

VACATION HEARING

RECOMMENDATION FROM MAPC TO BOARD OF CITY COMMISSIONERS

V-1281 VACATION OF SANTA FE STREET RIGHT OF WAY GENERALLY LOCATED IN AN AREA NORTH OF 33RD STREET AND EAST OF ST. FRANCIS AVENUE.

NOTE: The City Clerk will certify as to proper publication of notice of hearing and filing of written protest.

A petition for the above identified vacation request has been filed in the office of the City Clerk. The Planning Commission recommends that the Board of City Commissioners find that no private rights will be injured or endangered and the public will suffer no loss or inconvenience by granting by order the vacation request subject to:

- A. Proper publication of notice of public hearing.
- B. The absence of proper written protest filed with the City Clerk.
- C. All proceedings being without cost to the City, County, or any utility company.
- D. Any relocation or reconstruction of utilities necessitated by this vacation shall be at the sole expense of the applicant.
- E. The vacation order shall not vacate the south 10 feet of the application area in order to keep 40 feet of half street right-of-way for 33rd Street North.
- F. The vacation order shall retain the vacated street right-of-way as an underground utility easement.

Gardner moved, Peters seconded and it carried unanimously. Goebel and Chisholm were absent. (10/18/84)

ACTION: Close the public hearing, approve the vacation request, authorize the Mayor to sign the vacation order and instruct the City Clerk to file a certified copy of the order with the Sedgwick County Register of Deeds.

VACATION CASE DATA

Legal Description: Thirty feet of Santa Fe Avenue adjacent to and to the East of odd Lots 27 through 37, inclusive, Block 16, North Wichita Addition. Also beginning at a point 30 feet North and 35 feet West of the intersection of the center lines of Santa Fe Avenue and 33rd Street; thence Northerly, parallel with the center line of Santa Fe Avenue, a distance of 120 feet; thence Easterly, parallel with the center line of 33rd Street, a distance of 70 feet; thence Southerly, parallel with the center line of Santa Fe Avenue, a distance of 120 feet; thence Westerly, parallel with the center line of 33rd Street, to the point of beginning, except the south 10 feet thereof. (MAPC No. V-1281)

Applicant: Atchison, Topeka and Santa Fe Railway Co.
900 Jackson Street, Topeka, Kansas 66628

Protestors: None before the Subdivision Committee or MAPC.

Comments: This vacation case is associated with the recently approved plat of Bridgeport Industrial Park I Addition.

BEFORE THE BOARD OF CITY COMMISSIONERS
OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

MICROFILMED
OF RECORD

IN THE MATTER OF THE VACATION OF)
SANTA FE STREET RIGHT OF WAY)
(MAPC NO. V-1281))
)
GENERALLY LOCATED IN AN AREA NORTH)
OF 33RD STREET AND EAST OF ST. FRANCIS)
AVENUE)
)
MORE FULLY DESCRIBED BELOW)

Approved by Board of Commissioners
this NOV 27 1984
STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AT
8:00 AM
DEC 13 1984
NO. 7 24252
BETTE F. McCART
REGISTER OF DEEDS
Sat Kettlers Deputy

VACATION ORDER

NOW on this 27th day of November, 1984, comes on for hearing the petition for vacation filed by Atchison, Topeka, Santa Fe Railway Company, praying for the vacation of the following described street right-of-way, to-wit:

Thirty feet of Santa Fe Avenue adjacent to and to the East of odd Lots 27 through 37, inclusive, Block 16, North Wichita Addition. Also beginning at a point 30 feet North and 35 feet West of the intersection of the center lines of Santa Fe Avenue and 33rd Street; thence Northerly, parallel with the center line of Santa Fe Avenue, a distance of 120 feet; thence Easterly, parallel with the center line of 33rd Street, a distance of 70 feet; thence Southerly, parallel with the center line of Santa Fe Avenue, a distance of 120 feet; thence Westerly, parallel with the center line of 33rd Street, to the point of beginning, except the south 10 feet thereof. (MAPC No. V-1281)

The City Commission, 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 Daily Record of notice of this vacation proceedings for consecutive weeks on NOV 14 & 21, 1984.
2. No private rights will be injured or endangered by the vacation of the above-described street right-of-way, and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner 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 order shall retain the vacated street right-of-way as an underground utility easement.
6. The vacation of the street right-of-way described herein should be approved.

IT IS, THEREFORE, BY THE BOARD OF CITY COMMISSIONERS, on this 27th day of November, 1984, ordered that the above-described street right-of-way is hereby vacated. IT IS FURTHER ORDERED that the vacated street right-of-way is hereby retained as an underground utility easement. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

ATTEST
Donald C. Gisick
Donald C. Gisick, City Clerk

Robert G. Knights
Robert G. Knights, Mayor

Approved as to Form
John Dekker
John Dekker, Director of Law

City Clerk

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SAN JEFF

PROPERTY

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V-1029 ST

AVE.