

VACATION HEARING

RECOMMENDATION FROM MAPD TO BOARD OF CITY COMMISSIONERS

V-1271 - VACATION OF PLATTED ACCESS CONTROL ON THE EAST SIDE OF BROADWAY
IN AN AREA SOUTH OF 47TH STREET SOUTH.

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

This vacation request was previously reviewed and recommended for approval subject to stated conditions by MAPC on June 28, 1984.

During the 1984 session of the Kansas Legislature, the procedure for handling vacation requests inside cities was amended in that after July 1, 1984, title to property involved in vacation requests inside cities may only be cleared by order of the Board of City Commissioners following the submission of a proper vacation petition, publication of notification, and public hearing before the Board.

A proper petition for the above identified vacation request has been filed in the office of the City Clerk. On the basis of the previous action of MAPC, it is recommended that the Board of Wichita 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 petitioned for subject to:

- A. Proper publication of notice of hearing.
- B. The absence of proper written protest filed with the City Clerk.
- C. Any relocation or reconstruction of utilities necessitated by this vacation shall be at the sole expense of the applicant.
- D. All proceedings shall be without cost to the City, County, or any utility company.
- E. The applicant is advised that approval from K.D.O.T. is required for approval of two access points from this site to Broadway (K-96). This case cannot go to the Board of City Commissioners until a sign-off from K.D.O.T. is obtained. It is the applicant's responsibility to obtain this letter from K.D.O.T.
- F. The vacation ordinance shall contain a clause retaining access control except for two openings.

Bayouth moved, Goebel seconded and it carried unanimously. Banzer was absent. Hansen and Gardner were not yet present. (6-28-84)

ACTION: Close the vacation 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: Platted "access control except for one opening" to Broadway across the west line of Lot 3, Block 1, F.P.S. First Addition, Wichita, Sedgwick County, Kansas; (MAPC No. V-1271);

Applicant: Triple J. Properties, Ltd.
337 North Wichita, Wichita, Kansas 67202

Protestors: None before the Subdivision Committee or MAPC

Comments: The applicant has obtained the required sign-off from K.D.O.T. specified in approval condition "E" above.

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

IN THE MATTER OF THE VACATION OF ACCESS CONTROLS TO
BROADWAY ACROSS THE WEST LINE OF LOT 3, BLK. 1, F.P.S.
FIRST ADDITION (MAPC NO. V-1271)

STATE OF KANSAS } ES
SEDGWICK COUNTY }
FILED FOR RECORD AT
8:00 AM

GENERALLY LOCATED ON THE EAST SIDE OF BROADWAY IN AN
AREA SOUTH OF 47TH STREET SOUTH.

AUG 24 1984

MORE FULLY DESCRIBED BELOW

NO. 7 08335
BETTE F. MCCART
REGISTER OF DEEDS

MICROFILMED
OF RECORD

Lat Kettlers
Deputy

VACATION ORDER

NOW ON THIS 21st day of August, 1984, comes on for hearing the
petition for vacation filed by Triple J. Properties, Ltd., praying
for the vacation of the following described access control, to-wit:

Platted "access control except for one opening" to Broadway across
the west line of Lot 3, Block 1, F.P.S. First Addition, Wichita,
Sedgwick County, Kansas; (MAPC NO. V-1271);

1. 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 re-
quired by law, by publication in the Daily Record of notice of this
vacation proceedings for consecutive weeks on 8/8 + 8/15/84

2. No private rights will be injured or endangered by the vacation
of the above-described access control, 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.

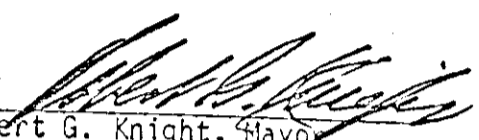
5. That there is hereby retained in accordance with K.S.A. 12-
512(a) "access control except for two openings" to Broadway across the
west line of Lot 3, Block 1, F.P.S. First Addition, Wichita, Sedgwick
County, Kansas.

6. The vacation of the access control described herein should be
approved.

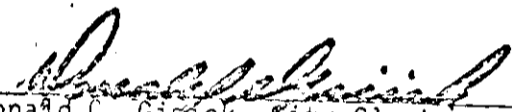
6.00

City Clerk

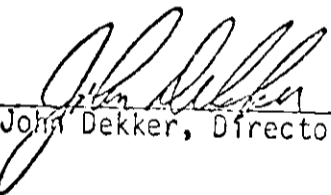
IT IS, THEREFORE, BY THE BOARD OF CITY COMMISSIONERS, on this 21st day of August, 1984, ordered that the above-described access control is hereby vacated. IT IS FURTHER ORDERED that "access control except for two openings" to Broadway across the west line of Lot 3, Block 1, F.P.S. First Addition, Wichita, Sedgwick County, Kansas, is retained in accordance with K.S.A. 12-512 (a). IT IS FURTHER ORDERED that the City Clerk certify a copy of this order to the Register of Deeds of Sedgwick County.


Robert G. Knight, Mayor

ATTEST:

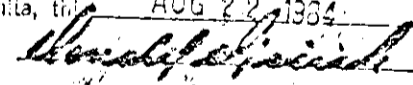

Donald C. Gistick, City Clerk

Approved as to Form:


John Dekker, Director of Law

State of Kansas)
Sedgwick County) ss
City of Wichita)

I, Donald C. Gistick, City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is attached is a true and correct copy of the original on file in my office.

Given under my hand and seal of the City of Wichita, this AUG 22, 1984.
 City Clerk

BROADWAY

K MART
PLAZA
SOUTH

F. P. S. 1

FIRST 2

ADD. 3