

Planning Agenda # _____

**City of Wichita
City Council Meeting
March 3, 1998**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2063 REQUEST TO VACATE STREET RIGHT-OF-WAY LOCATED IN AN AREA WEST OF MERIDIAN SOUTH OF MAY STREET.
(District #4)

INITIATED BY: Metropolitan Area Planning Department *Mon*

AGENDA ACTION: Planning

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

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

Background: The applicant, who owns all of the property adjacent to Orient Boulevard in Blocks 4 and 6 of Southwest Industrial Addition, wishes to vacate the undeveloped street right-of-way for Orient Boulevard between May Street and Sheridan Street. There is also a tract of land labeled as an easement for a railroad spur adjacent to the northwest side of proposed Orient Boulevard, as well as platted railroad spur easements that run north/south through the center of all the blocks in this subdivision. The adjacent former Santa Fe railroad line is an active line currently operated by the Central Kansas Railway Company. In addition, the plat of Southwest Industrial Addition shows rail spur easements coming from the former Santa Fe line and extending south in the middle of all the blocks in the subdivision. The intent was to construct spur lines that could serve each of the lots within the industrial development. The eastern track easement in Blocks 1 and 2 was vacated in 1959. The other spur easements remain in effect.

The applicant proposes to develop the land, including the vacated Orient Boulevard, as a single tract or, if needed, by reconfiguring the lots through a replat. Regardless, the applicant feels no need for this street and that the land involved would be better utilized as part of the developable lot. As shown, the vacation would also result in Custer Street (also an undeveloped street) being a dead-end at Orient Boulevard. The applicant has provided dedication of a cul-de-sac for Custer Avenue.

The Subdivision/Utility Committee recommended the request to vacate Orient Boulevard between May Avenue and Sheridan Avenue be approved subject to the following conditions:

- A. Applicant provide, by separate instrument, dedication of a cul-de-sac at the north end of Custer Avenue meeting the requirements of the Subdivision Regulations.
- B. Retain that portion of Orient Boulevard used as track easement for the rail spur serving Block 4, Southwest Industrial Addition to the City of Wichita, Sedgwick County, Kansas.
- C. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.

The MAPC recommended approval of the Subdivision/Utility Committee recommendation. No members of the public spoke in opposition to this request.

Since the conclusion of the MAPC review, staff has further evaluated this case and determined an affidavit from the applicant assuring there will be no protest of future assessments for the paving of Custer Avenue is needed. That is being provided as well.

Recommendations/Actions:

Close the public hearing, approve the vacation; authorize the Mayor to sign the Vacation Order; accept the dedication of the cul-de-sac for Custer Avenue; record the certified copy of the Vacation Order, the dedication of the cul-de-sac for Custer Avenue, and the affidavit; recording costs to be billed to: 150003-2909

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

RECEIVED

MAY 10 2001

METROPOLITAN PLANNING
ROUTE

Case No. V-2063

IN THE MATTER OF THE VACATION OF)
STREET RIGHT-OF-WAY)
)
GENERALLY LOCATED)
WEST OF MERIDIAN SOUTH OF MAY)
STREET)
)
MORE FULLY DESCRIBED BELOW)

CORRECTED VACATION ORDER

WHEREAS this Vacation Order supercedes the Vacation Order previously recorded (Film 1777, Page 1207), and

NOW on this 3rd day of March, 1998, comes on for hearing the petition for vacation filed by E.B. Investment, LLC, Attn: John Taylor, praying for the vacation of the following described street right-of-way, to-wit:


That portion of Orient Boulevard, lying between the east line of Sheridan and south line of May Avenue, as dedicated by the Southwest Industrial Addition to Wichita, 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:

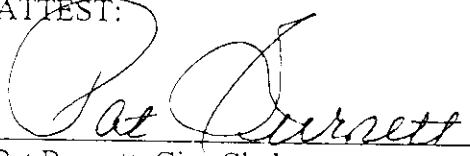
1. That due and legal notice has been given by publication as required by law, by publication in the Daily Reporter of notice of this one time 2-6-98, which was at least 20 days prior to this public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described street 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. The vacation of the street right-of-way described herein should be approved.

6. The portion of Orient Boulevard that would serve as the 50-foot railroad easement between the platted Track Easement north of Orient Boulevard to Block 4, shall be retained as railroad easement.

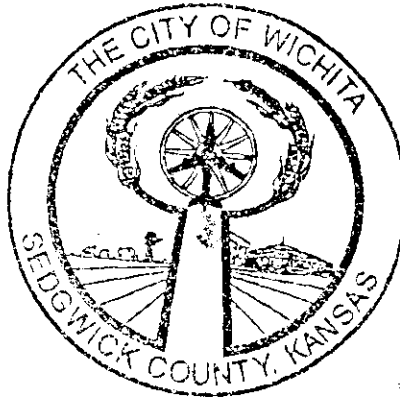
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 3rd day of March, 1998, ordered that the above-described street right-of-way is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.



Bob Knight, Mayor

ATTEST:


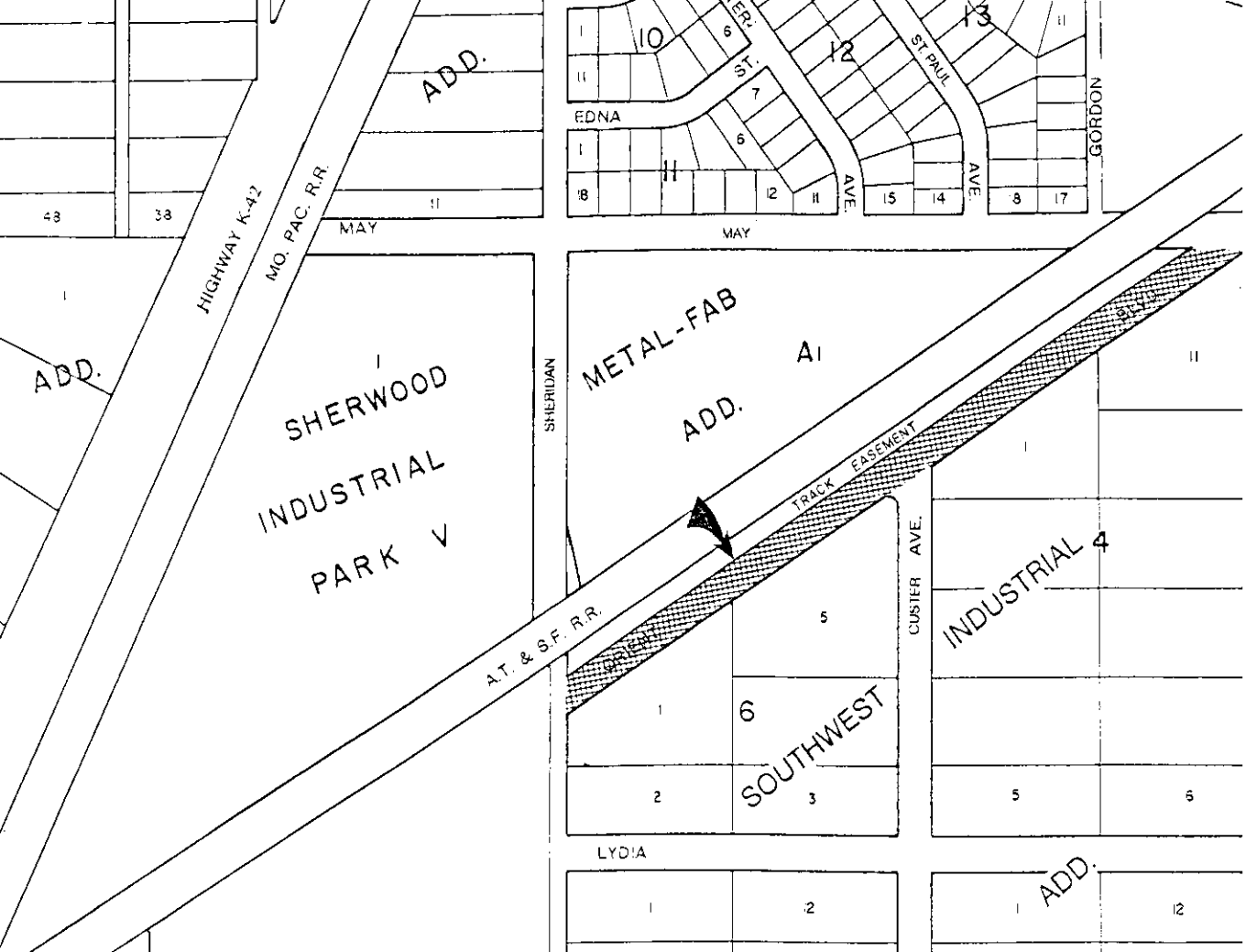
Pat Burnett, City Clerk



Approved as to Form:



Gary Rebenstorf, Director of Law



ADD.

HIGHWAY K-42

MO. PAC. R.R.

SHERWOOD
INDUSTRIAL
PARK V

ADD.

SHERIDAN

METAL-FAB
ADD.

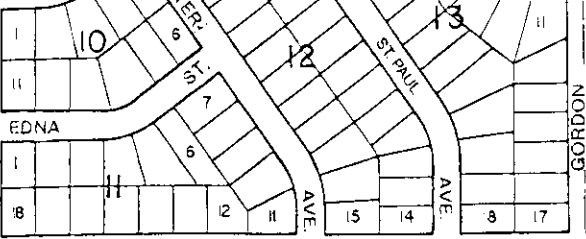
A.T. & S.F. R.R.

TRACK EASEMENT

SOUTHWEST

CUSTER AVE.

INDUSTRIAL 4



EDNA

MAY

GORDON

LYDIA

ADD.