

Planning Agenda Item # _____

City of Wichita
City Council Meeting
July 3, 1990

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1666 - REQUEST TO VACATE AN ALLEY LOCATED
BETWEEN NEW YORK AND PENNSYLVANIA STREETS AND SOUTH OF 1ST
STREET NORTH.
(District #1)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of alley.

MAPC Recommendation: Approve vacation of alley. (unanimous)

Background: A vacation case was filed on this site a number of years ago, but apparently was never completed through the County at that time. This case is now being filed to clear title to the right-of-way. No alley was ever established in this area but sanitary sewer is located here and the area is being retained as an easement. City Engineering has indicated that this alley right-of-way is not needed. 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; authorize the Mayor to sign the Vacation Order; and record certified copy of Order, recording costs to be billed to:

150029-2909

MICROFILMED
OF RECORD

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

IN THE MATTER OF THE VACATION OF)
ALLEY)
)
GENERALLY LOCATED IN AN AREA BETWEEN)
NEW YORK AND PENNSYLVANIA AND SOUTH OF)
1ST STREET NORTH (V-1666).)
)
MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 3rd day of July, 1990, comes on for hearing the petition for vacation filed by Michael Rathbone, et al., praying for the vacation of the following described alley right-of-way, to-wit:

"The four (4) foot alley as platted adjacent to the east line of Lot 9, G.A. Hatfield Subdivision in the City of Wichita, Sedgwick County, Kansas,

and

the west four (4) feet of Lots 18, 19, 20, 21 and 22, Blackwelder's Subdivision of Lot 34, Mathewson's Addition to Wichita, Kansas, as deeded to Sedgwick County for alley purposes and recorded in Deed Record Book 63, Page 320."

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 6/18/90 + 6/25/90.
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. That the area indicated in the above legal description shall be retained for utility easement.

Back City Clerk

Vacation Order
V-1666
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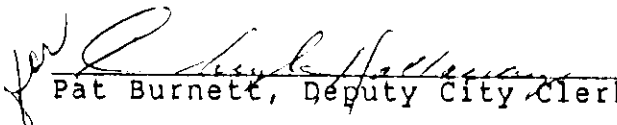
6. The vacation of the alley right-of-way described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 3rd day of July, 1990, 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.



Bob Knight, Mayor

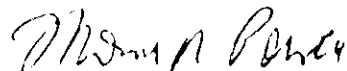
ATTEST:



Pat Burnett, Deputy City Clerk

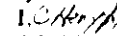


Approved as to Form:

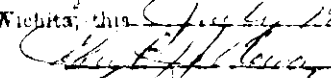


Thomas Powell, Director of Law

State of Kansas)
Sedgwick County) ss
City of Wichita)

I,  Deputy City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is affixed is a true and correct copy of the original on file in my office as the City Clerk.

Given under my hand and seal of the City of

Wichita, this July 19, 1990
 Deputy City Clerk

RECORDED
INDEXED
JUL 24 1990
1990 JUL 24 11 41 AM
1990 JUL 24 11 41 AM

RECORDER
REGISTERED

