

**City of Wichita
City Council Meeting
February 4, 1997**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1993 REQUEST TO VACATE A STREET AND ALLEY RIGHT-OF-WAY LOCATED IN AN AREA BETWEEN BROADWAY AND TOPEKA STREETS SOUTH OF 17TH STREET IN WICHITA, KANSAS AND AN ALLEYWAY RUNNING FROM 16TH STREET TO ARNOLD STREET LYING BETWEEN BROADWAY AND TOPEKA STREETS IN WICHITA, KANSAS.
(District #6)

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

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

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

Background: The applicant wishes to vacate a street and alleyway in order to better utilize his adjacent property. The applicant has dedicated access control except for the existing openings along the east side of Broadway between the northline of 16th Street North and the south line of Arnold as requested by the MAPC. The applicant has also dedicated the alley right-of-way and street right-of-way as a utility/fire lane easement. The applicant has complied with all of the conditions set forth by the MAPC. City Engineering has indicated that this vacation along with the dedication of access control and the dedication of the utility/fire lane easement is acceptable. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions. No members of the public addressed the MAPC in opposition to this request.

Legal Considerations: The City Clerk needs to certify as to proper notification and no filing of written protest.

Recommendations/Actions: Close the public hearing, accept dedication of access control and utility easement; approve the vacation; authorize the Mayor to sign the Vacation Order; record the access control and utility dedications; ; and record the certified copy of the Vacation Order; recording costs to be billed to: 150029-2909

MICROFILMED
OF RECORD

Appr. / Accepted By City Council
This FEB 4 1997

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FILM 679 PAGE 0552

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

Copy

IN THE MATTER OF THE VACATION OF)
ARNOLD STREET AND ALLEY RIGHT-OF-WAY)
)
GENERALLY LOCATED BETWEEN)
BROADWAY AND TOPEKA STREETS)
SOUTH OF 17TH STREET IN WICHITA,)
KANSAS, AND AN ALLEYWAY RUNNING)
FROM 16TH STREET TO ARNOLD STREET)
LYING BETWEEN BROADWAY AND)
TOPEKA STREETS IN WICHITA, KANSAS)
MORE FULLY DESCRIBED BELOW)

Case No. V-1993



STATE OF KANSAS)
SEDGWICK COUNTY)
FILED FOR RECORD AT)
10:00 A M

1589616 & 105
LARRY CONSOLVER
REGISTER OF DEEDS

MORE FULLY DESCRIBED BELOW

Diana Markheim
Deputy

VACATION ORDER

NOW on this 4th day of February, 1997, comes on for hearing the petition for vacation filed by Harold D. Copeland, Dennis R. Howe, Cherry D. Howe, Jerry A. King and Linda J. King, praying for the vacation of the following described street and alley right-of-way, to-wit:

Arnold Street from the east line of Lawrence Avenue, now Broadway, to the west line of Topeka Avenue, more fully described as follows:

Beginning at the southwest corner of Lot 12, Ketzler's Addition to Wichita, Kansas; thence East along the south line of Lots 12 and 13 of said Addition to the southeast corner of Lot 13; thence Southwesterly along the west line of the Missouri-Pacific Railroad Right-of-way to the northeast corner of Reserve D, Ford's Addition to the City of Wichita, Sedgwick County, Kansas; thence West along the north line of Reserve D and Lot 35 of said Ford's Addition to the northwest corner of said Lot 35; thence North to the Point of Beginning.

and

The common public alley from the south line of 17th Street, now Arnold Street, to the north line of 16th Street lying between Lawrence Avenue, now Broadway, and Topeka Avenue, more fully described as follows:

Beginning at the northeast corner of Lot 35 on Lawrence Avenue, now Broadway, Ford's Addition to the City of Wichita, Sedgwick County, Kansas; thence East to the northwest corner of Reserve D of said Addition; thence South along the west line of said Reserve D to the west line of the Missouri-Pacific Railroad Right-of-Way; thence Southwesterly along said railroad right-of-way to the north line of 16th Street; thence West along said north of said Addition; thence North to the Point of Beginning.

oo
ck

150029
8007

City Hall - City Clerk

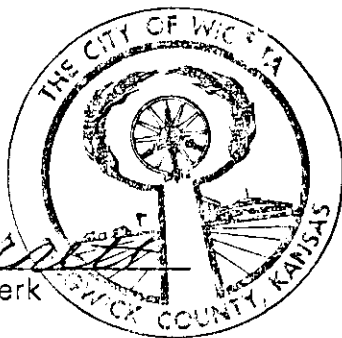
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

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 1/22/97 & 1/29/97
2. No private rights will be injured or endangered by the vacation of the above-described street and alley right-of-way, and the public will suffer no loss or inconvenience thereby.
3. The street and alley right-of-way shall be retained as utility/fire easements.
4. In justice to the petitioner(s), the prayer of the petition ought to be granted.
5. 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.
6. The vacation of the street and alley right-of-way described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 4th day of February, 1997, ordered that the above-described street and 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 Sedgewick County.


ATTEST:


Pat Burnett, City Clerk



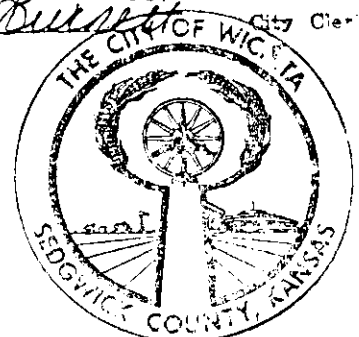

Bob Knight, Mayor

state of Kansas)
(Sedgewick County) ss
City of Wichita)
I, Pat Burnett 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 the the City Clerk.
Given under my hand and seal of the City of

Wichita, this FEB 4 1997
 City Clerk

Approved as to Form:


Gary Rebenstorf, Director of Law



46
17TH

45
6
45
25

TOP
48
ADD

PALMER
ADD.

SEVENTEENTH

24
KETZLERS
ADD

125
1534
6

TEMPORARY
AVE
ADD

AVE.

87
123
56
67
64
6
OF
37
28

BROADWAY

16
33
RES. C
TOPASS

RES. C

RES. C
35
33

RES. C
RES. C
ADD

MO. PAC. R.R.

16TH

RES. A

29

RES. F

S. RES. J

133
3