

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

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1978 REQUEST TO VACATE A STREET DEDICATION AND BUILDING SETBACK LOCATED IN AN AREA WEST OF WEST STREET AND SOUTH OF 31ST STREET SOUTH CIRCLE AND INTERSTATE 235.
(District #4)

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of street dedication and building setback

MAPC Recommendation: Approve vacation of street dedication and building setback. (unanimous)

Background: The applicant wishes to develop this area and is requesting this street right-of-way vacation and associated building setback vacation in order to construct a cul-de-sac. The applicant wishes to save development costs with respect to reducing the length of the street and cul-de-sac while still constructing the cul-de-sac. A separate utility easement has been granted for existing services that are located within the requested vacation area and a new cul-de-sac has been dedicated. City Engineering has indicated that this vacation along with the associated easement and cul-de-sac dedications are acceptable.

No members of the public addressed MAPC in opposition to this request. 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, accept dedication of utility easement and cul-de-sac right-of-way; approve the vacation; authorize the Mayor to sign the Vacation Order; and record the certified copy of the Vacation Order; and easements 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)
STREET DEDICATION AND BUILDING)
SETBACK)

GENERALLY LOCATED)
WEST OF WEST STREET AND)
SOUTH OF 31ST STREET SOUTH)
CIRCLE AND INTERSTATE 235)

MORE FULLY DESCRIBED BELOW

Case No. V-1978



COPY

STATE OF KANSAS
SEDGWICK COUNTY, KS
FILED FOR RECORD AT

1000A
1589617 105

LARRY CONSOLVER
REGISTER OF DEEDS

Diana Markimer
Deputy

VACATION ORDER

NOW on this 4th day of February, 1997, comes on for hearing the petition for vacation filed by Marvin D. and Sharon L. Knetzer, and Waste Management of Kansas Inc., praying for the vacation of the following described street dedication and building setback, to-wit:

The part of 31st Street South Circle as platted in Metro West Industrial Park, Wichita, Sedgwick County, Kansas and the north 30 feet of the following described tract: A tract in the Northeast Quarter of Section 11, Township 28 south, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas bordered on the North by the north line of the Quarter Section; the Missouri-Pacific Railroad right-of-way on the east; the Protection Drainage Canal on the south; and Interstate Route No. 235 on the west.

And

The 35 foot building setback lying north of and adjacent to 31st Street South Circle as platted in Lot 5, Metro West Industrial Park, Wichita, 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 1/22/97 & 1/29/97.

3:00
ck

City Hall - City Clerk

8:00
150029

COPY

Vacation Order
V - 1978

Page 2 of 2

2. No private rights will be injured or endangered by the vacation of the above-described street dedication and building setback, and the public will suffer no loss or inconvenience thereby.

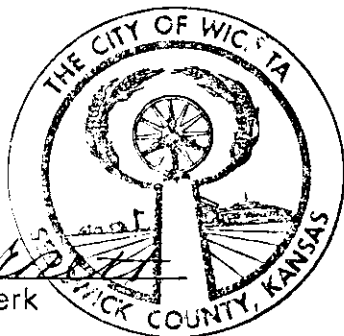
3. In justice to the petitioner(s), the prayer of the petition ought to be granted.

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 street dedication and building setback 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 dedication and building setback 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.

ATTEST:



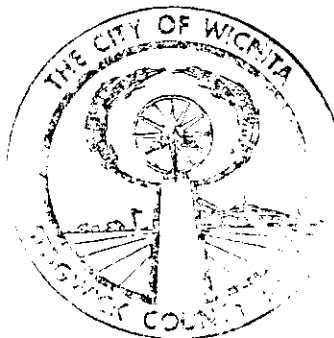
Pat Burnett
Pat Burnett, City Clerk

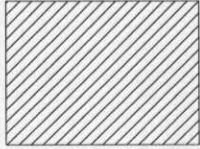
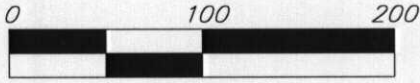
Bob Knight
Bob Knight, Mayor

Approved as to Form:

Gary E Rebenstorf
Gary Rebenstorf, Director of Law

State of Kansas)
Sedgwick County)
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 of the City Clerk.
Given under my hand and seal of the City of Wichita, Mo. FEB 4 1997
Pat Burnett City Clerk

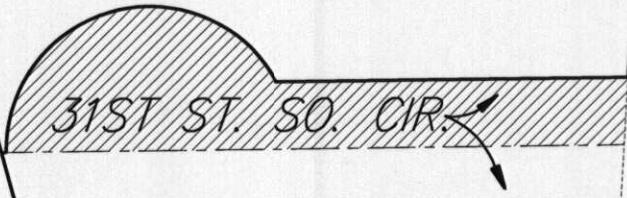




RIGHT-OF-WAY
TO BE VACATED

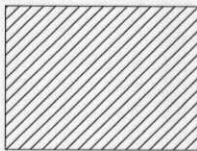
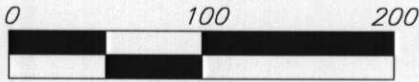
INTERSTATE HIGHWAY 235 (CASE NO. A-76777)

LOT 5
METRO WEST INDUSTRIAL PARK ADD.



MISSOURI PACIFIC RAILROAD

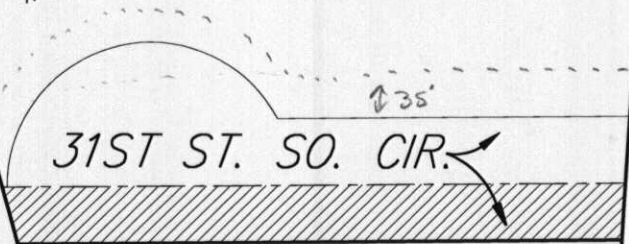
PART OF THE NE1/4,
SEC. 11, T 28-S, R-1-W



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V-1978