

Planning Agenda Item # _____

City of Wichita
City Council Meeting
November 2, 1989

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1605 - REQUEST TO VACATE A PLATTED ALLEY
RIGHT-OF-WAY LOCATED BETWEEN WABASH AND OHIO STREET, SOUTH
OF MURDOCK.
(District #1)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of platted alley.

MAPC Recommendation: Approve vacation of platted alley. (unanimous)

Background: When the City Council denied Christopher Steel's Inc. request to vacate Ohio Street right-of-way between Murdock and Elm, a Planning Commission requirement to also vacate a platted alley was not approved. The applicant has requested that the City Council consider the vacation of the alley separate from the Ohio Street case. The alley is not paved and functions as a utility and drainage easement. The Vacation Order retains the vacated alley for utility and drainage purposes. City Engineering and the Utility Advisory Committee indicate the vacation of the alley is acceptable. 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:

150029-2909

STATE OF KANSAS }
 SEDGWICK COUNTY } SS
 FILED FOR RECORD AT
 12-30 P M

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

Nov 21 89 1039457

PAT KETTLER
 REGISTER OF DEEDS

MICROFILMED
OF RECORD

IN THE MATTER OF THE VACATION OF
 A PLATTED ALLEY.

GENERALLY LOCATED BETWEEN WABASH AND
 OHIO, SOUTH OF MURDOCK (V-1605).

MORE FULLY DESCRIBED BELOW

)
)
) Approved / Accepted By City Council
) This NOV 7 1989
)
)
)

Ed Bass
Deputy

VACATION ORDER

NOW on this 7th day of November, 1989, comes on for hearing the petition for vacation filed by Christopher Steel Inc., praying for the vacation of the following described platted alley right-of-way, to-wit:

Alley, between Ohio and Wabash, Right-of-Way: The 16-foot alley beginning at the southeast corner of Lot 97 of Tillinghast's Addition to Wichita, Sedgwick County, Kansas, thence; west 285-feet to the southwest corner of Lot 81 of Tillinghast's Addition; thence south 16-feet to the northwest corner of Lot 2 of Tillinghast's Addition; thence 285-feet east to the northeast corner of Lot 1 of Tillinghast's Addition; thence 16-feet north to the point of beginning; located in the southeast quarter of Section 16, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas.

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 12-27 & 11-1, 1989.
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.

8.00

City Clerk

Vacation Order
V-1605
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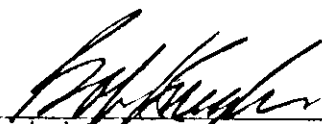
5. The vacated alley right-of-way is hereby retained as a utility and drainage easement.

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

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 7th day of November, 1989, 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.



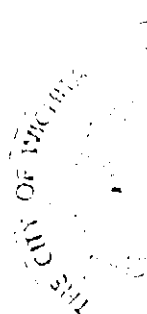
ATTEST:


Bob Knight, Mayor


John Moir, City Clerk

Approved as to Form:

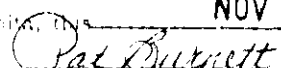

Thomas Powell, Director of Law

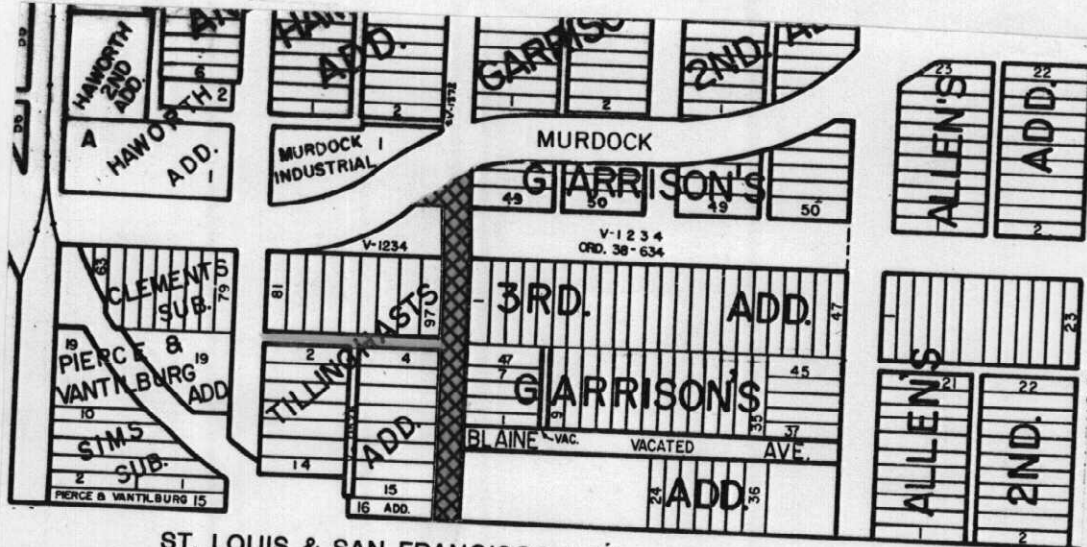


State of Kansas)
Sedgwick County) ss
City of Wichita)

PAT BURNETT, 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, Kansas, this NOV 7 1989
 Deputy City Clerk



ST. LOUIS & SAN FRANCISCO R.R.

