

City of Wichita
City Council Meeting
May 24, 1988

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V-1531 - REQUEST TO VACATE A PORTION OF PLATTED ALLEY
RIGHT-OF-WAY, LOCATED IN AN AREA NORTH OF SECOND STREET,
EAST OF FERN. (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 in order to remove a "cloud" from the adjacent property's title. An existing building encroaches into the portion of right-of-way being vacated. The Utility Advisory Committee has verified that the subject portion of alley is not needed for existing or future utilities. The contingent dedication provides for the dedication of the vacated right-of-way back to the City if the existing building encroachment is ever removed from the alley right-of-way. 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; accept contingent dedication; approve vacation; authorize the Mayor to sign the Vacation Order; and record certified copy of Order and contingent dedication, recording costs to be billed to:

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

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

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

GENERALLY LOCATED IN AN AREA NORTH OF
2ND STREET, EAST OF FERN. (V-1531)

MORE FULLY DESCRIBED BELOW

MICROFILMED
OF RECORD

Approved / Accepted By City Council
MAY 24 1988

This STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AT
8:00 AM

JUN 6 1988

NO. 9 50778
PAT KETTLER
REGISTER OF DEEDS

VACATION ORDER *Ed Rea Deputy*

NOW on this 24th day of May, 1988, comes on for hearing the petition for vacation filed by Arthur J. Casado, praying for the vacation of the following described portion of platted alley right-of-way, to-wit:

Commencing at the northwest corner of Lot 55 on Second Street, Walter Morris & Son's Third Addition to the City of Wichita, Kansas; thence east along the north line of said Lot (also being the south line of a platted 15-foot alley), 11.1 feet for a point of beginning; thence north at right angles to the last described line, 1-foot; thence east at right angles to the last described line, 34.5 feet; thence south at right angles to the last described line, 1-foot; thence west 34.5 feet to the point of beginning. (V-1531)

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 MAY 11 & 13, 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 vacation of the alley right-of-way described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 24th day of May, 1988, ordered that the above-described alley right-of-way is hereby vacated. IT IS FURTHER ORDERED that the City Clerk certify a copy of this order to the Register of Deeds of Sedgwick County.



ATTEST:

Ed Rea
Date: *Ed Rea*, Deputy City Clerk

Sheldon Kamen
Sheldon Kamen, Mayor

State of Kansas)
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 JUN 2 1988

Approved as to Form

Thomas Powell
Thomas Powell, Director of Law
PL/8546/5

Dale E. Rea
City Clerk

500

WILLIAM L. KORBER, L.S.

JOHN E. LUNDBLADE, L.S.

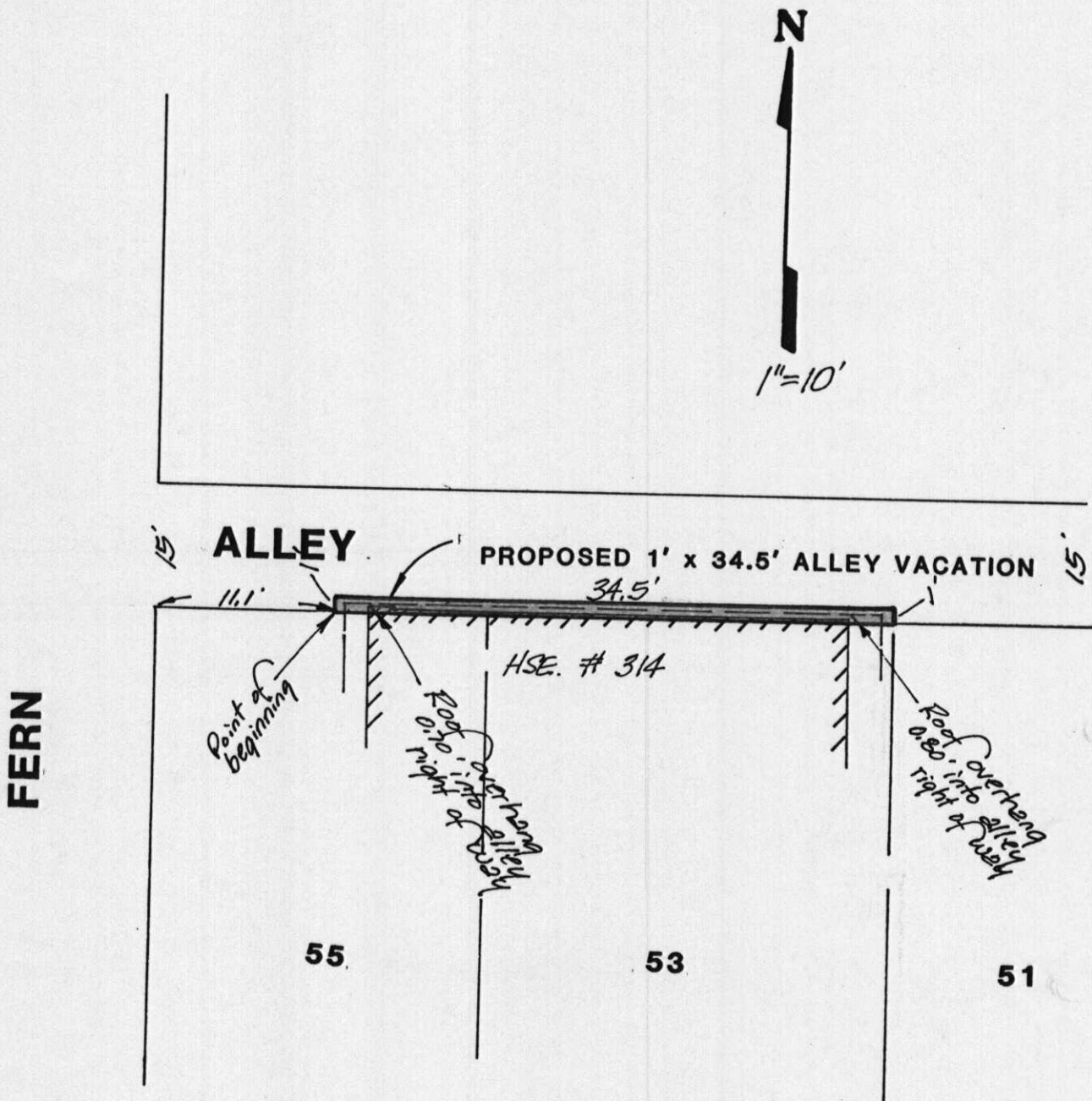
N. BRENT WOOTEN, P.E.



BAUGHMAN COMPANY, P.A.

SURVEYING & ENGINEERING

316/262-7271 • 315 ELLIS • WICHITA, KANSAS 67211



EXHIBIT

**PART OF LOTS 51, 53, & 55 ON 2ND ST
WALTER MORRIS AND SON'S 3RD ADDITION**

21 MARCH 1988

Y-1531