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

**IN THE MATTER OF THE VACATION OF )  
ALLEY RIGHT-OF-WAY )**

**GENERALLY LOCATED )  
SOUTH OF MURDOCK AVENUE, BETWEEN )  
MARKET AND MAIN STREETS )**

Case No. VAC2000-00040

**MORE FULLY DESCRIBED BELOW )**

**RECEIVED**

DEC 05 2000

METROPOLITAN PLANNING

ROUTE  \_\_\_\_\_

**VACATION ORDER**

NOW on this 7<sup>th</sup> day of November, 2000, comes on for hearing the petition for vacation filed by Wichita Home Builders Enterprises, Inc., Attention: Wes Galyon, praying for the vacation of the following described alley right-of-way, to-wit:

That part of the alley as dedicated in Munger's Original Town of Wichita, Sedgwick County, Kansas, lying north of the south line of Lot 86 on Court, (now Main Street) as extended east, and lying south of the south right-of-way line of Oak, (now Murdock Avenue).


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 Wichita Eagle on August 29, 2000, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described alley 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 alley right-of-way described herein should be approved, subject to the vacated alley being retained as a utility easement.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 7<sup>th</sup> day of November 2000, ordered that the above-described 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 Sedgwick County.

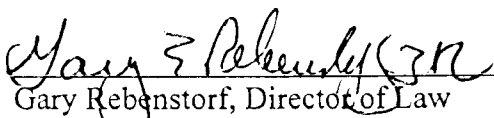
  
\_\_\_\_\_  
Bob Knight, Mayor

ATTEST:

  
\_\_\_\_\_  
Pat Burnett, City Clerk



Approved as to Form:

  
\_\_\_\_\_  
Gary Rebenstorf, Director of Law



STAFF REPORT

CASE NUMBER: VAC2000-00040 Request to vacate alley right-of-way  
OWNER/APPLICANT: Wichita Home Builders Enterprises, Inc., Attn: Wes Galyon  
AGENT: Baughman Company, P.A.

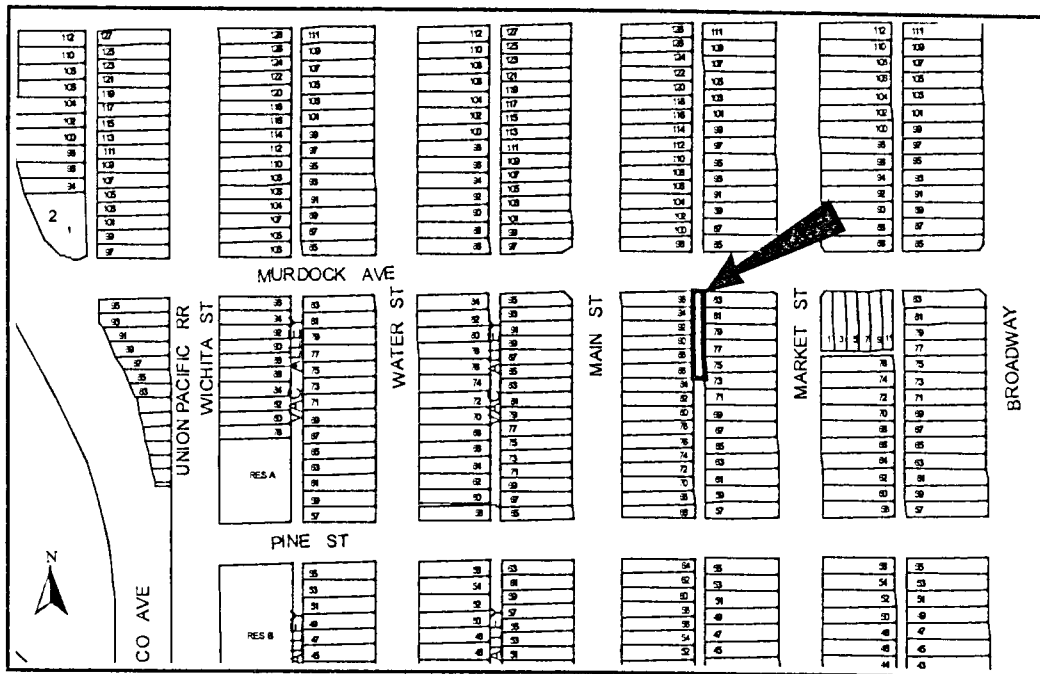
LEGAL DESCRIPTION: That part of the alley as dedicated in Munger's Original Town of Wichita, Sedgwick County, Kansas, lying north of the south line of Lot 86 on Court, (now Main Street) as extended east, and lying south of the south right-of-way line of Oak, (now Murdock Avenue).

LOCATION: South of Murdock Avenue, between Market and Main Streets

REASON FOR REQUEST: Future development of site

CURRENT ZONING: Right-of-way surrounded by "GC" General Commercial

VICINITY MAP:



The applicants are requesting to vacate alley right-of-way for the future development of the lot.

Based upon the information available prior to the public hearing, staff recommends the MAPC make the following findings and recommendation to the City Council:

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
  - 1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time August 29, 2000, which was at least 20 days prior to this public hearing.
  - 2. That no private rights will be injured or endangered by the vacation of the above-described alley 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.
- B. Therefore, the vacation of an alley right-of-way described in the petition should be approved subject to the following conditions:
  - 1. The Applicant shall guarantee the closure of the alley return.
  - 2. The Applicant shall dedicate a public access easement at least 27 feet in width to Market Street prior to this request being scheduled for City Council.
  - 3. The vacated alley shall be retained as a utility easement.

**SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:**

The Subdivision Committee recommends approval, subject to the following conditions:

- 1. The Applicant shall guarantee the closure of the alley return.
- 2. The Applicant shall dedicate a public access easement at least 27 feet in width to Market Street prior to this request being scheduled for City Council.
- 3. The vacated alley shall be retained as a utility easement.