

RECOMMENDATION FROM MAPC TO BOARD OF CITY COMMISSIONERS

V-1200 - VACATION OF A PORTION OF PEARL STREET EAST OF ELIZABETH AND THE NORTH-SOUTH ALLEY IN THE BLOCK NORTH OF PEARL BETWEEN ELIZABETH AND MARTINSON.

The Planning Commission recommends approval subject to:

- A. The vacation ordinance shall retain the alley and a portion of Pearl Street (to be determined by survey) as utility easement to cover a sanitary sewer line.
- B. Any relocation or reconstruction of utilities necessitated by this vacation shall be at the sole expense of the applicant.
- C. All proceedings shall be without cost to the City, County, or any utility company.

Parsons moved, Chisholm seconded and it carried unanimously. Goebel, Hansen and Lofton were absent. One vacancy. (6-30-83)

ACTION: Approve the vacation request as recommended by the Metropolitan Area Planning Commission and place the ordinance on first reading.

VACATION CASE DATA

Legal Description: Pearl Street from the east line of Elizabeth Avenue to the west line of Lot 17, if extended south, on Martinson Avenue in Supplemental Plat to Martinson's 1st Addition to West Wichita; AND
The north-south alley north of Pearl Street between Elizabeth Avenue and Martinson Avenue as platted in Supplemental Plat to Martinson's 1st Addition to West Wichita and in Martinson's 2nd Addition to West Wichita.

General Location: One block north of Douglas and four blocks west of Seneca.

Applicant: Art Bryan
P.O. Box 117, El Dorado, Kansas 67042

Protestors (If any): None

ORDINANCE NO. 38-540

AN ORDINANCE VACATING A PORTION OF PEARL STREET EAST OF ELIZABETH AVENUE AND THE NORTH-SOUTH ALLEY IN THE BLOCK NORTH OF PEARL STREET BETWEEN ELIZABETH AVENUE AND MARTINSON AVENUE, ALL IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That the street and alley described as follows, to-wit:

Pearl Street from the east line of Elizabeth Avenue to the west line of Lot 17, if extended south, on Martinson Avenue in Supplemental Plat to Martinson's 1st Addition to West Wichita; AND

The north-south alley north of Pearl Street between Elizabeth Avenue and Martinson Avenue as platted in Supplemental Plat to Martinson's 1st Addition to West Wichita and in Martinson's 2nd Addition to West Wichita; (MAPC NO. V-1200);

be and the same is hereby vacated in accordance with K.S.A. 13-443, subject, however, to the concurrence in such vacation by the Board of County Commissioners as by law provided.

SECTION 2. That there is hereby retained in accordance with K.S.A. 12-512 (a), a public utility easement over the entire alley right-of-way being vacated and over that portion of Pearl Street described as beginning at a point 7.5 feet east of the S.E. Corner of Lot 18 on Elizabeth in Supplemental Plat to Martinson's 1st Addition to West Wichita, said point being on the extended south line of said Lot 18; thence west along the extended south line of said Lot 18, 7.12 feet; thence southwesterly with a deflection angle to the left of 28° 50', 116 feet more or less to the north right-of-way line of the Missouri Pacific Railroad; thence northeasterly along the north line of said railroad right-of-way 110 feet more or less to a point 7.5 feet east of the east line of said Lot 18, extended south; thence north 27.4 feet more or less to the point of beginning.

SECTION 3. That it is hereby recommended to the Board of County Commissioners of Sedgwick County, Kansas, that said above described street and alley be vacated by said Board in case a proper petition is filed under the provisions of K.S.A. 12-504, 12-505 and K.S.A. 12-506.

SECTION 4. That this Ordinance shall be in force and take effect from and after its passage and publication once in the official city paper.

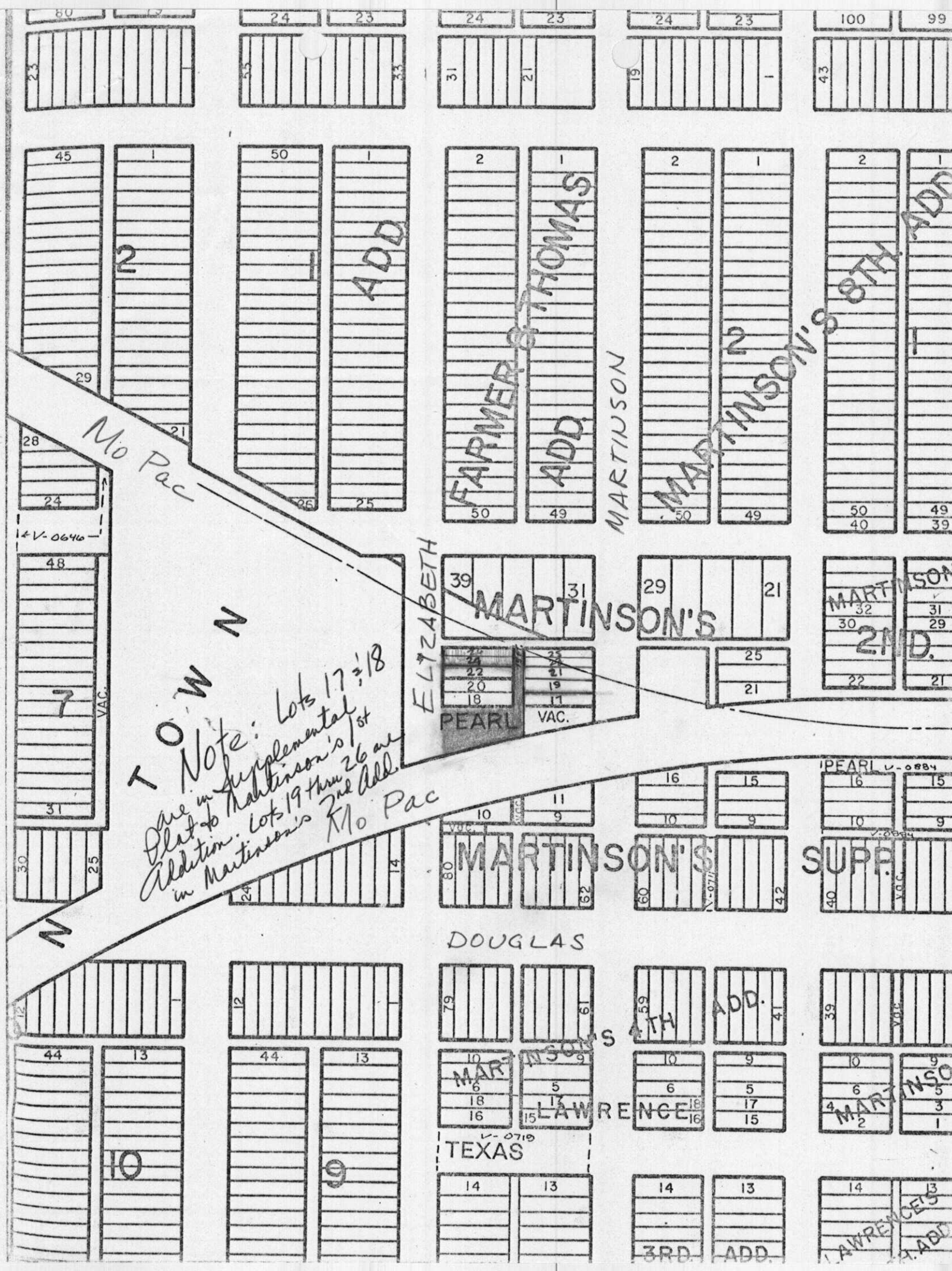
PASSED AND APPROVED at Wichita, Kansas this 25TH day of OCTOBER, 1983.

ATTEST:

Margalee Wright, Mayor

Donald C. Gisick, City Clerk

(SEAL)



TOWN
Note: Lots 17 & 18
are in supplemental
plat to Martinson's 1st
Addition. Lots 19 thru 26 are
in Martinson's 2nd Add.
No Pac

FARMER & THOMAS
ADD.

MARTINSON

MARTINSON'S 8TH ADD.

ELIZABETH

MARTINSON'S

MARTINSON'S 2ND

MARTINSON'S

SUPP.

DOUGLAS

MARTINSON'S 4TH
LAWRENCE

TEXAS

3RD
ADD.

LAWRENCE'S 1ST
ADD.