

Planning Agenda # _____

**City of Wichita
City Council Meeting
December 9, 1997**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1933 REQUEST TO VACATE STREET RIGHT-OF-WAY FOR HEISERMAN STREET LOCATED IN AN AREA SOUTH OF 17TH STREET NORTH AND WEST OF FERRELL DRIVE.
(District #6)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of street right-of-way for Heiserman Street.

MAPC Recommendation: Approve vacation of street right-of-way for Heiserman Street.
(unanimous)

Background: This vacation was initiated by several of the property owners adjacent to Heiserman Street south of 17th Street. This section of Heiserman Street has never been constructed. Most of the properties south of 17th Street access onto Ferrell Drive, which is to the east and along the Little Arkansas River. Among the ownerships associated with this vacation is the City of Wichita, which owns the property at the southwest corner of 17th Street and Ferrell Drive, and which is also bounded on the west by Heiserman Street.

The Subdivision Committee and MAPC both approved the vacation several months ago conditioned upon meeting certain City policies regarding street closings and the submission of restrictive covenants to assure the combined properties would remain intact with frontage on Ferrell Drive. The last provision was very important in order to process this street closing as a vacation rather than requiring a replatting. No members of the public addressed the MAPC in opposition to this request.

There was a dispute about who was responsible for removing the curb returns for Heiserman on the south side of 17th Street. This has been resolved; the work completed in accordance with City requirements; and the vacation petition now can proceed to formal hearing by the governing body.

Recommendations/Actions:

Close the public hearing; approve the vacation including an acknowledgement of acceptance as an adjoining property owner; authorize the Mayor to sign the Vacation Order; and record the certified copy of the Vacation Order and the Restrictive Covenants; recording costs to be billed to:
150029-2909

MICROFILMED
OF RECORD

16 2653 4298

FILE 1754 PAGE 1714

Approved _____
Accepted By City Council
DEC 9 1997
This _____

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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 HEISERMAN
STREET

GENERALLY LOCATED
SOUTH OF 17TH STREET NORTH AND
WEST OF FERRELL DRIVE

MORE FULLY DESCRIBED BELOW

Case No. V-1933



STATE OF KANSAS)
SEDGWICK COUNTY) SS
JAN 29 10 43 AM '98
REGISTER OF DEEDS
LARRY CONSOLEYER
S. Chitterson
Deputy

VACATION ORDER

NOW on this 9th day of December, 1997, comes on for hearing the petition for vacation filed by Jesse LeRoy Leep, praying for the vacation of the following described street right-of-way for Heiserman Street, to-wit:

Heiserman Street adjacent to odd Lots 153 through 191 inclusive, Heiserman Avenue, Rich's Addition to 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 vacation proceeding for one time on 11-18-97, which was at least 20 days prior to the date for public hearing thereon.
2. No private rights will be injured or endangered by the vacation of the above-described street right-of-way for Heiserman 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.
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 for Heiserman Street described herein should be approved.

8.10
ck

City Clerk

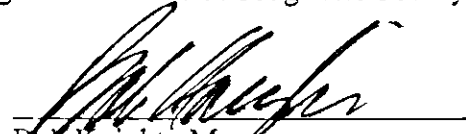
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150029

Vacation Order
V-1933

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6. That the portion of Heiserman Street lying south of the north lot line of lot 167, Heiserman Avenue, Rich's Addition to Wichita, Sedgwick County, Kansas shall be retained as a utility easement.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 9th day of December, 1997, ordered that the above-described street right-of-way for Heiserman Street is hereby vacated subject to retention of a portion thereof as a utility easement as 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.


Bob Knight, Mayor

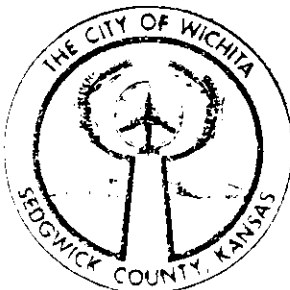
ATTEST:


Pat Burnett, City Clerk



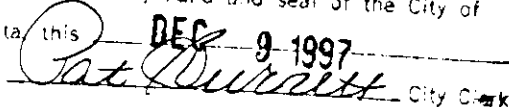
Approved as to Form:


Gary 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 attached 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 DEC 9 1997
 City Clerk

[illegible]