

City of Wichita
City Commission Meeting
October 14, 1986

Agenda Report # _____

TO: Mayor and City Commissioners

SUBJECT: V-1408 - REQUEST TO VACATE STREET RIGHT-OF-WAY FOR
LYDIA AVENUE BETWEEN MERIDIAN AND EDWARDS.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

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

Background: Builder's, Inc., 1530 S. Oliver, Wichita, KS 67218, is requesting this vacation to clear additional area for building construction. A letter of credit in the amount of \$5,900.00 has been submitted as guarantee for the closing of two vacated street returns.

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; and
4. The Vacation Order shall retain sufficient utility easement to cover an existing sanitary sewer lateral which is located in the vacated street right-of-way.
5. The applicant shall guarantee the closure of the vacated street returns. Should the applicant's development plan for this property involve a private driveway at the location of a vacated street return, the applicant is advised that the vacated street return will need to be reconstructed to a private driveway standard. Upon reconstruction to a private driveway, the vacated street approach will be considered closed and the guarantee will be released.

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

Recommendations/Action:

Close public hearing; approve vacation; receive and file the letter of credit; 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

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

GENERALLY LOCATED AT LYDIA AVENUE, BETWEEN
MERIDIAN AND EDWARDS. (V-1408)

MORE FULLY DESCRIBED BELOW

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

NOV 4 1986

NO. 8 43232
PAT KETTLER
REGISTER OF DEEDS

MICROFILMED
OF RECORD

Ed Ressel
Deputy

VACATION ORDER

NOW on this 14th day of October, 1986, comes on for hearing the petition for vacation filed by Builder's, Inc., praying for the vacation of the following described street right-of-way, to-wit:

Lydia Avenue from the west line of Meridian Avenue to the east line of Edwards Avenue as platted in Southwest Industrial Addition to Wichita, Kansas. (V-1408)

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 12 & 19, 1986.

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. The following described portion of the vacated street right-of-way is hereby retained as a utility easement:

Beginning at the northeast corner of Lot 12, Block 2, Southwest Industrial Addition to Wichita, Sedgwick County, Kansas; thence N 80.0' to the southeast corner of Lot 8, Block 1 in said Addition; thence west along the south line of said Block 1, a distance of 408.0'; thence south 20.0'; thence east 398.0'; thence south 60.0' to a point in the north line of said Lot 12, thence east 10.0' to the point of beginning.

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 14th day of October, 1986, 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.

ATTEST:

Donald C. Glick
Donald C. Glick, City Clerk

Tony Casado
Tony Casado, Mayor

Approved as to Form:

John Dekker
John Dekker, Director of Law

city clerk

5.00

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LYDIA

AVE.

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EDWARDS

MERIDIAN

ION