



Wichita-Sedgwick County Metropolitan Area Planning Department

May 23, 2003

Estate of Vera J. Casado
236 S. Topeka
Wichita, KS 67202

Re: **VAC2003-00005** - Request to vacate an alley generally located between Market – Main- Pine & Murdock Streets.

Dear Sirs:

At the Thursday, April 10, 2003, meeting of the Metropolitan Area Planning Commission the above-referenced vacation request was approved subject to the conditions recommended by the Subdivision Committee and stated in our letter of April 3, 2003. Since you have completed all the approval conditions, this case will be placed on the Consent Agenda for final approval by the Wichita City Council on Tuesday, June 3, 2003 at 9:00 A.M. in the City Council Chamber, First Floor, City Hall, 455 North Main Street, Wichita, Kansas.

The public hearing on planning items is conducted by the MAPC under provisions of State Law. Adopted policy is that the City Council will not take additional testimony on zoning-related applications and other issues for which the MAPC has held a public hearing. However, interested parties may file a written statement before the City Council meeting, stating any objections to the proposed vacation. The Council will determine from such statements whether to return the issue to the MAPC for reconsideration or to reverse their recommendation.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268-4494.

Sincerely,

A handwritten signature in black ink that reads 'Bill'.

Bill Longnecker
Senior Planner

BL:le



Wichita-Sedgwick County Metropolitan Area Planning Department

April 10, 2003

Estate of Vera J. Casado
236 S. Topeka
Wichita, KS 67202

Re: **VAC2003-00005** - Request to vacate an alley generally located between Market - Main - Pine & Murdock Streets.

Dear Sirs:

At the Thursday, April 10, 2003, meeting of the Metropolitan Area Planning Commission the above-referenced vacation request was approved subject to the conditions recommended by the Subdivision Committee and stated in our letter of April 3, 2003. This case will be scheduled for final action by the Wichita City Council at the first appropriate date after all conditions have been met.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268-4494.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bill Longnecker'.

Bill Longnecker
Senior Planner

BL:le



Wichita-Sedgwick County Metropolitan Area Planning Department

April 3, 2003

Estate of Vera J. Casado
236 S. Topeka
Wichita, KS 67202

Re: **VAC2003-00005** - Request to vacate an alley generally located between Market - Main - Pine & Murdock Streets.

Dear Sirs:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission on Thursday, March 27, 2003, the above-captioned vacation request was considered. The action of the Committee was to recommend that this vacation be approved subject to:

- (1) There are private & public utilities in the alley; retain the alley as a 20-foot utility easement.
- (2) If any portion of the alley - easement has a structure encroach into, that portion of the alley - easement encroached on must be vacated.
- (3) If a structure goes over the sewer in the alley - easement, the applicant must abandon the sewer line, at their own expense as approved by the Public Works Engineer.
- (4) Any portion of the alley - easement encroached on will be retained as a temporary easement until utilities are relocated.
- (5) Provide new easements as needed.
- (6) The applicant shall guarantee the closure of the alley return, or modify the alley to driveway standards
- (7) All improvements shall be according to City Standards.
- (8) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.

This matter is set for public hearing by the Metropolitan Area Planning Commission on Thursday, April 10, 2003 at 1:30 p.m. in the Planning Conference Room, Tenth Floor, City Hall, 455 North Main, Wichita, Kansas. If you have any questions, please call at 268-4494.

Sincerely,

Bill Longnecker
Senior Planner



BL:le

cc: Neil Cable, City Engineer, Public Works Department, Mail Stop 1-71
Carla Jones / Paul Gunzelman, Public Works Engineering, Mail Stop 1-71
John W. McKay Jr. (Co-Executor), 236 S. Topeka, Wichita, KS 67202
Wichita Area Builders Association, 730 N. Main, Wichita, KS 67203
Wesley E. Galyon, 730 N. Main, Wichita, KS 67203
Eby Corporation (Martin K. Eby Const), 610 N. Main, Wichita, KS 67203
Sedgwick County, c/o Stephanie Knebel, 535 N. Main, Wichita, KS 67203
Utility Contractors, Inc., 659 N. Market, Wichita, KS 67214
Charles G. Grier, 659 N. Market, Wichita, KS 67214
Orvin O. Kuhlmann trustee, Orvin O. Kuhlmann Revocable Trust, c/o Camelot Realty, 706
N. Main, Wichita, KS 67203

STAFF REPORT

CASE NUMBER: VAC2003-00005 Request to vacate alley right-of-way

AGENT/APPLICANT: Sedgwick County, c/o Stephane Knebel

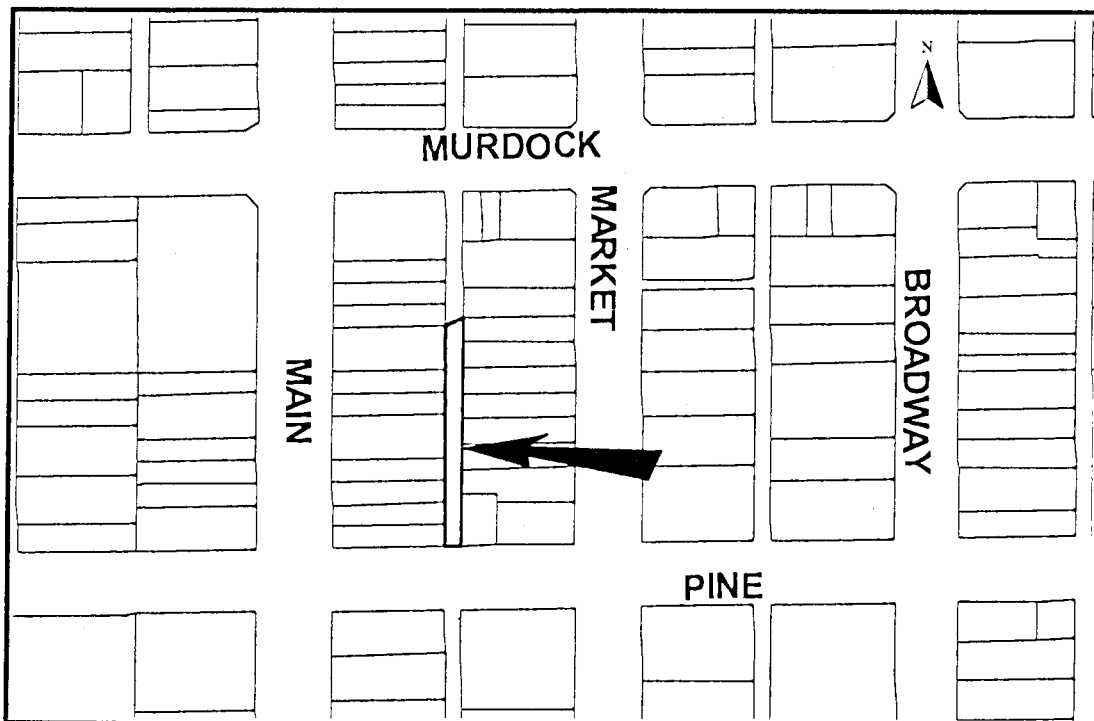
LEGAL DESCRIPTION: That part of the alley as dedicated in Munger's Original Town Addition of Wichita, Sedgwick County, Kansas, that abuts Lots 66 - 84 even and Lots 57 - 75 odd.

LOCATION: Between Market and Main Streets and Pine and Murdock Streets, excluding that portion of the alley that abuts Lots 86 - 96 even and Lots 75 - 83 odd, Munger's Original Town Addition.

REASON FOR REQUEST: Future development of site

CURRENT ZONING: Right-of-way surrounded by "GC" General Commercial on the north, west and & B Multi-family on the east, south-east sides

VICINITY MAP:



The applicants are requesting the vacation of the 20-foot alley as described in the legal description for the future development. The applicant has obtained the signatures of the abutting property owners. The MAPC recommended vacation of northern 1/3 of the alley at their 09-21-2000 meeting: VAC2000-00040. If this request is approved for vacation the entire alley between Pine – Murdock – Main – Market will no longer be public ROW. There are utilities in the alley. Lot 86 was dedicated for access to Main as a condition of VAC2000-00040.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from both private and public utilities and other interest parties, Planning Staff recommends vacation of the alley as described in the legal description, with the following conditions.

- 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 March 20, 2003 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 portion of the alley and the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.
- B. Therefore, the vacation of the portion of the alley described in the petition should be approved subject to the following conditions:
- (1) There are private & public utilities in the alley; retain the alley as a 20-foot utility easement.
 - (2) If any portion of the alley – easement has a structure encroach into, that portion of the alley – easement encroached on must be vacated.
 - (3) If a structure goes over the sewer in the alley – easement, the applicant must abandon the sewer line, at their own expense as approved by the Public Works Engineer.
 - (4) Any portion of the alley – easement encroached on will be retained as a temporary easement until utilities are relocated.
 - (5) Provide new easements as needed.
 - (6) The applicant shall guarantee the closure of the alley return, or modify the alley to driveway standards
 - (7) All improvements shall be according to City Standards.
 - (8) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) There are private & public utilities in the alley; retain the alley as a 20-foot utility easement.
- (2) If any portion of the alley - easement has a structure encroach into, that portion of the alley - easement encroached on must be vacated.
- (3) If a structure goes over the sewer in the alley - easement, the applicant must abandon the sewer line, at their own expense as approved by the Public Works Engineer.
- (4) Any portion of the alley - easement encroached on will be retained as a temporary easement until utilities are relocated.
- (5) Provide new easements as needed.
- (6) The Applicant shall guarantee the closure of the alley return, or modify the alley to driveway standards.
- (7) All improvements shall be according to City Standards.
- (8) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.