

Planning Agenda Item # _____

City of Wichita
City Council Meeting
September 22, 1992

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1762 REQUEST TO VACATE THE USES ASSOCIATED
WITH A PLATTED RESERVE
(District #5)

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of the uses of the Reserve.

MAPC Recommendation: Approve vacation of the uses of the Reserve.
(unanimous)

Background: Originally this Reserve, in the Huntington Place Third Addition, was platted for various open space, recreational, etc. type uses. The Addition's Homeowners Association, however, no longer desires to use this site for such purposes and has disposed of the property with the expectation that it could be combined with an adjoining lot as a conventional building site. Since the plat now specifies that only specific non-residential uses are allowed, the vacation of such specific uses will allow the site to be developed, with the abutting lot, for residential purposes. A covenant was required which assures that this Reserve will be combined and developed as part of the adjoining lot. The Subdivision Committee has indicated their agreement with this vacation. 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 the public hearing and approve the vacation; authorize the Mayor to sign the Vacation Order; record certified copy of the Vacation Order and the restrictive covenant; recording costs to be billed to:

150029-2909

Approved / Accepted By City Council

This SEP 22 1992

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BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSASIN THE MATTER OF THE VACATION OF THE)
USES PLATTED FOR A RESERVE)GENERALLY LOCATED WEST OF MAIZE ROAD AND)
SOUTH OF 13TH STREET NORTH (V-1762))

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 22nd day of September, 1992, comes on for hearing the petition for vacation filed by Gaylon W. Nett for Netco Construction Co. Inc., praying for the vacation of the following described uses of a Reserve, to-wit:

Those uses platted for Reserve B, Block 1, Huntington Place Third Addition, an Addition to Wichita, Sedgwick County, Kansas indicated as including landscaping, recreation, walks, open space, entry, monuments, a gazebo and irrigation.

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:

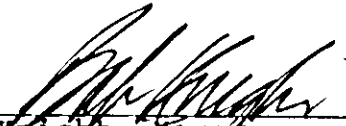
1. That due and legal notice has been given by publication as required by law, by publication in the Daily Reporter of notice of this vacation proceeding for consecutive weeks on 9/4/92 + 9/11/92.
2. No private rights will be injured or endangered by the vacation of the above-described uses of a Reserve, 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 uses of the Reserve described herein should be approved.

Book

City Clerk

Vacation Order
V-1762
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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 22nd day of September, 1992, ordered that the above-described uses of the Reserve 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:



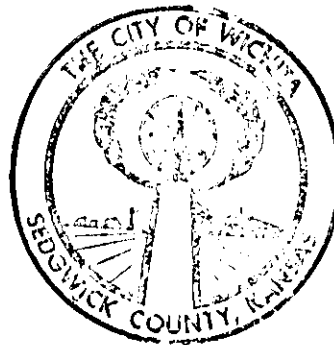
Gary Rebenstorf, Director of Law

STATE OF KANSAS } SS
SEDGWICK COUNTY }
FILED 8-000-11

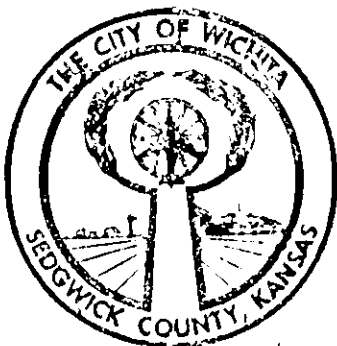
Nov 392 1247282

PAT KETTLER
REGISTER OF DEEDS

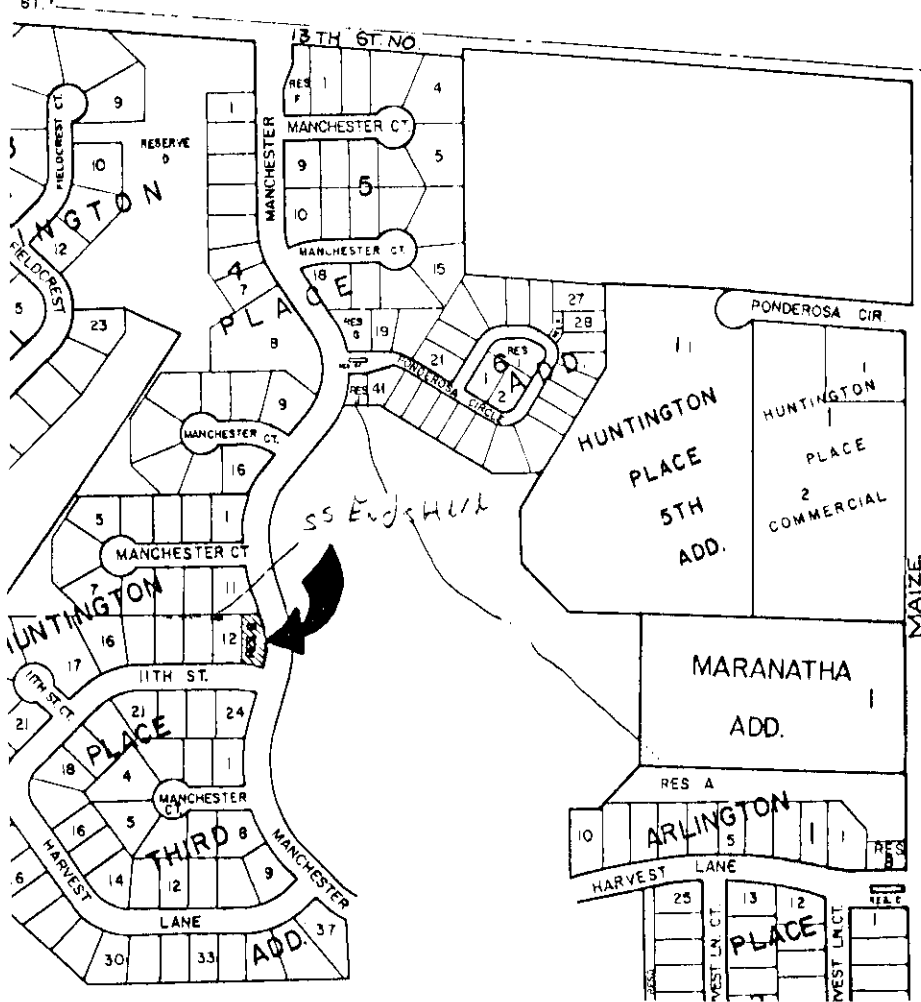
Ed Broad
County



MICROFILMED
OF RECORD



State of Kansas)
Sedgwick County) ss
City of Wichita)
I, Pat Burnett, 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 the office the the City Clerk.
Given under my hand and seal of the City of
Wichita, this SEP 22 1992
 Deputy City Clerk



Application Filed 4/13/92
 S/D Comm. Action APP 4/30/92
 M.A.P.C. Action 5/2/92

W.C.C. Action _____
 Bd. Co. Co. Action _____
 Order to Vacate Recorded _____

September 22, 1992