Agenda Item #

City of Wichita
City Council Meeting
September 9, 2003

Agenda Report No.

TO: Mayor and City Council

SUBJECT: **VAC2003-00039 REQUEST TO VACATE THE PLATTED 20-FOOT ALLEY RIGHT-OF-WAY LOCATED NORTH OF MURDOCK AVENUE AND BETWEEN SANTA FE AVENUE (WEST)AND MEAD AVENUE (EAST).**
(District VI)

INITIATED BY: Metropolitan Area Planning Department JLS

AGENDA: Planning

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Background: The applicants are requesting to vacate platted 20-foot alley right-of-way for the future development of the north lot. The platted alley is recorded on the Supplemental Plat to Jones' 1st Addition of Wichita, Sedgwick County, Kansas. The Supplemental Plat to Jones' 1st Addition was recorded 12-14-1883.

Anaylsis: There is sewer in the alley. The applicants' have contacted the Traffic Engineer and the Fire Department and the vacation of the alley would not impact either traffic or emergency service to the area. The alley, Murdock and Mead are not improved ROW. There are no platted setbacks, current setbacks would remain in effect and move with the adjusted property line; 0-feet side yard setback & 20-foot front yard setback. Reversion rights would go ½ the width to the north property and ½ the width to the south property. All abutting property owners have signed the petition and the application to vacate. 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. 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 and the alley will be retained as a utility easement.

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

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METROPOLITAN PLANNING
ROUTE

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

IN THE MATTER OF THE VACATION OF THE PLATTED 20-FOOT ALLEY RIGHT-OF-WAY	)	
GENERALLY LOCATED NORTH OF MURDOCK AVENUE AND BETWEEN SANTA FE AVENUE (WEST) AND MEAD AVENUE (EAST)	)	**Case No. VAC2003-00039**
MORE FULLY DESCRIBED BELOW	)	

VACATION ORDER

NOW on this 9th day of September, 2003, comes on for hearing the petition for vacation filed by Fred Long and Safelite Auto Glass c/o Daniel Dufresne, praying for the vacation of the following described platted 20-foot alley right-of-way, to-wit:

> That part of the alley as dedicated in the Supplemental Plat to Jones' 1st Addition of Wichita, Sedgwick County, Kansas, abutting Lots G & 2-14, even, the Supplemental Plat to Jones' 1st Addition on its south side and Lot 18, the Supplemental Plat to Jones' 1st Addition on its north side.

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 July 31, 2003, 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 the platted 20-foot alley right-of-way, and the public will suffer no loss or inconvenience thereby.

3. Retain the platted 20-foot alley right-of-way as a utility easement.

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

5. 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.

6. The vacation of the platted 20-foot alley right-of-way described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 9th day of September 2003, ordered that the above-described the platted 20-foot 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.

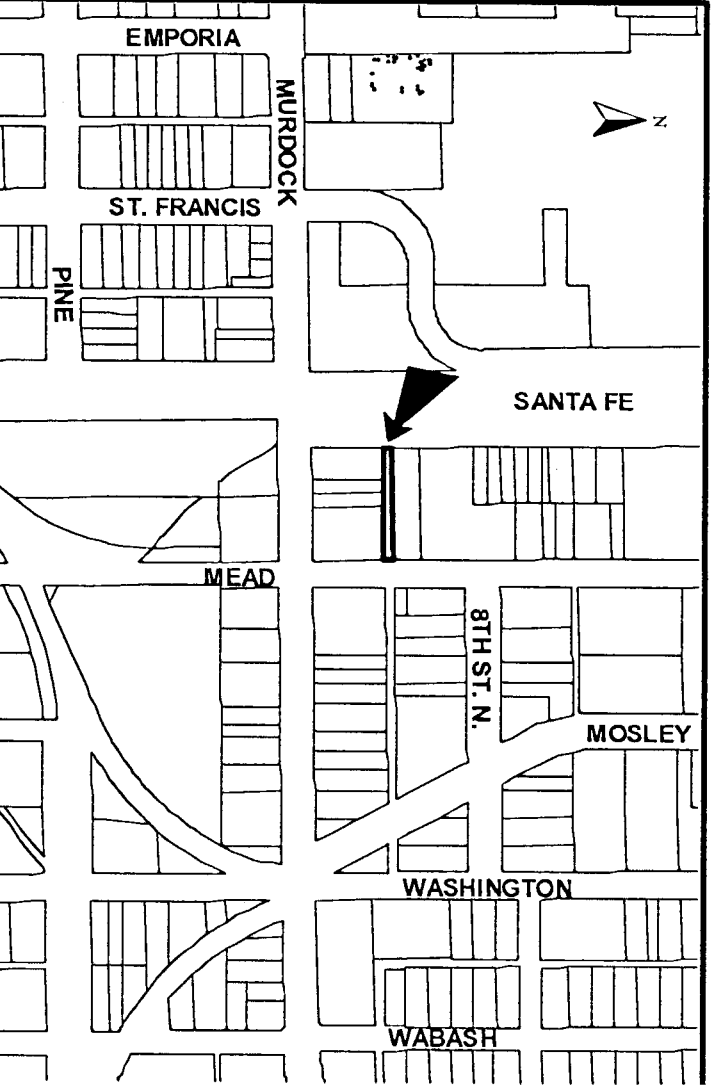
Carlos Mayans, Mayor

ATTEST:

Pat Graves, City Clerk

Approved as to Form:

Gary Rebenstorf, Director of Law


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