



Wichita-Sedgewick County Metropolitan Area Planning Department

March 21, 2007

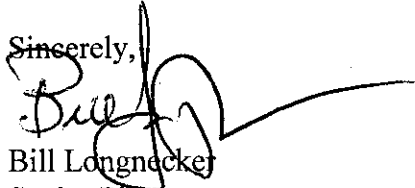
Pat Johnson and
Kathy Lewis
625 E. 13th Street
Wichita, KS 67214

Re: **VAC2005-00028** - Request to vacate portion of platted alley generally located between Santa Fe Avenue- Saint Francis Avenue -13th Street North -14th Street North.

Dear Ladies and Gentlemen:

At its regular meeting on Tuesday, March 20, 2007, the Wichita City Council considered the request. The action of the City Council was to APPROVE subject to the recommendation by the MAPC.

If you have any questions about this matter, please call 268-4494.

Sincerely,

Bill Longnecker
Senior Planner

BL:le

cc: Jim Armour, City Engineer, Public Works Department, Mail Stop 1-71
Paul Gunzelman/Carla Jones, Public Works Engineering, Mail Stop 1-71
J.D Walker c/o John L. Walker, 8311 S. Lulu, Haysville, KS 67060
Steven E. and Marilyn D. Southern, 1424 N. St. Francis, Wichita, KS 67214
JBH LLC, 625 E. 13th Street, Wichita, KS 67214-1204
William A MacPherson, 8614 Stoneridge, Wichita, KS 67208

RECEIVED

MAR 27 2007

METROPOLITAN PLANNING
ROUTE _____

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

**IN THE MATTER OF THE VACATION OF
A PORTION OF A PLATTED ALLEY RIGHT-
OF-WAY**

**GENERALLY LOCATED
BETWEEN 13TH STREET NORTH – SAINT
FRANCIS AVENUE – 14TH STREET NORTH -
SANTA FE AVENUE**

Case No. VAC2005-00028

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 20th day of March, 2007 comes on for hearing the petition for vacation filed by MSI Inc., c/o Pat Johnson, JD Walker and Steven & Marilyn Southern praying for the vacation of the following described portion of platted alley right-of-way, to-wit:

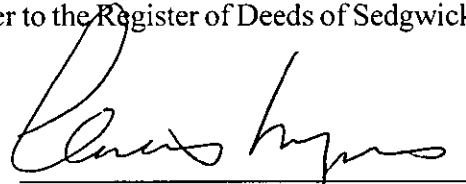
That portion of the platted 16-foot alley that begins immediately north of the 13th Street North right-of-way and runs between Lot 14, Mentzer's Subdivision, Lot 125, Roser's Subdivision, Lots 113-97, odd, except the north 5-feet of Lot 97, and Lots 114-98, even, all in the North Park Addition, Wichita, 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 July 21, 2005, which was at least 20 days prior to the public hearing.

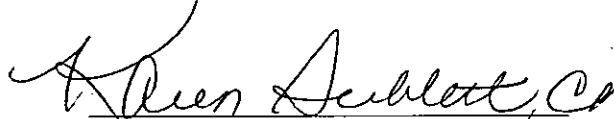
2. No private rights will be injured or endangered by the vacation of the above-described portion of the platted alley right-of-way, and the public will suffer no loss or inconvenience thereby.
3. Retain the described vacated platted alley right-of-way as a utility easement
4. Dedicate by separate instrument an additional 4-feet of easement to run parallel to the vacated platted alley right-of-way which shall be retained as a utility easement.
5. Dedicate by separate instrument public right-of-way to run from the remaining platted alley to Santa Fe Street.
6. Provide a paving petition to Public Works for paving of above described public right-of-way to Santa Fe Street.
7. In justice to the petitioner(s), the prayer of the petition ought to be granted.
8. 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.
9. The vacation of the portion of the platted alley right-of-way described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 20th day of March 2007 ordered that the above-described portion of a platted alley right-of-way 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.



Carlos Mayans, Mayor


ATTEST:



Karen Sublett, City Clerk



Approved as to Form:

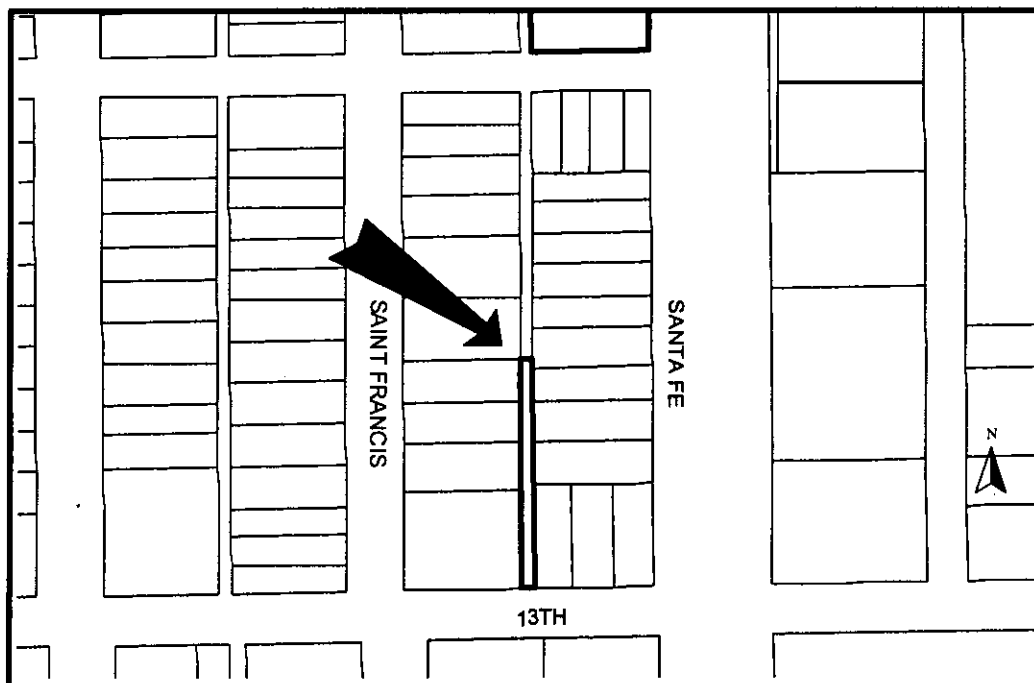


Gary Rebenstorf, Director of Law

STAFF REPORT

- CASE NUMBER:** VAC2005-00028 Request to vacate a portion of a platted alley right-of-way (ROW)
- APPLICANTS/OWNERS:** MSI Inc c/o Pat Johnson JD Walker Steven & Marilyn Southern
- LEGAL DESCRIPTION:** That portion of the platted 16-foot alley that begins immediately north of the 13th Street North ROW and runs between Lot 14, Mentzer's Subdivision, Lot 125, Roser's Subdivision, Lots 113-97, odd and Lots 114-98, even, all in the North Park Addition, Wichita, Sedgwick County, Kansas
- LOCATION:** Generally located between 13th Street North – Saint Francis Avenue – 14th Street North – Santa Fe Avenue
(Council District I)
- REASON FOR REQUEST:** Improve security and improve freight access all due to the same business being on both sides of the alley
- CURRENT ZONING:** Site is public ROW. Properties north of the site are zoned "LI" Limited Industrial and "TF-3" Duplex Residential. Properties abutting the site's west side are zoned "GC" General Commercial and "TF-3". Properties abutting the east side are zoned "LI". The abutting south property is public ROW.

VICINITY MAP:



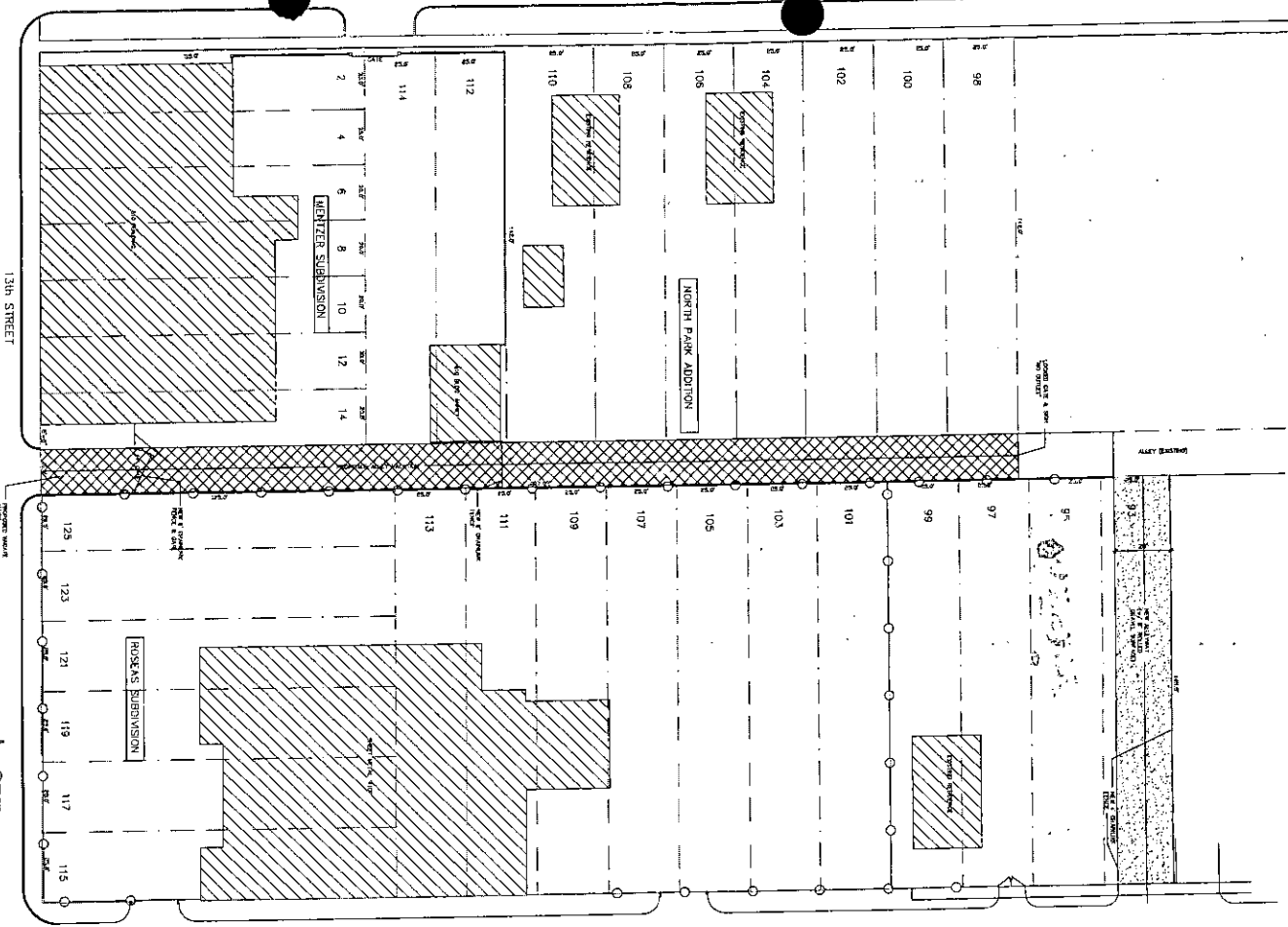
- (3) Provide access from the alley to Santa Fe Avenue, as approved by Fire. Dedicate an access easement. Provide to the Planning Department for recording with the Register of Deeds with the Vacation Order
- (4) Provide all utilities and the Fire department with access onto the vacated portion of the alley if it is gated and locked.
- (5) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant. If utilities are moved the alley shall be retained as an easement until all utilities have been relocated and easements have been provided. All public utility easements must be recorded with this Vacation Order
- (6) All improvements shall be according to City Standards, including a Petition for future paving of the alley dedication; and including private drive entrances onto public ROW or if closing the alley provide a guarantee for the closing of the alley return onto 13th Street North and the continuation of the curbing.
- (7) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

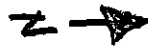
The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate that portion of the alley as described.
- (2) Retain the alley as a utility easement. Dedicate an additional 2-foot of easement from the abutting eastern properties. Dedicate an additional 2-foot of easement from the abutting western properties. These dedications must be provided to Planning Staff for recording with the Vacation Order at the Register of Deeds. Water and Sewer has requested that they be allowed to scope the sewer line, which was built in 1906, prior to the case proceeding to WCC for final action. If the line needs to be replaced or repaired Water and Sewer want to be able to perform any required maintenance prior to any improvements being made over the alley where the sewer line is located.
- (3) Provide access from the alley to Santa Fe Avenue, as approved by Fire. Dedicate a 20-foot right-of-way extending from the existing alley to Santa Fe Avenue located within Lots 95 & 97 and provide to the Planning Department for recording with the Register of Deeds with the Vacation Order

ST. FRANCIS STREET



SANTA FE



WA 2005-28

