

City of Wichita  
City Commission Meeting  
February 18, 1986

Agenda Report # \_\_\_\_\_

TO: Mayor and City Commissioners

SUBJECT: V-1365 - VACATION OF STREET RIGHT-OF-WAY, GENERALLY  
LOCATED SOUTH OF KELLOGG IN AN AREA WEST OF WINDSOR.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

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MAPC Recommendation: Approve vacation of street right-of-way.

Background: Davis-Moore Oldsmobile, Inc., 6215 East Kellogg, Wichita, KS 67218, has requested a vacation of street right-of-way to eliminate traffic and consolidate properties owned by the applicant. A Letter of Credit for the amount of \$17,000.00 has been submitted as guarantee for the completion of certain street improvements.

Analysis: The Planning Commission recommends the City Commission find: (1) that no private rights will be injured or endangered; and (2) the public will suffer no loss or inconvenience by granting by order the vacation, subject to:

1. Proper publication of notice of public hearing;
2. The absence of proper written protest filed with the City Clerk;
3. All proceedings being without cost to the City, County or any utility company;
4. The Vacation Order shall retain the vacated street right-of-way as a utility easement;
5. The applicant shall guarantee the closure of the vacated street returns to Kellogg Drive and to Eilerts Street. If redevelopment plans call for these access points to remain, the applicant shall guarantee the reconstruction of the vacated street returns to the private driveway standard;
6. The applicant shall guarantee the removal of street pavement and curbs within the vacated right-of-way and guarantee the reconstruction of the Courtleigh/Eilerts intersection; and
7. Any relocation or reconstruction of utilities necessitated by this vacation shall be at the sole expense of the applicant.

Legal Considerations: The City Clerk certifies as to proper notification and no filing of written protest.

Recommendations/Action: Close public hearing, receive and file Letter of Credit, approve vacation, authorize the Mayor to sign the Vacation Order and record certified copy of Order, recording costs to be billed to owner.

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

IN THE MATTER OF THE VACATION OF COURTLEIGH  
STREET RIGHT-OF-WAY.

GENERALLY LOCATED SOUTH OF KELLOGG, IN AN  
AREA WEST OF WINDSOR. (V-1365)

MORE FULLY DESCRIBED BELOW

) Approved by Board of Commissioners  
) this FEB 18 1986

MICROFILMED  
OF RECORD

STATE OF KANSAS } ss  
SEDGWICK COUNTY }  
FILED FOR RECORD AT  
1:00 P.M.

FEB 21 1986

NO. 7 91130  
PAT KETTLER  
REGISTER OF DEEDS

VACATION ORDER

NOW on this 18th day of February, 1986, comes on for hearing the petition for vacation filed by Davis-Moore Oldsmobile, Inc., praying for the vacation of the following described street right-of-way, to-wit:

Beginning at the northwest corner of Lot 1, Davis-Moore 2nd Addition, Wichita, Kansas; thence south, 284.28 feet to the southwest corner of Lot 1, in said Davis-Moore 2nd Addition; thence west, along the south line of the south line of Lot 1, in said Davis-Moore 2nd Addition, extended west, 50 feet to the east line of Lot 1, Universal First Addition to Wichita, Kansas; thence north, 284.01 feet to the northeast corner of Lot 1, in said Universal's First Addition; thence east, 50 feet to the place of beginning.

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 FEB 5 & 12, 1986.
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(s) 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 vacated street right-of-way is hereby retained as a utility easement.
6. The vacation of the street right-of-way described herein should be approved.

IT IS, THEREFORE, BY THE BOARD OF CITY COMMISSIONERS, on this 18th day of February, 1986, ordered that the above-described street 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.

ATTEST:

Donald C. Giesick  
Donald C. Giesick, City Clerk

R. C. Brown  
R. C. Brown, Mayor

Approved as to Form:

John Dekker  
John Dekker, Director of Law

city clerk

KELLOGG

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