

VACATION HEARING

RECOMMENDATION FROM MAPC TO BOARD OF CITY COMMISSIONERS

V-1336 VACATION OF ALLEY RIGHT-OF-WAY GENERALLY LOCATED IN AN AREA NORTH OF CENTRAL BETWEEN LORRAINE AND CHAUTAUQUA.

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 alley right-of-way as a utility easement.

Bayouth moved, Goebel seconded and it carried unanimously. Chisholm and Moore were absent. Gardner and Hansen not yet present. (7/11/85)

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: The east 125 feet of the east-west alley between Chautauqua and Lorraine as platted in Buck's 2nd Addition, Wichita, Kansas (MAPC NO. V-1336)

Applicant: Roger D. Farrow
c/o Baughman Company, P.A.
330 Laura
Wichita, Kansas 67211

Protestors: None before the Subdivision Committee or MAPC.

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

IN THE MATTER OF THE VACATION OF
ALLEY RIGHT OF WAY

GENERALLY LOCATED IN AN AREA NORTH
OF CENTRAL BETWEEN LORRAINE AND
CHAUTAUQUA

MORE FULLY DESCRIBED BELOW

MICROFILMED
OF RECORD

APPROVED BY Board of Commissioners
AUG 06 1985
this STATE OF KANSAS } SS
SEDGWICK COUNTY }
FILED FOR RECORD AT
8:00 A.M.

AUG 15 1985

NO. 7 61819
PAT KETTLER
REGISTER OF DEEDS

Ed Reas
Deputy

VACATION ORDER

NOW on this 6th day of August, 1985, comes on for hearing the petition for vacation filed by Mr. Roger D. Farrow et.al., praying for the vacation of the following described alley, to-wit:

The east 125 feet of the east-west alley between Chautauqua and Lorraine as platted in Buck's 2nd Addition, Wichita, Kansas (MAPC NO. V-1336)

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 July 30, Aug. 5, 1985.
2. No private rights will be injured or endangered by the vacation of the above-described alley, 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 alley right-of-way as a utility easement.
6. The vacation of the alley described herein should be approved.

IT IS, THEREFORE, BY THE BOARD OF CITY COMMISSIONERS, on this 6th day of August, 1985, ordered that the above-described alley is hereby vacated. IT IS FURTHER ORDERED that the vacated alley right-of-way is hereby retained as a 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.

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

ATTEST:

Donald C. Cisick
Donald C. Cisick, City Clerk

Approved as to Form:

John Dekker
John Dekker, Director of Law

city clerk

