

Planning Agenda # _____

**City of Wichita
City Council Meeting
May 12, 1998**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2075 REQUEST TO VACATE TYLER RIGHT-OF-WAY LOCATED IN AN AREA NORTH OF K-42 AND EAST OF MAIZE.
(District #5)

INITIATED BY: Metropolitan Area Planning Department

MKhatt

AGENDA ACTION: Planning

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

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

Background: The City of Wichita is requesting to vacate Tyler Street right-of-way between 31st St. South and K-42, which has been relocated farther to the west.

City Engineering has indicated that this vacation request is acceptable. The vacation request has been reviewed and approved by the Planning Commission, subject to retaining the eastern 15 feet of the right-of-way as utility easement. 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, approve the vacation; authorize the Mayor to sign the Vacation Order; and record the certified copy of the Vacation Order.

CITY CLERK'S OFFICE
RETURN TO CITY CLERK

Approved / Accepted By City Clerk
1709747 = 22 P
This MAY 12 1998

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STATE OF KANSAS) ss
SEDGWICK COUNTY)

JUL 22 8 05 AM '98

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

SHILLI
REGISTER OF DEEDS

IN THE MATTER OF THE VACATION OF)
TYLER RIGHT-OF-WAY)
)
GENERALLY LOCATED)
NORTH OF K-42 AND EAST OF MAIZE)
)
)
)
MORE FULLY DESCRIBED BELOW)

Case No. V-2075

Deputy



MICROFILMED
OF RECORD

VACATION ORDER

NOW on this 12th day of May, 1998, comes on for hearing the petition for vacation filed by City of Wichita, praying for the vacation of the following described Tyler right-of-way, to-wit:

Beginning at a point on the north right-of-way line of K-42 Highway being 1517.35 feet southwesterly along said north right-of-way from the east line of Section 8, T28S, R1W of the 6th P.M., said point also assigned a stationing of 562 + 60.00; thence northwesterly perpendicular to the north right-of-way line of K-42 Highway bearing N 16°50'30" W a distance of 20 feet to Station 562 + 80.00. The right-of-way of Tyler Road being 110 feet right and left of centerline at Station 562 + 60 and tapering to 90 feet right and left at Station 562 + 80.00; thence bearing N 16°50'30" W with 90 feet right-of-way right and left, a distance of 621.55 feet to the P.C. (Sta. 569 + 01.55) of a curve to the right; thence with 90 feet of right-of-way right and left along said curve to the right having a radius of 2291.83 and through a central angle of 44°45'00" a distance of 1790.00 feet to the P.T. (Sta. 586 + 91.55) of said curve to the point of ending.

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 4-20-98, 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 Tyler 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.

8.00

CITY CLERK

800 / 150003

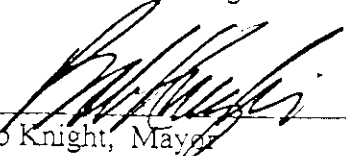
Vacation Order
V - 2075

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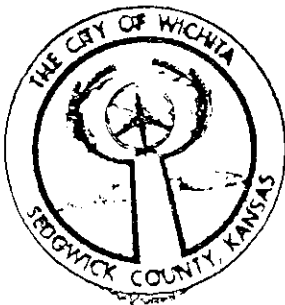
5. The vacation of the Tyler right-of-way described herein should be approved, subject to the following condition:

- A) Any relocation or reconstruction of any utilities made necessary by this vacation shall be the responsibility of the applicant.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 12th day of May, 1998, ordered that the above-described Tyler 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:

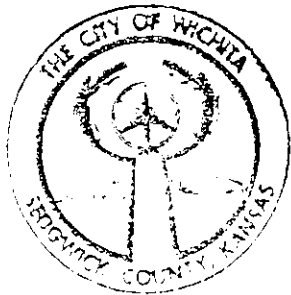


 Pat Burnett, City Clerk

Approved as to Form:



 Gary Reberstorf, Director of Law



State of Kansas)
 Sedgwick 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 orig-
 inal on file in my office.
 Given under my hand and seal of the City of
 Wichita, this MAY 12 1998
Pat Burnett City Clerk

31 ST ST 50



4-41

R.R.

50

TYLER ROAD