

VACATION HEARING

RECOMMENDATION FROM MAPC TO BOARD OF CITY COMMISSIONERS

V-1287 VACATION OF STREET RIGHT-OF-WAY ALONG 45TH STREET NORTH ON THE EAST SIDE OF MERIDIAN.

NOTE: The City Clerk will certify as to proper publication of notice of hearing and filing of written protest.

A petition for the above identified vacation request has been filed in the office of the City Clerk. The Planning Commission recommends that the Board of City Commissioners find that no private rights will be injured or endangered and the public will suffer no loss or inconvenience by granting by order the vacation request subject to:

- A. Proper publication of notice of public hearing.
- B. The absence of proper written protest filed with the City Clerk.
- C. All proceedings being without cost to the City, County, or any utility company.
- D. The vacation order shall retain the south 30 feet of the vacated right-of-way as a sanitary sewer easement.
- E. The applicant shall make satisfactory arrangements with the Northwest Central Pipeline Company for retaining their gas main within the vacated street right-of-way. A letter from this company stating that satisfactory arrangements have been made shall be submitted to the Planning Department.
- F. The applicant is hereby advised that any relocation, encasement or lowering of the sanitary sewer force main or gas pipeline shall be at his sole cost.
- G. The applicant shall dedicate by separate instrument a 64-foot wide substitute street to serve the properties adjoining to the east. The legal description for this vacation case shall be amended to omit vacation of any portion of 45th Street required to tie into the substitute street.
- H. Any relocation or reconstruction of utilities necessitated by this vacation shall be at the sole expense of the applicant.

Bayouth moved, Moore seconded and it carried unanimously. Hansen abstained. (9/6/84)

ACTION: Close the public hearing, approve the vacation request, authorize the Mayor to sign the vacation order and instruct the City Clerk to file a certified copy of the order with the Sedgwick County Register of Deeds.

VACATION CASE DATA

Legal Description: The north 40 feet except the west 50 feet thereof and except the east 194 feet thereof, Government lot 2 in the Northwest Quarter of Section 30, Township 26 South, Range 1 East, Sedgwick County, Kansas, and the south 40 feet, except the west 50 feet thereof and except the east 194 feet thereof, of the southwest Quarter of Section 19, Township 26 South, Range 1 East, Sedgwick County, Kansas. (MAPC No. V-1287)

- Applicant: Miles Sand, Inc.
4857 North Meridian, Wichita, KS 67204
- Protestors: Kansas Gas & Electric Company, 201 N. Market, represented
by Mark Vining, Attorney, and Moyle Alexander, 1436 Salina,
represented by Richard Foster, Attorney, before the
Subdivision Committee and MAPC.
- Comments: After Subdivision Committee consideration it was determined
that the Northwest Central Pipeline was not within the street
R.O.W. being vacated. The applicant has submitted the
required separate instrument dedicating a 64-foot substitute
street to serve the properties adjoining to the east of the
application area.

BEFORE THE BOARD OF CITY COMMISSIONERS
OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF THE)
VACATION OF STREET RIGHT-OF-WAY)
(V-1287))
)
GENERALLY LOCATED ON 45TH STREET)
NORTH, EAST OF MERIDIAN)
)
MORE FULLY DESCRIBED BELOW)

STATE OF KANSAS } 53
SEDGWICK COUNTY }
FILED FOR RECORD AT
2:00 P.M.
FEB 25 1985
NO. 7 33515
PAT KETTLER
REGISTER OF DEEDS

MICROFILMED
OF RECORD
Ed Rera
Deputy

CORRECTIVE VACATION ORDER*

WHEREAS, on January 21, 1985 a vacation order was recorded on Film 705, Page No. 325 by the Sedgwick County Register of Deeds containing the following legal description:

The north 40 feet except the west 50 feet thereof and except the Section 30, Township 26 South, Range 1 East, Sedgwick County, Kansas, and the south 40 feet, except the west 50 feet thereof and except the east 194 feet thereof, of the southwest Quarter of Section 19, Township 26 South, Range 1 East, Sedgwick County, Kansas. (MAPC No. V-1287)

SAID legal description contained an inadvertent error and is hereby rescinded and superseded by the following corrected order of the Board of Wichita City Commissioners.

NOW on this 18th day of December, 1984, comes on for hearing the petition for vacation filed by Miles Sand, Inc., praying for the vacation of the following described street right-of-way, to-wit:

The north 40 feet except the west 50 feet thereof and except the east 194 feet thereof, Government lot 2 in the Northwest Quarter of Section 30, Township 26 South, Range 1 East, Sedgwick County, Kansas, and the south 40 feet, except the west 50 feet thereof and except the east 194 feet thereof, of the southwest Quarter of Section 19, Township 26 South, Range 1 East, Sedgwick County, Kansas. (MAPC No. V-1287)

The City Commission, 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 Daily Record of notice of this vacation proceeding for consecutive weeks on NOV. 14-21, 1985.
2. No private rights will be injured or endangered by the vacation of the above-described street right-of-way, 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. The vacation order shall retain the south 30 feet of the vacated street right-of-way as a sanitary sewer easement.
6. The vacation of the street right-of-way described herein should be approved.

City Clerk

6.00

CORRECTIVE VACATION ORDER

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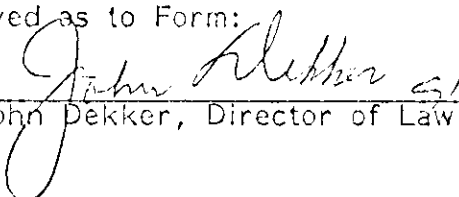
IT IS, THEREFORE, BY THE BOARD OF CITY COMMISSIONERS, on this 18th day of December, 1984, ordered that the above-described street right-of-way is hereby vacated. IT IS FURTHER ORDERED that the south 30 feet of the vacated street right-of-way is hereby retained as a sanitary sewer easement. IT IS FURTHER ORDERED that the vacation order filed on January 21, 1985 and recorded on Film 705, Page No. 325 by the Sedgwick County Register of Deeds is hereby rescinded and superseded. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.


Robert C. Knight, Mayor

ATTEST


Donald C. Giesick, City Clerk

Approved as to Form:


John Dekker, Director of Law

*NOTE: This vacation order supersedes a vacation order filed January 21, 1985 and recorded on on Film 705, Page No. 325 by the Sedgwick County Register of Deeds.

MERIDIAN

S.W. 1/4

ALEXANDER

48th St.

47th St.

SULLIVAN

SENECA

194'

45th ST. NO.

Not
Vacated

42nd St.

CITY LIMIT

SENECA

40th St. No.

INTERSTATE HIGHWAY #235

39th St.

CE

AIDON

39th

CL.