

Planning Agenda Item # _____

**City of Wichita
City Council Meeting
March 1, 1994**

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1854 REQUEST TO VACATE STREET RIGHT-
OF-WAY FOR 25TH STREET NORTH OR AN AREA EAST OF OLIVER
(District #1)

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: Based upon an approved Community Unit Plan to the north of 25th Street North, the platting of the Pembroke Addition at that location is no longer providing for the continuation of the streets from the south (Glendale, Bleckley, Battin) and no need or dedication for the north half of 25th Street is also proposed by that plat. Consequently, the southern half of 25th Street is no longer needed, except for sections needed as turnarounds for the now dead-end streets. Some additional right-of-way has been dedicated for one of these turnarounds, located near Oliver. The needed improvements are being paid for by the proposed development to the north and not by the effected property owners south of 25th Street. As requested by City Engineering and the utilities, this vacated right-of-way will be retained as a drainage and utility easement. 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: Accept the street dedication; close the public hearing, approve the vacation; authorize the Mayor to sign the Vacation Order and record the certified copy of the Vacation Order and the dedication; recording costs to be billed to:
150029-2909

FILE COPY

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

IN THE MATTER OF THE VACATION OF
STREET RIGHT-OF-WAY FOR 25TH
STREET NORTH

GENERALLY LOCATED EAST OF OLIVER

MORE FULLY DESCRIBED BELOW



Case No. V-1854

STATE OF KANSAS) ss
SEDGWICK COUNTY)
FILED) RECORD AT
Wichita)

APR 13 1994 1374171

PAT KETTLER
REGISTER OF DEEDS

[Handwritten signature]

VACATION ORDER

NOW on this 1st day of March, 1994, comes on for hearing the petition for vacation filed by Gary Wiley, Agent, praying for the vacation of the following described street right-of-way, to-wit:

The 30 feet of half-street right-of-way for 25th Street North lying between the east line of Oliver and a line 26.5 feet east of the west line of Lot 3, Block 1, Prairie Hills Addition, Wichita, Sedgwick County, Kansas;

and

The 30 feet of half-street right-of-way for 25th Street North lying between a line 15 feet east of the west line of Lot 11, Block 2, and a line 15 feet west of the east of Lot 12, Block 2, Prairie Hills Addition, Wichita, Sedgwick County, Kansas;

and

The 30 feet of half-street right-of-way for 25th Street North lying between a line 15 feet east of the west line of Lot 1, Block 8, Prairie Hills Addition, Wichita, Sedgwick County, Kansas, and a line 20 feet west of the east line of Lot 1, Block 4, Prairie Hills 2nd Addition, Wichita, Sedgwick County, Kansas.

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,

*800
City Clerk*

1-101

150029 2902 8-

MICROFILMED
OF RECORD

Vacation Order
V - 1854

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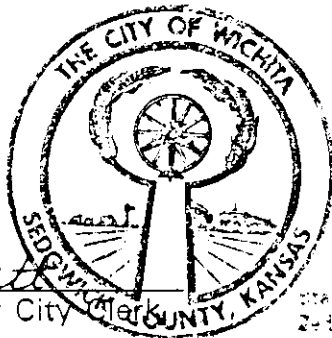
by publication in the Daily Reporter of notice of this vacation proceeding for consecutive weeks on 2-15-94 + 2-22-94.

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.
6. The herein described street right-of-way shall be retained as a public utility and drainage easement.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 1st day of March, 1994, 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.

ATTEST:

Pat Burnett
Pat Burnett, Deputy City Clerk

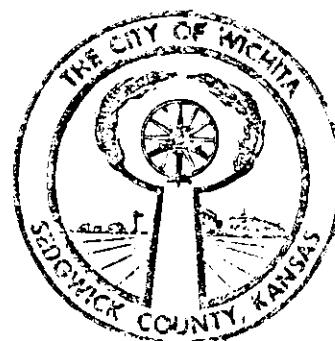


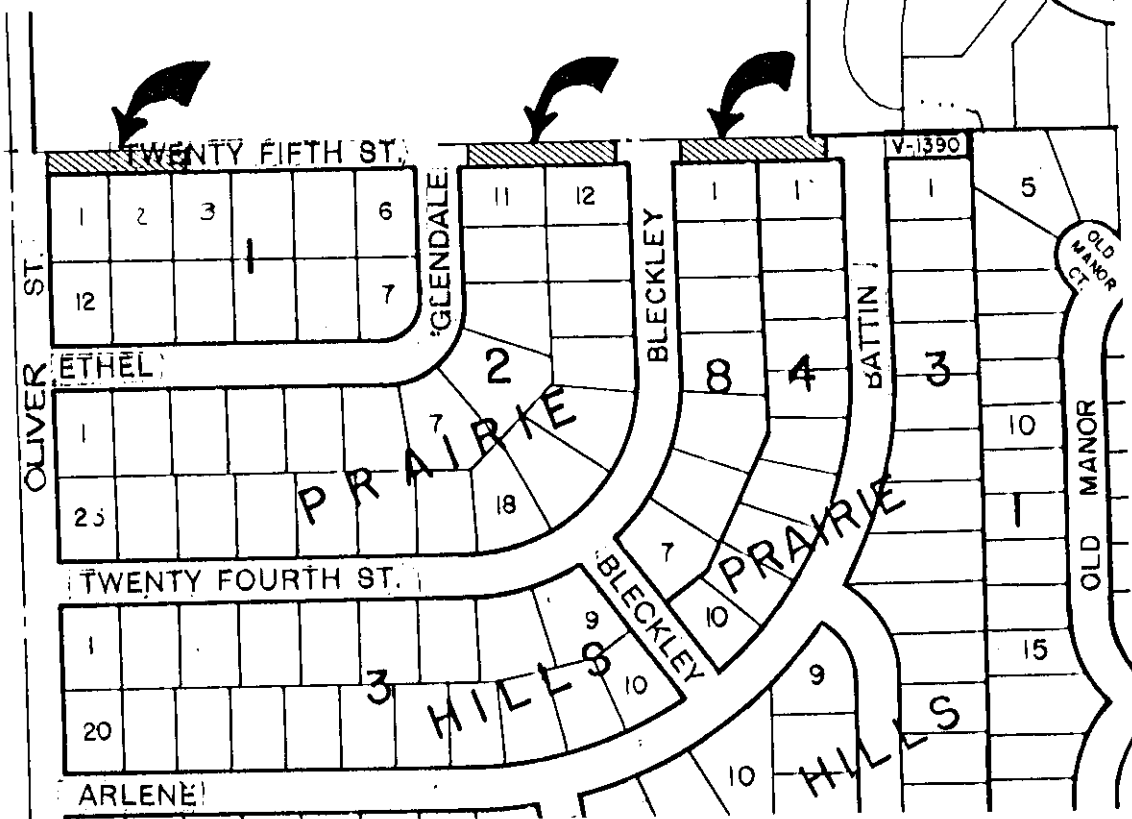
Elma Broadfoot
Elma Broadfoot, Mayor

Approved as to Form:

Gary E. Rebenstorf, Jr.
Gary Rebenstorf, Director of Law

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 be recorded is a true and correct copy of the original on file in the office of the City Clerk.
Given under my hand and seal of the City of Wichita, this MAR 1 1994.
Pat Burnett Deputy City Clerk





Application Filed 12/22/93

S/D Comm. Action 1/20/94

Approved

M.A.P.C. Action > _

1-27-94

W.C.C. Action _____

Bd. Co. Co. Action _____

Order to Vacate Recorded _____