

Planning Agenda # _____

**City of Wichita
City Council Meeting
January 6, 1998**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1948 REQUEST TO VACATE STREET RIGHT-OF-WAY FOR MERTON STREET LOCATED IN AN AREA EAST OF WEST STREET AND SOUTH OF HARRY BETWEEN KNIGHT AND LEONINE AND ALSO AN ALLEY.
(District #4)

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of street right-of-way for Merton Street and an alley.

MAPC Recommendation: Approve vacation of street right-of-way for Merton Street and an alley. (unanimous)

Background: Several property owners joined together in late 1996 to file the petition to vacate the alley from Harry Street to Merton Street between Knight and Leonine, and to vacate Merton Street between Knight and Leonine. During the course of the original deliberations by the Subdivision Committee and the MAPC two of the owners withdrew their support, which removed roughly the north one-half of the alley from consideration in this vacation request.

The Subdivision Committee and MAPC subsequently reviewed and recommended approval of the vacation, subject to the normal condition of paying for relocation of any utilities and for the following special conditions:

1. Dedication of an additional 5 feet of right-of-way for Leonine Street.
2. Retention of the alley as a utility easement.

3. Retention of Merton Street as a utility easement and an emergency access easement.
4. Covenanting that the lots adjacent to the vacated alley cannot be conveyed separately.
5. Dedication of an extension of the alley not being vacated to Leonine Street and guarantee the paving of the new alley.

The dedication documents and covenants were received in May of 1997. The final documents, the Certificate of Petitions for the paving of the new alley were received in late November of 1997. The case was then scheduled to be considered before the City Council.

Recommendations/Actions:

Close the public hearing, approve the vacation; authorize the Mayor to sign the Vacation Order; approve the paving petition and adopt the resolutions; accept the dedication of the additional right-of-way for Leonine Street; accept to dedication of the new alley; and record the certified copy of the Vacation Order, the certificate of Petitions, the dedications for the street right-of-way and the alley, and the restrictive covenants; recording costs to be billed to: 150029-2909

MICROFILMED
OF RECORD

662639 4298

CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

FILE 754 PAGE 1688
Approved / Accepted By City Council
This JAN 6 1998

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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 MERTON
STREET AND AN ALLEY

GENERALLY LOCATED
EAST OF WEST STREET AND SOUTH OF
HARRY BETWEEN KNIGHT AND LEONINE

MORE FULLY DESCRIBED BELOW

Case No. V-1948



STATE OF KANSAS } SS
SEDGWICK COUNTY }

JAN 29 9 40 AM '98

REGISTER OF DEEDS
LARRY CONSOLVER

S. Chilton
Deputy

VACATION ORDER

NOW on this 6th day of January, 1998, comes on for hearing the petition for vacation filed by Air Capital Plating and Ravar & Associates, praying for the vacation of the following described alley and street right-of-way for Merton Street, to-wit:

Alley between even Lots 28 - 52 and odd Lots 27 - 51; Block C, Isabella Addition, Wichita, Sedgwick County, Kansas and all of the right-of-way for Merton Street between the west lot line of Lot 52 and east lot line of Lot 51, Block C, Isabella Addition, Wichita, 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 Reporter of notice of this one time on 12-5-97, which was at least 20 days prior to this public hearing.

2. No private rights will be injured or endangered by the vacation of the above-described alley and street right-of-way for Merton Street, 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 subject to the following conditions:

A. Retain the alley being vacated herein as a utility easement.

8⁰⁰ck
RETURN ABOVE

150029
8⁰⁰-

Vacation Order
V - 1948

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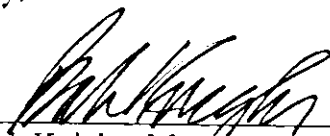
- B. Retain all of Merton Street being vacated herein as a utility easement.
 - C. Dedicate by separate document additional right-of-way for Leonine Street.
 - D. Dedicate Lot 25, Block C, Isabella Addition as an alley and guarantee paving of same to City of Wichita standards for paving of alleys.
 - E. Retain all of Merton Street being vacated herein as an emergency access roadway and maintain same in conformance with City of Wichita Fire Departments requirements.
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 and street right-of-way for Merton Street described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 6th day of January, 1998, ordered that the above-described alley and street right-of-way for Merton Street is hereby vacated subject to the findings stated herein. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

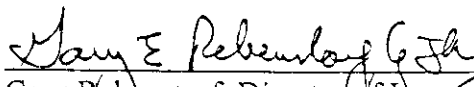
ATTEST:

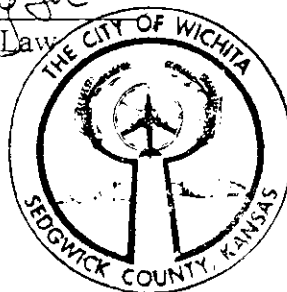

Pat Burnett, City Clerk




Bob Knight, Mayor

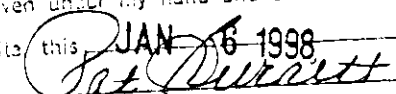
Approved as to Form:


Gary E. Rebenstorf, Director of Law



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

I, Pat Burnett, 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 my office.

Given under my hand and seal of the City of Wichita, this JAN 6 1998
 City Clerk

VAC. ORD. 30-324 AVE.

MERTON

REDMOND
ADD.

10

ADD.
6

12

11

KNIGHT

ISABELLA

24

LEONINETA

RD.

12

ALL HOLLOWS

AVE.

VAC. ORD. 28-446

RND

ISABELLA

ADD.

24
28

4
9

HARRY