

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERSREQUEST FOR VACATION

CASE NO. W- 1175

CONSIDERED BY:

SUBDIVISION COMMITTEE: 3-3-83

PLANNING COMMISSION: 3-10-83

REQUEST FOR VACATION OF: portion of 33rd Street North

LOCATION: 1/2 mile north of 29th Street in an area west of Ohio Street.

LEGALLY DESCRIBED AS:

That part of the north 40 feet of the Southeast Quarter of Section 33, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, being west of the west line of Ohio Street as platted in Bridgeport 3rd Industrial Addition and extended south, except the west 164 feet of said north 40 feet.

REASON FOR REQUEST: Requirement of platting Burlington Northern Industrial Center

NAME OF APPLICANT: Burlington Northern Railroad, c/o Fred Wagner
3253 E. Chestnut Expressway, Springfield, MO.
65802

REPRESENTATIVE FOR APPLICANT:

PROTESTORS, IF ANY: None

PLANNING COMMISSION RECOMMENDATION: Approve the vacation request subject to retaining the entire 40 feet as a utility easement within the vacation ordinance. (Note: easement has been retained).

Goebel moved, Chisholm seconded and it carried unanimously. Gardner not present for this vote. One vacancy.

ATTACHMENTS: Ordinance (Approved as to form by the Department of Law)

ACTION: Approve the request as recommended by the Metropolitan Area Planning Commission and place the Ordinance on its first reading.

(77185) (Published in The Daily Record April 1, 1983)

ORDINANCE NO. 83-306

AN ORDINANCE VACATING A PORTION OF 33RD STREET NORTH AS PREVIOUSLY DEDICATED IN THE SE 1/4, SECTION 33, TOWNSHIP 26 SOUTH, RANGE 1 EAST OF THE 6th P.M., SEDGWICK COUNTY, KANSAS.

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

SECTION 1. That the portion of right-of-way for 33rd Street North described as follows, to-wit:

That part of the north 40 feet of the Southeast Quarter of Section 33, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, being west of the west line of Ohio Street as platted in Bridgeport 3rd Industrial Addition and extended south, except the west 164 feet of said north 40 feet, (MAPC NO. V-1175);

~~be~~ and the same is hereby vacated in accordance with K.S.A. 13-443, subject, however, to the concurrence in such vacation by the Board of County Commissioners as by law provided.

SECTION 2. That there is hereby retained a general utility easement for all public utilities over, under and through the entire 40 feet of street right-of-way being vacated, in accordance with K.S.A. 12-512(a).

SECTION 3. That it is hereby recommended to the Board of County Commissioners of Sedgwick County, Kansas, that said above described street be vacated by said Board in case a proper petition is filed under the provisions of K.S.A. 12-504, 12-505 and K.S.A. 12-506.

SECTION 4. That this Ordinance shall be in force and take effect from and after its passage and publication once in the official city paper.

PASSED AND APPROVED at Wichita, Kansas this 29th day of March, 1983.

ATTEST:

Albert J. Kirk, Mayor

Donald C. Gisick, City Clerk

(SEAL)

ST. LOUIS & SAN FRANCISCO R.R.

BRIDGEPORT

2

OHIO

THIRTY THIRD ST. NO.

3

INDUSTRIAL