

Planning Agenda Item # \_\_\_\_\_

City of Wichita  
City Council Meeting  
October 20, 1992

Agenda Report # \_\_\_\_\_

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1771 REQUEST TO VACATE ROCHESTER AND  
ASSOCIATED BUILDING SETBACKS FROM 13TH STREET NORTH TO 14TH  
STREET NORTH IN AN AREA WEST OF WACO  
(District #6)

INITIATED BY: Metropolitan Area Planning Department *M. Krout*

AGENDA ACTION: Planning

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Staff Recommendation: Approve vacation of street right-of-way and  
building setbacks.

MAPC Recommendation: Approve vacation of street right-of-way and  
building setbacks. (9-1)

Background: In order to better control traffic and the movements of individuals through the North High School campus area, the School is requesting that the street be vacated so as to change its status from a public facility, to a facility that can then be regulated or controlled by the School. This request was considered at the June 24, 1992 CPO North Central Neighborhood Council 6 meeting and was approved by a vote of 7 to 1. In response to neighborhood concerns, which were expressed both at the CPO and Planning Commission meetings, that neighborhood access not be restricted across this street at non-school periods, the School Board is submitting for the City's acceptance the granting of a public easement for ingress and egress over basically the same area being vacated. This agreement essentially is intended to allow continued public access through this street during those times when the School has no purpose to close the street, while placing maintenance and other related responsibilities on the use of the street (easement) with the School Board.

As requested during review of this case, the applicant is dedicating additional street right-of-way for 13th Street North adjacent to North High school and 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.

Attached for the City Council's information is a copy of the July 2, 1992 minutes of the MAPC meeting at which this vacation request was considered. Also, attached is a copy of the easement and right-of-way agreement proposal submitted by the School Board.

**FILE COPY**

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

IN THE MATTER OF THE VACATION OF STREET )  
RIGHT-OF-WAY FOR ROCHESTER AND )  
ASSOCIATED BUILDING SETBACKS )

GENERALLY LOCATED NORTH OF 13TH STREET )  
NORTH AND WEST OF WACO (V-1771) )

MORE FULLY DESCRIBED BELOW )

VACATION ORDER

NOW on this 20th day of October, 1992, comes on for hearing the petition for vacation filed by Marc Webb for Unified School District #259, praying for the vacation of the following described street right-of-way and building setbacks, to-wit:

Rochester Street from 50 feet north of the center line of 13th Street North to the south right-of-way line of 14th Street North (Avenue D) or as presently exists adjacent to the west line of Lot 1, Dillon 9th Addition to Wichita, Kansas, and Lot 1 on 13th Street, Sherwood's Addition, Wichita, Kansas; together with the adjacent platted building setbacks.

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 Reporter of notice of this vacation proceeding for consecutive weeks on 10/2/92 & 10/9/92.
2. No private rights will be injured or endangered by the vacation of the above-described street right-of-way and building setbacks, 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 above indicated right-of-way shall be retained as a utility easement.
6. The vacation of the street right-of-way and building setbacks described herein should be approved.

MICROFILMED  
OF RECORD

8.00 cl

City Clerk

700 18009 2009 2

Vacation Order  
V-1771  
Page 2 of 2

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 20th day of October, 1992, ordered that the above-described street right-of-way and building setbacks are 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.

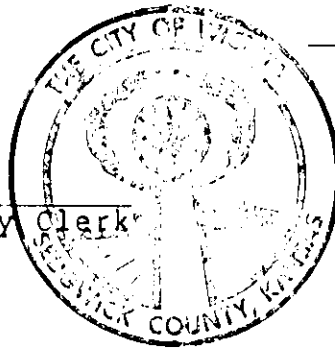
*Frank M. Ojile*

FRANK M. OJILE, Mayor

ATTEST:

*Pat Burnett*

Pat Burnett, Deputy City Clerk



Approved as to Form:

*Gary E. Rebenstorf*

Gary Rebenstorf, Director of Law

STATE OF KANSAS  
SEDEWICK COUNTY  
FILED

DEC 10 1992 1255611

PAT KETTLER  
REGISTER OF DEEDS

*Ed Bass*  
*10/20/92*

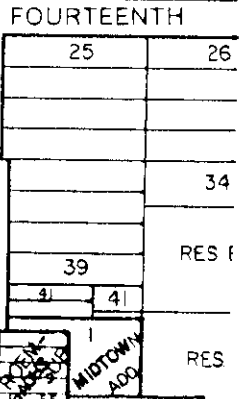
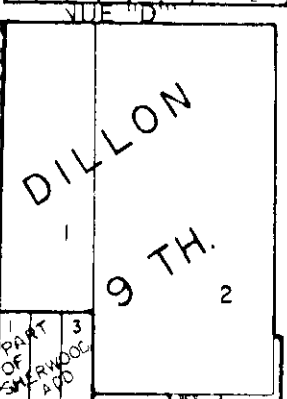
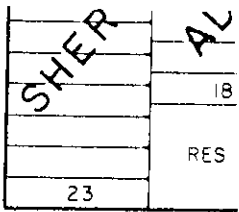
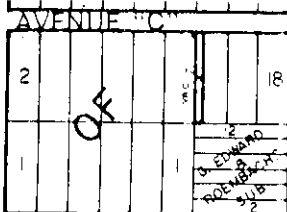
State of Kansas )  
Sedgwick County ) ss  
City of Wichita )  
I, Pat Burnett, Deputy City Clerk of the City of Wichita, Kansas, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the City Clerk's office and is a true and correct copy of the original as the same appears in the City Clerk's office.

OCT 20 1992

*Pat Burnett*



NORTH HIGH SCHOOL



13 TH ST. NO.



ROCHESTER

DILLON

9 TH.

WACO

PART OF SHERWOOD ADD

ROCK-STAR SUB

MIDTOWN ADD

5" Waco and Rock. L. 13th St. 1894  
 8" SS in Rock. 1894 " " " "

|                   |          |                          |                  |
|-------------------|----------|--------------------------|------------------|
| Application Filed | 5/27/92  | W.C.C. Action            | 10-20-92         |
| S/D Comm. Action  | 6/11/92  |                          | Approved         |
| deferred          | 6-25-92  | Bd. Co. Co. Action       |                  |
| M.A.P.C. Action   | 7-2-92   | Order to Vacate Recorded |                  |
|                   | Approved |                          | October 20, 1992 |