Planning Agenda #_____

City of Wichita
City Council Meeting
April 27, 1999

Agenda Report #_____

TO: Mayor and City Council

SUBJECT: **V-2080 - PUBLIC HEARING REQUEST TO VACATE A PORTION OF WATERMAN STREET LOCATED IN AN AREA FROM CIRCLE DRIVE TO BLUFF, GENERALLY SOUTH OF DOUGLAS AVENUE AND EAST OF HILLSIDE.** (District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of a portion of Waterman Street.

MAPC Recommendation: Approve vacation of a portion of Waterman Street. (unanimous)

Background: The applicant is requesting to vacate the right-of-way for Waterman Street obtained by Warranty Deed in 1917 from Mr. and Mrs. Merriman, who originally platted this area as Merriman Park. The area to be vacated includes the entire Waterman right-of-way from Circle Drive to Bluff, but excludes the existing sidewalk just north of vacated Waterman (see attached drawing). The street was not a part of the original plat and the right-of-way was deeded from the Reserve Area.

Waterman Street is not an open street at this location; however there is a short "stub" in existence with curbing and gravel surface from Circle Drive to the east end of the applicant's property. This portion of the "street" provides access to the applicant's garage. The applicant wishes to obtain ownership of the land of the land adjacent to his lot in order to provide better control of the usage of that "street" area.

The Park Board has reviewed and approved this request. If this vacation is approved, the Park Board is expected to transfer the title of the north half right-of-way to the applicant maintaining a five foot public access easement. The Board wanted to ensure that a five foot public access easement would be retained along the north edge of the right-of-way, where an existing sidewalk is located.

No one spoke in opposition to this request at the MAPC's public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, subject to the applicant providing a survey to determine the exact location of the existing drive and any utilities, prior to the case being set for hearing before the Wichita City Council, and that any portion of the Waterman Street right-of-way presently utilized by any utilities be retained as a utility easement. The applicant has submitted a survey which shows the existing utility line in Waterman, and therefore the entire street right-of-way will be retained as a utility easement through the Vacation Order. The vacation order also retains the north five feet of the right-of-way as a sidewalk easement.

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

Recommendations/Actions: Close the public hearing; and approve the Vacation Order and authorize the Mayor to sign.

dupl

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

IN THE MATTER OF THE VACATION OF A PORTION OF WATERMAN STREET	)	
GENERALLY LOCATED AT WATERMAN STREET FROM CIRCLE DRIVE TO BLUFF, GENERALLY SOUTH OF DOUGLAS AVENUE AND EAST OF HILLSIDE	)	Case No. V-2080
MORE FULLY DESCRIBED BELOW	)	

VACATION ORDER

NOW on this 27th day of April, 1999, comes on for hearing the petition for vacation filed by Ross F. and Gretchen J. McDonough, praying for the vacation of the following described a portion of Waterman Street, to-wit:

That portion of Waterman Street running through College Hill Park, Wichita, Kansas, from Circle Drive to Bluff Avenue.

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 on April 5, 1999, 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 a portion of Waterman 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 a portion of Waterman Street described herein should be approved, subject to the following conditions:

A) The applicant provide a survey to determine to location of the existing drive and any utilities in relation to the right-of-way width of Waterman Street prior to the case being set for hearing before the Wichita City Council.

B) All of the vacated of the Waterman Street right-of-way shall be retained as a utility easement and the north 5 feet shall also be retained as a sidewalk construction easement.

C) 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 27th day of April, 1999, ordered that the above-described a portion of Waterman Street 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.

Bob Knight, Mayor

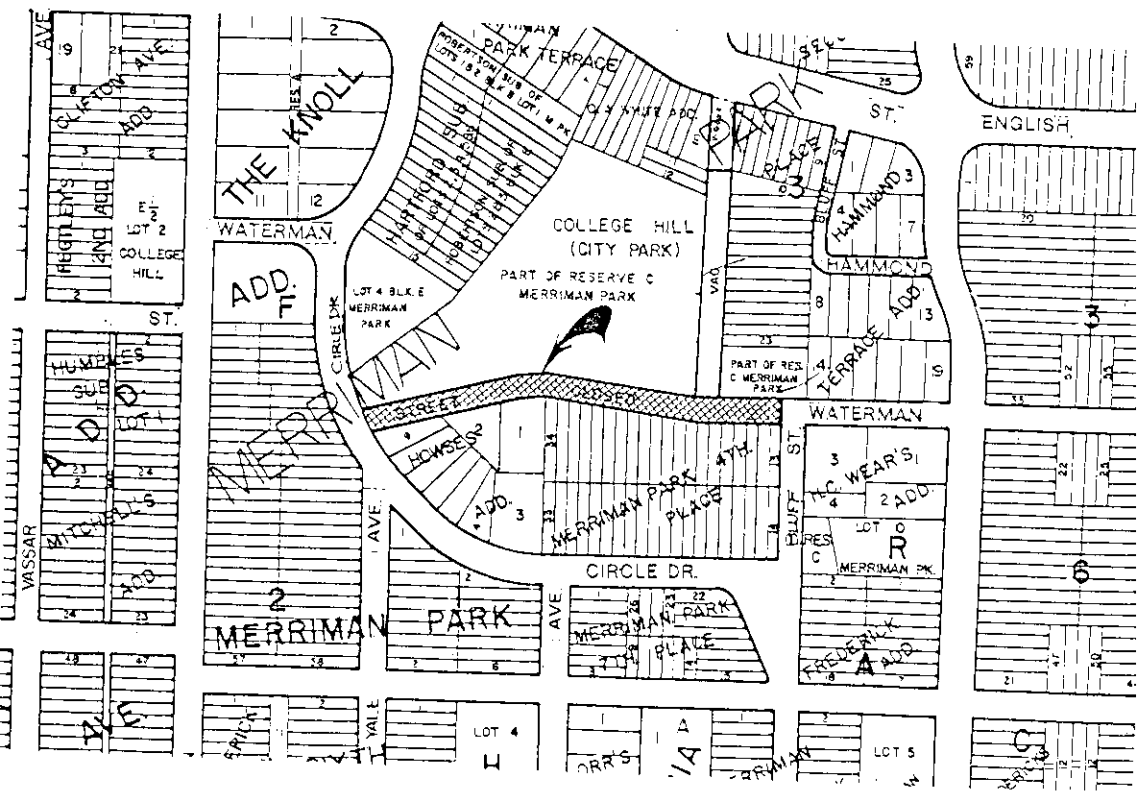
ATTEST:

Pat Burnett, City Clerk

THE CITY OF WICHITA SEDGWICK COUNTY, KANSAS

Approved as to Form:

Gary Rebenstorf, Director of Law



COLLEGE HILL
(CITY PARK)
PART OF RESERVE C
MERRIMAN PARK
LOT 4 BLK. E
MERRIMAN
PARK
PART OF RES.
C MERRIMAN
PARK
MERRIMAN PARK
MERRIMAN PARK
PARK TERRACE
ROBERTSON SUB OF
LOTS 1 & 2 BLK 8 LOT 1 M PK
CLA WHITE ADD.
HARTFORD SUB
HOBERTSON SUB OF
LOTS 1 & 2 BLK 8
CLIFTON AVE.
ADD
FEGTLEY'S
2ND ADD
E 1/2
LOT 2
COLLEGE
HILL
THE KNOLL
WATERMAN
ADD.
F
CIRCLE DR.
VAD
HAMMOND
BLUFF ST.
TERRACE ADD.
ENGLISH
ST.
HUMPLES
SUB
ADD.
LOT 1
MITCHELL'S
ADD
VASSAR
AVE.
STREET
CLOSED
HOWSES
ADD.
MERRIMAN PARK
4TH.
PLACE
CIRCLE DR.
MERRIMAN PARK
7TH. PLACE
H.C. WEAR'S
ADD.
LOT 0
R
MERRIMAN PK.
FREDERICK
ADD.
A
6
2
MERRIMAN PARK
YALE
LOT 4
LOT 5