



Wichita-Sedgwick County Metropolitan Area Planning Department

March 22, 2006

Grant Gardreau
Affordable Housing Development
7701 E Kellogg
#820
Wichita KS 67207

Re: **VAC2005-00034** - Request to vacate platted alley generally located between 10th Street-11th Street-Emporia Avenue-Saint Francis Avenue.

Dear Mr. Gardreau:

At its regular meeting on Tuesday, March 21, 2006, the Wichita City Council considered the request. The action of the City Council was to APPROVE subject to the recommendation by the MAPC.

If you have any questions about this matter, please call 268-4494.

Sincerely,


Bill Longnecker
Senior Planner

BL:le

cc: Jim Armour, City Engineer, Public Works Department, Mail Stop 1-71
Paul Gunzelman/Carla Jones, Public Works Engineering, Mail Stop 1-71
Via Christi Property Services, 1035 N. Emporia, Ste. 195, Wichita, KS 67214
Young Women's Christian Assoc., 1111 N. St. Francis, Wichita, KS 67214
Castillo Development LLC, 8911 Summerfield, Wichita, KS 67206
David Stoudt, %Isaac L. & Meagan M. Boehr, 520 Park Lane St., Derby, KS 67037
Cook Construction LLC, 1206 E. Waterman, #206, Wichita, KS 67211
Lawrence E. & Rosalie M. Smith, 314 E. Elm, Wichita, KS 67214
BD of Park Commissioners, 455 N. Main, Wichita, KS 67202
Tai Travis & Mary Hoang Nguyen, 935 S. Cypress, Wichita, KS 67207



Sedgwick County
Register of Deeds - Bill Meek
DOC #/FLM-PG: 28767648
Receipt #: 1617117
Pages Recorded: 2

Recording Fee: DDH

Cashier Initials: DT
Authorized By: [Signature]
Date Recorded: 3/29/2006 1:28:51 PM



CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

Approved / Accepted By City Council
This 3-21-06
**BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS**

**IN THE MATTER OF THE VACATION OF
A PLATTED ALLEY RIGHT-OF-WAY**

**GENERALLY LOCATED
BETWEEN 10TH STREET NORTH - SAINT
FRANCIS AVENUE - 11TH STREET NORTH -
EMPORIA AVENUE**

Case No. VAC2005-00034

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 21st day of March, 2006 comes on for hearing the petition for vacation filed by Via Christi Property Services, Young Women's Christian Association, Castillo Development LLC, Isaac & Megan Boehr, Cook Construction LLC, Lawrence E. Smith, City of Wichita Parks & Recreation Department, and Tai Nguyen praying for the vacation of the following described platted alley right-of-way, to-wit:

The platted 20-foot alley as dedicated on the Burleigh's Addition, abutting Lots 2-50, even, on its west side and abutting Lots 1-49, odd, on its east side, all in the Burleigh's Addition, 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:

②
DDH

06-0297

1. That due and legal notice has been given by publication as required by law, by publication in The Wichita Eagle on September 15, 2005, 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 right-of-way, and the public will suffer no loss or inconvenience thereby.
3. Retain the platted 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 right-of-way described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 21st day of March 2006 ordered that the above-described platted 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.

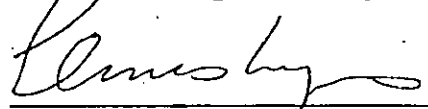
ATTEST:



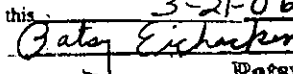

Karen Sublett, City Clerk

Approved as to Form:


Gary Rebenstorf, Director of Law


Carlos Mayans, Mayor



State of Kansas
Sedgwick County
City of Wichita
I, **Patsy Eichacker** Deputy City Clerk of the City
of Wichita, Kansas, hereby certify that the document to which
this is affixed is a true and correct copy of the original on file in
the office of the City Clerk.
Given under my hand and seal of the City of Wichita, Kansas
this 3-21-06
 Deputy City Clerk
Patsy Eichacker

STAFF REPORT

CASE NUMBER: VAC2005-00034 Request to vacate a platted alley right-of-way (ROW)

APPLICANTS/OWNERS: Affordable Housing YWCA Isaal Boehr Lawrence Smith
Cook Construction LLC Via Christi Tai Nguyen
Castillo Development LLC City of Wichita Parks & Recreation Dept.

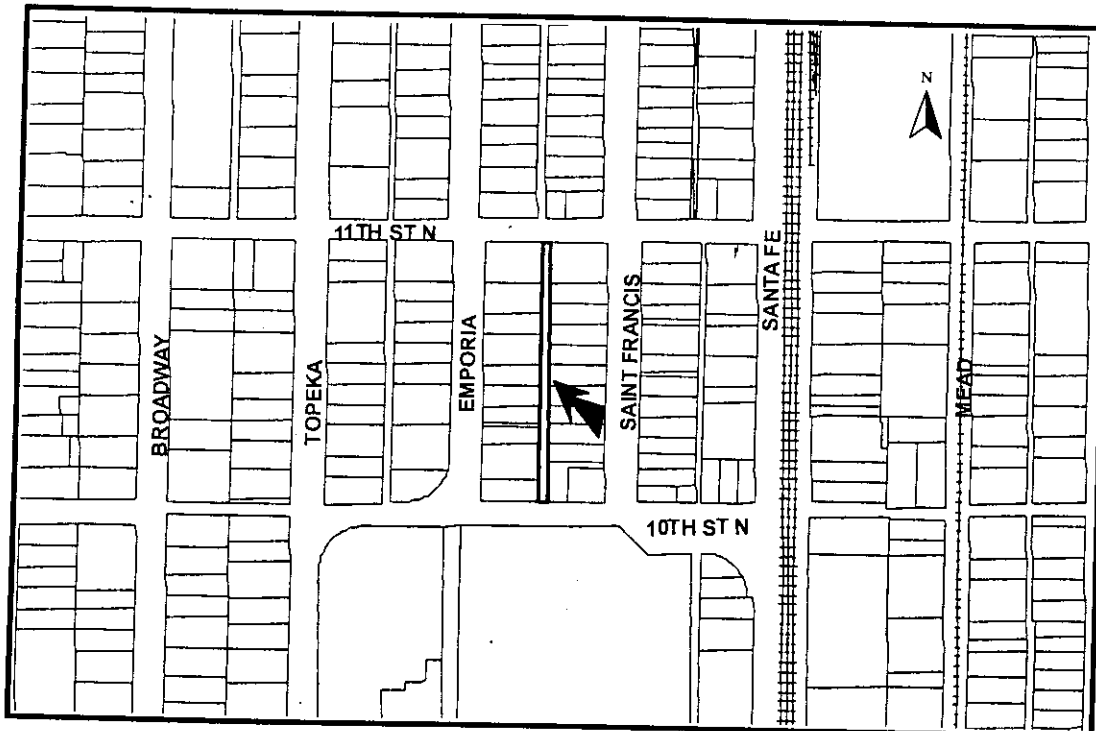
LEGAL DESCRIPTION: The platted 20-foot alley as dedicated on the Burleigh's Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located between 10th Street North – Saint Francis Avenue – 11th Street North – Emporia Avenue
(Council District VI)

REASON FOR REQUEST: The alley is in minimal repair, gets minimal use and attracts undesirable elements

CURRENT ZONING: The alley is public ROW. Properties east and west of the site are zoned "TF-3" Duplex Residential and "B" Multi-family Residential. Emporia Park is located along a portion of the west side of the alley. The alley intersects 10th & 11th Streets North on its south and north sides.

VICINITY MAP:



The applicants are requesting consideration to vacate the 20-foot wide (x) approximately 620-foot long north-south platted alley, as previously described. Development abutting the alley included Emporia Park, a Ronald McDonald house, a YWCA office, single-family residences, apartments, dental offices, parking lots and a vacant lot. The applicants' proposal will allow them, the abutting property owners, the opportunity to better maintain the reverted alley/site. All the abutting property owners have signed the petition and application to vacate. There is a sewer line and manholes in the length of the alley. Comments from franchised utilities have not been received and are needed to determine if they have utilities in the easement. The Burleigh's Addition was recorded with the Register of Deeds February 3, 1886.

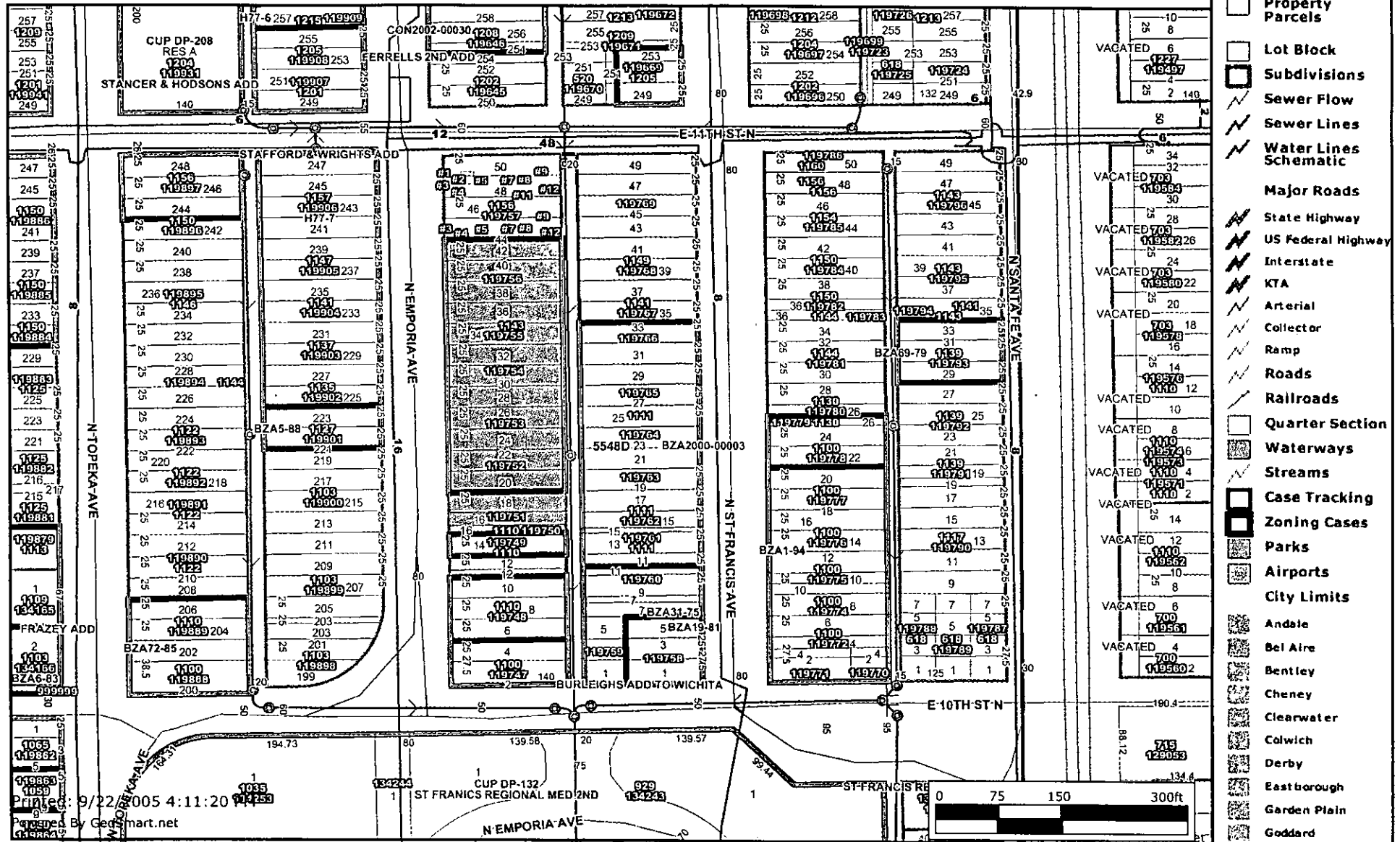
Therefore, the vacation of the portion of the platted alley ROW, described in the petition should be approved with conditions;

- (1) Vacate that portion of the alley as described.
- (2) Retain the alley as a utility easement. If needed Water and Sewer may request that they be allowed to scope the sewer line, prior to the case proceeding to WCC for final action. If the line needs to be replaced or repaired Water and Sewer want to be able to perform any required maintenance prior to any improvements being made over the alley where the sewer line is located.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant and at the applicants' expense. If utilities are moved the alley shall be retained as an easement until all utilities have been relocated and easements have been provided. All public utility easements must be recorded with this Vacation Order
- (4) All improvements shall be according to City Standards, including private drive entrances onto public ROW or if closing the alley provide a guarantee for the closing of the alley return onto 11th & 10th Streets North and the continuation of the curbing.
- (5) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.



water & sewer

vac05-34



Every reasonable effort has been made to assure the accuracy of the maps and associated data provided herein. This information is provided with the understanding that the data are susceptible to a degree of error, and conclusions drawn from such information are the responsibility of the reader. The City of Wichita makes no warranty, representation or guaranty as to the content, accuracy, timeliness or completeness of any of the data provided herein. Some data provided here and used for the preparation of these maps has been obtained from public records not created or maintained by the City of Wichita. The City of Wichita shall assume no liability for any decisions made or actions taken or not taken by the reader in reliance upon any information or data furnished hereunder. The user should consult with the appropriate departmental staff member, e.g. Planning, Parks & Recreation, etc. to confirm the accuracy of information appearing in the visual presentations accessible through these web pages.

