

Planning Agenda # _____

**City of Wichita
City Council Meeting
June 16, 1998**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2082 REQUEST TO VACATE A PORTION OF MERTON AVENUE LOCATED IN AN AREA SOUTH OF HARRY STREET AND WEST OF SHERIDAN AVENUE.
(District #4)

INITIATED BY: Metropolitan Area Planning Department 

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of a portion of Merton Avenue.

MAPC Recommendation: Approve vacation of a portion of Merton Avenue. (unanimous)

Background: The applicant proposes to vacate a portion of Merton Street between Leonine Avenue and All Hallows Avenue and a portion of Merton Street between All Hallows Avenue and Sheridan Avenue. The property north of Merton Avenue is being replatted as WSM Properties Addition and is intended to be developed industrially. It was originally platted into several small lots and the new plat is a single, large lot.

Merton Avenue, as originally platted, was a very small, local roadway (only 30 feet of right-of-way) and it has never been constructed. The intent is to use the land area of the Merton Avenue in the overall development of the land to the north, with the right-of-way being retained as a utility and drainage easement. The vacation is also supported by the owners of the property to the south of Merton Avenue.

The Metropolitan Area Planning Commission approved the Subdivision Committee recommendation that the vacation petition be approved as requested subject to the following:

- A. Retain the vacated property as a drainage and utility easement.
- B. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.

No members of the public spoke in opposition to this request.

Recommendations/Actions: Close the public hearing, approve the vacation; authorize the Mayor to sign the Vacation Order; record the certified copy of the vacation order.

CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

1709733 #228
Approved / Accepted By City Council
This JUN 16 1998

FILM 1809 PAGE 1281

STATE OF KANSAS)
SEDGWICK COUNTY) SS

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JUL 22 8 02 AM '98

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

REGISTER OF DEEDS

Pat Hyatt
Deputy

MICROFILMED
OF RECORD

IN THE MATTER OF THE VACATION OF)
A PORTION OF MERTON AVENUE)

GENERALLY LOCATED)
SOUTH OF HARRY STREET AND WEST OF)
SHERIDAN AVENUE)

Case No. V-2082

MORE FULLY DESCRIBED BELOW)



VACATION ORDER

NOW on this 16th day of June, 1998, comes on for hearing the petition for vacation filed by WSM Properties, Attention: John Griffith, praying for the vacation of the following described a portion of Merton Avenue, to-wit:

That part of Merton Avenue as platted in Freeman's Addition to Wichita, Sedgwick County, Kansas, described as commencing at the NE corner of Lot 1 in said Addition; thence West along the north line of said Lot 1 a distance of 15 feet for a place of beginning; thence continuing West along the north line of said Lot 1 a distance of 265 feet to a point 20 feet east of the NW corner of said Lot 1; thence North parallel to the west line of said Lot 1 a distance of 30 feet to the north line of Merton Avenue as platted in said Freeman's Addition; thence East along said north line of Merton Avenue 265 feet to a point 15 feet west of the extended east line of said Lot 1; thence South 30 feet to the place of beginning;

AND;

That part of Merton Avenue as platted in Freeman's Addition to Wichita, Sedgwick County, Kansas, described as commencing at the NE corner of Lot 12 in said Addition; thence West along the north line of said Lot 12 a distance of 20 feet for a place of beginning; thence continuing West along the north line of said Lot 12 a distance of 260 feet to a point 20 feet east of the NW corner of said Lot 12; thence North parallel with the west line of said Lot 12 a distance of 30 feet to the north line of Merton Avenue as platted in said Freeman's Addition; thence East along said north line of Merton Avenue a distance of 260 feet to a point 20 feet west of the extended east line of said Lot 12; thence South 30 feet to the place of beginning.

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 May 22, 1998, which was at least 20 days prior to this public hearing.

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RETURN ABOVE

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Vacation Order
V - 2082

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2. No private rights will be injured or endangered by the vacation of the above-described a portion of Merton Avenue, 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.

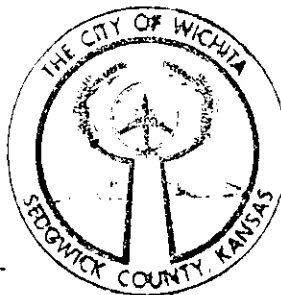
5. The vacation of the a portion of Merton Avenue described herein should be approved, subject to the following condition:

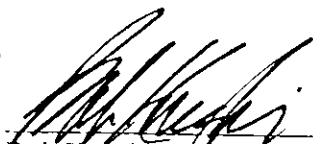
- A) Retain the vacated property as a drainage and utility easement.
- B) That any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 16th day of June, 1998, ordered that the above-described a portion of Merton Avenue 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.

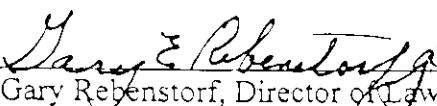
ATTEST:

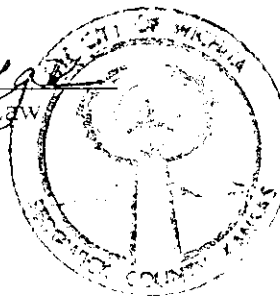

Pat Burnett, City Clerk




Bob Knight, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law



State of Kansas)
Sedgwick County) ss
City of Wichita)
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 orig-
inal on file in my office.

Given under my hand and seal of the City of
Wichita, this JUN 16 1998
 City Clerk

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7	MERTON	
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AVE.		
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SOUTHWEST	
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ATHERINE CT