

VACATION HEARING

RECOMMENDATION FROM MAPC TO BOARD OF CITY COMMISSIONERS

V-1328 VACATION OF STREET RIGHT-OF-WAY GENERALLY LOCATED ALONG THE SOUTH SIDE OF 12TH STREET IN AN AREA WEST OF CARLOS.

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.

Bayouth moved, Peters seconded and it carried unanimously. Crockett, Gardner and Wilson were absent. (5/30/85)

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: A portion of 12th Street as taken by City Ordinance being a portion of Lots 1128, 1130 and 1132 on Carlos and the east 1/2 of vacated alley adjoining said lots in Greiffenstein's Twelfth Addition to the City of Wichita, Sedgwick County, Kansas, described as follows: Beginning at the southeast corner of said Lot 1128; thence N 58° 04' 06" W, along the south line of said 12th Street as taken, 164.62 feet to the west line of said Lot 1132; thence north 61° 16' 48" W, along said 12th Street, 9.11 feet to the center of said vacated alley; thence N 00° 06' 54" E, along the center of said vacated alley, 6 feet; thence S 70° 51' 38" E, 69.61 feet; thence S 60° 53' 13" E, 93.77 feet to the east line of said Lot 1130; thence S 00° 00' E, along the east line of said Lots 1130 and 1128 to beginning. (MAPC No. V-1328)

Applicant: Randy Chaney and Joseph Fleming
P. O. Box 3698
Wichita, Kansas 67216

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
STREET RIGHT-OF-WAY

GENERALLY LOCATED ALONG THE SOUTH
SIDE OF 12TH STREET IN AN AREA WEST
OF CARLOS (MAPC NO. V-1328)

MORE FULLY DESCRIBED BELOW

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

JUL 15 1985

NO. 7 56276
PAT KETTLER
REGISTER OF DEEDS

MICROFILMED
OF RECORD

*Ed Resal
Deputy*

VACATION ORDER

NOW on this 25th day of June, 1985, comes on for hearing the petition for vacation filed by Mr. Randy Chaney, praying for the vacation of the following described street right-of-way, to-wit:

A portion of 12th Street as taken by City Ordinance being a portion of Lots 1128, 1130 and 1132 on Carlos and the east 1/2 of vacated alley adjoining said lots in Greiffenstein's Twelfth Addition to the City of Wichita, Sedgwick County, Kansas, described as follows: Beginning at the southeast corner of said Lot 1128; thence N 58° 04' 06" W, along the south line of said 12th Street as taken, 164.62 feet to the west line of said Lot 1132; thence north 61° 16' 48" W, along said 12th Street, 9.11 feet to the center of said vacated alley; thence N 00° 06' 54" E, along the center of said vacated alley, 6 feet; thence S 70° 51' 38" E, 69.61 feet; thence S 60° 53' 13" E, 93.77 feet to the east line of said Lot 1130; thence S 00° 00' E, along the east line of said Lots 1130 and 1128 to beginning. (MAPC No. V-1328)

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 JUNE 17 & 24, 1985.
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 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 of the street right-of-way described herein should be approved.

IT IS, THEREFORE, BY THE BOARD OF CITY COMMISSIONERS, on this 25th day of June, 1985, ordered that the above-described street 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. Gisicky
Donald C. Gisicky, City Clerk

Approved as to Form:
John Dekker
John Dekker, Director of Law

City clerk

5.00



Reference:
Plan of the City of Wichita
St. Barbara
Elevation 130.00' M.S.L. of
122.10 City Datum

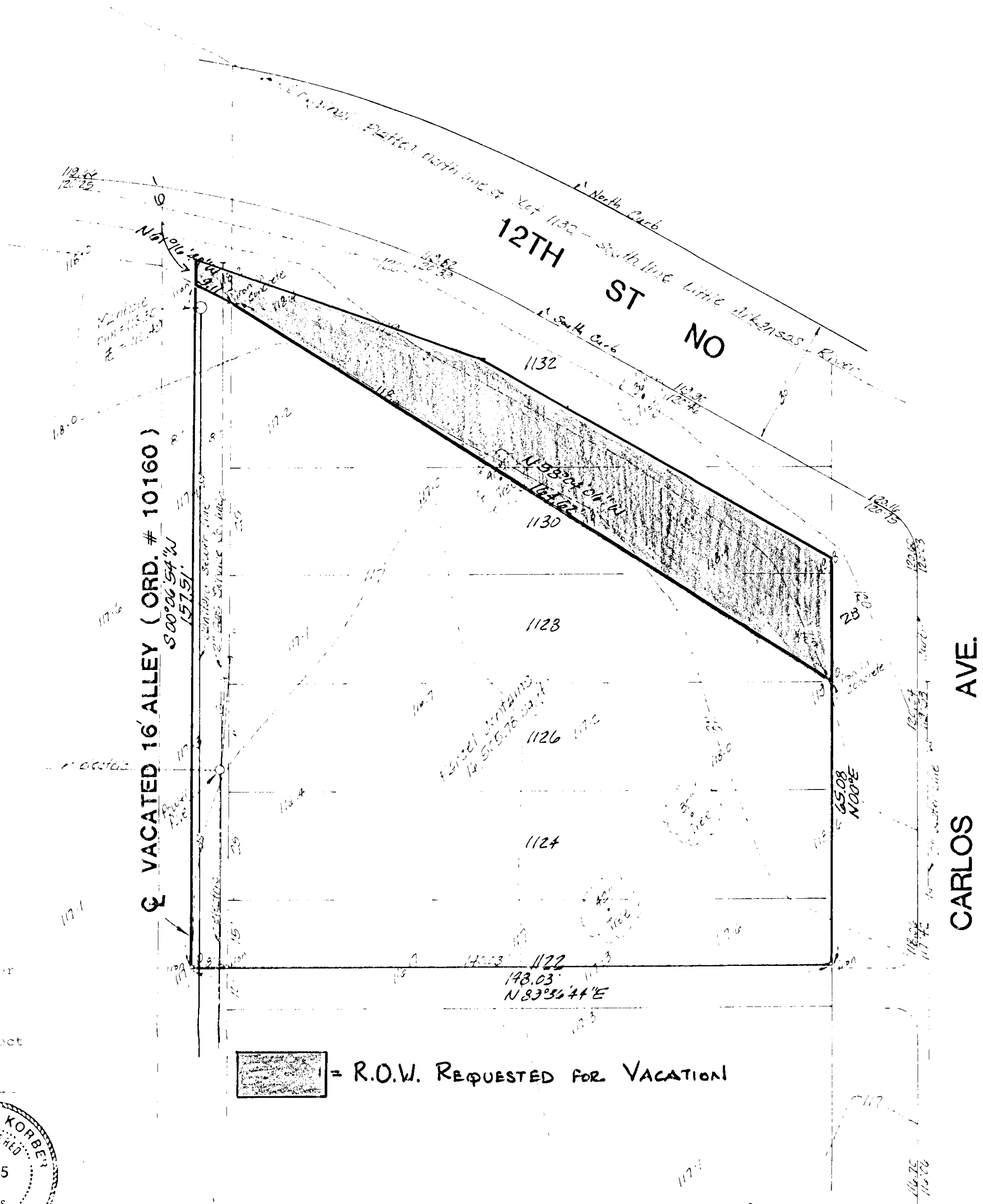
State of Kansas)
County of Sedgwick) SS

April 17, 1985

We, Baughman Company, P.A., Surveyors in
aforesaid county and state do hereby certify that we did on
the 17th day of April, 1985, survey the north 12 feet of Lot
1122, and all of Lots 1124, 1126, 1128, 1130, and 1132 together
with the E.S. of vacated alley adjacent on the west, all in
Greiffensteins Twelfth Addition to the City of Wichita, Sedg-
wick County, Kansas, except that part taken for street right-

The accompanying plat is a true and correct
exhibit of said survey.

William L. Korbey
Surveyor



[Shaded Box] = R.O.W. REQUESTED FOR VACATION