

DR-84-2 - Departmental Review -
North/South Alley in Block 2,
Orme and Phillips Addition

POSTED 3.27.84 KR

B

55A6D

Map No. _____
 Sec. 20
 Twp. _____
 Range _____

55460

DATA SHEET

DR - 84-2

Filed 3-16-84

APPLICATION REQUEST: North/South Alley in Block 2, Orme and Phillips Addition

APPLICATION DATA:

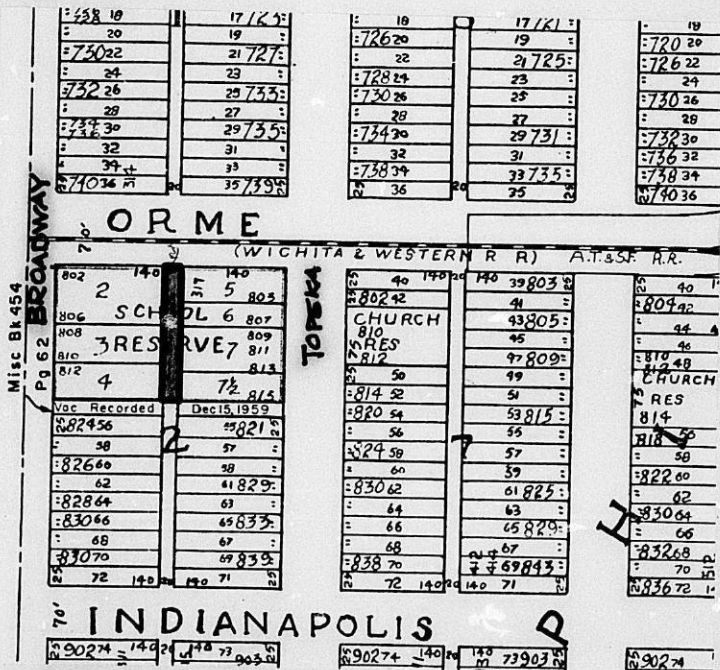
- Applicant: City of Wichita
 Address 455 North Main Phone _____
- Agent: _____
 Address _____ Phone _____
- General Location: South of Orme in an area east of Broadway.
- Proposed Use: _____

AREA DATA:

- Acres: _____ (_____ ft. by _____ ft.)
- Adjoining Zoning: E _____ S _____ W _____ N _____
- Land Use: East _____ South _____ West _____ North _____
- Sketch Plan Land Use is for: _____
- Present Land Use is for: _____
- Area (is) (is not) platted: _____

PHOTO DATA:

Taken by _____ Date _____ Time _____



PICTURE SHEET

Surveyed
 No. 2133C
 PREPARED BY
 LOS ANGELES CHICAGO LUBSAN, OH
 HARRISON, TEXAS, ST. BOWEN, GA
 U.S.A.

THE CITY OF WICHITA



OFFICE OF THE CITY MANAGER
CITY HALL - THIRTEENTH FLOOR
435 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4351

April 30, 1984

~~DR~~
~~DR~~
~~DR~~
Forrest
file in DR
file

Mr. John Marks
810 South Broadway
Wichita, KS 67211

Dear Mr. Marks:

On March 5, 1984, you were advised that the matter concerning the alley in the 800 block of South Broadway was being reviewed by city staff and that you would be advised when a determination was made.

The City of Wichita will assume maintenance responsibility for the entire alley. It will be maintained in accordance with a schedule established by the Department of Operations and Maintenance.

We hope this will resolve your concerns in a satisfactory manner.

Sincerely,

Sharon K. Hamrick
Sharon K. Hamrick
Executive Assistant

SKH/pd

cc: Robert A. Lakin, Director of Planning
David Stowe, Director of Operations and Maintenance

RECEIVED

MAY 1 1984

METROPOLITAN PLANNING

ROUTE _____

my

WICHITA-SEDGWICK COUNTY

DATE


METROPOLITAN AREA PLANNING DEPARTMENT

April 23, 1984

TO > Jack H. Galbraith, Chief Planner, Current Plans Division
Gary Pierce, Graphics Supervisor
Mike Lindebak City Engineer
FROM Robert A. Lakin, Director of Planning

SUBJECT Alley Grading - 800 South Broadway

Attached is a memo from Finch to Stowe on the above subject. As of this date we should consider the alley City property. Galbraith, make sure this memorandum and Finch's get attached to my correspondence to Finch in our files on this subject. Mike, do the same for your files. Pierce, make sure that the maps are clearly identified as an alley in this area. If you have any problems with what is the precise area, see Galbraith.


Robert A. Lakin
Director of Planning

RAL:rme
Attachment

THE CITY OF WICHITA
OFFICE OF CITY MANAGER

DATE April 19, 1984

nhe L

TO David Stowe, Director of Operations and Maintenance
FROM Robert G. Finch, Deputy City Manager

SUBJECT Alley Grading --
800 South Broadway

In reviewing the information made available to this office in connection with maintenance of the alley in the 800 block of South Broadway, this office concurs with the recommendation to accept the entire alley as city responsibility and to maintain it as such.

Unless you appeal the decision by April 30, 1984, we will consider the matter closed and will advise the complainant, John Marks, of our decision.



Robert G. Finch
Deputy City Manager

RGF/hpd
cc: Robert A. Lakin, Director of Planning
John Dekker, Director of Law

RECEIVED

APR 20 1984

METROPOLITAN PLANNING

ROUTE _____

Dictate memo to Joe
Pace
rule L.

March 12, 1984

Robert Finch, Deputy City Manager

Robert A. Lakin, Director of Planning

Alley Grading - 800 South Broadway

I have had my staff look into the status of the north-south alley at 800 South Broadway. Attached is a memorandum from Nagley to Galbraith outlining his findings. In summary it appears that there has been no formal dedication of record for that particular section of alley. It also appears, however, that we have done many things, including placing utilities in the alley, acknowledging it as an alley for tax purposes (no ownership cards), and providing alley curb returns, all of which leads me to believe that we should accept and acknowledge this piece of right-of-way as an alley.

In brief discussions with Dekker it would look like there are some alternatives. He may wish to further comment on these upon receipt of this memorandum. It would be my judgment that the alternatives available to the City are to, one, accept the alley by maintaining it as an alley, no better, no worse than others. Our rights to this alley would be prescriptive in nature because it has been used as an alley over time. The items indicated in Nagley's memorandum support public recognition and use as an alley.

Another alternative would be to reject any public rights to the alley by refusing to maintain it. I would assume we would also do this in writing to the persons who are raising the questions. In doing this, however, we need to disclaim our rights only to that as an alley, but maintain our prescriptive rights for the sewer and other public utilities in that area. As near as we can tell we have no dedication for sewer easement either, so any rights that we have need to be maintained as prescriptive in nature. This may seem inconsistent to the property owners, as well as to our governing body, that we claim prescriptive rights for sewer easement in the alley but not for the alley right-of-way based on the facts that exist. If we reject the alley it would appear that the property owners then have the following alternatives.

1. Offer us a dedication at which time we can either accept or reject through the governing body.
2. They may appear on the public agenda and get the governing body to reverse our decision of rejection and ask them to accept the alley on a prescriptive rights basis.

Robert Finch, Deputy City Manager
March 12, 1984
Page 2

3. The property owners can back off and simply maintain that they have individual prescriptive rights of access in and through the north part of the block. In order to perfect their prescriptive rights, clearly they need to go into District Court and establish clear title under the Kansas statutes. If one or more of them should attempt to shut off access to the other property owners, we are encouraging litigation. I don't know of any reason why that should occur however. If we refuse to accept this as an alley and the property owners are forced to establish their prescriptive rights of access to the rear of those properties, I can see the possibilities of groups of property owners on the north shutting the alley off at mid-block point. At that point we may have other property owners in the south part of that block being shut off from access and thus again posing some potential litigation issues either through their prescriptive rights through the north part of the block and/or action against the City for failing to take and maintain the alley.

Irrespective of the legal issues that may exist with this alley, it would seem to me that the facts are such that it looks like an alley and should be considered an alley. My recommendation, unless there is further discussion needed from a legal standpoint, is to accept the area as an alley, maintain it as such, and mark the matter closed.

Robert A. Lakin
Director of Planning

RAL:rme
Attachment

cc: David Stowe, Director of Operations and Maintenance
Mike Lindebak, City Engineer
John Dekker, Director of Law

March 9, 1984

Jack H. Galbraith, Chief Planner

Forrest L. Nagley, Junior Planner

Status of the north-south alley in Block 2, Orme and Phillips Addition.

Attached is a map depicting the ownerships of the "School Reserve", the undedicated alley, the platted lots and the public rights-of-way adjacent to and within the 800 Block of South Broadway, (Blk 2, Orme and Phillips Addition). The "School Reserve" is located north of the vacated east-west alley in this block and is outlined with the heavy line. I have researched the past history of the existing north-south alley in this City block and offer the following findings:

- 1.) The undedicated alley right-of-way is a portion of the "School Reserve" platted in 1876 within Orme and Phillips Addition.
- 2.) As the "School Reserve" was not developed for school purposes, it was sold to unknown individuals who sold off the ownerships now making up the Reserve. During these sales, the 20-foot strip of undedicated alley right-of-way was not sold to the adjacent land purchasers.
- 3.) Ownership of the undedicated alley right-of-way is unknown, but it can be assumed that the individual(s) who sold off the existing ownerships is still legal owner of the 20-foot strip of ground.
- 4.) The Quarter Section Maps in the County Clerk's office indicate the 20-foot strip of the "School Reserve" as alley right-of-way. No distinction is made between the platted alley right-of-way to the south of the Reserve and the undedicated alley right-of-way. The County Clerk assigns no private ownership to the 20-foot strip.
- 5.) In 1959, the platted east-west alley in this block was vacated. A review of the Subdivision Committee minutes reflect that it was assumed that the north-south alley existed all the way through the block.

Jack H. Galbraith
Chief Planner
Page 2 - March 9, 1984

- 6.) In 1889, the City constructed a sanitary sewer line in the platted north-south alley to the south of the "School Reserve" and continued the sewer north through the 20-foot wide strip of property as if it was a dedicated alley. I can find no record of a separate instrument which allowed the City to build the line in the undedicated alley.
- 7.) A field check of the site indicates that in 1926, the City constructed an alley approach from the undedicated alley to Orme Street. The field check also verified the existence of numerous public utilities in the 20-foot strip (e.g., gas, electric, telephone and probably cablevision).

CONCLUSION:

Even though the questioned 20-foot strip of property is not a dedicated alley, it has functioned as one for nearly 100 years. It is in alignment with the dedicated alley to the south and is of standard alley width. It contains numerous public utilities, has an approach to the abutting public street, and provides unobstructed access to the backs of numerous ownerships. For all practical purposes, the 20-foot strip of property is an alley and should be maintained as such.

Forrest L. Nagley
Junior Planner

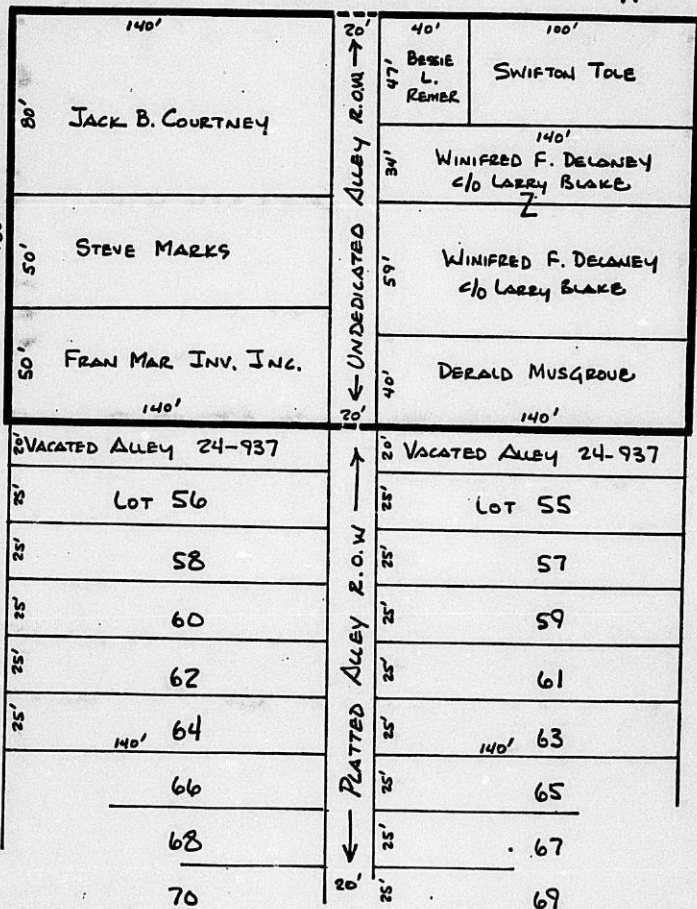
FLN:bh

ORME



BROADWAY

TOPEKA



————— = Boundary of platted "School Reserve"

THE CITY OF WICHITA

OFFICE OF CITY MANAGER

DATE March 5, 1984

TO Robert A. Lakin, Director of Planning
FROM Robert G. Finch, Deputy City Manager

SUBJECT Alley Grading --
800 South Broadway

This office received a complaint call from John Marks, 810 South Broadway, concerning the condition of the north-south alley in the 800 block of South Broadway (between Orme and Indianapolis).

Initial research has revealed that the property in question was originally platted with the north section designated as a "school reserve." Since the original platting (in 1876), the "school reserve" has apparently been sold to private owners with the exception of a 20' section where the alley would be. There is no indication from the records that the alley in the north section of the property was ever dedicated to the city; therefore, O&M does not maintain the north section. It does appear, however, that the 20' section belongs to someone other than the individual property owners.

In discussing the matter with Larry Henry of your staff, it was concluded that perhaps further research should be done to determine who is the legal owner of the 20' section. After that determination is made, we would like your recommendation as to how to proceed.

We will advise Mr. Marks that the matter is under review at this time and that he will be advised of our findings.

Your report and recommendation, please, by April 6, 1984.



Robert G. Finch
Deputy City Manager

RGF/hpd

Attachments

cc: Mike Lindebak, City Engineer (w/a)

David Stowe, Director of Operations and Maintenance (w/a)



THE CITY OF WICHITA

OFFICE OF The Director of Operations &
Maintenance

DATE January 10, 1983

TO Alvena Lyon, City Commissioner Aide

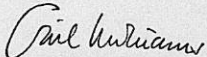
FROM Gail Williams, Assistant to the Director of Operations & Maintenance

SUBJECT Alley Grading, 800
South Broadway

The attached plat is of Mr. Marks' block. Note that the official alley (and City responsibility) ends at mid block.

It may seem like a minor point to refuse to maintain the extra half-block of alley, but this situation exists numerous places, and would add up to many hours and miles of maintenance each year.

Gene Rath, Street Services Director, is familiar with the situation, having discussed it with Mr. Marks several times. If you need additional background information, contact him at 4559.


Gail Williams
Assistant to the Director
Operations and Maintenance

CW/km
attachment

cc: Gene Rath, Street Services Director

N
 36
 14
 10
 40
 C. H. B. vacated 5/27 10-1980
ORME
 Private Property
SCHOOL RESERVE
 Ord. # 1272
 Ord. # 24-957

| Vacated | Ord. # |
|---------|--------|
| 56 140 | 190 55 |
| 58 | 57 |
| 60 | 59 |
| 62 | 61 |
| 64 | 63 |
| 66 | 65 |
| 68 | 67 |
| 70 | 69 |
| 72 160 | 160 71 |

INDIANAPOLI

THE CITY OF WICHITA



OFFICE OF THE CITY MANAGER
CITY HALL - THIRTEENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4351

March 5, 1984

Mr. John Marks
810 South Broadway
Wichita, KS 67211

Dear Mr. Marks:

As a result of your call to this office complaining about the condition of the alley in the 800 block of South Broadway, we have been reviewing the situation in order to determine what the various options are with regard to alley maintenance.

The area in question was platted in the 1800s; therefore, considerable research is required to determine what has taken place over the years.

Please bear with us while we research the records and make the appropriate determinations. We will advise you of our findings.

Sincerely,

Sharon K. Hamrick
Sharon K. Hamrick
Executive Assistant

SKH/pd

cc: Robert A. Lakin, Director of Planning
David Stowe, Director of Operations and Maintenance

RECEIVED

MAR 6 1984

METROPOLITAN PLANNING

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Private Property

SCHOOL RESERVE

Vacated

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CHURCH RESERVE

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INDIANAPOLIS

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BROADWAY

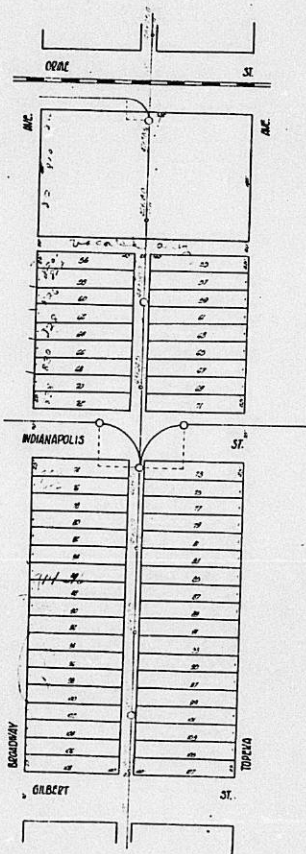
TOPEKA

PHILADELPHIA

ADDITION



MAIN 8" FROM GILBERT ST. TO OGDEN ST.
J.S. #1-1889



SANITARY SEWER LINE
INFORMATION

CONSTRUCTION RECORD

SERVICE RECORD

| STATION | ELEVATION | | MANHOLE | 4-INCH "Y" BRANCHES | | No. of Permits | | House Number | | DATE OF PERMITS | |
|---------|-----------|--------|---------|---------------------|------------|----------------|------------|--------------|------------|-----------------|------------|
| | Ground | Grade | | North West | South East | North West | South East | North West | South East | North West | South East |
| | | | | | | | | | | | |
| | | | 120 04 | 1830 | 1830 | | | | | | |
| 85 | | | | 1830 | 1870 | | | | | | |
| 81 | 109.20 | 100.62 | 871 | 1850 | 1870 | | | | | | |
| | | | | 1810 | 1760 | 80 | 81 | 24 5 3 34 | | 5-22-02 | 5-22-02 |
| | | | | 1810 | 1760 | 80 | 81 | 24 5 3 34 | | 5-22-02 | 5-22-02 |
| | | | | 1200 | 1280 | | | | | | |
| 86 | 103.50 | 100.08 | 971 | 1880 | 1280 | | | | | | |
| | | | | 1880 | 1280 | 80 | 80 | 24 5 3 34 | | 5-22-02 | 5-22-02 |
| | | | | 1780 | 1280 | | | | | | |
| | | | | 1770 | 1280 | 80 | 80 | 24 5 3 34 | | 5-22-02 | 5-22-02 |
| | | | | 1520 | 1280 | | | | | | |
| 85 | 100.01 | 100.44 | 957 | 1880 | 1280 | | | | | | |
| | | | 1800 | 1880 | 1280 | | | | | | |
| | | | | 1780 | 1710 | 80 | 80 | 24 5 3 34 | | 5-22-02 | 5-22-02 |
| | | | | 1880 | 1450 | | | | | | |
| 86 | 108.13 | 100.32 | 879 | 1880 | 1280 | | | | | | |
| | | | | 1880 | 1280 | | | | | | |
| | | | | 1880 | 1280 | | | | | | |
| | | | | 1880 | 1280 | | | | | | |
| 85 | 108.63 | 100.04 | 859 | 1880 | 1280 | | | | | | |
| | | | 1870 | 1880 | 1280 | | | | | | |
| | | | | 1880 | 1280 | | | | | | |
| | | | | 1880 | 1280 | | | | | | |
| 82 | 108.52 | 100.12 | 838 | 1880 | 1280 | | | | | | |
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| | | | | 1880 | 1280 | | | | | | |
| 81 | 108.63 | 100.04 | 864 | 1880 | 1280 | | | | | | |
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| | | | | 1880 | 1280 | | | | | | |
| 80 | 108.62 | 99.94 | 828 | 1880 | 1280 | | | | | | |
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| | | | | 1880 | 1280 | | | | | | |
| | | | | 1880 | 1280 | | | | | | |
| 89 | 108.07 | 99.84 | 823 | 1880 | 1280 | | | | | | |
| | | | | 1880 | 1280 | | | | | | |
| | | | | 1880 | 1280 | | | | | | |
| | | | | 1880 | 1280 | | | | | | |
| 88 | 108.49 | 99.74 | 875 | 1880 | 1280 | | | | | | |
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| | | | | 1880 | 1280 | | | | | | |

21 1000 ...
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ORDINANCE NO. 24-937

8501

ORDINANCE NO. 24-937

AN ORDINANCE VACATING THE WEST 140 FEET AND THE EAST 140 FEET OF THE EAST-WEST ALLEY, AS PLATTED IN BLOCK 2, ORME AND PHILLIPS ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS; AND RECOMMENDING THE VACATION THEREOF BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, AND REPEALING ORDINANCE NO. 11-272 OF THE CITY OF WICHITA, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION ONE. That the west 140 feet and the east 140 feet of the East-West alley as platted in Block 2, Orme and Phillips Addition to Wichita, Sedgwick County, Kansas, be and the same is hereby vacated.

SECTION TWO. That it is hereby recommended to the Board of County Commissioners of Sedgwick County, Kansas, that the above described alley be vacated by said Board in the event a proper petition is filed under the provisions of Sections 12-504, 12-505, and 12-506, GS 1949.

SECTION THREE. That Ordinance No. 11-272 of the City of Wichita, Kansas, be and the same is hereby repealed.

SECTION FOUR. This Ordinance shall be in force and take effect from and after its passage and publication once in the official city paper.

ADOPTED AT WICHITA, KANSAS, THIS 3rd DAY OF NOVEMBER, 1959.

Justus H. Fugate
Mayor

ATTEST:

C. H. Funk
City Clerk

(SEAL)

STATE OF KANSAS)
SEDGWICK COUNTY) SS
CITY OF WICHITA)

I, C. H. Funk, Clerk of the City of Wichita, Kansas, hereby certify that the

ORDINANCE VACATING
EAST / WEST ALLEY

5. Case No. V-0113 - J. A. Hendrickson requests vacation of a portion of 9th Street located as follows: The north 16.95 feet of 9th Street (portion lying north of sidewalk) and lying south of and adjacent to Lot 162 on Main Street, in Mungers Original Town Addition.

EICHER pointed out that right-of-way at this point is 100 feet in width and that the above portion is not now being used and apparently is not going to be used. It is related to a re-zoning application for area at the northeast corner of 9th Street and Main.

It was pointed out that the existing situation as to right-of-way width is similar to a request several weeks ago for vacation of a portion of Country Club Place, which request was denied by the Planning Commission but approved by the City Commission.

There was no opposition voiced by any property owner in the area.

ACTION: It was the decision of the Subdivision Committee to recommend to the Planning Commission that this request be approved, subject to the following:

1. Applicant to bear the cost of such vacation without cost to the City or County.

-
6. Case No. V-0114 - Dale O. and Dorothy B. Casteel request vacation of east-west alley running from Broadway to Topeka and lying in Block 2, Orme and Phillips Addition.

It was pointed out that prior vacation of this alley has been approved by the City, but that the proceedings were not carried through to completion by the County Commissioners, and that in order to clear the title proceedings before the City Commission are being repeated and will be carried through to completion by the County.

Discussion disclosed that there is a sanitary sewer in the north-south alley and also a gas line, which north-south alley bisects the east-west alley above described. It was felt that these lines should be protected by easement, and it was agreed such could be done by amendment of the request.

ACTION: It was the decision of the Subdivision Committee to recommend to the Planning Commission that the east-west alley lying in Block 2, Orme and Phillips Addition be vacated from the east line of Broadway to the west line of the north-south alley in this block, and from the east line of the north-south alley to the west line of Topeka, subject to the following:

S/D Comm.
MINUTES OF
E/W ALLEY
VACATION

1. Applicant to bear the cost of such vacation without cost to the City or County.

-
7. Case No. V-0111 - Edgar L. McBee requests vacation of Chapple Street extending from the east line of Wichita to the west line of Water in McArthur Gardens Addition.

EICHER stated that the request is made to gain back a part of ground that was sold. No one was present to speak either for or in opposition to this request.

It was noted that the Interstate Route 235 crosses through this area and that it would not be logical to vacate any public right-of-way until it is definitely determined just where the highway location will be. It was noted also that it is in an industrial area (Rock Island Industrial Addition platted to the east) and that it would not seem reasonable to vacate right-of-way which might be needed in the future.

ACTION: It was the decision of the Subdivision Committee to recommend to the Planning Commission that this request be denied by reason of the fact that it is impossible to determine at this time what the impact of the vacation would have upon the proposed Interstate Route 235 which goes through adjacent to subject location.

al 101111

Meeting adjourned about 3:00 p.m.

W. W. Rutledge
Chairman

4. V-0114 - DALE O. AND DOROTHY B. CASTEEL REQUEST VACATION OF EAST-WEST ALLEY RUNNING FROM BROADWAY TO TOPEKA AND LYING IN BLOCK 2, ORME AND PHILLIPS ADDITION.

IT WAS CONSIDERED NECESSARY TO RETAIN THAT PART OF THE ABOVE ALLEY WHICH IS AN EXTENSION OF THE NORTH-SOUTH ALLEY THROUGH THIS BLOCK, TO ACCOMMODATE EXISTING UTILITIES.

MOTION: IT WAS MOVED, SECONDED AND CARRIED UNANIMOUSLY THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF CITY COMMISSIONERS THAT THE EAST-WEST ALLEY LYING IN BLOCK 2, ORME AND PHILLIPS ADDITION BE VACATED FROM THE EAST LINE OF BROADWAY TO THE WEST LINE OF THE NORTH-SOUTH ALLEY IN THIS BLOCK, AND FROM THE EAST LINE OF THE NORTH-SOUTH ALLEY TO THE WEST LINE OF TOPEKA, SUBJECT TO ALL PROCEEDINGS BEING WITHOUT COST TO THE CITY OR COUNTY.

5. V-0115 - MAY B. CALLAHAN, ET AL. BY JAMES R. BARR, ATTORNEY, REQUEST VACATION OF 16 FOOT EASEMENT CENTERED ON THE REAR LOT LINE OF LOTS 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, BLOCK T, CALLAHAN ADDITION, RUNNING FROM BYRON AVENUE ON THE NORTH TO BELVIEW AVENUE ON THE SOUTH, AND AN EASEMENT 10 FEET WIDE CENTERING ON THE LOT LINE RUNNING BETWEEN LOTS 10 AND 11 AND LOTS 1 AND 3 IN SAID BLOCK T, AND RUNNING FROM TYLER ROAD ON THE EAST TO THE EAST CORNER OF LOT 2, BLOCK T.

EDMONDS STATED THAT THIS REQUEST IS MADE TO PERMIT CONSTRUCTION OF A CHURCH IN THIS AREA, AND THAT THE CHURCH IS WILLING TO GRANT OTHER EASEMENTS AT THE TIME OF CONSTRUCTION AS NEEDED.

JAMES BARR, ATTORNEY, REPRESENTING THE APPLICANTS, SPOKE IN SUPPORT OF THIS REQUEST.

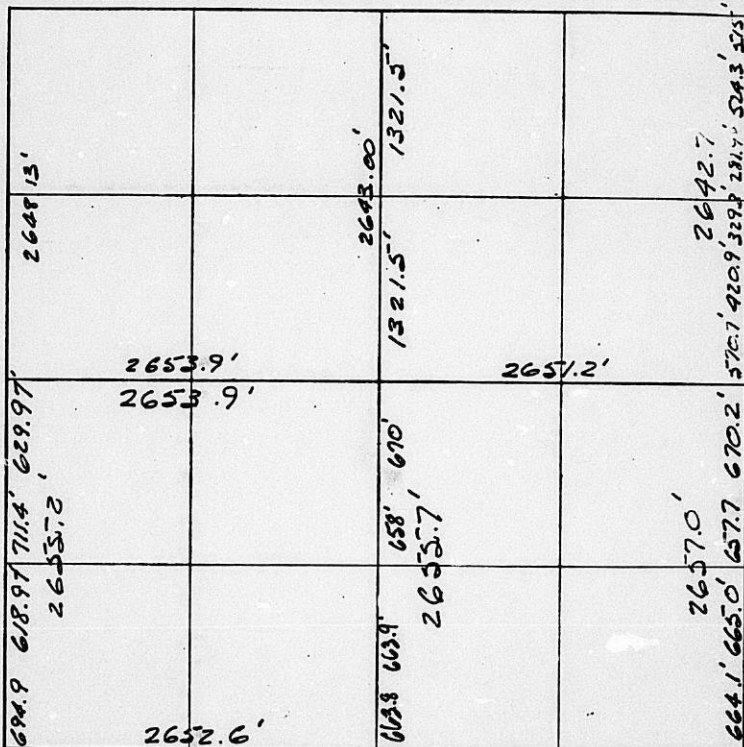
IT WAS NOTED THAT ONE PROPERTY OWNER IN THE BLOCK HAS NOT SIGNED THE APPLICATION, BUT IT WAS POINTED OUT THAT THERE ARE OTHER MEANS BY WHICH THIS LOT CAN BE SERVED BY UTILITIES.

MOTION: IT WAS MOVED, SECONDED AND CARRIED UNANIMOUSLY THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF COUNTY COMMISSIONERS THAT THIS REQUEST BE APPROVED, SUBJECT TO THE FOLLOWING:

1. RE-DEDICATION OF ANY EASEMENTS FOR UTILITIES WHICH MIGHT BE REQUIRED BY THE ENGINEERING DEPARTMENT OF EITHER THE CITY OR COUNTY.
2. SHOULD THERE BE ANY EXISTING UTILITIES IN THE PRESENT EASEMENTS WHICH ARE BEING VACATED, THEN REMOVAL AND RE-ARRANGEMENT THEREOF SHALL BE AT THE SOLE EXPENSE OF THE OWNER.

M.A.P.C. MINUTES OF E/W ALLEY VACATION

SECTION 28 TOWNSHIP 27s RANGE 1E COUNTY _____ STATE _____



INFORMATION RE: SOURCES USED
 DURING PREPARATION OF OUR BASE MAPS

| | PRIORITY | | | | | | | |
|------------------------------|----------|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1. U.S.G.S. | ✓ | | | | | | | |
| 2. RESURVEY | | ✓ | | | | | | |
| 3. FLOOD CONTROL MAP | | | | | | | | |
| 4. FLOOD CONTROL DATA | | | | | | | | |
| 5. COUNTY ENGINEER DATA | | | | | | | | |
| 6. STATE HIGHWAY MAP & PLANS | | | | | | | | |
| 7. AERIAL PHOTO | | | | | | ✓ | | |
| 8. ABSTRACTORS RECORDS | | ✓ | | | | | | |
| 9. RECORDED PLATS | | ✓ | | | | | | |
| 10. RAILROAD MAPS | | ✓ | | | | | | |
| 11. UTILITY MAPS | | | | | | | | |
| 12. OTHER M.A.P.C. SEC. MAP | | | | | ✓ | | | |
| 13. CO 1/4 SEC. MAPS | | | | | ✓ | | | |

WICHITA-SEDGWICK COUNTY

DATE
March 9, 1984

METROPOLITAN AREA PLANNING DEPARTMENT

TO Jack H. Galbraith, Chief Planner
FROM Forrest L. Nagley, Junior Planner
SUBJECT Status of the north-south alley in Block 2, Orme and Phillips Addition.

Attached is a map depicting the ownerships of the "School Reserve", the undedicated alley, the platted lots and the public rights-of-way adjacent to and within the 800 Block of South Broadway, (Blk 2, Orme and Phillips Addition). The "School Reserve" is located north of the vacated east-west alley in this block and is outlined with the heavy line. I have researched the past history of the existing north-south alley in this City block and offer the following findings:

- 1.) The undedicated alley right-of-way is a portion of the "School Reserve" platted in 1876 within Orme and Phillips Addition.
- 2.) As the "School Reserve" was not developed for school purposes, it was sold to unknown individuals who sold off the ownerships now making up the Reserve. During these sales, the 20-foot strip of undedicated alley right-of-way was not sold to the adjacent land purchasers.
- 3.) Ownership of the undedicated alley right-of-way is unknown, but it can be assumed that the individual(s) who sold off the existing ownerships is still legal owner of the 20-foot strip of ground.
- 4.) The Quarter Section Maps in the County Clerk's office indicate the 20-foot strip of the "School Reserve" as alley right-of-way. No distinction is made between the platted alley right-of-way to the south of the Reserve and the undedicated alley right-of-way. The County Clerk assigns no private ownership to the 20-foot strip.
- 5.) In 1959, the platted east-west alley in this block was vacated. A review of the Subdivision Committee minutes reflect that it was assumed that the north-south alley existed all the way through the block.

Jack H. Galbraith
Chief Planner
Page 2 - March 9, 1984

- 6.) In 1889, the City constructed a sanitary sewer line in the platted north-south alley to the south of the "School Reserve" and continued the sewer north through the 20-foot wide strip of property as if it was a dedicated alley. I can find no record of a separate instrument which allowed the City to build the line in the undedicated alley.
- 7.) A field check of the site indicates that in 1926, the City constructed an alley approach from the undedicated alley to Orme Street. The field check also verified the existence of numerous public utilities in the 20-foot strip (e.g., gas, electric, telephone and probably cablevision).

CONCLUSION:

Even though the questioned 20-foot strip of property is not a dedicated alley, it has functioned as one for nearly 100 years. It is in alignment with the dedicated alley to the south and is of standard alley width. It contains numerous public utilities, has an approach to the abutting public street, and provides unobstructed access to the backs of numerous ownerships. For all practical purposes, the 20-foot strip of property is an alley and should be maintained as such.

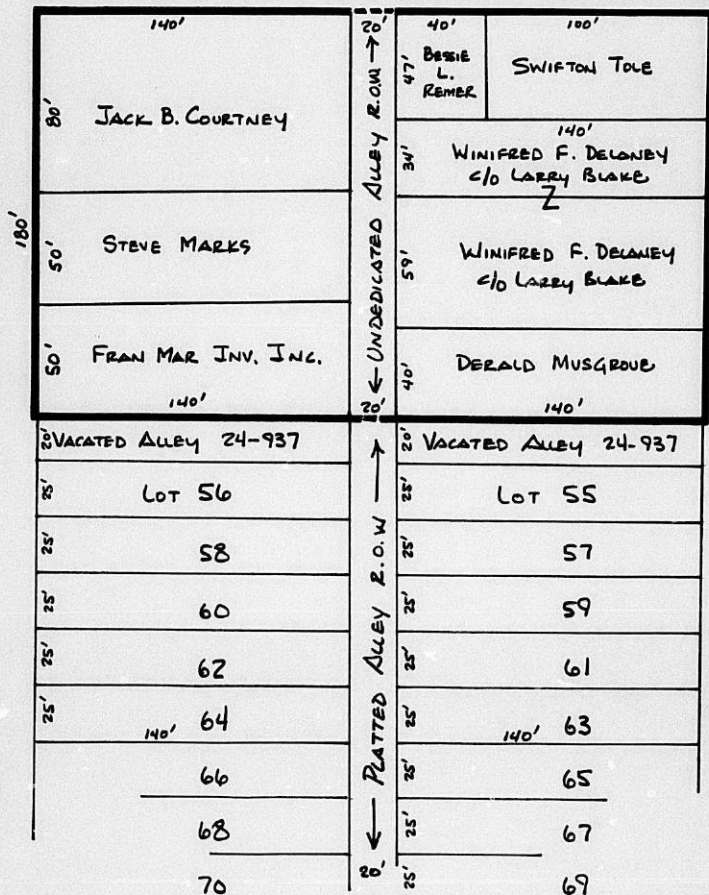

Forrest L. Nagley
Junior Planner

FLN:bh

ORME



BROADWAY



TOPEKA

Boundary of platted
"School Reserve"



THE CITY OF WICHITA

OFFICE OF CITY MANAGER

DATE March 5, 1984

TO Robert A. Lakin, Director of Planning

FROM Robert G. Finch, Deputy City Manager

SUBJECT Alley Grading --
800 South Broadway

This office received a complaint call from John Marks, 810 South Broadway, concerning the condition of the north-south alley in the 800 block of South Broadway (between Orme and Indianapolis).

Initial research has revealed that the property in question was originally platted with the north section designated as a "school reserve." Since the original platting (in 1876), the "school reserve" has apparently been sold to private owners with the exception of a 20' section where the alley would be. There is no indication from the records that the alley in the north section of the property was ever dedicated to the city; therefore, OEM does not maintain the north section. It does appear, however, that the 20' section belongs to someone other than the individual property owners.

In discussing the matter with Larry Henry of your staff, it was concluded that perhaps further research should be done to determine who is the legal owner of the 20' section. After that determination is made, we would like your recommendation as to how to proceed.

We will advise Mr. Marks that the matter is under review at this time and that he will be advised of our findings.

Your report and recommendation, please, by April 6, 1984.



Robert G. Finch
Deputy City Manager

RGF/hpd
Attachments

cc: Mike Lindebak, City Engineer (w/a)
David Stowe, Director of Operations and Maintenance (w/a)

RECEIVED

MAR 6 1984

METROPOLITAN PLANNING

ROUTE _____

THE CITY OF WICHITA

OFFICE OF The Director of Operations & Maintenance **DATE** January 10, 1983

TO Alvena Lyon, City Commissioner Aide
FROM Gail Williams, Assistant to the Director of Operations & Maintenance
SUBJECT Alley Grading, 800
 South Broadway

The attached plat is of Mr. Marks' block. Note that the official alley (and City responsibility) ends at mid block.

It may seem like a minor point to refuse to maintain the extra half-block of alley, but this situation exists numerous places, and would add up to many hours and miles of maintenance each year.

Gene Rath, Street Services Director, is familiar with the situation, having discussed it with Mr. Marks several times. If you need additional background information, contact him at 4559.

Gail Williams
Gail Williams
Assistant to the Director
Operations and Maintenance

GW/km
attachment

cc: Gene Rath, Street Services Director

10-180
 U.S. Vacated 57-2
ORME
 Private Property
SCHOOL RESERVE
 Ord. No. 24-937
 Vacated 11272
 56 140 120 55
 58 57
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 70 71
 72 100 100 71 53
INDIANAPOLI

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N.W. 1/4 SEC. 28, T.V.

Condemnation Case No. 33119

KELLOGG

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| 7022 | 7033 | 7022 | 7033 |
| 706 6 | 707 7 | 708 8 | 713 13 |
| 712 12 | 711 11 | 716 16 | 722 22 |
| 720 14 | 725 25 | 730 26 | 732 32 |
| 738 38 | 740 36 | 740 36 | 740 36 |

U.S. 54 HIGHWAY

| | | | |
|--------|--------|--------|--------|
| 7022 | 7033 | 7022 | 7033 |
| 706 6 | 707 7 | 708 8 | 713 13 |
| 712 12 | 711 11 | 716 16 | 722 22 |
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PAVE

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ORME

(WICHITA & WESTERN R R) A.T.&S.F. R.R.

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| 802 | 803 | 802 | 803 |
| SCHOOL 6 | CHURCH | 804 2 | 805 5 |
| RESERVE 7 | RES 8 | 806 6 | 807 7 |
| 808 8 | 809 9 | 810 10 | 811 11 |
| 812 12 | 813 13 | 814 14 | 815 15 |
| 816 16 | 817 17 | 818 18 | 819 19 |
| 820 20 | 821 21 | 822 22 | 823 23 |
| 824 24 | 825 25 | 826 26 | 827 27 |
| 828 28 | 829 29 | 830 30 | 831 31 |
| 832 32 | 833 33 | 834 34 | 835 35 |
| 836 36 | 837 37 | 838 38 | 839 39 |
| 840 40 | 841 41 | 842 42 | 843 43 |
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INDIANAPOLIS

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| 1554 662 | 1555 663 | 1556 664 | 1557 665 |
| 1558 666 | 1559 667 | 1560 668 | 1561 669 |
| 1562 670 | 1563 671 | 1564 672 | 1565 673 |
| 1566 674 | 1567 675 | 1568 676 | 1569 677 |
| 1570 678 | 1571 679 | 1572 680 | 1573 681 |
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| 1590 698 | 1591 699 | 1592 700 | 1593 701 |
| 1594 702 | 1595 703 | 1596 704 | 1597 705 |
| 1598 706 | 1599 707 | 1600 708 | 1601 709 |
| 1602 710 | 1603 711 | 1604 712 | 1605 713 |
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ORME

(WICHITA & WESTERN R R) A.T.&S.F. R.R.

Misc Bk 454 Pg 62

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| Vac Recorded Dec 15, 1959 | | | | |
| 82456 | 140 | 140 | 2 | 821 |
| 82666 | 140 | 140 | 3 | 822 |
| 82864 | 140 | 140 | 4 | 823 |
| 83066 | 140 | 140 | 5 | 824 |
| 83270 | 140 | 140 | 6 | 825 |
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| 80242 | 140 | 140 | 39 | 803 |
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| 810 | 140 | 140 | 41 | 82 |
| 816 | 140 | 140 | 42 | 83 |
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| 828 | 140 | 140 | 44 | 85 |
| 834 | 140 | 140 | 45 | 86 |
| 840 | 140 | 140 | 46 | 87 |
| 846 | 140 | 140 | 47 | 88 |
| 852 | 140 | 140 | 48 | 89 |
| 858 | 140 | 140 | 49 | 90 |
| 864 | 140 | 140 | 50 | 91 |
| 870 | 140 | 140 | 51 | 92 |
| 876 | 140 | 140 | 52 | 93 |

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|-----|-----|-----|----|----|
| 806 | 140 | 140 | 40 | 81 |
| 812 | 140 | 140 | 41 | 82 |
| 818 | 140 | 140 | 42 | 83 |
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| 830 | 140 | 140 | 44 | 85 |
| 836 | 140 | 140 | 45 | 86 |
| 842 | 140 | 140 | 46 | 87 |
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| 860 | 140 | 140 | 49 | 90 |
| 866 | 140 | 140 | 50 | 91 |
| 872 | 140 | 140 | 51 | 92 |
| 878 | 140 | 140 | 52 | 93 |

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|-------|-----|-----|-----|------|
| 90274 | 140 | 140 | 73 | 903 |
| 90476 | 140 | 140 | 74 | 907 |
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| 95728 | 140 | 140 | 100 | 1011 |

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|-------|-----|-----|-----|------|
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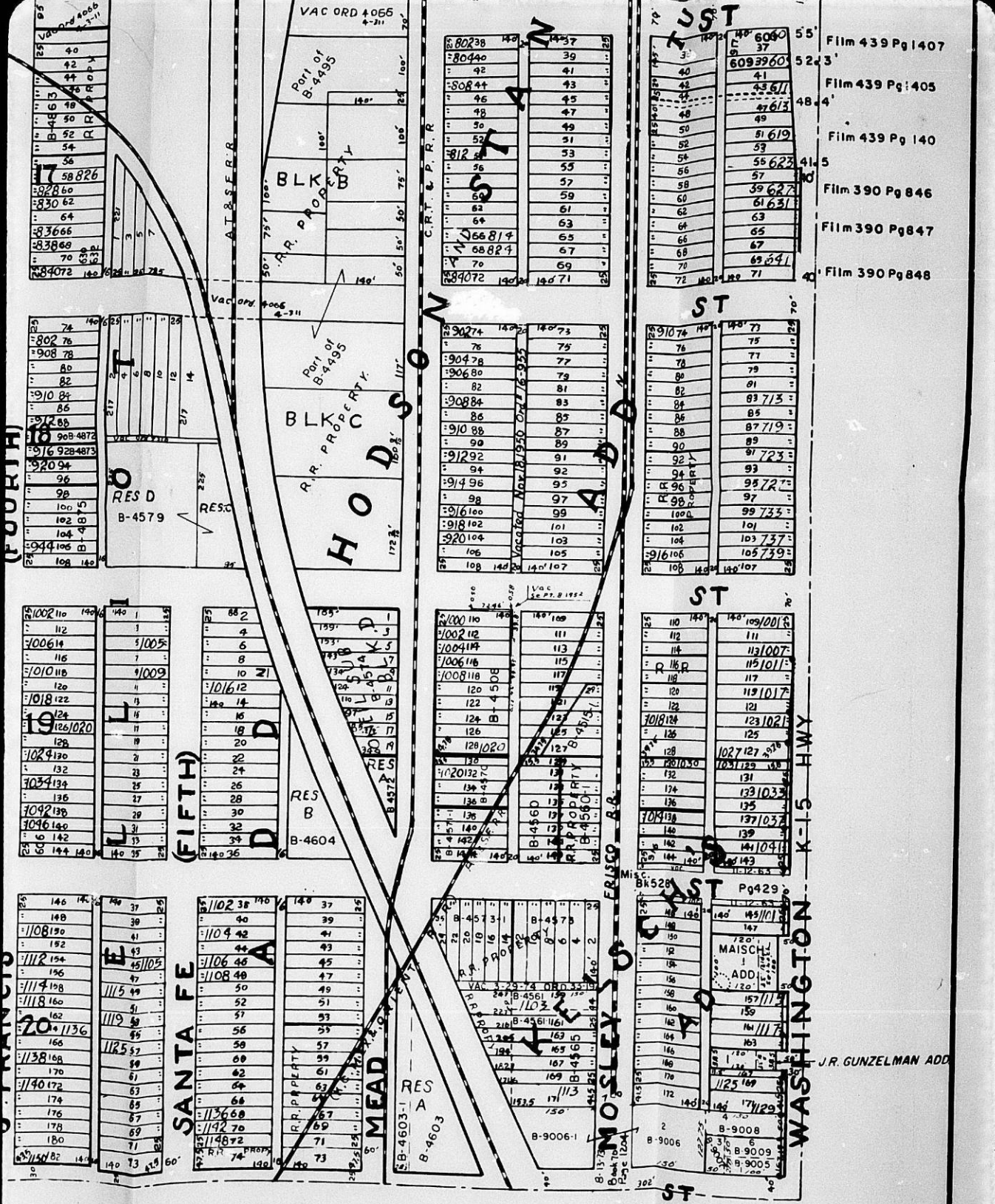
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| 95526 | 140 | 140 | 99 | 1007 |
| 95728 | 140 | 140 | 100 | 1011 |

GILBERT

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|---------|-----|-----|-----|------|
| 1002112 | 140 | 140 | 111 | 1003 |
| 1004114 | 140 | 140 | 112 | 1007 |
| 1006116 | 140 | 140 | 113 | 1011 |
| 1008118 | 140 | 140 | 114 | 1015 |
| 1010120 | 140 | 140 | 115 | 1019 |
| 1012122 | 140 | 140 | 116 | 1023 |
| 1014124 | 140 | 140 | 117 | 1027 |
| 1016126 | 140 | 140 | 118 | 1031 |
| 1018128 | 140 | 140 | 119 | 1035 |
| 1020130 | 140 | 140 | 120 | 1039 |
| 1022132 | 140 | 140 | 121 | 1043 |
| 1024134 | 140 | 140 | 122 | 1047 |
| 1026136 | 140 | 140 | 123 | 1051 |
| 1028138 | 140 | 140 | 124 | 1055 |
| 1030140 | 140 | 140 | 125 | 1059 |
| 1032142 | 140 | 140 | 126 | 1063 |
| 1034144 | 140 | 140 | 127 | 1067 |
| 1036146 | 140 | 140 | 128 | 1071 |
| 1038148 | 140 | 140 | 129 | 1075 |
| 1040150 | 140 | 140 | 130 | 1079 |
| 1042152 | 140 | 140 | 131 | 1083 |
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| 1046156 | 140 | 140 | 133 | 1091 |
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| 1050160 | 140 | 140 | 135 | 1099 |
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|---------|-----|-----|-----|------|
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| 1056166 | 140 | 140 | 138 | 1111 |
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| 1002112 | 140 | 140 | 111 | 1003 |
| 1004114 | 140 | 140 | 112 | 1007 |
| 1006116 | 140 | 140 | 113 | 1011 |
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| 1016126 | 140 | 140 | 118 | 1031 |
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| 1024134 | 140 | 140 | 122 | 1047 |
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| 1042152 | 140 | 140 | 131 | 1083 |
| 1044154 | 140 | 140 | 132 | 1087 |
| 1046156 | 140 | 140 | 133 | 1091 |
| 1048158 | 140 | 140 | 134 | 1095 |
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| 40 | 42 | 44 | 46 | 48 | 50 | 52 | 54 | 56 | 58 | 60 | 62 | 64 | 66 | 68 | 70 | 72 | 74 | 76 | 78 | 80 | 82 | 84 | 86 | 88 | 90 | 92 | 94 | 96 | 98 | 100 | 102 | 104 | 106 | 108 | 110 | 112 | 114 | 116 | 118 | 120 | 122 | 124 | 126 | 128 | 130 | 132 | 134 | 136 | 138 | 140 | 142 | 144 | 146 | 148 | 150 | 152 | 154 | 156 | 158 | 160 | 162 | 164 | 166 | 168 | 170 | 172 | 174 | 176 | 178 | 180 | 182 | 184 | 186 | 188 | 190 | 192 | 194 | 196 | 198 | 200 |
|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|

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|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
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|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
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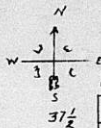
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| 60936 | 60938 | 60940 | 60942 | 60944 | 60946 | 60948 | 60950 | 60952 | 60954 | 60956 | 60958 | 60960 | 60962 | 60964 | 60966 | 60968 | 60970 | 60972 | 60974 | 60976 | 60978 | 60980 | 60982 | 60984 | 60986 | 60988 | 60990 | 60992 | 60994 | 60996 | 60998 | 61000 | 61002 | 61004 | 61006 | 61008 | 61010 | 61012 | 61014 | 61016 | 61018 | 61020 | 61022 | 61024 | 61026 | 61028 | 61030 | 61032 | 61034 | 61036 | 61038 | 61040 | 61042 | 61044 | 61046 | 61048 | 61050 | 61052 | 61054 | 61056 | 61058 | 61060 | 61062 | 61064 | 61066 | 61068 | 61070 | 61072 | 61074 | 61076 | 61078 | 61080 | 61082 | 61084 | 61086 | 61088 | 61090 | 61092 | 61094 | 61096 | 61098 | 61100 |
|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|

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| 100 | 102 | 104 | 106 | 108 | 110 | 112 | 114 | 116 | 118 | 120 | 122 | 124 | 126 | 128 | 130 | 132 | 134 | 136 | 138 | 140 | 142 | 144 | 146 | 148 | 150 | 152 | 154 | 156 | 158 | 160 | 162 | 164 | 166 | 168 | 170 | 172 | 174 | 176 | 178 | 180 | 182 | 184 | 186 | 188 | 190 | 192 | 194 | 196 | 198 | 200 |
|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|

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| 110 | 112 | 114 | 116 | 118 | 120 | 122 | 124 | 126 | 128 | 130 | 132 | 134 | 136 | 138 | 140 | 142 | 144 | 146 | 148 | 150 | 152 | 154 | 156 | 158 | 160 | 162 | 164 | 166 | 168 | 170 | 172 | 174 | 176 | 178 | 180 | 182 | 184 | 186 | 188 | 190 | 192 | 194 | 196 | 198 | 200 |
|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|

THIS SHEET PREPARED UNDER SUPERVISION OF
 DOROTHY K. WHITE, SEDGWICK COUNTY CLERK

NO 7-6



ORME & PHILLIPS Addition to the City of Wichita in Sedgwick County Kansas is located in the West 1/2 of NW quarter of Section No (28) in Township No (27) South Range No 1 East.

Starting points for survey of said Addition. Sec corner to Sec No 28, 29, 20, and 21, in T27, R1E Stone marked with cross on top. Also quarter section corner on West Boundary line of sec No 28, stone marked with cross on top.

Explanation. All streets running East and west are 70 feet wide. Except the East 1/2 of North 1/2 South 1/2 90 feet wide. Alleys are (20) twenty feet wide. All lots are 25 x 140 feet except lots on and parallel with Lincoln Street which are as follows:
 Lot 182 on Lawrence Avenue is 45 x 140 feet.
 " 181 and 182 on Topeka are 44 x 140 "
 " 181 " 182 " Emporia " 44 x 140 "
 " 181 " 182 " Fourth " 44 x 140 "

Squares are numbered from 1 to 20 inclusive. School Reserve. Beginning at the corner of Orme St and Lawrence Avenue, Thence South 800 feet, Thence East 300 feet, Thence North 200', to corner of Orme and Topeka Avenue Church Reserve on Topeka Avenue is located between Lots 42 and 50, is 75 x 140. Church Reserve on Emporia Avenue is located between Lots 44 and 56, is 75 x 140.

H. L. Jackson
County Surveyor.

Given under our hands and seals this 17th day of April A.D. 1876

Thos E Phillips (S)
 Margaret A Phillips (S)
 Charles Orme (S)
 Hannah Orme (S)

State of Indiana } ss
 Marion County }

On this 17th day of April A.D. 1876 before me Calvin F Rooker a Notary Public within and for said county of Marion personally appeared Thomas E Phillips and Margaret A Phillips his wife - and Charles Orme and Hannah Orme his wife to me personally known to be the identical persons whose names are affixed to the foregoing that as grantors and acknowledged the execution of the same to be their voluntary act and deed. And I further certify that I know said Thomas E Phillips and Charles Orme to be the owners and proprietors of Orme & Phillips Addition to the City of Wichita in the county of Sedgwick in the State of Kansas. Given under my hand and Notarial Seal at Indianapolis this 17th day of April 1876

(Seal)

Calvin F Rooker Notary Public

The above is a true and correct Plat of W 1/2 of NW 1/4 of S 28, T 27, R 1E as surveyed and laid off in Lots

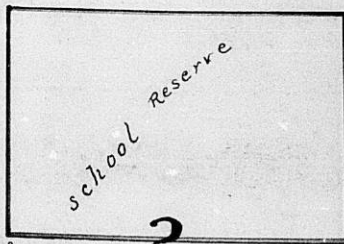
H. L. Jackson
County Surveyor

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|----|----|
| 2 | 1 |
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| 12 | 11 |
| 14 | 13 |
| 16 | 15 |
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| 36 | 35 |

Kellogg

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| 36 | 35 |

Orme



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| 38 |
| 40 |
| 42 |
| church Re |
| 50 |
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State of Kansas } ss
 Sedgwick County }
 This instrument was filed for
 Record on the 24th day of April A.D. 1876 at 11 AM
 and duly recorded in book of plats at Page 40

M. B. Kellogg
 Recorder of Deeds

Lawrence Avenue

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| 84 |
| 86 |
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Topeka Avenue

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I, Joseph Bowman, Register of Deeds of Sedgwick County, Kansas, hereby certify that the above is a true and exact copy of the plat of Orms and Phillips Addition to the City of Wichita in Sedgwick County, Kansas; that the original plat of which above is a copy is on file in my office and that I have the legal custody thereof.

Witness my hand and the seal of my office this 25th day of ~~June~~ A.D. 1910.

Joseph Bowman
 Register of Deeds.

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Gilb

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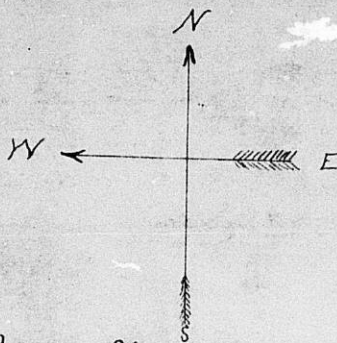
37 1/2

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80

Lincoln

NO 7-6



Kellogg St

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| 16 | 15 | 16 | 15 | 16 | 15 |
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| 24 | 23 | 24 | 23 | 24 | 23 |
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| 30 | 29 | 30 | 29 | 30 | 29 |
| 32 | 31 | 32 | 31 | 32 | 31 |
| 34 | 33 | 34 | 33 | 34 | 33 |
| 36 | 35 | 36 | 35 | 36 | 35 |

Orme St

| | | | | | |
|-----------|----|-----------|----|----|----|
| 38 | 37 | 38 | 37 | 38 | 37 |
| 40 | 39 | 40 | 39 | 40 | 39 |
| 42 | 41 | 42 | 41 | 42 | 41 |
| church Re | 43 | 44 | 43 | 44 | 43 |
| | 45 | 46 | 45 | 46 | 45 |
| | 47 | 48 | 47 | 48 | 47 |
| 50 | 49 | 48 | 49 | 48 | 49 |
| 52 | 51 | church Re | 51 | 52 | 51 |
| 54 | 53 | 12 | 53 | 54 | 53 |
| 56 | 55 | 56 | 55 | 56 | 55 |
| 58 | 57 | 58 | 57 | 58 | 57 |
| 60 | 59 | 60 | 59 | 60 | 59 |
| 62 | 61 | 62 | 61 | 62 | 61 |
| 64 | 63 | 64 | 63 | 64 | 63 |
| 66 | 65 | 66 | 65 | 66 | 65 |
| 68 | 67 | 68 | 67 | 68 | 67 |
| 70 | 69 | 70 | 69 | 70 | 69 |
| 72 | 71 | 72 | 71 | 72 | 71 |

Indianapolis St

| | | | | | |
|----|----|----|----|----|----|
| 74 | 73 | 74 | 73 | 74 | 73 |
| 76 | 75 | 76 | 75 | 76 | 75 |
| 78 | 77 | 78 | 77 | 78 | 77 |
| 80 | 79 | 80 | 79 | 80 | 79 |
| 82 | 81 | 82 | 81 | 82 | 81 |

Topeka Avenue

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| 86 | 87 |
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8

Emory Avenue

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Fourth Avenue

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Gilbert St

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| 142 | 141 |
| 144 | 143 |

19

Morris St

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| 178 | 177 |
| 180 | 179 |
| 182 | 181 |

20

Lincoln St

NO 7-6