

City of Wichita  
City Council Meeting  
October 7, 2003

Agenda Report No.

**TO:** Mayor and City Council

**SUBJECT:** VAC2003-00024 REQUEST TO VACATE ALLEY LOCATED  
NORTHEAST OF THE 13TH STREET NORTH – MOSLEY AVENUE  
INTERSECTION.  
(District I)

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

**AGENDA:** Planning (Consent)

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**Staff Recommendation:** Approve.

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

**Background:** The applicant is requesting consideration to vacate the entire 16-foot wide, north to south alley that intersects 15<sup>th</sup> Street North and 14<sup>th</sup> Street North and abuts Lots 1-48 Washington Addition. The Washington Avenue Addition was recorded with the Register of Deeds in October 1885.

**Analysis** There is an existing encroachment on the north end of the alley. Proposed expansion of L'Ouverature Elementary will create more encroachments. The applicant owns all abutting properties. The alley is not used for access, it is currently schoolyard. There is sewer and manholes in the length of the alley. There is no water or other utilities in the alley.

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 the original copy of the applicant's agreement to retain the sewer and manholes in the vacated alley as private utilities will be recorded with the Register of Deeds

**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 )  
 A PLATTED ALLEY )  
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 )  
 )  
**GENERALLY LOCATED )  
 NORTHEAST OF THE 13<sup>TH</sup> STREET NORTH - )  
 MOSLEY AVENUE INTERSECTION )  
 )  
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 )  
 )  
 )  
**MORE FULLY DESCRIBED BELOW** )****

**Case No. VAC2003-00024**

**VACATION ORDER**

NOW on this 7<sup>th</sup> day of October, 2003, comes on for hearing the petition for vacation filed by USD #259, c/o Joe Hoover, praying for the vacation of the following described platted alley, to-wit:

The platted north – south alley that abuts Lots 1-48, Washington Avenue 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 May 29, 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. Utilities in the vacated platted alley will be private.
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 7<sup>th</sup> day of October, ordered that the above-described 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:

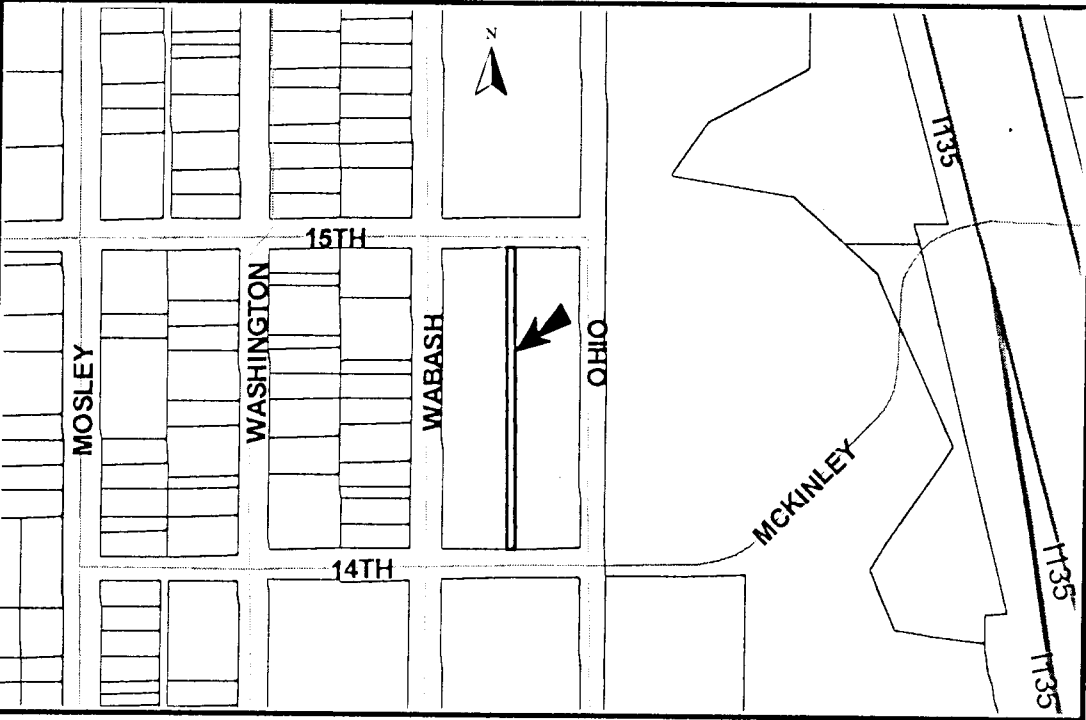


Carlos Mayans 10/14/03  
Carlos Mayans, Mayor

Karen Schofield  
Karen Schofield, City Clerk

Approved as to Form:

Gary E. Rebenstorf 10/7/03  
Gary Rebenstorf, Director of Law



MOSLEY

WASHINGTON

WABASH

OHIO

MCKINLEY

15TH

14TH

1135

1135

1135

