

Planning Agenda Item # _____

City of Wichita
City Council Meeting
May 19, 1992

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V-1759 - REQUEST TO VACATE STREET RIGHT-OF-WAY FOR HOOVER
NORTH OF 53RD STREET NORTH

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)

Background: As a requirement for a conditional use permit for a proposed sand extraction operation, the applicant is to pursue the vacation of a portion of Hoover Street right-of-way. If not approved, the applicant will be required to submit a revised operations plan based on Hoover's continuing existence at this location. County Engineering indicates no plans presently exist to improve Hoover at this location nor to cross the River to the north. The Subdivision Committee has indicated no objection to the vacation. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions.

Legal Considerations: This request for vacation is located on property outside the City of Wichita, but within three miles thereof. As such, no petition, publication of notification or public hearing is required before the Wichita City Council.

Recommendations/Action: Approve vacation.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
 OF SEDGWICK COUNTY, KANSAS

V-1759

IN THE MATTER OF THE VACATION OF
 HOOVER STREET RIGHT-OF-WAY,

GENERALLY LOCATED EAST OF 53RD STREET
 NORTH AND SOUTH OF THE ARKANSAS RIVER

MAPD CASE NO. V-1759

VACATION ORDER

NOW on this 8th day of July, 1992, at 9:00 o'clock A.M. comes
 on for hearing a petition praying for the vacation of the
 following-described county road, to wit:

[see attached legal description]

WHEREUPON, it is shown that proper notice has been given by
 publication once each week for three consecutive weeks in the
 official county paper, the first such publication having occurred
 on June 16, 1992; and it is further shown that proper proof of such
 publication has been filed herein. The Board finds that such
 notice is in lawful form and that it conforms to K.S.A. 58-2613.

THEREAFTER, the Board, having heard all interested parties and
 being otherwise duly advised in the premises, finds and determines
 that no private rights will be injured or endangered by such
 vacation; that the public will suffer no loss or inconvenience

CDH

County Clerk

thereby; that no written objections hereto have been filed with the Sedgwick County Clerk; and that, in justice to the petitioner, the petition's prayer should be granted.

The Board further finds that on April 23, 1992, the Metropolitan Area Planning Commission recommended that the vacation petition herein be approved; and on May 19, 1992, the Governing Body of the City of Wichita recommended that the said petition be approved.

THEREFORE, IT IS ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS THAT the above-described county road be and the same is hereby vacated; provided, however, that a permanent public utility easement is hereby retained in, over, across and upon the east ten (10) feet of the south 250 feet of the above-described county road.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

Betsy Gwin
BETSY GWIN, Chair

ATTEST:

Don Wright
DON WRIGHT, County Clerk

APPROVED AS TO FORM:

Richard A. Euson
RICHARD A. EUSON
Assistant County Counselor

STATE OF KANSAS
SEDGWICK COUNTY
FILED

JUL 13 1992 1221526

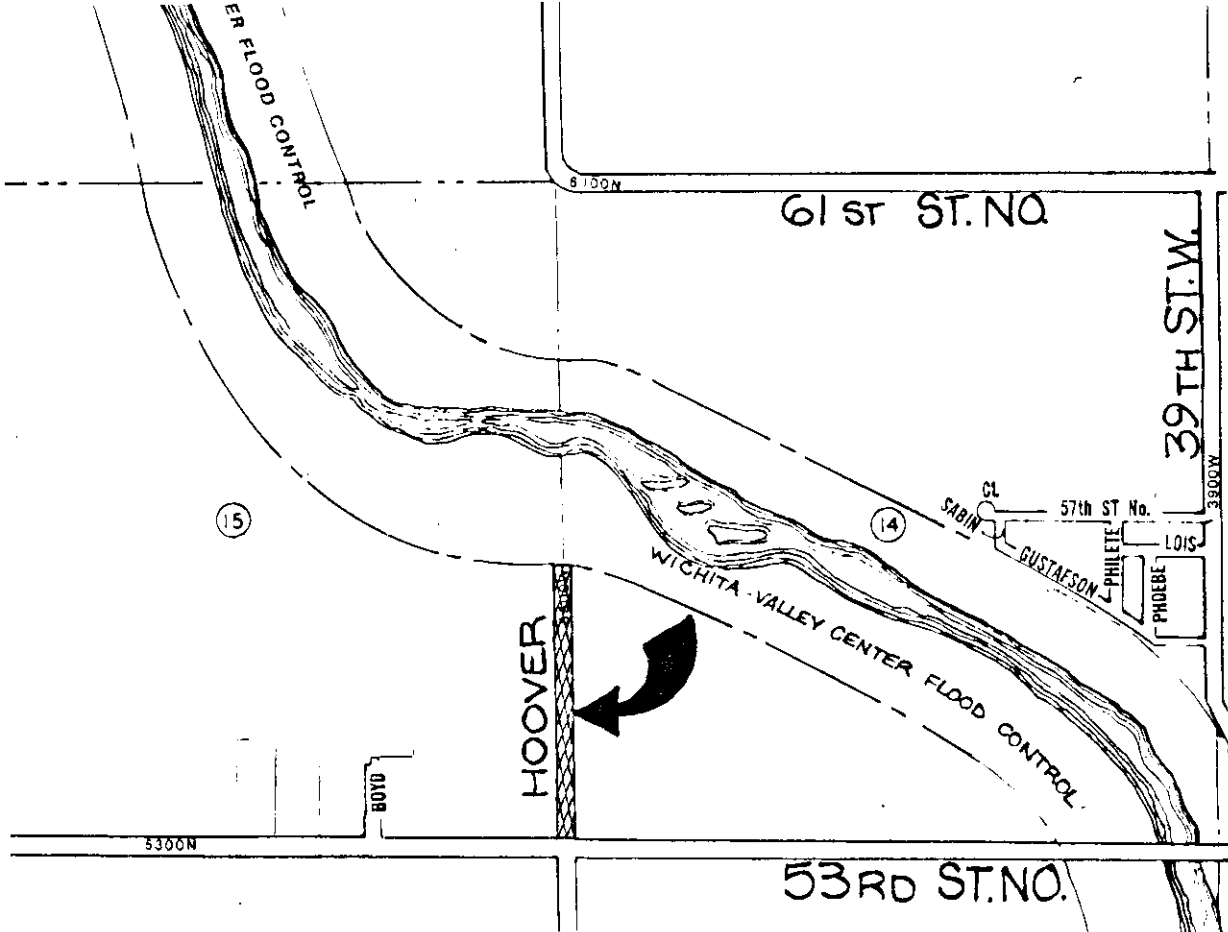
PAT KETTLER
REGISTER OF DEEDS

Ed Reed
Deputy

MAPD CASE NO. V-1759

LEGAL DESCRIPTION

Hoover from the north line of 53rd Street north to the south line of the Big Arkansas River levee, more particularly described as follows: The west 30 feet of the southwest 1/4, Section 14, T26S, R1W of the 6th P.M. and the east 30 feet of the E 1/2, SE 1/4, Section 15, T26S, R1W of the 6th P.M.; except the south 60 feet for road right-of-way and that part taken for the Big Arkansas River levee by Condemnation Case A-33666.



Application Filed 3/27/92
S/D Comm. Action App 4/16/92
M.A.P.C. Action 4/23/92

W.C.C. Action 4/23/92 App
Bd. Co. Co. Action _____

Order to Vacate Recorded _____
Recorded County
July 13, 1992