



Wichita-Sedgwick County Metropolitan Area Planning Department

July 24, 2007

Jerry A. Sims
700 S. Broadway
Wichita, KS 67211

Re: **VAC2007-00005** - Request to vacate a platted alley, generally located between Kellogg Street, Topeka Avenue, Orme Street & Broadway Avenue.

Dear Mr. Sims:

At its regular meeting on Tuesday, July 24, 2007, 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
PEC, c/o Rob Hartman, 303 S. Topeka, Wichita, KS 67202
City of Wichita, 455 N. Main, Property Management, Mailstop 1-134
George H. Singleton Estate, c/o Citizens National Bank, P.O. Box 717, Waxachie, TX
City of Wichita, c/o KBP Reprographics, 700 S. Broadway, Wichita, KS 67202



Register of Deeds - Bill Meek
DOC.#/FLM-PG: 28903457

Receipt #: 1662701
Pages Recorded: 2
Cashier Initials: PJ

Authorized By:
Recording Fee: 00H

Date Recorded: 7/30/2007 8:58:54 AM



CITY CLERK'S ORIGINAL

RETURN

CITY CLERK

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

Approved / Accepted By City Council

7-24-07

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

**GENERALLY LOCATED BETWEEN
KELLOGG STREET, TOPEKA AVENUE, ORME
STREET AND BROADWAY AVENUE**

Case No. VAC 2007-00005

MORE FULLY DESCRIBED BELOW

DIS217

VACATION ORDER

NOW on this 24th day of July 2007 comes on for hearing the petition for vacation filed by Jerry Sims praying for the vacation of the following described platted alley right-of-way, to-wit:

The platted 20-foot wide alley located between Lots 36 – 7, Block 1, the Orme and Phillips Addition, Wichita, Sedgwick County, except for the northern portions of Lots 7 & 8 (beginning approximately 13.07-feet south of the northwest corner of Lot 8 to approximately 18.50-feet south of the northeast corner of Lot 7) that are part of the public right-of-way Kellogg Drive/Kellogg Street

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 March 15, 2007, which was at least 20 days prior to the public hearing.

#24

Vacation Order
VAC2007-00005

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2. No private rights will be injured or endangered by the vacation of the above-described portion of platted alley right-of-way, and the public will suffer no loss or inconvenience thereby.

3. Retain the described 20-foot wide vacated platted alley right-of-way as a utility and drainage easement.

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

5. 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.

6. The vacation of the portion of platted alley right-of-way described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 24th day of July 2007 ordered that the above-described portion of 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.



[Signature]
Carl Brewer, Mayor

ATTEST:

[Signature]
Karen Sublett, City Clerk

State of Kansas
Sedgwick County
City of Wichita

I, **Patsy Eichacker**, *Deputy* 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 7-24-07

Patsy Eichacker, Deputy City Clerk

Approved as to Form:

[Signature]
Gary Rebenstorf, Director of Law



STAFF REPORT

CASE NUMBER: VAC2007-00005 Request to vacate a portion of a platted alley right-of-way (ROW).

APPLICANTS/AGENT: Jerry Sims PEC, c/o Rob Hartman

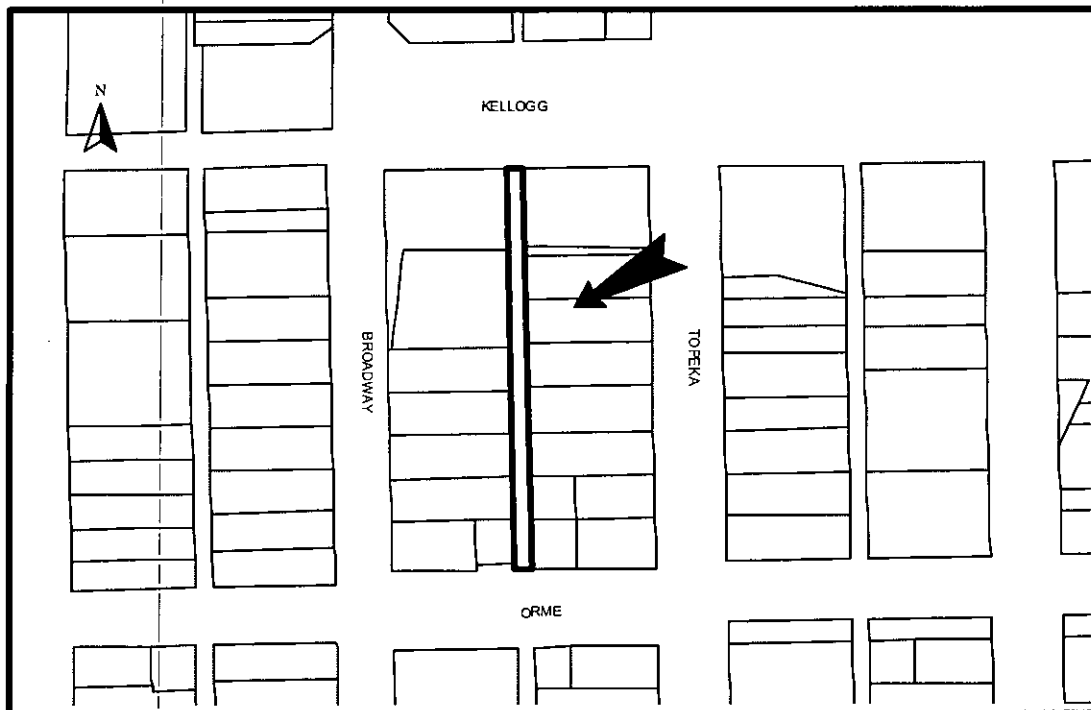
LEGAL DESCRIPTION: The platted 20-foot wide alley ROW located between Lots 1 – 36, Block 1, the Orme and Phillips Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located between Kellogg Street – Topeka Avenue – Orme Street – Broadway Avenue (WCC #I).

REASON FOR REQUEST: Install speed bumps and slow down traffic going by existing business.

CURRENT ZONING: The site is a platted, developed alley, all abutting properties are zoned "LI" Limited Industrial or are public street ROW.

VICINITY MAP:



The applicant is requesting vacation of the full length of the platted alley as described. The applicant plans to install speed bump to slow traffic down that runs through the alley and past his business. There are utilities (Westar & SW Bell), manholes and sewer line in this portion of the alley; the alley will be retained as an easement. The Orme and Phillips Addition was recorded with the Register of Deeds April 24, 1876.

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 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 15, 2007 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 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 platted alley ROW described in the petition should be approved with conditions;

- (1) Retain the alley as an easement. Provide Staff with an accurate legal description on a word document via e-mail.
- (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 shall be according to City Standards. If the drive onto Kellogg 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 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.
- (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

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Retain the alley as an easement. Provide Staff with an accurate legal description on a word document via e-mail.
- (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 shall be according to City Standards. If the drive onto Kellogg 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 must be to City Standards and at the owner's expense.
- (4) 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. 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