

City of Wichita
City Council Meeting
May 4, 2004

Agenda Report No. _____

TO: Mayor and City Council

SUBJECT: **V-2043** Request to vacate a portion of the Covington Street right-of-way, generally located north east of the 21st Street North – 119th Street West intersection, more specifically north of the 21st Street North – Parkridge Street intersection.
(District V)

INITIATED BY: Metropolitan Area Planning Department *DM for JHS*

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Background: The applicant is requesting vacation of the platted Covington Street right-of-way that abuts Reserve C, Reserve B and the the Parkridge Street right-of-way as dedicated on the Aberdeen First Addition. The Aberdeen First Addition was recorded May 5, 1994.

Analysis: The approximately 64-foot (x) 232-242-foot Covington Street right-of-way (ROW) dead ends into Reserve B of the Lochs at Aberdeen on its east side. There is also a developed church property on the southeast corner of the Covington ROW. Extension of Covington ROW to the east is blocked by this reserve and church development. Reserves A & B of the the Aberdeen First Addition contain retention ponds, which prevent the Covington ROW from extending north or south. There is no water or sewer in the ROW. There are no franchised utilities in the ROW. Both Public Works and the utility representatives have indicated that the ROW will not be needed for future location of utilities within the ROW. The applicants' propose to convert the ROW into a neighborhood commons area. No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation. No written protests have been filed.

Financial Considerations: None

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Recommendation/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

RECEIVED

MAY 13 2004

METROPOLITAN PLANNING
ROUTE 9

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

**IN THE MATTER OF THE VACATION OF
STREET RIGHT-OF-WAY**

**GENERALLY LOCATED
NORTH AND EAST OF 21ST STREET NORTH
AND 119TH STREET**

MORE FULLY DESCRIBED BELOW

Case No. V-2043

VACATION ORDER

NOW on this 4th day of May, 2004 comes on for hearing the petition for vacation filed by Aberdeen Homeowners Association c/o Joe McCoy, praying for the vacation of the following described street right-of-way, to-wit:

That portion of the Covington Street right-of-way that abuts Reserve C, Reserve B, and the Parkridge Street right-of-way as dedicated on the Aberdeen First Addition, as recorded in 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 Derby Reporter on October 24, 1997, which was at least 20 days prior to the public hearing.

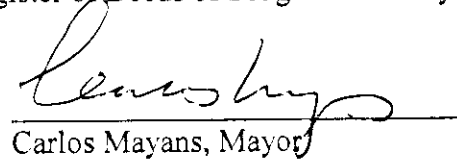
2. No private rights will be injured or endangered by the vacation of the above-described street right-of-way, and the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner(s), the prayer of the petition ought to be granted.

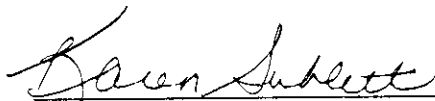
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

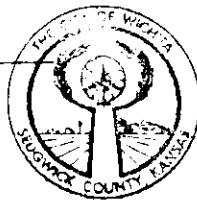
5. The vacation of the street right-of-way described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 4th day of May, 2004 ordered that the above-described street 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.

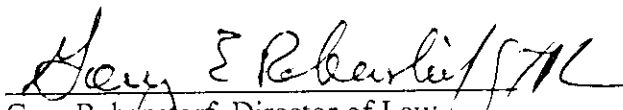

Carlos Mayans, Mayor

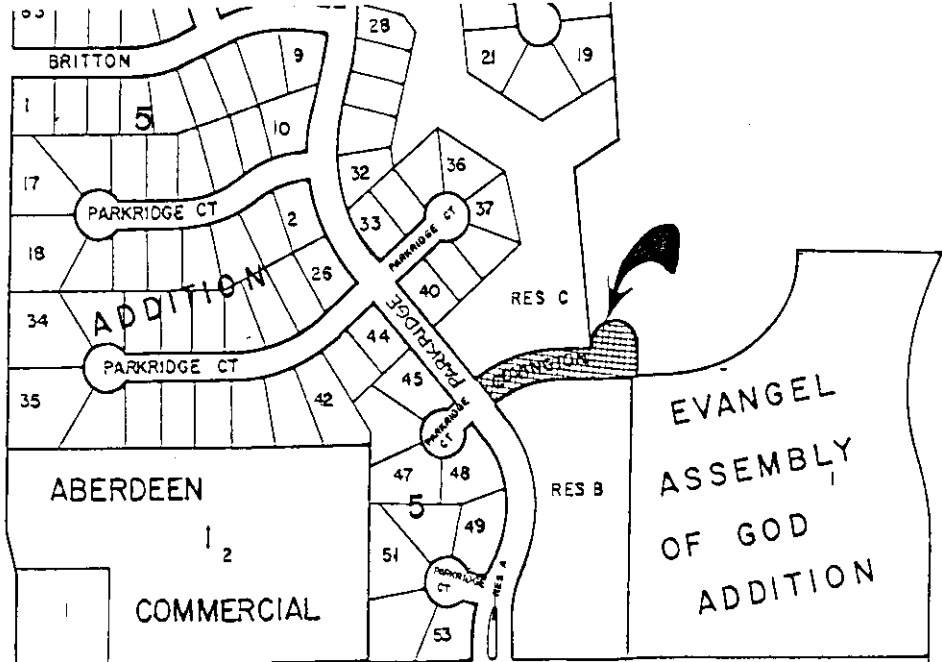
ATTEST:


Karen Schofield, City Clerk
sublett



Approved as to Form:


Gary Rebenstorf, Director of Law



TWENTY FIRST ST. NO.