

Planning Agenda # _____

City of Wichita
City Council Meeting
September 10, 2002

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: VAC2002-00028 - REQUEST TO VACATE A PORTION OF AN
ALLEY LOCATED SOUTHWEST OF THE DOUGLAS
AVENUE WEST - SENECA STREET INTERSECTION.
(District IV)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

*M. K. Whit
D. H. L.*

Staff Recommendation: Approve

MAPC Recommendation: Approve (unanimous)

Background: The applicant is requesting that portion of the platted 20-foot alley that runs parallel to and abuts the Kansas Southwestern railroad right-of-way and Burton Avenue, west of South Glen Avenue, be vacated. The applicant proposes to build a detached garage. There are no city utilities or other utilities in the alley, nor is there a future need to retain the alley as an easement. The vacation of the alley will not deny access to public right-of-way by any abutting or adjacent property owners. The entire alley will revert go to the applicant. The setbacks are current for B Multi-family residential and will move with the new property line. Any encroachment into the setbacks will require the applicant to request consideration for an administrative adjustment or a variance.

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.

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds and the condition that the applicant provides a survey showing the new property size as provided by a licensed surveyor, prior to completing the vacation.

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

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

**IN THE MATTER OF THE VACATION OF
A PORTION OF AN ALLEY**

**GENERALLY LOCATED
SOUTHWEST OF THE DOUGLAS AVENUE
WEST - SENECA STREET INTERSECTION**

MORE FULLY DESCRIBED BELOW

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Case No. VAC2002-00028

RECEIVED

SEP 13 2002

METROPOLITAN PLANNING
ROUTE 8

VACATION ORDER

NOW on this 10th day of September, 2002, comes on for hearing the petition for vacation filed by Joe Rodriguez, praying for the vacation of the following described a portion of an alley, to-wit:

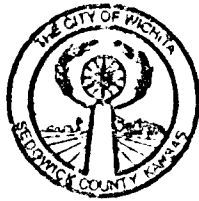
BEGINNING at the southeasterly corner of Lot 28, Block 11, "MARTINSON'S SEVENTH ADDITION" to the City of Wichita, Kansas; thence easterly, on the projection of the south line of said Lot 28, to the intersection with the northwesterly line of the railroad property, now or formerly, of the St. Louis, Fort Scott and Wichita Railroad; thence northeasterly, on said northwesterly line of the railroad property, to the point of intersection of said line with the west line of Glenn Avenue; thence northerly, on said west line, to a point 2.1 feet (as platted) south of the northeast corner of Lot 30, Block 11, in said addition; thence southwesterly, on the southeasterly line of Lots 30, 29 and 28, to the POINT OF BEGINNING

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 August 1, 2002, 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 an alley, 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 portion of an alley described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 10th day of September 2002, ordered that the above-described a portion of an 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:

Pat Burnett
Pat Burnett, City Clerk

Bob Knight
Bob Knight, Mayor

Approved as to Form:

Gary Rebenstorf
Gary Rebenstorf, Director of Law

