

Planning Agenda # _____

**City of Wichita
City Council Meeting
September 10, 2002**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: **VAC2002-00012 - REQUEST TO VACATE PLATTED ALLEY
LOCATED NORTHWEST OF THE WASHINGTON AVENUE
SOUTH – HARRY STREET INTERSECTION.**
(District I)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning **ML**

Staff Recommendation: Approve.

MAPC Recommendation: Approve (8-6).

Background: The applicants are requesting the platted 20-foot (x) 155-foot (running west to east) and the 10-foot (x) 155-foot (running north to south) alleys be vacated. The alleys were dedicated, in 1921, on the plat of the Wayside Subdivision. Reversionary rights of the alley will go to the applicants, who own the lots abutting the alley in the Wayside Subdivision. The vacation of the alley would extend the applicants' property lines to include the entire width and length of the two alleys. All abutting property owners have agreed to vacate 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. The majority of the MAPC followed the Staff recommendation on requiring the additional street right-of-way; the minority did not believe that the vacation request justified the exaction of conditional street right-of-way (see attached minutes)

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds with the condition that certified copies of dedications by separate instruments will be Recorded with the Register of Deeds for a 10-foot Utility Easement, complete access control off of Harry Street except for one opening, complete access control off of Washington Avenue Street except for one opening, contingent dedication of 20-foot of right-of-way for Harry Street, contingent dedication of 10-foot of right-of-way for Washington Avenue Street, provide a covenant tying all the lots together as one property, and retain the 10-foot alley running parallel and adjacent to the west

side of Lot 12, Wayside Subdivision as a utility easement.

Recommendations/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, subject to the dedications and covenant, and authorize the necessary signatures.

This SEP 10 2002

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

**IN THE MATTER OF THE VACATION OF)
ALLEYS)**

**GENERALLY LOCATED)
NORTHWEST OF THE HARRY STREET -)
WASHINGTON AVENUE SOUTH)
INTERSECTION)**

MORE FULLY DESCRIBED BELOW)

Case No. VAC2002-00012

RECEIVED

SEP 13 2002

METROPOLITAN PLANNING
ROUTE 8

VACATION ORDER

NOW on this 10th day of September, 2002, comes on for hearing the petition for vacation filed by Donald Foster, Alfred & Olliema B Cameron, Douglas W Farha, Troy W Farha, & Beverly M Farha and Enrique J & Teresa Rodriquez praying for the vacation of the following alleys, to-wit:

The 10-foot (x) 155-foot alley as originally platted and dedicated in the Wayside Addition, Wichita, Sedgwick County, Kansas, abutting the west side of Lot 12, Wayside Addition and the east side of Lot 12 and a portion of Lot 11, Block 5, Perry Addition and the 20-ft (x) 155.75-ft alley as originally platted and dedicated in the Wayside Addition, Wichita, Sedgwick County, Kansas, abutting the north sides of Lots 7-12, Wayside Addition and a portion of the south side of Lot 11, Block 5, Perry 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 Wichita Eagle on May 2, 2002, 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 alleys, 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. The City will reserve an easement for utilities over the 10-ft alley running north to south

and abutting the west side of Lot 12, Wayside Addition and the east side of Lot 12 and a portion of Lot 11, Block 5, Perry Addition, subject to rights of access to cross the vacated alleys for the benefit of the adjoining owners as may be granted by private easement.

6. Under the above petition for vacation all of the owners of property abutting the alleys have consented to the vesting of title to the vacated alleys in the current owners of Lots 7, 8, 9, 10, 11, & 12, Wayside Addition, Sedgwick County, Kansas. The alleys were originally platted and dedicated from such lots.

7. The vacation of alleys described herein should be approved.

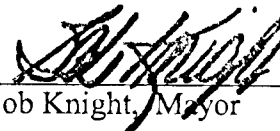
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 10th day of September 2002, ordered that the above-described alleys are hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

ATTEST:



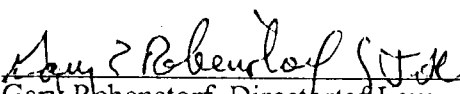
Pat Burnett, City Clerk





Bob Knight, Mayor

Approved as to Form:



Gary Rebenstorf, Director of Law

BOSTON

WASHINGTON

MOSLEY

MEAD

HARRY

