

VACATION HEARING

RECOMMENDATION FROM MAPC TO BOARD OF CITY COMMISSIONERS

V-1284 VACATION OF ALLEY RIGHT-OF-WAY LOCATED BETWEEN MAIN AND MARKET STREETS NORTH OF ENGLISH STREET.

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 applicant shall guarantee the relocation of the sanitary sewer line in the vacated alley right-of-way.
- ☒ E. The applicant shall obtain any necessary utility easements required for public utility rerouting.
- F. The applicant shall enter into an agreement with the City which ensures that four off-street parking spaces will be provided for the Omnisphere in the applicant's proposed parking structure. This agreement shall be drafted and then submitted to the Planning Department for review and approval. The agreement shall then be forwarded to the Legal Department for final review and approval as to form. The agreement must provide for 24-hour access to the four parking spaces to be provided for the Omnisphere.
- G. The applicant shall guarantee the construction of the necessary sidewalk on Omnisphere property in order to provide access from Main Street to the handicapped facilities at the rear of the Omnisphere.
- H. The applicant shall make satisfactory arrangements with Southwestern Bell and the Gas Service Company for relocation of utilities from the vacated alley right-of-way.
- I. The applicant shall guarantee the removal of the alley pavement where the vacated alley right-of-way is to be used for Heritage Park expansion.
- J. The applicant shall provide a legal description of that part of the vacated alley right-of-way which is to be provided for Heritage Park expansion. Since a portion of this park expansion area will be owned by Fidelity, it is necessary for the applicant to prepare the required legal documents for permitting the Park Department to maintain and use private property for public park purposes.
- K. The applicant shall provide facilities with their new parking structure for the loading and unloading of handicapped individuals who desire to visit the Omnisphere.
- L. The applicant shall guarantee the closure of the vacated alley return on English Street. If the applicant's redevelopment plans require access to English Street at this location, the guarantee shall provide for reconstruction of the vacated alley approach to the "private driveway" standards.

M. Any relocation or reconstruction of utilities necessitated by this vacation shall be at the sole expense of the applicant.

N. All proceedings shall be without cost to the City, County or any utility company.

Bayouth moved, Goebel seconded and it carried unanimously. Moore was not yet present. (9/6/84)

ACTION: Close the public hearing, approve the vacation request, receive and file the four (4) letters of credit, accept the utility and parking easements and the park land dedication; and authorize the Mayor to sign the Vacation Order, the Agreement which provides for building construction over the utility easement being granted, and the instrument establishing a utility easement on City-owned property; and instruct the City Clerk to file the two utility easement instruments, the park land dedication, Agreement and parking easement, and a certified copy of the Vacation Order with the Sedgwick County Register of Deeds, the recording costs of which shall be billed to the petitioner.

VACATION CASE DATA

Legal Description: The north-south alley lying between odd Lots 31 through 43, inclusive, Market Street and even Lots 32 through 44, inclusive, Main Street, Griefensteins Addition to Wichita, Sedgwick County, Kansas. (MAPC No. V-1284)

Applicant: Fidelity Savings Association of Kansas
229 South Market
Wichita, Kansas 67202

Protestors: None before the Subdivision Committee or MAPC.

Comments: The applicant has submitted letters of credit as guarantees for the items specified in conditions D, G, I and L above. The letters of credit should be received and filed. A parking easement has been submitted by separate instrument to satisfy conditions F and K above. The easement should be accepted. Utility easements have been submitted by separate instrument to satisfy item E above and additional parkland has been dedicated by the applicant to satisfy condition J above. The utility easements and parkland dedication should be accepted. The applicant has submitted an agreement to allow construction to occur over a portion of one of the utility easements being created. The agreement should be signed by the Mayor.

During the preparation of sewer relocation plans, the applicant's engineer determined that the most cost effective way of rerouting sanitary sewer would involve retaining a portion of the vacated alley as a utility easement. This retaining of a portion of the alley as a utility easement, is provided for by the Vacation Order.

Planning

FILM 749 PAGE 522

Approved by Board of Commissioners
this AUG 20 1985

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

IN THE MATTER OF THE VACATION OF
ALLEY RIGHT OF WAY

GENERALLY LOCATED BETWEEN MAIN AND
MARKET STREETS NORTH OF ENGLISH
STREET

MORE FULLY DESCRIBED BELOW

STATE OF KANSAS } 28
SEDGWICK COUNTY }
FILED FOR RECORD AT
WICHITA

SEP 4 1985
7 65178

NO. PAT KETTLER
REGISTER OF DEEDS

MICROFILMED
OF RECORD

Ed Reed
Deputy

VACATION ORDER

NOW on this 20th day of August, 1985, comes on for hearing the petition for vacation filed by Fidelity Savings Association of Kansas, praying for the vacation of the following described alley right-of-way, to-wit:

The north-south alley lying between odd Lots 31 through 43, inclusive, Market Street and even Lots 32 through 44, inclusive, Main Street, Grieffensteins Addition to Wichita, Sedgwick County, Kansas. (MAPC No. V-1284)

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 AUG 7 & 14, 1985.

2. No private rights will be injured or endangered by the vacation of the above-described alley 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 following vacated alley right-of-way as a utility easement:

The alley right of way lying between odd lots 31, 33, 35 and the north 5 feet of Lot 37 Market Street and even lots 32, 34, 36 and the north 5 feet of Lot 38, Main Street, Grieffensteins Addition to Wichita, Sedgwick County, Kansas.

6. The vacation of the alley right-of-way described herein should be approved.

IT IS, THEREFORE, BY THE BOARD OF CITY COMMISSIONERS, on this 20th day of August, 1985, ordered that the above-described alley right-of-way is hereby vacated. BE IT IS FURTHER ORDERED that the vacation order hereby retains the following vacated alley right-of-way as a utility easement:

The alley right of way lying between odd lots 31, 33, 35 and the north 5 feet of Lot 37 Market Street and even lots 32, 34, 36 and the north 5 feet of Lot 38, Main Street, Grieffensteins Addition to Wichita, Sedgwick County, Kansas.

6.00

City Clerk

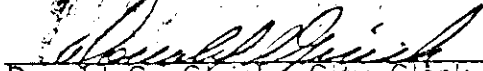
VACATION ORDER

August 2, 1985

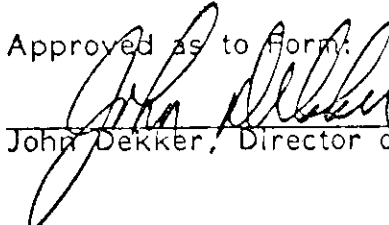
IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

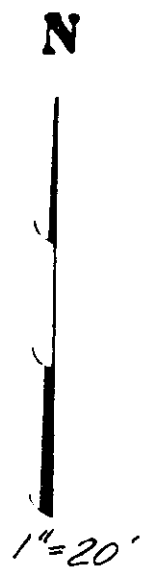

R. C. Brown, Mayor

ATTEST:


Donald C. Gsick, City Clerk

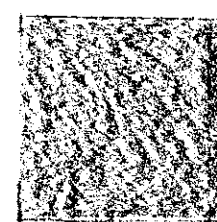
Approved as to form:


John Dekker, Director of Law



ST.

MAIN



RETAIN AS UTILITY EASMT
IN VACATION ORDER

ALLEY TO BE VACATED

Sanitary Sewer Line

E 200' of the West
83'

ENGLISH

Sanitary Sewer Line

ST.

Manhole
Rim = 100.00
E = 94.55
(Assumed
Bench mark)

Manhole
Rim = 100.28
E = 94.32

works other
agreed

V-1284

BAUGHMAN COMPANY, P.A.
SURVEYING & ENGINEERING

316-262-7271 • 330 LAURA • WICHITA KANSAS 67211

AUG. 9, 1984