

City of Wichita
City Council Meeting
March 2, 2004

Agenda Report No.

TO: Mayor and City Council

SUBJECT: VAC2003-00022 REQUEST TO VACATE ALLEY LOCATED
SOUTHEAST OF THE MAPLE – WEST STREET INTERSECTION
(District I)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

JLS
3/1/04

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Background: The applicants are requesting vacation of the (east to west) 15-foot wide alley for redevelopment of the site to the south, which was a restaurant. The Quincy Addition was recorded with the Register of Deeds March 5, 1889.

Analysis: There are two owners abutting the alley, Sportcraft on the north and Quick Trip on the south. 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. An alley (north to south) that intersects the subject alley was vacated in January 1962. There is no sewer connection at the point of intersection of what use to be two alleys. There are sewer, manholes and utilities in the alley. The subject alley has been used for access. No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation. No written protests have been filed.

Financial Considerations: Provide guarantee for the closure of the alley

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds, dedicate by separate instruments additional ROW for both Maple and West Streets, access control for both Maple and West Street, utility easement for relocated sewer, retain the alley as a temporary easement until the sewer is relocated and provide petition for abandonment of the existing sewer.

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

RECEIVED

MAR - 9 2004

METROPOLITAN PLANNING
ROUTE _____

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

**IN THE MATTER OF THE VACATION OF
AN ALLEY**)

GENERALLY LOCATED)
SOUTHEAST OF THE MAPLE STREET –)
WEST STREET INTERSECTION)

Case No. VAC2003-00022

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 2nd day of March, comes on for hearing the petition for vacation filed by Sportscraft Incorporated; QuikTrip Corporation, c/o John Dix, praying for the vacation of the following described alley, to-wit:

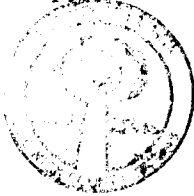
All of the 15-foot wide alley from the east ROW line of West Street to the west ROW line of Illinois Street lying south and adjacent to Lots 1-11, Block 4, Quincy Addition.

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:

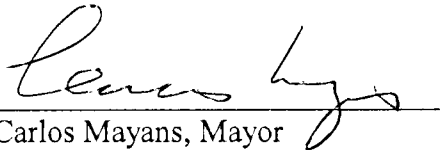
1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle on May 29, 2003, which was at least 20 days prior to the public hearing.

2. No private rights will be injured or endangered by the vacation of the above-described 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. Retain the alley as a temporary easement until the sewer line has been relocated.
6. The vacation of the alley described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 2nd day of March, 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.

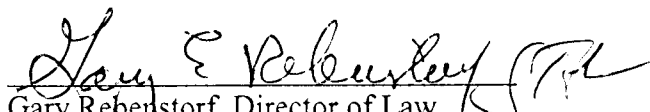


ATTEST:


Carlos Mayans, Mayor


Karen Schofield, City Clerk

Approved as to Form:


Gary Rebenstorf, Director of Law



WEST

MAPLE

ILLINOIS

ILLINOIS

MCCOMMAS

