

Planning Agenda # _____

City of Wichita
City Council Meeting
December 22, 1998

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2131 REQUEST TO VACATE AN ALLEY LOCATED AT THE SOUTHWEST CORNER OF DOUGLAS AND ST. FRANCIS. (District VI)

INITIATED BY: Metropolitan Area Planning Department *M. Huot*

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of an alley.

MAPC Recommendation: Approve vacation of an alley. (unanimous)

Background: The applicants are requesting the vacation of this alley to allow for the reconstruction of the Eaton Block. Public Works and the Water Department have approved the vacation of this request.

The Subdivision Committee and MAPC approved the vacation of this alley, subject to retaining both alleys as a utility easement. No one spoke in opposition to the request.

Legal Considerations: The City Clerk needs to certify as to proper notification and no filing of written protest. A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Recommendations/Actions: Close the public hearing; and approve the Vacation Order and authorize the Mayor to sign.

ES

Approved / Accepted By City Council
This DEC 22 1998

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OF RECORD

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

GILL HECK
REGISTER OF DEEDS

IN THE MATTER OF THE VACATION OF)
AN ALLEY)
)
GENERALLY LOCATED)
SOUTHWEST CORNER OF DOUGLAS AND)
ST. FRANCIS)
)
MORE FULLY DESCRIBED BELOW)

Case No. V-2131

S. Christian
Deputy



VACATION ORDER

NOW on this 22nd day of December, 1998, comes on for hearing the petition for vacation filed by City of Wichita, Property Management, c/o John Philbrick, praying for the vacation of the following described an alley, to-wit:

The north-south alley adjoining Lots 1, 3, 5, 7, 9 and 11 on Emporia Avenue and Lots 2, 4, 6, 8, 10 and 12 on St. Francis Avenue and the east-west alley adjoining Lots 61, 63, 65, 67, 69, 71 and the east 15 feet of Lot 59 on the south all in N.A. English's Addition.

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 12-2-98, 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 an alley, 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 an alley described herein should be approved, subject to the following condition:

CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

J. J.

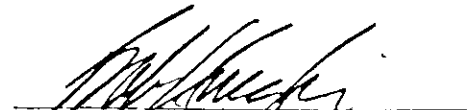
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Vacation Order
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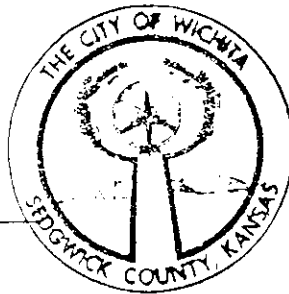
- A) Any relocation or reconstruction of any utilities made necessary by this vacation shall be the responsibility of the applicant.
- B) The vacated alley shall be retained as a utility easement or the applicant shall abandon or relocate the existing utilities in the alley.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 22nd day of December, 1998, ordered that the above-described an alley 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)

Pat Burnett City Clerk of the City of Wichita, Kansas hereby certify that the document to which this attests is a true and correct copy of the original in my office.

Given under my hand and seal of the City of Wichita, this DEC 22 1998
 City Clerk

