

VACATION HEARING

RECOMMENDATION FROM MAPD TO BOARD OF CITY COMMISSIONERS

V-1250 - VACATION OF A PORTION OF ELM STREET LOCATED AT THE NORTHEAST CORNER OF CENTRAL AND OLIVER.

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 approved upon the recommendation of MAPC by ordinance of the Board of Wichita City Commissioners on April 17, 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 is vested in the Board of City Commissioners. Henceforth title to such property 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. Retaining the vacated street right-of-way as a utility easement within the vacation order.
- D. All proceedings shall be without cost to the City, County, or any utility company.

Previous action of MAPC: Bayouth moved, Gardner seconded and it carried unanimously. Goebel and Moore were absent. (4-5-84)

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: That part of Highland Drive (now Elm Street) right-of-way as platted in East Highlands, Sedgwick County, Kansas, more fully described as a 60-foot wide strip, 30 feet each side of the centerline of said street, extending 173 feet northeasterly (along the centerline of said street) from the following described line:

Beginning 30 feet east and 94.7 feet north of the Southwest Corner of Section 13, Township 27 South, Range 1 East of the 6th P.M.; thence southeasterly to a point 90.68 feet east and 35 feet north of said Southwest Corner; (MAPC No. V-1250);

Applicant: Jesse L. Graham, et. al.  
1403 Harding, 67208

Protestors: None before the Subdivision Committee or MAPC.

RECOMMENDATION FROM MAPC TO BOARD OF CITY COMMISSIONERS

V--1250 - VACATION OF A PORTION OF ELM STREET LOCATED AT THE NORTH-EAST CORNER OF CENTRAL AND OLIVER.

The Planning Commission recommends approval subject to the entire right-of-way being retained as a utility easement in the vacation ordinance and subject to all proceedings being at the applicant's expense.

Bayouth moved, Gardner seconded and it carried unanimously. Goebel and Moore were absent. (4-5-84)

**ACTION:** Approve the vacation as recommended by the Planning Commission and place the ordinance on first reading.

VACATION CASE DATA

Legal Description: That part of Highland Drive (now Elm Street) right-of-way as platted in East Highlands, Sedgwick County, Kansas, more fully described as a 60-foot wide strip, 30 feet each side of the centerline of said street, extending 173 feet northeasterly (along the centerline of said street) from the following described line:

Beginning 30 feet east and 94.7 feet north of the Southwest Corner of Section 13, Township 27 South, Range 1 East of the 6th P.M.; thence southeasterly to a point 90.68 feet east and 35 feet north of said Southwest Corner.

Applicant: Jesse L. Graham, et al  
1403 Harding, 67208

IN THE MATTER OF THE VACATION OF  
ELM STREET RIGHT-OF-WAY (MAPC NO. V-1250)

GENERALLY LOCATE EAST OF OLIVER  
AND NORTH OF CENTRAL

MORE FULLY DESCRIBED BELOW

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

AUG 24 1984

NO. 7 08337

BETTE F. McCART  
REGISTER OF DEEDS

MICROFILMED  
OF RECORD

*Bette F. McCart*  
*Register of Deeds*

VACATION ORDER

NOW ON THIS 21st day of August, 1984, comes on for hearing the  
petition for vacation filed by Jesse L. Graham, praying for the vacation  
of the following described street right-of-way, to-wit:

That part of Highland Drive (now Elm Street) right-of-way as  
platted in East Highlands, Sedgwick County, Kansas, more fully  
described as a 60-foot wide strip 30 feet each side of the  
centerline of said street, extending 173 feet northeasterly  
(along the centerline of said street) from the following  
described line: Beginning 30 feet east and 94.7 feet north of  
the Southwest Corner of Section 13, Township 27 South, Range 1  
East of the 6th P.M.; thence southeasterly to a point 90.68  
feet east and 35 feet north of said Southwest Corner; (MAPC  
No. V-1250);

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 street right-of-way, 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 the entire street right-of-way being vacated shall be  
retained as a utility easement in accordance with K.S.A. 12-512 (a).

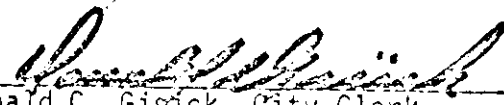
6. The vacation of the street right-of-way described herein should  
be approved.

6.00 *City Clerk*

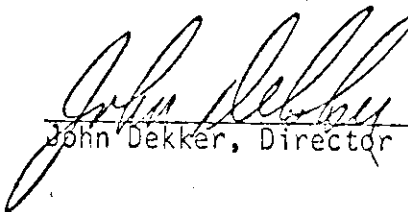
IT IS, THEREFORE, BY THE BOARD OF CITY COMMISSIONERS, on this 21st day of August, 1984, ordered that the above-described street right-of-way is hereby vacated. IT IS FURTHER ORDERED that the entire street right-of-way being vacated shall be retained as a utility easement in accordance with K.S.A. 12-512(a). IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

  
Robert G. Knight, Mayor

ATTEST:

  
Donald C. Gisick, City Clerk

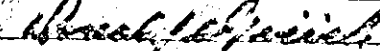
Approved as to Form:

  
John Dekker, Director of Law

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

I, Donald C. Gisick, City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is attested 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

OLIVER

EAST

GLENDALE AVE.

44

RIGHT OF WAY

5

HARDING AVE.

44

6

44

HIGHLA

29

28

26

23

22

23

22

23

22

ST.

ELM

27

DRAINAGE

14

58

BATTIN

25

24

CENTRAL