

Planning Agenda Item # _____

**City of Wichita
City Council Meeting
September 21, 1993**

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V- 1827; Request to vacate street right-of-way, generally located east of Hillside and north of Central. (District # 7).

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

Staff Recommendation: Approve vacation.

MAPC Recommendation: Approve vacation (unanimous).

Background: This is the vacation of a portion of the Orchard Street right-of-way. Applicant, the Wichita Children's Home, intends to construct a playground area and additional parking facilities. Orchard Street immediately west of the proposed right-of-way vacation area, and east of Holyoke Street, was previously vacated (case number V-217; approved October, 1962) and closed to traffic. Restrictive covenants have been submitted to consolidate the separate lots, and permit them to be considered one tract of undivided land. The right-of-way will be retained in the Vacation Order as utility easement, as public and private utilities are located within the area proposed to be vacated. Staff and MAPC have recommended approval because that portion of Orchard is of little traffic value in light of the previous vacation, utilities within the right-of-way are being protected, and the vacation will not adversely affect the public interest.

This vacation has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

RECOMMENDATIONS/ACTIONS: Close the public hearing; approve the vacation; authorize the Mayor to sign the Vacation Order; and record the certified copy of the Order; receive and file the lett-of-credit; 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)
THAT PORTION OF ORCHARD STREET)
RIGHT-OF-WAY)**

**GENERALLY LOCATED NORTH OF)
CENTRAL AND EAST OF HILLSIDE)**

Case No. V-1827

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 19th day of October, 1993, comes on for hearing the petition for vacation filed by the Wichita Children's Home, et al, praying for the vacation of the following described portion of street right-of-way, to-wit:

That part of Orchard Street as platted in Sunrise Park Addition, Wichita, Sedgwick County, Kansas, adjacent to and south of Lots 2 through 18, adjacent to and north of Lots 37 through 53, and west of the Vassar Street right-of-way.

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 portion of 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. That portion of street right-of-way to be vacated shall be retained as utility easement, for public and private purposes.

6. The vacation of the portion of street right-of-way described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 19th day of October, 1993, ordered that the above-described portion of 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.

Elma Broadfoot, Mayor

ATTEST:

Pat Burnett, Deputy City Clerk

Approved as to Form:

Gary Rebenstorf, Director of Law

