

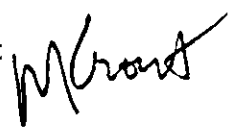
Planning Agenda # _____

**City of Wichita
City Council Meeting
January 4, 2000**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: V-2208 - REQUEST TO VACATE CONTINGENT STREET DEDICATION LOCATED AT THE NORTHWEST CORNER OF 21ST STREET NORTH AND MAIZE ROAD. (District V)

INITIATED BY: Metropolitan Area Planning Department 

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of contingent street dedication.

MAPC Recommendation: Approve vacation of contingent street dedication. (unanimous)

Background: The applicant is requesting to vacate a contingent street dedication for commercial development of the site. The applicant will dedicate street right-of-way that is continuous with previous 20-foot street dedication west of this property, along 21st Street North, and an additional 5 feet of street right-of-way along Maize Road.

No one spoke in opposition to this request at the MAPC's advertised 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 shall dedicate, by separate instrument, additional street right-of-way, which shall include 20 feet along the south property line (21st Street North) and 5 feet along the east property line (Maize Road). No written protests have been filed.

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

Recommendations/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the Mayor to sign.

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

**IN THE MATTER OF THE VACATION OF
CONTINGENT STREET DEDICATION**

**GENERALLY LOCATED
NORTHWEST CORNER OF 21ST STREET NORTH
AND MAIZE ROAD**

MORE FULLY DESCRIBED BELOW

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) **Case No. V-2208**
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VACATION ORDER

NOW on this 4th day of January, 2000, comes on for hearing the petition for vacation filed by Bencor/Maize 21, LLC, praying for the vacation of the following described contingent street dedication, to-wit:

The south 15 feet of the east 248.60 feet of Lot 1, Block A, L.R. Jones 3rd Addition, Sedgwick County, Kansas, and a portion of said Lot 1 described as follows: Beginning at a point 15 feet north and 58.57 feet west of the southeast corner of said Lot 1; thence on a curve to the left 92.80 feet to the east line of said Lot 1, said curve having a radius of 60 feet, and a long chord of 83.83 feet bearing N 44°18'38"E; thence south along the east line of said Lot 1 for a distance of 58.57 feet; thence S88°37'15"W for a distance of 58.57 feet to the point of beginning, except the west 4.16 feet thereof. Originally granted on the Contingent Dedication recorded on Film 1949, page 931 and shown on the Lot Split recorded on Film 1957, page 99.

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:

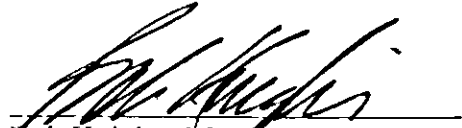
1. That due and legal notice has been given by publication as required by law, by publication in the Daily Reporter on November 23, 1999, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described contingent street dedication 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 a contingent street dedication described herein should be approved, subject to the following condition:

- A) The applicant shall dedicate, by separate instrument, additional street right-of-way, which shall include 20 feet along the south property line (21st Street North) and 5 feet along the east property line (Maize Road).

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 4th day of January 2000, ordered that the above-described contingent street dedication 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.

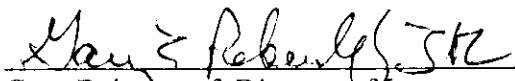

Bob Knight, Mayor

ATTEST:


Pat Burnett, City Clerk

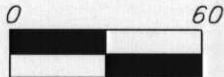


Approved as to Form:


Gary Rebenstorf, Director of Law



CONTINGENT STREET DEDICATION VACATION EXHIBIT
LOT 1, BLOCK A
L.R. JONES THIRD ADDITION



= Proposed Contingent Street
Dedication Vacation

Lot 1, Block 1,
Newmarket Square

Lot 6, Block 1,

Newmarket Square

Lot 1, Block A
Kliwer Addition

