way.
4. Retain the described portion of vacated platted alley right-of-way as utility easement.
5. In justice to the petitioner(s), the prayer of the petition ought to be granted.
6. 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.
7. The vacation of a portion of the platted alley right-of-way described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 7th day of November 2006 ordered that the above-described portion of a 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:

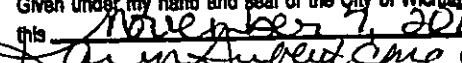

Karen Sublett, City Clerk



Approved as to Form:


Gary Rebenstorf, Director of Law

State of Kansas
Sedgwick County
City of Wichita

I, **Karen Sublett** City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is affixed is a true and correct copy of the original on file in the office of the City Clerk.
Given under my hand and seal of the City of Wichita, Kansas this November 7, 2006
 City Clerk



STAFF REPORT

CASE NUMBER: VAC2006-00014 Request to vacate a portion of a platted alley right-of-way (ROW).

APPLICANTS/AGENT: The Anthony Family Shelter c/o Janet Pape
Spangenberg Phillips Architects c/o Mike Decker

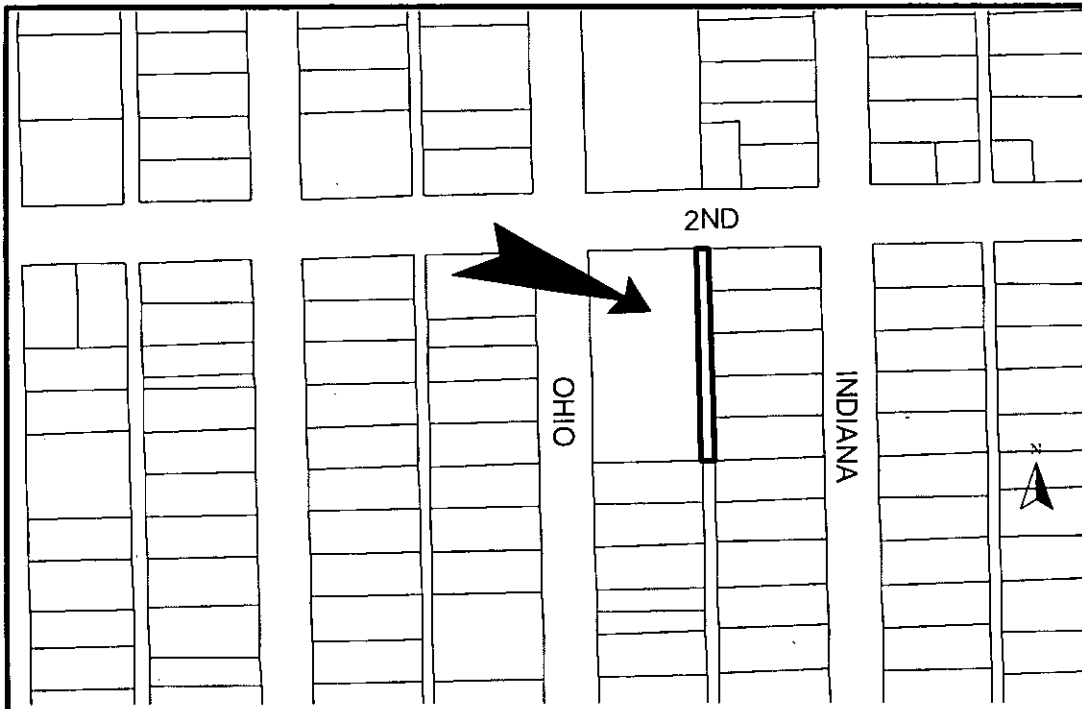
LEGAL DESCRIPTION: The platted 14.25-foot wide alley ROW located between Lots 15 – 24 all dedicated in the Mathewson 3rd Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located between 1st and 2nd Streets and Ohio and Indiana Avenues (WCC #I).

REASON FOR REQUEST: Revert to private property for redevelopment of site.

CURRENT ZONING: The site is a platted, developed alley, all abutting and adjacent properties are zoned "LI" Limited Industrial

VICINITY MAP:



The applicant is requesting vacation of the approximately 250-foot long (x) 14.25-foot wide portion of the platted alley as described. This portion of the alley is the north most portion of a platted alley that runs from 1st Street to 2nd Street. The applicant plans to redevelop their property, which abuts both sides of the portion of the alley they propose to vacate. The applicant is also proposing to dedicate 24-feet of ROW (on the north side of Lot 13, which is owned by the applicant) to provide access to Ohio Avenue, thus preventing the alley from becoming a dead end. There are utilities, manholes and sewer line in this portion of the alley. The Mathewson 3rd Addition was recorded with the Register of Deeds May 4, 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 platted alley 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 March 16, 2006 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 alley 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 alley ROW described in the petition should be approved with conditions;

- (1) Retain the alley as an easement.
- (2) Dedicate, by separate instrument, 5.75-feet of additional easement, the length of the vacated alley. This must be provided to Staff prior to the case going to WCC for final action.
- (3) Dedicate, by separate instrument, 24-feet of right-of-way, on the north side of Lot 13, Mathewson 3rd Addition, to provide access from the remaining alley ROW to Ohio Avenue. This must remain open at all times and be completely clear of any obstructions, including no parking. This dedicated ROW must be constructed with concrete, per City Standards. Provide Staff with a guarantee to ensure the construction of the dedicated ROW and its entrance onto Ohio. These must be provided to Staff prior to the case going to WCC for final action.
- (4) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicants.

- (5) All improvements shall be according to City Standards. If the drive onto 2nd Street is to remain open it must be constructed to City Standards and at the owner's expense. If the alley is to be closed, the continuation of the curbing and reconstruction of the sidewalk must be to City Standards and at the owner's expense. Provide the City with a guarantee/petition for these improvements. These must be provided to Staff prior to the case going to WCC for final action.
- (6) 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

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

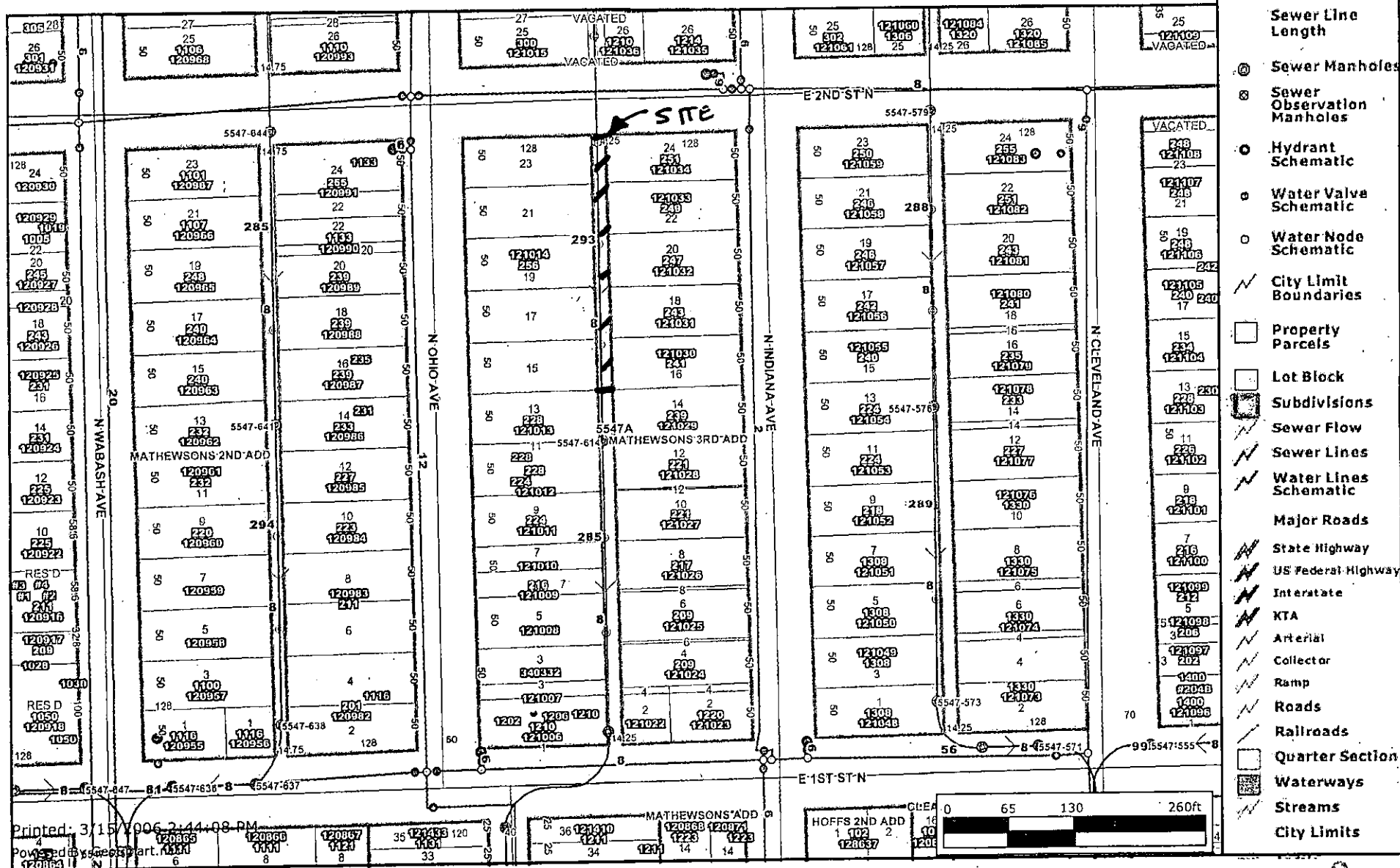
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Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds



vac2006-14

water & sewer

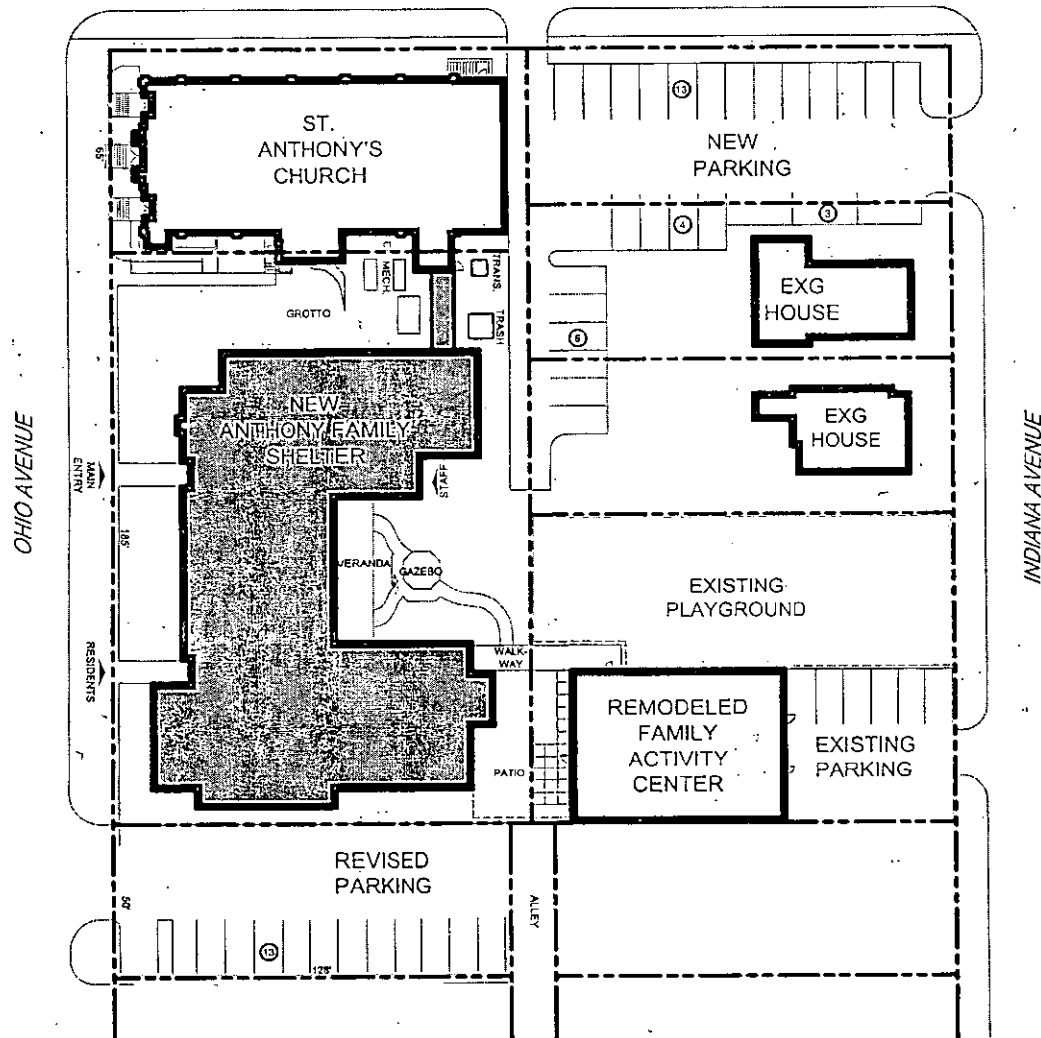


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VAC2006-14

SECOND STREET



PROPOSED SITE PLAN

0 60'



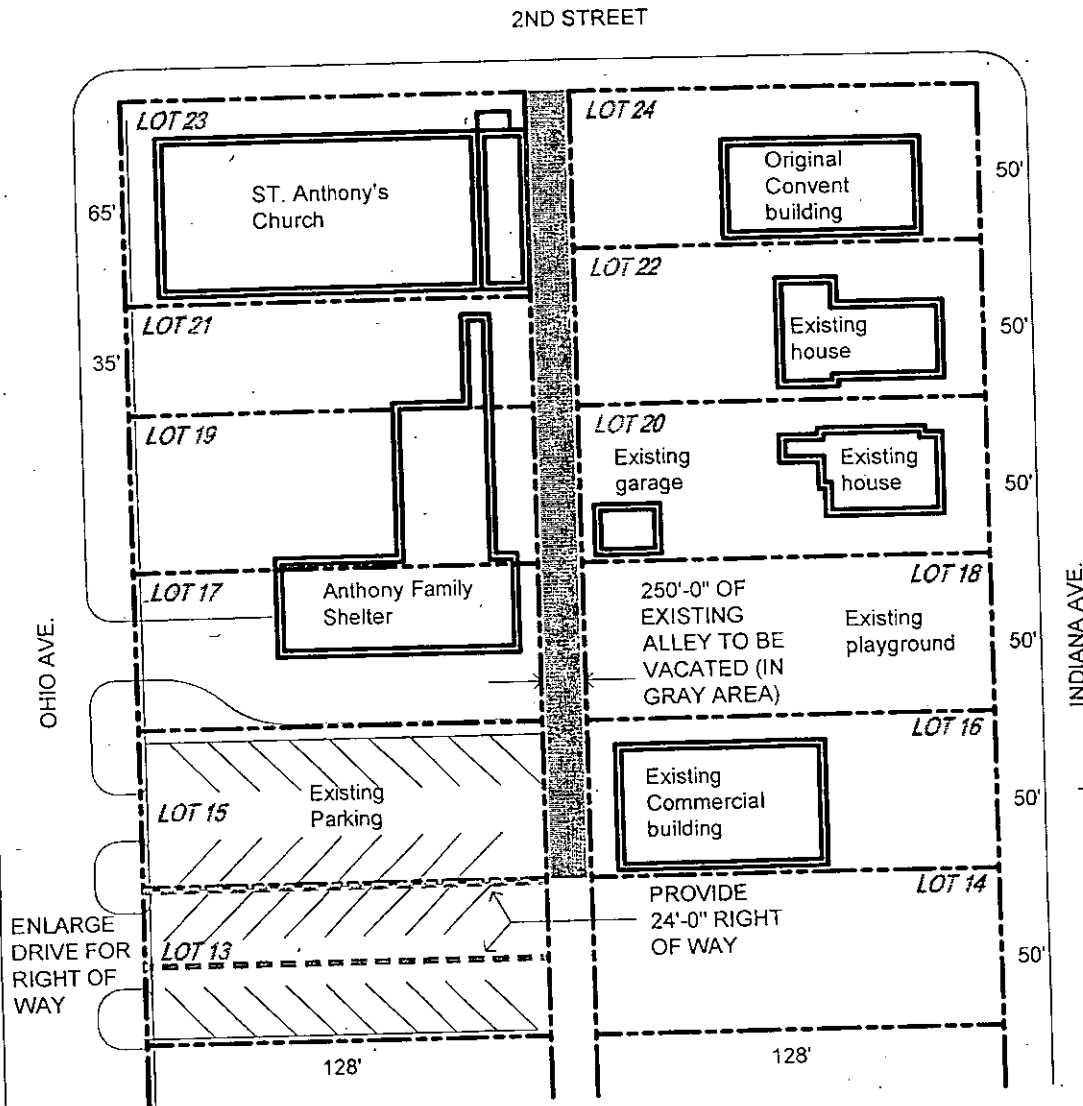
**SPANGENBERG PHILLIPS
ARCHITECTURE**

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TEL: 316.267.4002 FAX: 316.267.1509
www.spangenbergphillips.com

ANTHONY FAMILY SHELTER

08 FEB 06

VAC 2006-14



SITE PLAN

0 60'



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31 JAN 06