

City of Wichita
City Commission Meeting
January 20, 1987

Agenda Report # _____

TO: Mayor and City Commissioners

SUBJECT: V-1433 - REQUEST TO VACATE ALLEY RIGHT-OF-WAY, LOCATED IN AN AREA SOUTH OF 35TH STREET SOUTH AND WEST OF SENECA STREET.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

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

Background: Philip G. Ellsworth, et. al., 3601 S. Seneca, Wichita, KS 67217, are requesting this vacation to provide additional buildable area.

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;
4. Any relocation or reconstruction of utilities necessitated by this vacation shall be at the sole expense of the applicant; and
5. The Vacation Order shall retain the south ten feet of the vacated alley rights-of-way as a utility easement.

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

Recommendations/Action: Close public hearing; approve vacation; 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 ALLEY
RIGHT-OF-WAY

GENERALLY LOCATED SOUTH OF 35TH STREET SOUTH
AND WEST OF SENECA (V-1433)

MORE FULLY DESCRIBED BELOW

) Approved by Board of Commissioners
) this JAN 20 1987

STATE OF KANSAS }
SEDGWICK COUNTY } SS
FILED FOR RECORD AT
Wichita

MICROFILMED
OF RECORD

FEB 12 1987

NO. 8 62887
PAT KETTLER
REGISTER OF DEEDS

VACATION ORDER

Ed Rea
Deputy

NOW on this 20th day of January, 1987, comes on for hearing the petition for vacation filed by Philip G. Ellsworth, praying for the vacation of the following described platted alley right-of-way, to-wit:

The north/south and east/west alley rights-of-way platted adjacent to the west and south lines of Lot 2, Rector's Acres, Sedgwick County, Kansas. (V-1433)

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 JAN 28 14, 1987.
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 south ten (10) feet of the vacated alley right-of-way is hereby retained 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 20th day of January, 1987, 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.

Tony Casado

Tony Casado, Mayor

ATTEST:

Dale E. Rea

Dale Rea, Deputy City Clerk

Approved as to Form:

Thomas Powell

Thomas Powell, Interim Director of Law

city clerk

8

RNELL ST.

12

13

ST.

10

11

ELIZABETH

8 5
SELLING ADD.

1 RICHARDSON-A 9

CALVERT

1 PINKERTON B 9

15 9

16 RECTORS 10

DODGE

4 ADD. 1

1 GOWEN - 7 8

ST. C

19 ADD. 13 12

7 3 ACRES 1

35TH ST. SO. 8 4 2

SENECA ST.