

Planning Agenda # _____

City of Wichita
City Council Meeting
January 10, 1995

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1893 REQUEST TO VACATE AN ALLEY
LOCATED NORTH OF 19TH ST. NORTH AND WEST OF WABASH
(District # 6)

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: The applicant is interested in obtaining title to the alley in order to better use the site for a planned major expansion of an existing business. While title is being vacated the vacation order specifies that a utility easement will be retained for the existing sanitary sewer and other utilities already located in the alley. The alley has never been opened as an alley and the abutting property is all in the applicant's ownership. Both City Engineering and the utility representatives of the Subdivision Committee have indicated that the alley vacation is acceptable, since an easement is being retained. 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: 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

Approved / Accepted by City Council

This JAN 10 1995

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MICROFILMED
OF RECORD

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 18th St.)
North and west of Wabash)
)
)
MORE FULLY DESCRIBED BELOW)

Case No. V-1893

STATE OF KANSAS
SEDGWICK COUNTY }
FILED FOR RECORD AT
1-CC P M

FEB 22 1995
1137615

NO.
PAT KETTLER
REGISTER OF DEEDS



Pat Kettler
Register

VACATION ORDER

NOW on this 10th day of January, 1995, comes on for hearing the petition for vacation filed by Tramco, Inc., praying for the vacation of the following described alley right-of-way, to-wit:

The ailey adjacent to the east line of even lots 12 through 58, Block 2, Marquis Addition to Wichita, Sedgwick County, Kansas and more specifically extending from the north right-of-way line of 18th Street North to the south right-of-way line of 19th Street North.

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 12-28-94 & 1-4-95
2. No private rights will be injured or endangered by the vacation of the above-described ailey 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 vacated alley right-of-way shall be retained as a utility easement.

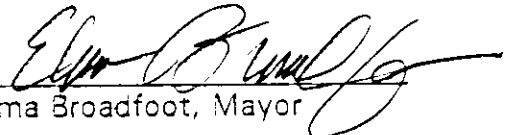
City Clerk

830

Vacation Order
V - 1893

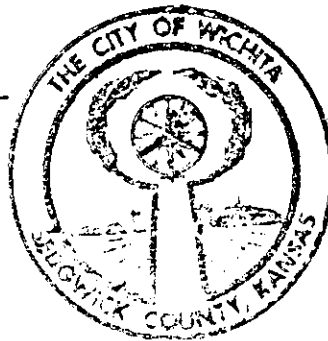
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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 10th day of January, 1995, ordered that the above-described alley right-of-way is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.


Eima Broadfoot, Mayor

ATTEST:


Pat Burnett, Deputy City Clerk

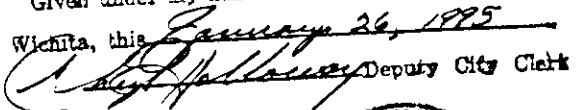


Approved as to Form:


Gary Rebenstorf, Director of Law

state of Kansas)
Sedgwick County) ss
City of Wichita)

I, Cheryl Holloway, Deputy City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is attached 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 January 26, 1995
 Deputy City Clerk



