

VACATION HEARING

RECOMMENDATION FROM MAPC TO BOARD OF CITY COMMISSIONERS

V-1339 VACATION OF ALLEY RIGHT-OF-WAY GENERALLY LOCATED BETWEEN FERN AND MILLWOOD IN AN AREA NORTH OF SECOND 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. Any relocation or reconstruction of utilities necessitated by this vacation shall be at the sole expense of the applicant.
- E. The applicant is advised that the Gas Service Company may have a gas main located within that portion of the alley right-of-way requested for vacation. If the gas main is located within the application area, satisfactory arrangements will need to be made with the gas company for relocation of their line.
- F. The vacation order shall exclude from vacation 9-foot by 9-foot triangular portions of the subject alley right-of-way adjacent to the intersection of the north/south alley with the east/west alley.

Bayouth moved, Hansen seconded and it carried unanimously. Chisholm and Moore were not yet present. (7/25/85)

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 nine (9) feet of the fifteen (15) foot platted alley adjacent to the South line of Lot 79 except for the triangular portion thereof beginning at the Southwest Corner of Lot 79 and running South nine (9) feet, hence East nine (9) feet, and back to the point of beginning by a straight diagonal line.

The North nine (9) feet of the fifteen (15) foot platted alley adjacent to the South line of Lot 80 except for the triangular portion thereof beginning at the Southeast corner of Lot 80 and running South nine (9) feet, hence West nine (9) feet, and back to the point of beginning by a straight diagonal line.

All located in Dodge's Addition to the City of Wichita, Sedgwick County, Kansas. (MAPC No. V-1339)

Applicant: Hugh T. Hefley
321 North Millwood
Wichita, Kansas 67203

Protestors: None before the Subdivision Committee or MAPC.

Comments: The Gas Service Company has determined that its gas line is not located within the alley right-of-way being vacated as questioned in item "E" above.

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 FERN AND
MILLWOOD IN AN AREA NORTH OF SECOND
STREET

MORE FULLY DESCRIBED BELOW

Approved by Board of Commissioners

SEP 03 1985

STATE OF KANSAS }
SEDGWICK COUNTY }

FILED FOR RECORD AT

SEP 30 1985

7 69498

NO. PAT KETTLER

REGISTER OF DEEDS

MICROFILMED
1:00 P.M. OF RECORD

Ed Rusal
Deputy

VACATION ORDER

NOW on this 3rd day of September, 1985, comes on for hearing the petition for vacation filed by Hugh T. Hefley, praying for the vacation of the following described alley right-of-way to-wit:

The North nine (9) feet of the fifteen (15) foot platted alley adjacent to the South line of Lot 79 except for the triangular portion thereof beginning at the Southwest Corner of Lot 79 and running South nine (9) feet, hence East nine (9) feet, and back to the point of beginning by a straight diagonal line.

The North nine (9) feet of the fifteen (15) foot platted alley adjacent to the South line of Lot 80 except for the triangular portion thereof beginning at the Southeast corner of Lot 80 and running South nine (9) feet, hence West nine (9) feet, and back to the point of beginning by a straight diagonal line.

All located in Dodge's Addition to the City of Wichita, Sedgwick County, Kansas. (MAPC No. V-1339)

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 21 & 28, 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 of the alley right-of-way described herein should be approved.

IT IS, THEREFORE, BY THE BOARD OF CITY COMMISSIONERS, on this 3rd day of September, 1985, ordered that the above-described alley 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.

R. Brown
R. Brown, Mayor

ATTEST:

Donald C. Csick
Donald C. Csick, City Clerk

Approved as to form:
John Laker
John Laker, Director of Law

city clerk

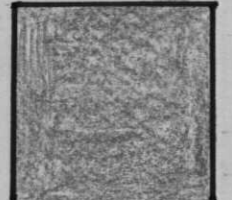
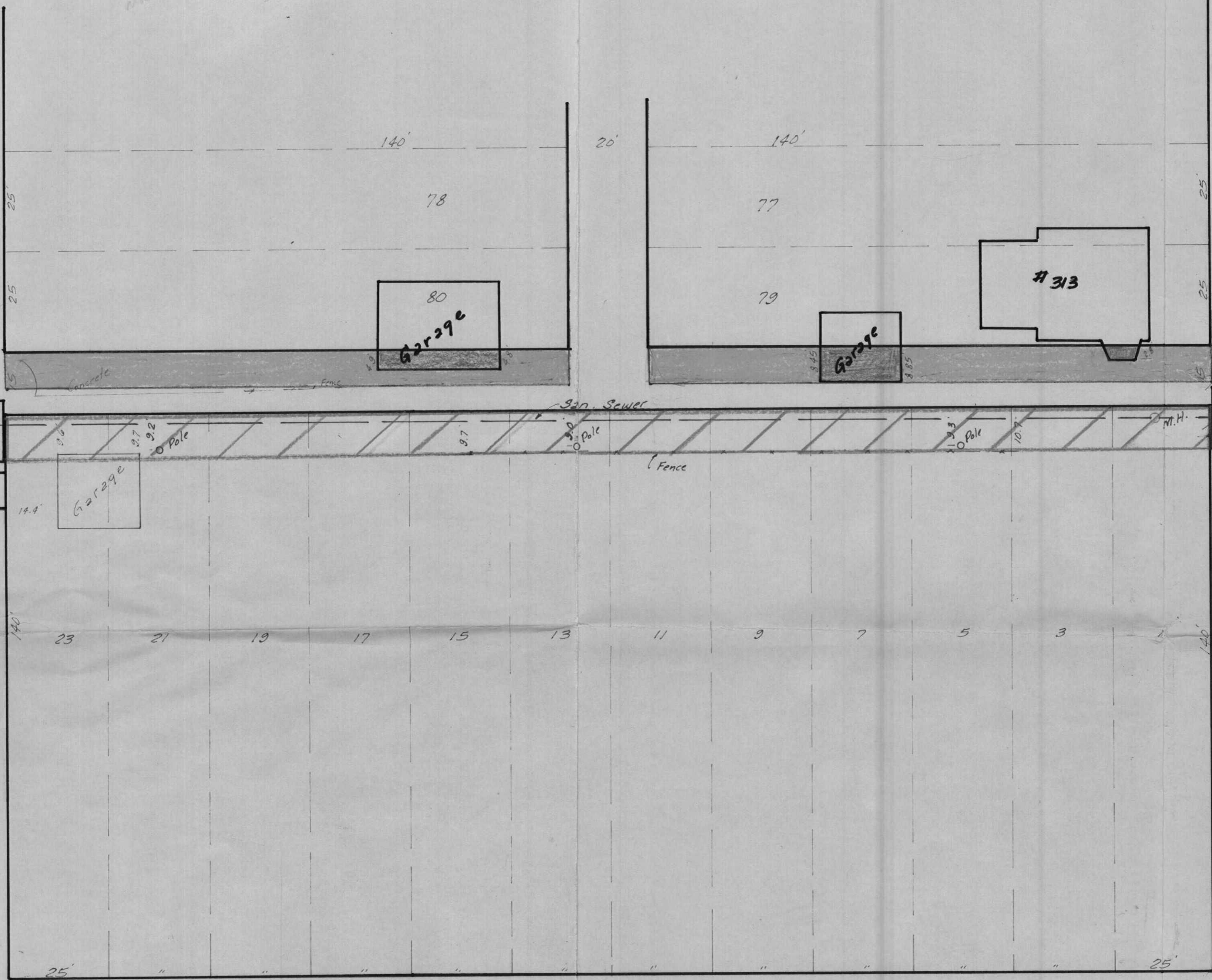
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AVE.

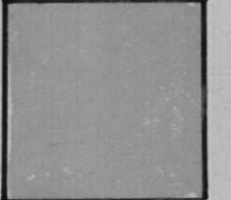
MILLWOOD

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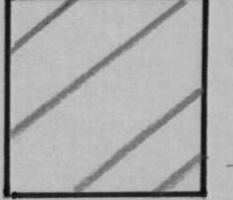
FERN



BUILDING
ENCROACHMENTS



PLATTED ALLEY R.O.W.
REQUESTED FOR VACATION



ACTUAL LOCATION OF ALLEY R.O.W.
SERVING ADJACENT PROPERTIES

2ND

ST.