CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

August 28, 2007

William R Jackson
116 N. Cleveland
Wichita, KS 67214

Re: **VAC2006-00016** - Request to vacate a portion of a platted alley, generally located between Cleveland and Mathewson Avenues, & Douglas Avenue & 1st Street.

Dear Mr. Jackson:

At its regular meeting on Tuesday, August 28, 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
Mark A. Savoy, 535 S. Emporia, Suite 104, Wichita, KS 67202
William R. Jackson Real Estate, LLC, 125 N. Mathewson, Wichita, KS 67214
Spice Merchant & Company, % Robert A. Boeme, 1308 E. Douglas, Wichita, KS 67214
Robert A. & Marilyn S. Boewe, %The Spice Merchant Company, 1308 E. Douglas, Wichita, KS 67214
William R. Jackson Real Estate, LLC, 125 N. Mathewson, Wichita, KS 67214
Richard C. & Norma J. Hershberger, %William Jackson, 116 N. Cleveland, Wichita, KS 67214
William R. Jackson Real Estate, LLC, %Furniture Options, 124 N. Mathewson, Wichita, KS 67214
Bachman & Shahin Raisdana, 1312 E. Douglas, Wichita, KS 67214

Sedgwick County
Register of Deeds - Bill Meek
DOC.#/FLM-PG: 28913070
Receipt #: 1666010
Pages Recorded: 2
Cashier Initials: LAS
Authorized By:
Recording Fee: 0.00
Date Recorded: 8/31/2007 3:15:48 PM

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 1ST STREET AND DOUGLAS, MATHEWSON AND CLEVELAND AVENUES	)	**Case No. VAC2006-00016**
MORE FULLY DESCRIBED BELOW	)	

VAC0006-00016

VACATION ORDER

NOW on this 28th day of August 2007 comes on for hearing the petition for vacation filed by William R. Jackson praying for the vacation of the following described platted alley right-of-way, to-wit:

All of the (north-south) 15 foot Alley platted in Mathewson and Hoff's Subdivision in Mathewson's Addition, Wichita, Sedgwick County, Kansas, lying between odd numbered Lots 1 through 23 and even number Lots 2 through 24, in said Addition.
And all of the (north-south) 15.8 foot Alley platted in Pinkham's Sub-Division of Lot 21 and 59 feet off the west side of Lot 23, Mathewson's Addition, Wichita, Sedgwick County, Kansas, lying west of and adjacent to odd numbered Lots 1 through 11, in said Addition.

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

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publication in The Wichita Eagle on March 30, 2006, 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. A dedication by separate instrument of an additional 5-feet of public utility easement on the east 5-feet of the odd numbered Lots 1-23, the Mathewson & Hoff's Subdivision, in Mathewson's Addition and an additional 4.2-feet of public utility easement on the west 4.2-feet of the odd numbered Lots 1-11, the Pinkham's Subdivision, will be recorded with the Sedgwick County Register of Deeds.

4. Retain the described vacated alley as a public 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 the platted alley right-of-way described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 28th day of August 2007 ordered that the above-described portion of the 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.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

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 AUG 28 2007

City Clerk

Approved as to Form:

Gary Rebenstorf, Director of Law

METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 3-2
April 20, 2006

STAFF REPORT

CASE NUMBER: **VAC2006-00016** Request to vacate a platted alley right-of-way (ROW).

APPLICANTS/AGENT: William R Jackson
Mark Savoy

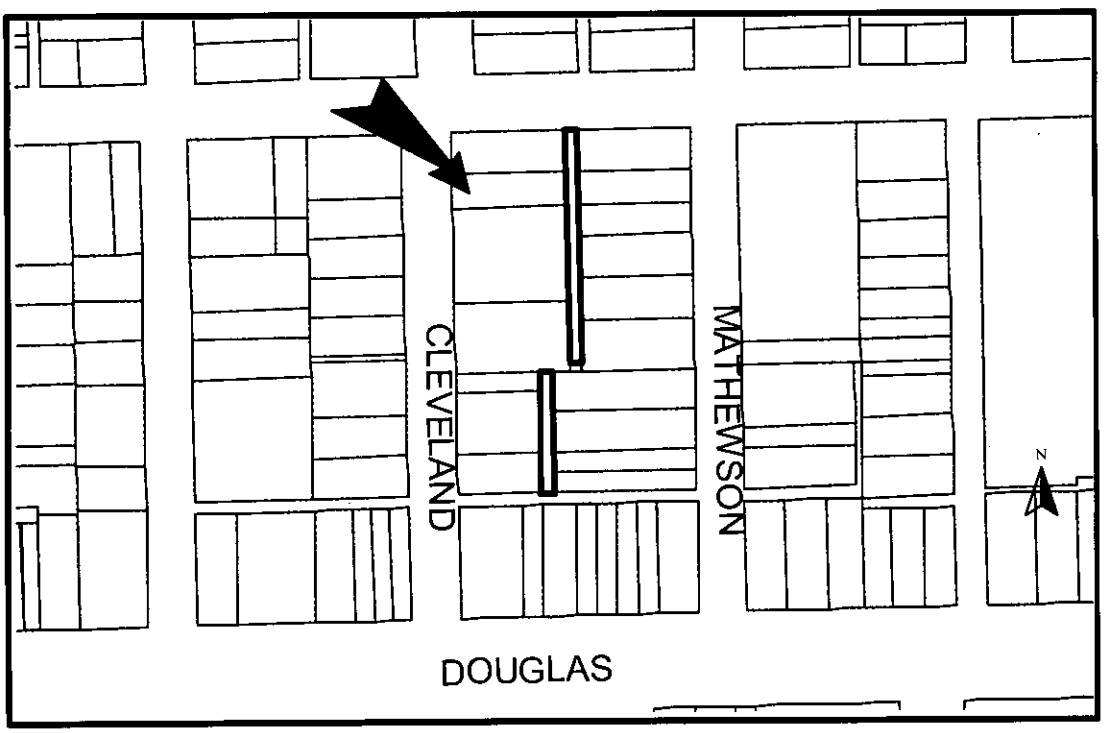
LEGAL DESCRIPTION: The platted 15-foot wide platted alley ROW located between odd numbered Lots 1-23 and even numbered Lots 2-24 all in the Mathewson and Hoff's Subdivision in Mathewson's Addition, and the 15.8-foot wide platted alley located between odd numbered Lots 1-11and along the west 59-feet of Lot 23, all in the Mathewson's Addition and Lot 21, Pinkam's Subdivision, all in Wichita, Sedgwick County, Kansas.

LOCATION: Generally located between 1st Street and Douglas Avenue and Mathewson and Cleveland Avenues (WCC #I).

REASON FOR REQUEST: Revert to private property for additional parking.

CURRENT ZONING: The site is a platted, developed alley. All abutting and adjacent properties are zoned "CBD" Central Business District

VICINITY MAP:



The applicant is requesting vacation of the described north to south platted alley. There is a sewer line and manholes in the alley; the sewer line was installed in 1903. The subject site is located within the Gilbert

Mosley Redevelopment District. Westar has equipment in the alley. The applicant owns all the abutting property. The Mathewson and Hoff's Subdivision of the Mathewson Addition was recorded with the Register of Deeds April 14, 1887. The Pinkham's Subdivision of the Mathewson Addition was recorded with the Register of Deeds March 5, 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 30, 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, an additional 5-feet of easement, the length of the vacated alley. This must be provided to Staff prior to the case going to WCC for final action.

(3) No improvements over the alley until Water & Sewer have evaluated the condition of the 103-year sewer line located in the sewer and made any necessary maintenance, repair or replacement of the line.

(4) The alley is located in the Gilbert Mosley Redevelopment District; the applicant shall contact the District in regards to the location of any of the District's equipment in the alley.

(5) If needed, provide any required drainage plans for review and approval.

(6) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicant's expense.

(7) All improvements shall be according to City Standards. If the drive onto 1st 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 for these improvements. These must be provided to Staff prior to the case going to WCC for final action.

(8) 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:

(1) Retain the alley as an easement.

(2) Dedicate, by separate instrument, an additional 5-feet to 4.2-feet, as needed, of easement, the length of the vacated alley. This must be provided to Staff prior to the case going to WCC for final action.

(3) No improvements over the alley until Water & Sewer have evaluated the condition of the 103-year sewer line located in the sewer and made any necessary maintenance, repair or replacement of the line.

(4) The alley is located in the Gilbert Mosley Redevelopment District; the applicant shall contact the District in regards to the location of any of the District's equipment in the alley.

(5) If needed, provide any required drainage plans for review and approval.

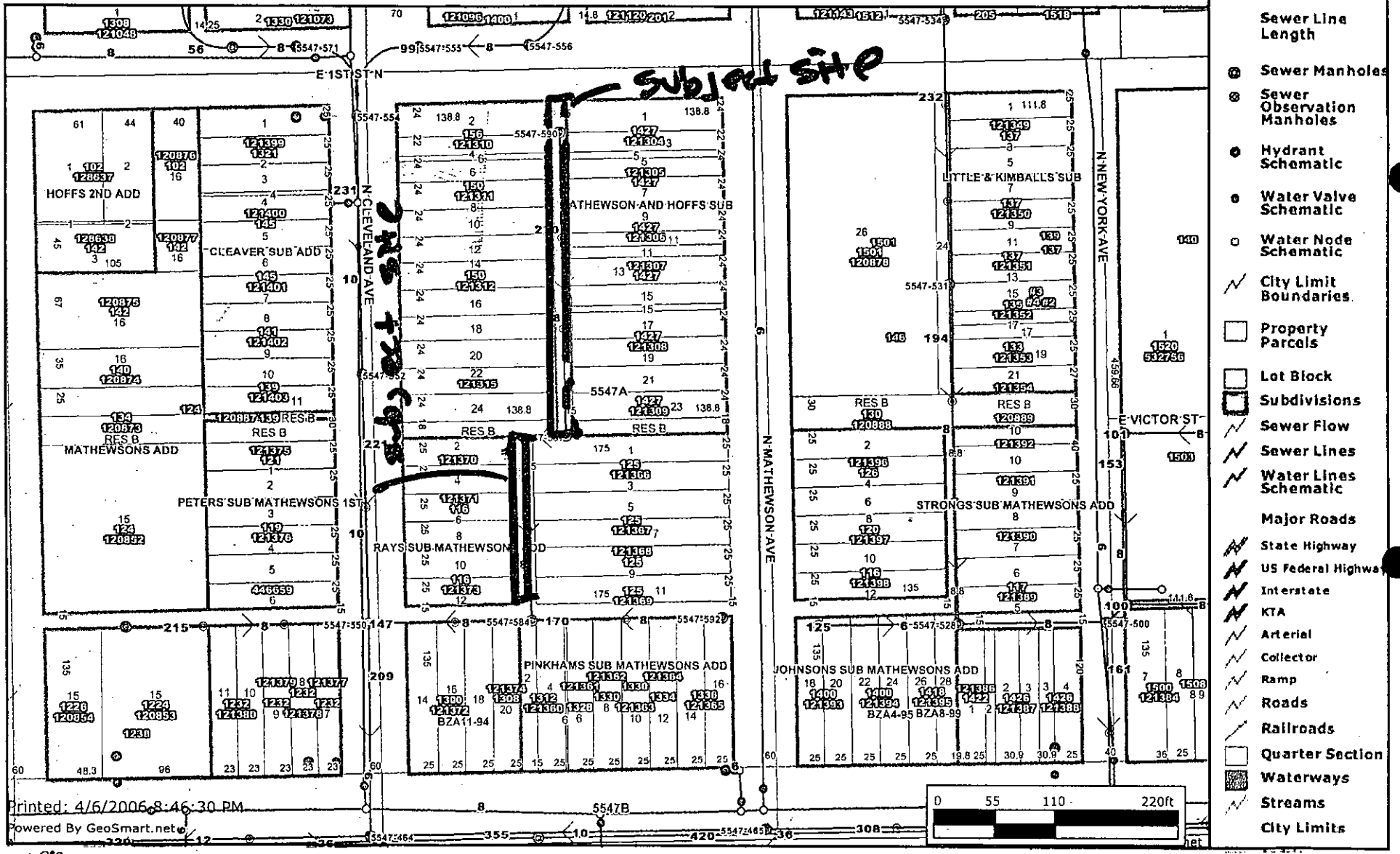
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vac2006-16

water & sewer



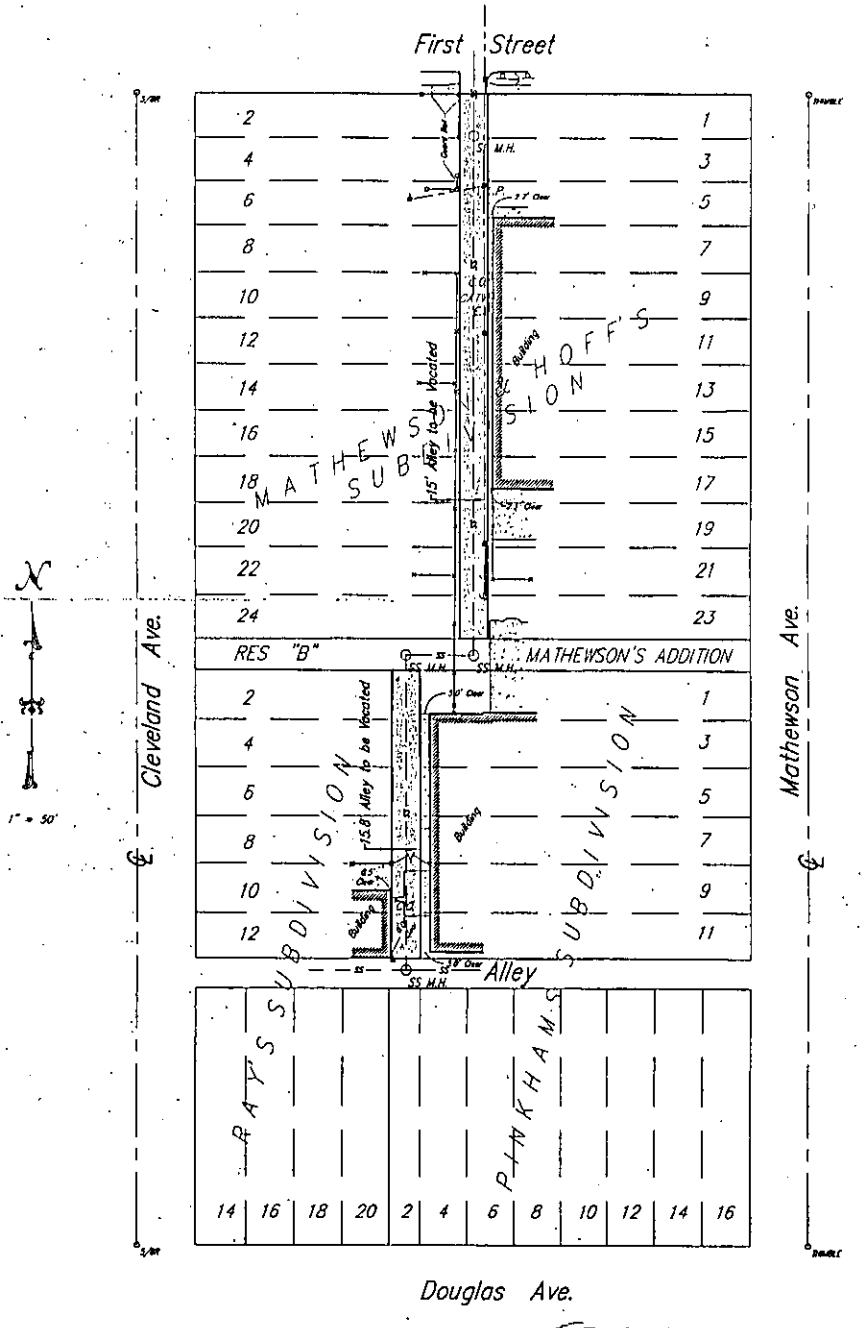
Label Structure Addresses
Sewer Line Diameter
Sewer Line Length
Sewer Manholes
Sewer Observation Manholes
Hydrant Schematic
Water Valve Schematic
Water Node Schematic
City Limit Boundaries
Property Parcels
Lot Block
Subdivisions
Sewer Flow
Sewer Lines
Water Lines Schematic

Major Roads
State Highway
US Federal Highway
Interstate
KTA
Arterial
Collector
Ramp
Roads
Railroads
Quarter Section
Waterways
Streams
City Limits

Every reasonable effort has been made to assure the accuracy of the maps and associated data provided herein. This information is provided with the understanding that the data are susceptible to a degree of error, and conclusions drawn from such information are the responsibility of the reader. The City of Wichita makes no warranty, representation or guaranty as to the content, accuracy, timeliness or completeness of any of the data provided herein.. Some data provided here and used for the preparation of these maps has been obtained from public records not created or maintained by the City of Wichita. The City of Wichita shall assume no liability for any decisions made or actions taken or not taken by the reader in reliance upon any information or data furnished hereunder. The user should consult with the appropriate departmental staff member, e.g. Planning, Parks & Recreation, etc. to confirm the accuracy of information appearing in the visual presentations accessible through these web pages.

EXHIBIT VOC2006-16

Alley Vacation



Savoy Company, P.A.