

Planning Agenda # \_\_\_\_\_


**City of Wichita  
City Council Meeting  
July 2, 2002**

Agenda Report # \_\_\_\_\_

**TO:** Mayor and City Council

**SUBJECT:** VAC2001-00059 - REQUEST TO VACATE A PORTION OF AN ALLEY, GENERALLY LOCATED SOUTH OF DOUGLAS AVENUE AND WEST OF MARTINSON.  
(District IV)

**INITIATED BY:** Metropolitan Area Planning Department

**AGENDA ACTION:** Planning 

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Staff Recommendation: Approve

MAPC Recommendation: Approve (unanimous)

Background: The applicant, USD 259, is requesting consideration to vacate an alley that was dedicated in 1977 to provide access onto Martinson Avenue. The alley proposed for vacation runs east onto Martinson from an alley that runs north to south. The north to south alley is 75-feet long with two residences abutting it on the east side and the properties abutting it on west being owned by USD 259. The north to south alley intersects, on its north end, with another alley running east (Martinson) to west (Elizabeth), this alley provides access for the 2 abutting eastern residences. The proposed vacated alley is located entirely within USD 259 property. Neither of the alleys (the north to south and the proposed vacated alley) appear to have been used for some time and are not paved. USD 259 is proposing improvements and expansion of Franklin Elementary at this site. The vacation of the alley running west to east will not adversely affect traffic in the area or deny access to any properties. The Fire Department had no objection to the vacation request.

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.

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds and the condition that the north 10-ft of Lot 17, Lawrence's 3<sup>rd</sup> Addition be retained as a utility easement.

Recommendations/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  
AN ALLEY** )

**GENERALLY LOCATED SOUTH  
OF DOUGLAS AVENEUE AND  
WEST OF MARTINSON STREET** )

**MORE FULLY DESCRIBED BELOW** )

Case No. VAC2001-00059

**RECEIVED**

JUL 03 2002

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

**VACATION ORDER**

NOW on this 2nd day of July, 2002, comes on for hearing the petition for vacation filed by United School District 259 of Wichita, praying for the vacation of the following described portion of the alley, to-wit:

Portion of the alley Vacation Description:


The north 20 -feet of Lot 17, Lawrence's 3<sup>rd</sup> Addition, Wichita, Sedgwick County, Kansas, as dedicated by separate instrument, film 229, page 224, recorded February 8, 1977 with the Sedgwick County Register of Deeds.

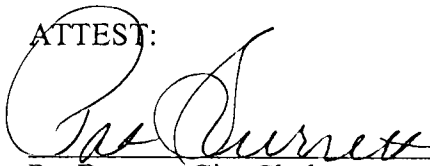
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle on November 29, 2001, 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 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.
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 north 10-feet of Lot 17, Lawrence's 3<sup>rd</sup> Addition as a utility easement.

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


IT IS, THEREFORE, BY THE CITY COUNCIL, on this 2nd day of July 2002, ordered that the above-described portion of the 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.

  
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Bob Knight, Mayor

ATTEST:  
  
\_\_\_\_\_  
Pat Burnett, City Clerk



Approved as to Form:

  
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Gary Rebenstorf, Director of Law

