

City of Wichita
City Council Meeting
September 16, 2003

Agenda Report No.

TO: Mayor and City Council

SUBJECT: VAC2003-00032 REQUEST TO VACATE PLATTED ALLEY LOCATED
NORTHEAST OF THE DOUGLAS AVENUE – NEW YORK AVENUE
INTERSECTION.
(District I)

INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Background: The applicants are requesting vacation of the (east to west) 20-foot wide alley for redevelopment and expansion of Big Dog Motorcycles. The first platting of the site in 1883 was the Mathewson Addition, with the subsequent Tiffany's and McKim's subdivisions reconfiguring the original Mathewson Addition.

Analysis: There are three owners abutting the alley, the City of Wichita on the north and TDFW and Nenad & Rose Dakovic on the south, all have signed the petition and application to vacate. Reversion of the alley to private property would have ½ the width of the alley for the entire length going to the north side and ½ the width of the alley for the entire length going to the south side. Big Dog Motorcycles is replatting (SUB2003-60) their whole site from Douglas on the south, to 1st Street on the north, to New York on the west and Pennsylvania on the east. The southwestern corner of this block is not owned by Big Dog/ the City, but is under separate ownership; TDFW and Nenad & Rose Dakovic, who have chosen not be part of SUB03-60. Thus the alley cannot be vacated by the replat, but must be a separate vacation, as requested by the 3 owners/applicants abutting it. There utilities, sewer and manholes in the alley. No one has protested the proposed vacation of the alley.

Financial Considerations: The applicant shall guarantee the closure of the alley return

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

1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle on January 2, 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 platted alley, and the public will suffer no loss or inconvenience thereby.
3. Retain the alley 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

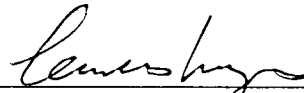
adjoining owner who would be a proper party to the petition.

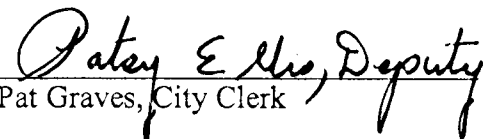
6. The vacation of the platted alley described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 16th day of September 2003, ordered that the above-described platted alley 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.

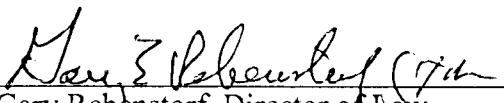


ATTEST:


Carlos Mayans, Mayor

for 
Pat Graves, City Clerk

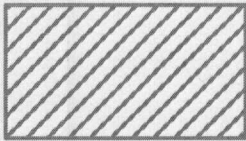
Approved as to Form:


Gary Rebenstorf, Director of Law

EXHIBIT

(ALLEY VACATION)

VAC03-32



INDICATES AREA OF
LEGAL DESCRIPTION

