

City of Wichita
City Council Meeting
November 10, 1987

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V-1498 - REQUEST TO VACATE A PORTION OF STREET RIGHT-OF-WAY
FOR 37TH STREET NORTH, LOCATED ON THE SOUTH SIDE OF 37TH
STREET NORTH, IN AN AREA WEST OF WEBB ROAD. (District #2)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

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

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

Background: This vacation case has been requested in order to return land not needed for street purposes to the abutting property owner. 37th Street North, at this location, is no longer classified as an arterial street and this case requests the vacation of right-of-way in excess of the industrial street standard. At the request of the Utility Advisory Committee, the vacated right-of-way is being retained as a utility easement. 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

NOV 10 1987

This _____

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

STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AT

8:00 AM

NOV 30 1987

NO. 9 20164

PAT KETTLER
REGISTER OF DEEDS

RECEIVED
CITY CLERK
1987
[] BY _____
[] IN _____
[] AS _____

IN THE MATTER OF THE VACATION OF A PORTION OF
STREET RIGHT-OF-WAY.

GENERALLY LOCATED AT THE SOUTH SIDE OF 37TH
STREET NORTH, IN AN AREA WEST OF WEBB
ROAD. (V-1498)

MORE FULLY DESCRIBED BELOW

MICROFILMED
OF RECORD

Ed Rea
Deputy

VACATION ORDER

NOW on this 10th day of November, 1987, comes on for hearing the petition for vacation filed by Deluxe Check Printers, Inc., praying for the vacation of the following described portion of street right-of-way, to-wit:

The south 25.00 feet of 37th Street North lying adjacent to the following described land: All of Lot 9, except the west 55.86 feet, all of Lot 10 and the west 5.57 feet of Lot 11, all within Comotara Industrial Park Fourth Addition, an addition to Wichita, Sedgwick County, Kansas, containing 4.0 acres, more or less. (V-1498)

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 10/28 & 11/4, 1987.
2. No private rights will be injured or endangered by the vacation of the above-described street 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 street right-of-way is hereby retained as a utility easement.
6. The vacation of the street right-of-way described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 10th day of November, 1987, ordered that the above-described street 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.

ATTEST THE

Dale E. Rea
Dale E. Rea, Deputy City Clerk

Approved as to Form:

Thomas Powell
Thomas Powell, Interim Director of Law

PL/7674/5

city clerk

Robert C. Knight
Robert C. Knight, Mayor

State of Kansas
Sedgwick County)
City of Wichita
Dale E. Rea

OF THE CITY
The document
is a true and
correct copy of
the original
filed in the City of
Sedgwick County,
Kansas, on
NOV 19 1987
Dale E. Rea
Deputy City Clerk

5.00

2
TOBEN

1
THIRD ADD.

39 TH. ST. NO.

TOBEN

SECOND

TOBEN ST.

STREET

V-1359

37TH ST. NO.

205

200

200

1

6

9

10

11

12

COMOTARA

13

INDUSTRIAL
PARK

24

CLIMETER

ROAD WEBB

FOURTH

29

ADDITION

25

35