

Planning Agenda # _____

**City of Wichita
City Council Meeting
June 19, 2001**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: **VAC2001-00001 - REQUEST TO VACATE ALLEY RIGHT-OF-WAY GENERALLY LOCATED BETWEEN CLEVELAND AND INDIANA STREETS.**
(District I)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

*McWright
b. 10.12.01*

Staff Recommendation: Approve vacation of alley right-of-way.

MAPC Recommendation: Approve vacation of alley right-of-way. (unanimous)

Background: The applicants on both sides of the alley are requesting to vacate the alley for future development.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, subject to retaining the alley and its right-of-way as a utility easement, with an additional 5 feet dedicated the length of the alley and the access issue approved by the Fire Department adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Legal Considerations: A certified copy of the Vacation Order and dedication of utility easement 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 necessary signatures.

Def.

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

RECEIVED
JUN 21 2001

METROPOLITAN PLANNING
ROUTE 8

IN THE MATTER OF THE VACATION OF
ALLEY RIGHT-OF-WAY

GENERALLY LOCATED
BETWEEN CLEVELAND AND INDIANA
STREETS

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Case No. VAC2001-00001

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 19th day of June, 2001, comes on for hearing the petition for vacation filed by N.J. Abraham Living Trust & M.J. Investments, praying for the vacation of the following described alley right-of-way, to-wit:

East-west alley running behind Lots 5,6,7,8,9,10,11 of Peter's Subdivision of Lot 17 in Mathewson's First Addition; and the east 96 5/5 feet and south 135 feet of Lot 15; the west 48 1/3 feet and south 135 feet of Lot 15 of Mathewson's First Addition, all to the City of 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:

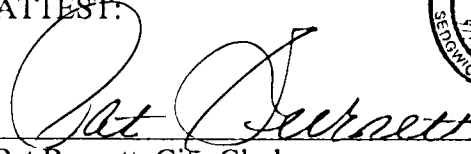
1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle on February 16, 2001, which was at least 20 days prior to the public hearing.

2. No private rights will be injured or endangered by the vacation of the above-described alley 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 alley should be approved, subject to the vacated alley being retained as an utility easement.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 19th day of June 2001, ordered that the above-described alley 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.

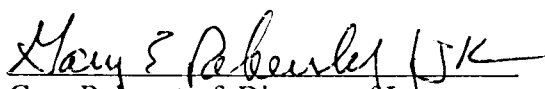
ATTEST:


Pat Burnett, City Clerk




Bob Knight, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

WASHINGTON

DOUGLAS



OHIO

OHIO

INDIANA

CLEVELAND

MATTHEWS

