CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

February 29, 2008

Mennonite Housing
2145 N. Topeka
Wichita, KS 67214

Re: **VAC2006-00034** - Request to vacate a portion of a platted alley, generally located midway between I-135 & Grove Avenue, north of 9th Street and west of Madison Avenue.

Dear Ladies and Gentlemen:

At its regular meeting on Tuesday, February 26, 2008, 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
Florence Degraftenreed, 2114 E. 9th Street, Wichita, KS 67214
~~Mennonite Housing Rehabilitation, 2118 E. 9th Street North, Wichita, KS 67220~~
~~Mennonite Housing Rehabilitation, 2126 E. 9th Street North, Wichita, KS 67214~~
Willard Lee, Jr. 1012 N. Ash, Wichita, KS 67214

Sedgwick County
Register of Deeds - Bill Mask
DOC.#/FLM-PG: 28955912
Receipt #: 1681005
Pages Recorded: 2
Cashier Initials: AL
Authorized By:
Recording Fee: 001
Date Recorded: 3/3/2008 2:57:27 PM

CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

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

Approved / Accepted By City Council
02-26-08 #29

IN THE MATTER OF THE VACATION OF A PORTION OF A PLATTED ALLEY	)	
GENERALLY LOCATED MIDWAY BETWEEN I-135 AND GROVE AVENUE, NORTH OF 9th STREET, ON THE WEST SIDE OF MADISON AVENUE	)	**Case No. VAC2006-00034**
MORE FULLY DESCRIBED BELOW	)	

VACATION ORDER

NOW on this 26th day of February comes on for hearing the petition for vacation filed by Mennonite Housing c/o Andrew L. Bias, praying for the vacation of the following described portion of platted alley, to-wit:

> The platted 10-foot wide alley located between Lots 7, 8, 9, 10, 11, and 35 (Breckenridge Avenue, now Madison Avenue side), the Solomon's 2nd 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 and the Derby Reporter on September 14, 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 portion of the platted alley, and the public will suffer no loss or inconvenience thereby.

3. A dedication by separate instrument for an additional 10-foot wide utility easement (the north 10-feet of Lots 7, 8, 9, 10, & 11, the Solomon 2nd Addition, lots located on 9th Street) will be recorded with the Register of Deeds along with this Vacation Order.

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 portion of platted alley described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 26th day of February ordered that the above described portion of the platted alley 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:

THE CITY OF WICHITA SEDGWICK COUNTY, KANSAS

Karen Sublett, City Clerk

Approved as to Form:

Gary Rebenstorf, Director of Law

METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 3-1
October 5, 2006

STAFF REPORT

CASE NUMBER: **VAC2006-00034** Request to vacate a portion of platted alley right-of-way (ROW)

APPLICANT/OWNER: Mennonite Housing

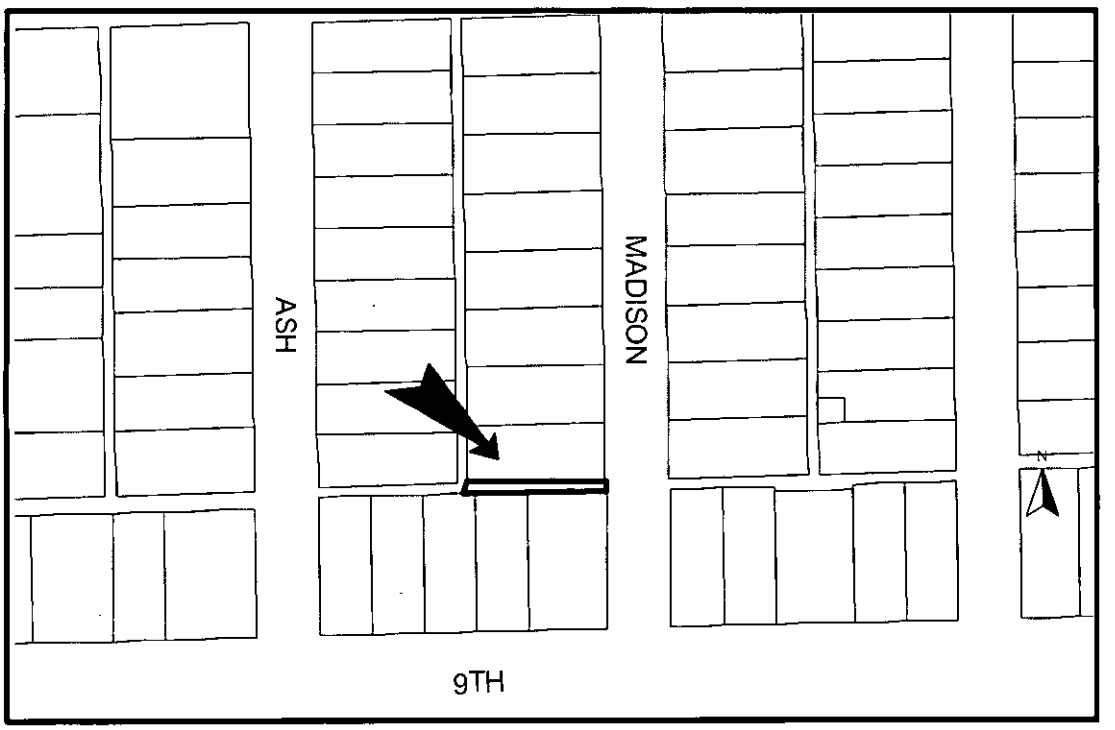
LEGAL DESCRIPTION: Generally described as the platted 10-foot wide alley ROW located between Lots 7-11 and Lot 35, all in the Solomon's 2nd Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located midway between 1-135 and Grove Avenue, north of 9th Street, on the west side of Madison Avenue (WCC #I)

REASON FOR REQUEST: Redevelopment of the site, associated with CON2006-38

CURRENT ZONING: The site is a platted alley, all abutting and adjacent properties are zoned "TF-3" Duplex Residential

VICINITY MAP:



The applicant is requesting vacation of the described portion of the platted 10-foot wide alley. This is the east portion of the west-east alley that runs from Madison Avenue to Ash Avenue. This alley is intersected by a north-south alley that runs from 10th Street to its intersection with the west-east alley. The vacation request will not result in a dead end alley. There is Westar equipment, a manhole and sewer line in this portion of the alley, but no water lines. This vacation request is associated with CON2006-38; a Conditional Use request to allow a maximum of 14.5 units on "TF-3" zoned sites, located on both sides of Madison Avenue, between 9th and 10th Streets. CON2006-38 will be considered at the MAPC's October 5, 2006 public hearing meeting. The Solomon's 2nd Addition was recorded with the Register of Deeds April 22, 1910.

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 September 14, 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 10-foot wide alley as an easement and dedicate an additional 10-foot of easement. Provide the original easement dedicated by separate instrument to Planning Staff, which will be sent with the Vacation Order to the WCC for recording with the Register of Deeds. The dedication must be provided to Staff prior to the vacation request goes to the WCC for final action and completion of the vacation request.

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

(3) All improvements, including drives onto public right-of-way, shall be according to City Standards and at the applicant's expense.

(4) 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 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) Retain the 10-foot wide alley as an easement and dedicate an additional 10-foot of easement. Provide the original easement dedicated by separate instrument to Planning Staff, which will be sent with the Vacation Order to the WCC for recording with the Register of Deeds. The dedication must be provided to Staff prior to the vacation request goes to the WCC for final action and completion of the vacation request.

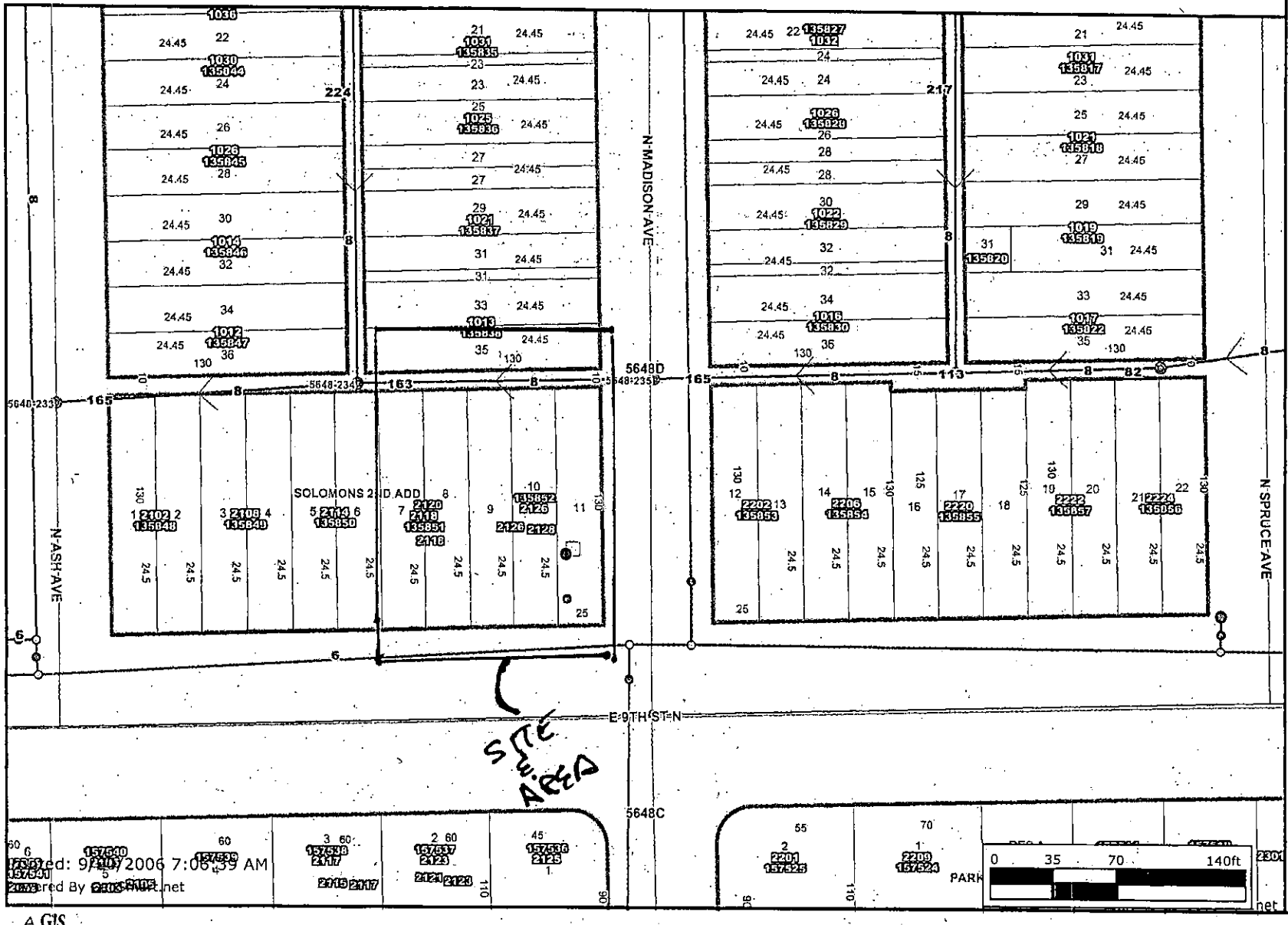
(2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicants.

(3) All improvements, including drives onto public right-of-way, shall be according to City Standards and at the applicant's expense.

(4) 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 or franchised utilities and recorded with the Register of Deeds.

vac2006-34

water & sewer



Label Structure Addresses
Sewer Line Diameter
Sewer Line Length
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
City Limits
Andale
Bel Aire

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