

City of Wichita  
City Council Meeting  
September 16, 2003

Agenda Report No.

**TO:** Mayor and City Council

**SUBJECT:** VAC2003-00032 REQUEST TO VACATE PLATTED ALLEY LOCATED  
NORTHEAST OF THE DOUGLAS AVENUE – NEW YORK AVENUE  
INTERSECTION.  
(District I)

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

**AGENDA:** Planning (Consent)

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**Staff Recommendation:** Approve.

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

**Background:** The applicants are requesting vacation of the (east to west) 20-foot wide alley for redevelopment and expansion of Big Dog Motorcycles. The first platting of the site in 1883 was the Mathewson Addition, with the subsequent Tiffany's and McKim's subdivisions reconfiguring the original Mathewson Addition.

**Analysis:** There are three owners abutting the alley, the City of Wichita on the north and TDFW and Nenad & Rose Dakovic on the south, all have signed the petition and application to vacate. Reversion of the alley to private property would have ½ the width of the alley for the entire length going to the north side and ½ the width of the alley for the entire length going to the south side. Big Dog Motorcycles is replatting (SUB2003-60) their whole site from Douglas on the south, to 1<sup>st</sup> Street on the north, to New York on the west and Pennsylvania on the east. The southwestern corner of this block is not owned by Big Dog/ the City, but is under separate ownership; TDFW and Nenad & Rose Dakovic, who have chosen not be part of SUB03-60. Thus the alley cannot be vacated by the replat, but must be a separate vacation, as requested by the 3 owners/applicants abutting it. There utilities, sewer and manholes in the alley. No one has protested the proposed vacation of the alley.

**Financial Considerations:** The applicant shall guarantee the closure of the alley return

**Legal Considerations:** A certified copy of the Vacation Order will be recorded with the Register of Deeds, the alley will be retained as a utility easement.

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

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

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

**GENERALLY LOCATED )  
NORTHEAST OF THE DOUGLAS AVENUE - )  
NEW YORK AVENUE INTERSECTION )**

Case No. VAC2003-00032

**MORE FULLY DESCRIBED BELOW )**

**RECEIVED**  
SEP 22 2003  
METROPOLITAN PLANNING  
ROUTE  \_\_\_\_\_

**VACATION ORDER**

NOW on this 16<sup>th</sup> day of September, 2003, comes on for hearing the petition for vacation filed by Waterview Realty, LLC, c/o Jeremy Smith, TDFW, LLC, c/o Steve Barrett, Nenad & Rose M. Dakovic, City of Wichita, praying for the vacation of the following described platted alley, to-wit:

Vacate all of the 20-foot wide platted alley running east to west, beginning at the east ROW line of New York Avenue and abutting, on its south side, Lots 7, 8, 9, & 10, Tiffany's Subdivision of Lot 29 in Mathewson's Addition and Lots 1 & 2, McKims Subdivision and abutting, on its north side, Lot 6, Tiffany's Subdivision of Lot 29 in Mathewson's Addition, the south 20-feet of the platted alley running south to north and Lot 31, Supplemental Plat of Mathewson'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 Wichita Eagle on January 2, 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, and the public will suffer no loss or inconvenience thereby.
3. Retain the alley as a utility 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

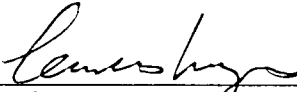
adjoining owner who would be a proper party to the petition.

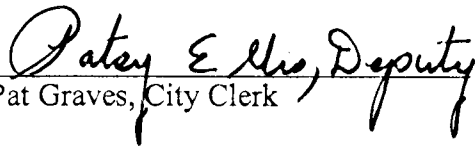
6. The vacation of the platted alley described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 16<sup>th</sup> day of September 2003, ordered that the above-described platted 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.

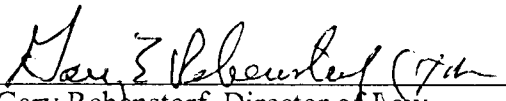


ATTEST:

  
Carlos Mayans, Mayor

*for*   
Pat Graves, City Clerk

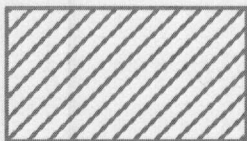
Approved as to Form:

  
Gary Rebenstorf, Director of Law

# EXHIBIT

(ALLEY VACATION)

## VAC03-32



INDICATES AREA OF  
LEGAL DESCRIPTION

