

Planning Agenda Item # _____

City of Wichita
City Council Meeting
December 20, 1988

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1570 REQUEST TO VACATE A PORTION OF
STREET RIGHT-OF-WAY FOR MENTOR WEST OF ELIZABETH
(District #4)

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: The vacation of street right-of-way is being requested by the applicant in order for this area to be counted as the side yard setback, as required by the zoning ordinance, for a proposed attached garage addition to an existing house. No utilities would be affected by the vacation and City Engineering had no objection to the vacation because of the excessive right-of-way (100-feet) that exists for Mentor (a residential street) at this location. 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 the Order, recording costs to be billed to:

300210-9024

Approved / Accepted By City Council

DEC 20 1988

This ~~STATE OF KANSAS~~ } ss
~~SEDGWICK COUNTY~~ }
 FILED FOR RECORD AT
 8-COA-M

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

JAN 11 89 0989543

PAT KETTLER
 REGISTER OF DEEDS

Ed Reed
12/20/88

IN THE MATTER OF THE VACATION OF A)
 PORTION OF STREET RIGHT-OF-WAY.)
)
 GENERALLY LOCATED ON THE SOUTH SIDE OF)
 MENTOR AVE., IN A AREA WEST OF ELIZABETH)
 (V-1570))
)
 MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 20th day of December, 1988, comes on for hearing the petition for vacation filed by Anita Reed, etux., praying for the vacation of the following described portion of street right-of-way, to-wit:

The south 15-feet of the Right-Of-Way platted for Mentor Avenue adjacent to the north line of Lot 28 on Elizabeth Avenue, University Place Addition to Wichita, Kansas, except the west 50 feet thereof.

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
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 vacation of the street right-of-way described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 20th day of December, 1988, 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:

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

Sheldon Kamen
 Sheldon Kamen, Mayor

Approved as ~~form~~ *form*:

Thomas Powell
 Thomas Powell, Director of Law

State of Kansas, ~~Wichita~~
 Sedgwick County, ss
 City of Wichita,)
 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 of the City Clerk.
 Given under my hand and seal of the City of
 Wichita, this JAN 6 1989
Dale E. Rea
 Deputy City Clerk

MICROFILMED
 OF RECORD

city clerk

600

66 ADP