

City of Wichita
City Commission Meeting
March 4, 1986

Agenda Report # _____

TO: Mayor and City Commissioners

SUBJECT: V-1341 - VACATION OF ALLEY RIGHT-OF-WAY, GENERALLY
LOCATED NORTH OF PAWNEE, IN AN AREA EAST OF MERIDIAN.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve vacation of alley right-of-way.

Background: Builders, Inc., 1530 South Oliver, Suite 270, Wichita, KS 67218, has requested this vacation to eliminate alley right-of-way which is not needed for alley purposes. Builders, Inc. has submitted a \$1,000 cash guarantee to satisfy condition number six listed below, and satisfactory arrangements have been made with the Wichita Housing Authority for fence relocation and use of City-owned land.

Analysis: The Planning Commission recommends the City Commission find: (1) that no private rights will be injured or endangered; and (2) the public will suffer no loss or inconvenience by granting by order the vacation, subject to:

1. Proper publication of notice of public hearing;
2. The absence of proper written protest filed with the City Clerk;
3. All proceedings being without cost to the City, County or any utility company;
4. Any relocation or reconstruction of utilities necessitated by this vacation shall be at the sole expense of the applicant;
5. The Vacation Order shall retain the vacated alley right-of-way as a utility easement;
6. The applicant shall guarantee the closure or reconstruction of the vacated alley return to Haskell; and
7. The applicant shall make satisfactory arrangements with the Wichita Housing Authority for relocation of their fences to the new property line. Also, the applicant shall make proper arrangements with the W.H.A. for maintenance of a portion of the vacated alley right-of-way which will revert to the City.

Legal Considerations: The City Clerk certifies as to proper notification and no filing of written protest.

Recommendations/Action: Close public hearing, approve vacation, authorize the Mayor to sign the Vacation Order and record certified copy of Order, recording costs to be billed to owner.

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

MICROFILMED
OF RECORD

IN THE MATTER OF THE VACATION OF ALLEY
RIGHT-OF-WAY.

) Approved by Board of Commissioners
) this MAR 4 1986

GENERALLY LOCATED NORTH OF PAWNEE, IN AN AREA
EAST OF MERIDIAN. (V-1341)

STATE OF KANSAS }
SEDGWICK COUNTY } SS
FILED FOR RECORD AT
1:00 P.M.

MORE FULLY DESCRIBED BELOW

*Ed Reed
Deputy*

MAR 27 1986

NO. 7 96859
PAT KETTLER
REGISTER OF DEEDS

VACATION ORDER

NOW on this 4th day of March, 1986, comes on for hearing the petition for vacation filed by Builder's, Inc., praying for the vacation of the following described alley right-of-way, to-wit:

The 20-foot wide north/south alley right-of-way platted adjacent to the east line of Lot 8, Block 9, Pawnee Park, an addition to Wichita, Kansas.

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 proceeding for consecutive weeks on FEB 19 & 26, 1986.
2. No private rights will be injured or endangered by the vacation of the above-described alley 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. The vacated alley right-of-way is hereby retained as utility easement.
6. The vacation of the alley right-of-way described herein should be approved.

IT IS, THEREFORE, BY THE BOARD OF CITY COMMISSIONERS, on this 4th day of March, 1986, ordered that the above-described 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

R. C. Brown
R. C. Brown, Mayor

Donald C. Giesick
Donald C. Giesick, City Clerk

Approved as to Form:

John Dekker
John Dekker, Director of Law

City Clerk

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