

Planning Agenda Item # _____

City of Wichita
City Council Meeting
March 1, 1994

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1853 REQUEST TO VACATE AN ALLEY
LOCATED SOUTH OF MAPLE AND EAST OF RIDGE
(District #5)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning



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

MAPC Recommendation: Approve vacation of alley right-of-way. (unanimous)

Background: As a condition of a plat being prepared in this area, the applicant was requested to pursue the vacation of this alley. This alley has never been opened as an alley, but does contain utilities. The applicant has obtained support from the abutting property owners to vacate the alley. As requested by City Engineering and the utility representatives, a public utility easement will be retained within the vacated right-of-way. 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, approve the vacation; authorize the Mayor to sign the Vacation Order; and record the certified copy of the Vacation Order; recording costs to be billed to:

150029-2909

150029-2909



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

IN THE MATTER OF THE VACATION OF
ALLEY RIGHT-OF-WAY

GENERALLY LOCATED SOUTH OF MAPLE
AND EAST OF RIDGE

MORE FULLY DESCRIBED BELOW

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Case No. V-1853

STATE OF KANSAS } ss
SEDGWICK COUNTY }
FILED FOR RECORD AT
2:00 P M

Cheryl J. [Signature]

APR 13 1994 1374172

PAT KETTLER
REGISTER OF DEEDS

VACATION ORDER

NOW on this 1st day of March, 1994, comes on for hearing the petition for vacation filed by William R. King, praying for the vacation of the following described alley right-of-way, to-wit:

The 20' wide alley dedication lying between Lots 1, 2, 3, 4, and 9, Block G, Westerlea Village, 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, 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 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 vacation of the alley right-of-way described herein should be approved.
6. The herein described alley right-of-way shall be retained as a public utility easement.

MICROFILMED
OF RECORD

8.00

City Clerk

150029 2909

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Vacation Order
V - 1853

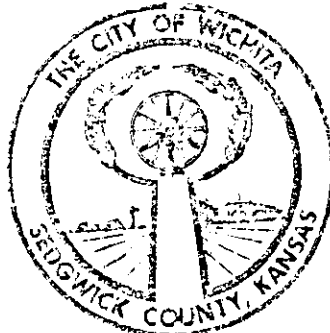
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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 1st day of March, 1994, ordered that the above-described alley right-of-way is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

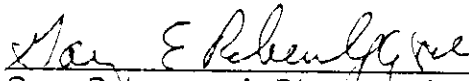

Elma Broadfoot, Mayor

ATTEST:


Pat Burnett, Deputy City Clerk

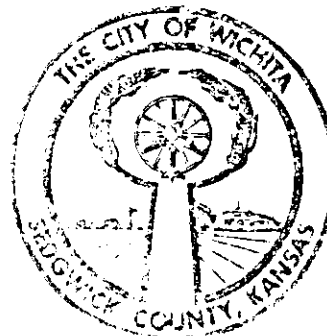


Approved as to Form:


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 which this is affixed 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

 Deputy City Clerk



SCOLLER DR

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Application Filed 12/30/93
S/D Comm. Action 1/20/94

W.C.C. Action 3-1-94 Approved

Bd. Co. Co. Action

M.A.P.C. Action >

Order to Vacate Recorded 000113 1004