

VACATION HEARING

RECOMMENDATION FROM MAPC TO BOARD OF CITY COMMISSIONERS

V-1340 - VACATION OF ALLEY RIGHT-OF-WAY GENERALLY LOCATED BETWEEN SOUTHEAST BOULEVARD AND MINNEAPOLIS IN AN AREA SOUTH OF PAWNEE.

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 retain the vacated alley right-of-way as a utility easement. If redevelopment plans do not allow for a utility easement at this location, the applicant shall guarantee the abandonment of the sanitary sewer lateral which is located in the alley as well as making satisfactory arrangements with K.C. & E. and Southwestern Bell Telephone for relocation of equipment from the vacated alley.

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:

All of the 20-foot alley running from Southeast Drive to Minneapolis Avenue between Lot 10 of Fred P. Mosteller Addition and Block 1 of Murphy Addition to the City of Wichita, Sedgwick County, Kansas.

APPLICANT: Rainbo Baking Corporation, c/o Dennis Shay, 200 West Douglas, Suite #800, Wichita, KS 67202

PROTESTORS: None before the Subdivision Committee or Metropolitan Area Planning Commission.

COMMENTS: Regarding Item "E" of the M.A.P.C. conditions, the Vacation Order retains the vacated alley right-of-way as a utility easement.

C/U: 1674/M

1-101  
Pawnee

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Approved by Board of Commissioners  
OCT 29 1985

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

MICROFILMED  
OF RECORD

STATE OF KANSAS } 53  
SEDGWICK COUNTY }  
FILED FOR RECORD AT  
OCT 29 1985

IN THE MATTER OF THE VACATION OF ALLEY  
RIGHT-OF-WAY.  
GENERALLY LOCATED BETWEEN SOUTHEAST BOULEVARD  
AND MINNEAPOLIS IN AN AREA SOUTH OF PAWNEE. (V-1340)  
MORE FULLY DESCRIBED BELOW

NOV 19 1985  
NO. 7 77519  
PAT KETTLER  
REGISTER OF DEEDS

*Ed Record*  
*Deputy*

VACATION ORDER

NOW on this 29th day of October, 1985, comes on for hearing the petition for vacation filed by Rainbo Baking Corporation praying for the vacation of the following-described alley right-of-way, to-wit:

All of the 20-foot alley running from Southeast Drive to Minneapolis Avenue between Lot 10 of Fred P. Mosteller Addition and Block 1 of Murphy Addition to the City of Wichita, Sedgwick County, 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 OCT 16 & 23, 1985.
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 vacation order shall retain the vacated alley right-of-way as a 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 29th day of October, 1985, 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.

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

ATTEST:

*Donald C. Gisick*  
Donald C. Gisick, City Clerk

*Pat Kettler*  
*400 W. Douglas*  
*Wichita, KS 67202*  
*(02)*

Approved as to Form:

*John Dekker*  
John Dekker, Director of Law

*City Clerk*

FRED  
9  
MOSTELLER

MOSTELL  
2nd ADD

RED  
-ARRO  
2ND

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CARSON

10  
ADDITION

1 MURF  
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Vacated

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SCOTT

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R.

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GLEN OAKS

K-15

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