

Planning Agenda # _____

**City of Wichita
City Council Meeting
March 29, 1994**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1830 REQUEST TO VACATE ALLEY RIGHT-OF-WAY
LOCATED NORTH OF MCCORMICK AND WEST OF SENECA
(District #6)

INITIATED BY: Metropolitan Area Planning Department *PKroat*

AGENDA ACTION: Planning

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

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

Background: Although an existing structure located on this school district site has been there for many years, it was apparently constructed over alley right-of-way. No indication has been found that the alley was previously vacated and this vacation was submitted in order to clear up any encroachment issues. A sanitary sewer line was apparently rerouted when the structure was built, but no easement is shown for a portion of the sewer line. The applicant has therefore granted an easement to cover the sewer line. Also, since the alley north of the school was not vacated and would be a deadend facility, the School District has also dedicated additional right-of-way to continue the alley eastward out to Martinson. A paving petition and Certificate of Petitions has also been submitted should installation of this alley segment ever be required. City Engineering and the utility representatives of the Subdivision Committee have indicated that the vacation will have no negative impacts. 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/Actions: Accept the dedication and utility easement; Close the public hearing, approve the vacation; authorize the Mayor to sign the Vacation Order; and record the certified copy of the Vacation Order, Dedication, Easement, and Certificate of Petitions; recording costs to be billed to:

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 NORTH OF McCORMICK) Case No. V-1830
AND WEST OF SENECA)
)
)
MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 29th day of March, 1994, comes on for hearing the petition for vacation filed by U.S.D. #259, praying for the vacation of the following described alley right-of-way, to-wit:

That part of the alley as platted in Lawrence's 7th Addition, Wichita, Sedgwick County, Kansas, adjacent to and west of odd numbered lots 1 through 17 on Martinson in said addition, and adjacent to and east of even numbered lots 2 through 18 on Elizabeth in said addition.

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. 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.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 29th 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

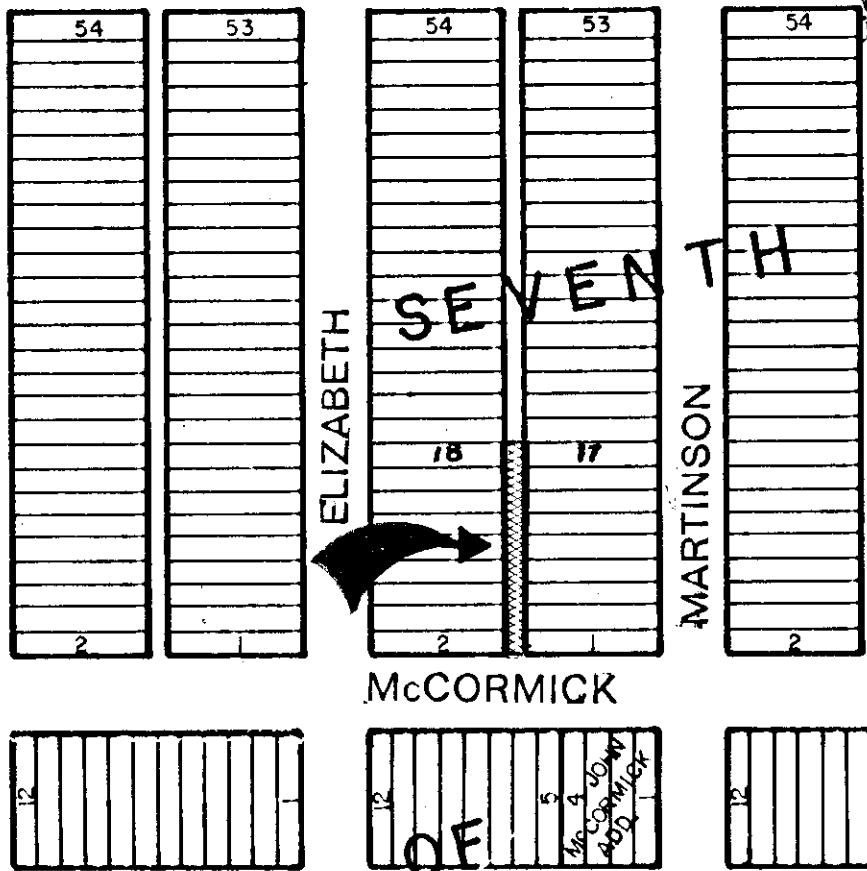
ATTEST:

Pat Burnett, Deputy City Clerk

Approved as to Form:

Gary Rebenstorf, Director of Law

I. Sketch.



II. Application Filed 7/30/93 W.C.C. Action 3-29-94 Approved
S/D Comm. Action 8/19/93 Approved
Bd. Co. Co. Action _____
M.A.P.C. Action 8/26/93 Approved with
Added condition Order to Vacate Recorded _____