

City of Wichita  
City Council Meeting  
October 7, 2003

Agenda Report No.

**TO:** Mayor and City Council

**SUBJECT:** VAC2003-00041 REQUEST TO VACATE PLATTED ALLEY ROW  
LOCATED NORTHWEST OF THE HILLSIDE AVENUE – PAWNEE  
AVENUE INTERSECTION.  
(District III)

**INITIATED BY:** Metropolitan Area Planning Department *JUS*

**AGENDA:** Planning (Consent)

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**Staff Recommendation:** Approve.

**MAPC Recommendation:** Approve. (unanimous)

**Background:** The applicant is requesting vacation of the platted 20-foot wide alley that abuts the west and north side of Lot 1 and the north side of Lot 2, all in the G.L. Cook Addition. The alley was platted on the G.L. Cook Addition. The G.L. Cook Addition was recorded with the Register of Deeds 03-16-1956.

**Analysis:** The alley is not developed and extends into another platted, undeveloped 20-foot wide alley that intersects Hillside. There is sewer in the alley ROW. There is Weststar equipment in the alley ROW. The applicant has obtained the signatures of all abutting and adjacent property owners, agreeing to vacate the alley. Reversion of the alley to private property will go to the owners of Lots 1 & 2, G.L. Cook Addition; the applicant.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

**Financial Considerations:** None

**Legal Considerations:** A certified copy of the Vacation Order and dedication of 10-foot sidewalk easement by separate instrument will be recorded with the Register of Deeds. Retain the the vacated alley as a utility easement and cross lot access easement.

**Recommendation/Actions:** Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

Approved / Accepted By City Council  
This OCT 07 2003

**RECEIVED**

OCT 17 2003

METROPOLITAN PLANNING  
ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

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

**IN THE MATTER OF THE VACATION OF  
PLATTED ALLEY ROW** )

**GENERALLY LOCATED NORTHWEST OF  
THE HILLSIDE AVENUE - PAWNEE  
AVENUE INTERSECTION** )

Case No. VAC2003-00041

**MORE FULLY DESCRIBED BELOW** )

**VACATION ORDER**

NOW on this 7<sup>th</sup> day of October, 2003, comes on for hearing the petition for vacation filed by Ruby A. Cook and Betty Sanders Merrill, praying for the vacation of the following described platted alley ROW, to-wit:

All of the platted 20-foot wide alley ROW as dedicated on the G.L. Cook Addition, 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 Derby Reporter on August 14, 2003, 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 platted alley ROW, and the public will suffer no loss or inconvenience thereby.

3. Retain the entire vacated platted alley ROW as a utility easement and cross lot access easement.
4. In justice to the petitioner(s), the prayer of the petition ought to be granted.
5. 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.
6. The vacation of the platted alley ROW described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 7<sup>th</sup> day of October 2003, ordered that the above-described alley ROW 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:

Karen Schofield  
Karen Schofield, City Clerk

Carlos Mayans 10/14/03  
Carlos Mayans, Mayor

Approved as to Form:

Gary E. Rebenstorf, Jr.  
Gary Rebenstorf, Director of Law

CHAUTAQUA

TWIN OAKS

EL RANCHO

PAWNEE

HILLSIDE

