

City of Wichita
City Council Meeting
September 1, 1987

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V-1477 - REQUEST TO VACATE STREET RIGHT-OF-WAY.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

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

MAPC Recommendation: Approve vacation of street right-of-way. (unanimous)

Location: In an area north of Pawnee and east of Grove. (District #3).

Applicant: John G. Wurth, 120 S. Market, Suite 400, Wichita, KS 67202

Site Size: An irregularly-shaped area containing approximately 2,587 square feet.

Current Zoning: "R-6" (General Residence)

Background: When the plat of Chilton's Pawnee and Grove Addition was subdivided in 1975, a petition was approved by the City Commission which provided for the pavement of the cul-de-sac right-of-way that this vacation case requests for vacation. In 1984, the City Commission voted unanimously to abandoned this petition at the request of neighborhood residents to the north of the Chilton's Pawnee and Grove Addition. Those persons voiced opposition to the paving project because they believed that, if the cul-de-sac was constructed, apartment residents would park on the cul-de-sac and thereby congest the street.

After hearing the history associated with the paving petition, the Subdivision Committee voted to recommend approval of the vacation request subject to the applicant granting "complete access control" to Poplar Street from the vacated right-of-way. The full Planning Commission unanimously agreed with this recommendation. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions.

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

Recommendations/Action: Close public hearing; approve vacation; accept access control dedication; authorize the Mayor to sign the Vacation Order; and record certified copy of Order and instrument dedicating access control, recording costs to be billed to:
755-68-360-50000-295-000-000

BEFORE THE CITY COUNCIL OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

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

GENERALLY LOCATED IN AN AREA NORTH OF PAWNEE AND EAST OF GROVE. (V-1477)

MORE FULLY DESCRIBED BELOW

Accepted By City Council This SEP 10 1987 SEDGWICK COUNTY

MICROFILMED OF RECORD FILED FOR RECORD AT 1:00 P M

SEP 10 1987

NO. 9 06358 PAT KETTLER REGISTER OF DEEDS

VACATION ORDER

Ed Rea Deputy

NOW on this 1st day of September, 1987, comes on for hearing the petition for vacation filed by John G. Wurth, praying for the vacation of the following described street right-of-way, to-wit:

The street right-of-way platted for the Poplar Circle cul-de-sac within the plat of Chilton's Pawnee and Grove Addition, Wichita, Kansas. (V-1477)

The City Council, 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 AUGUST 19 & 26, 1987.
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 vacation of the street right-of-way described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 1st day of September, 1987, 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.

Robert C. Knight, Mayor

ATTEST Dale E. Rea, Deputy City Clerk

State of Kansas Sedgwick County as DALE E. REA Deputy City Clerk of the City to certify that this document is a true and correct copy of the original on file and in the possession of the City Clerk. SEP 10 1987

Approved as to Form: Thomas Powell, Interim Director of Law

5.00

PL/7223/5

City Clerk

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ST.	14	1
ADD.		
ADD.		
ADD.		
ADD.		
SPRUCE	8	7

HV	8
7	

STAFFORD		5	6
1	3		
HEINRICH		8	
1		19	
2	3		

POPLAR			
1	3		
2		7	

CHILTON'S			
PAWNEE			
GROVE			
ADD.		1	

1	8
2	
4	5
1	8
3	
4	5

GREEN			
2		12	
8			
7TH.			
		9	

ESTELLE

PAWNEE