Planning Agenda Item #_____

City of Wichita
City Council Meeting
March 29, 1988

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: V-1506 - REQUEST TO VACATE A PORTION OF A NORTH/SOUTH ALLEY, LOCATED IN AN AREA NORTH OF HARRY AND WEST OF ST. PAUL. (District #4)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

- -

Staff Recommendation: Approve vacation of alley right-of-way.

MAPC Recommendation: Approve vacation of alley right-of-way. (unanimous)

Background: This vacation has been requested by all landowners abutting the alley. That portion of the alley not being vacated is needed for right-of-way for adjacent Harry Street. Since there is a sanitary sewer lateral and electric lines within the alley, the vacated right-of-way is being retained as a utility easement. The applicant has reconstructed the alley approach to Harry Street to the standards of a private driveway. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions.

Legal Considerations: The City Clerk needs to certify as to proper notification and no filing of written protest.

Recommendations/Action: Close public hearing; approve vacation; authorize the Mayor to sign the Vacation Order; and record certified copy of Order, recording costs to be billed to:

755-68-360-50000-295-000-000

PL/8295/5

FILM 0962 PAGE 0450

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

IN THE MATTER OF THE VACATION OF PLATTED ALLEY RIGHT-OF-WAY.

GENERALLY LOCATED IN THE CITY BLOCK BOUNDED BY HARRY, MONROE, ST. PAUL AND CUSTER. (V-1506)

MORE FULLY DESCRIBED BELOW

Approved / Accepted By City Council
This MAR 29 1988
STATE OF KANSAS } ss
SEDGWICK COUNTY }
FILED FOR RECORD AT
8:00 A M

MICROFILMED APR 21 1988
OF RECORD 9 42956
NO.
PAT KETTLER
REGISTER OF DEEDS

VACATION ORDER

NOW on this 29th day of March, 1988, comes on for hearing the petition for vacation filed by Robert Carriker and Doris H. Nelson, praying for the vacation of the following described platted alley right-of-way, to-wit:

> The 20-foot wide, north/south alley platted adjacent to the west line of odd lots 145 through 189 on Smithson (now St. Paul Street), inclusive, Richmond's 3rd Addition to Wichita, Kansas, except the south 20 feet thereof. (V-1506)

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 Daily Record of notice of this vacation proceeding for consecutive weeks on MARCH 16 & 23, 1988.

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

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 vacated alley right-of-way is hereby retained as a utility easement.

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

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 29th day of March, 1988, ordered that the above-described 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.

THE CITY OF WICHITA SEDGWICK COUNTY, KANSAS

Robert C. Knight, Mayor

ATTEST:

Dale E. Rea, Deputy City Clerk

Approved as to Form:

Thomas Powell, Director of Law

PL/8215/5

State of Kansas)
Sedgwick County) ss
City of Wichita)

I DALE E. REA, 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 the the City Clerk.
Given under my hand and seal of the City of Wichita, this APR 18 1988

Deputy City Clerk

City Clerk.

WALKER

SC

AVE.

3RD.

RES. H

MONROE

K-42

RAILROAD

RES. J

RICHMOND

CUSTER

VAC

RES. I

ST. PAUL

SHERIDAN

GORDON

EDWARDS

HARRY ST.

98 97 98 97

144 143 144 143

145 146 145 146 145

166

190 189 190 189 190 189