

VACATION HEARING

RECOMMENDATION FROM MAPC TO BOARD OF CITY COMMISSIONERS

V-1315 VACATION OF ALLEY RIGHT-OF-WAY GENERALLY LOCATED NORTH OF DOUGLAS AVENUE IN AN AREA EAST OF WASHINGTON 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 vacation order shall retain the vacated alley right-of-way as a utility easement.
- F. The vacation order shall exclude the vacation of the west 20 feet of the application area.
- G. The applicant shall guarantee the closure or reconstruction of the vacated alley returns to a private driveway standard.

Peters moved, Bayouth seconded and it carried unanimously. Chisholm, Banzer and Goebel were absent. Moore was not yet present. (3/21/85)

ACTION: Close the public hearing, approve the vacation request, receive and file the letter of credit, 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 east/west alley in the city block, bounded by Douglas Avenue, Washington, First and Wabash Streets, more fully described as follows:

The 20-foot alley platted in Hubbards Subdivision of Lot 3, Mathewson's Addition to Wichita, Kansas, AND alley right-of-way established by City of Wichita Ordinance No. 4677, said right-of-way being described as all of Lot 2, Washington Avenue, and the north 10 feet off of Lots 2, 4, 6, 8 and 10, Douglas Avenue, all in L.A. Armstrong's Addition to Wichita, Kansas; also strip of ground 5.75 feet by 20 feet south of and abutting Lot 14, Wabash Avenue, McCarty's Addition to Wichita, Kansas being a portion of Lot 5, Douglas Avenue, Mathewson Addition, Sedgwick County Kansas. (MAPC No. V-1315)

Applicant: American Motors Realty Corporation  
R.F. Doran, Manager  
27777 Franklin Road  
Southfield, Michigan 48034

Protestors: None before the Subdivision Committee or MAPC.

Comments: The applicant has submitted a letter of credit in the amount of \$3,000 as a guarantee for the closure or reconstruction of the vacated alley returns to a private driveway standard as specified in item "G" above. The letter of credit should be received and filed by the B.C.C.

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

IN THE MATTER OF THE VACATION OF )  
AN ALLEY )  
)  
)  
GENERALLY LOCATED NORTH OF DOUGLAS )  
IN AN AREA EAST OF WASHINGTON )  
)  
)  
MORE FULLY DESCRIBED BELOW )

MICROFILMED  
OF RECORD

Approved by Board of Commissioners  
this MAY 28 1985

STATE OF KANSAS } ss  
SEDGWICK COUNTY }  
FILED FOR RECORD AT  
8:00 a.m.

JUN 20 1985

VACATION ORDER

NO. 7 52381  
PAT KETTLER  
REGISTER OF DEEDS

NOW on this 28th day of May, 1985, comes on for hearing the petition for vacation filed by Everett C. Fettis, praying for the vacation of the following described alley, to-wit:

The east/west alley in the city block, bounded by Douglas Avenue, Washington, First and Wabash Streets, more fully described as follows:

*Ed Reed  
Deputy*

The 20-foot alley platted in Hubbards Subdivision of Lot 3, Mathewson's Addition to Wichita, Kansas, AND alley right-of-way established by City of Wichita Ordinance No. 4677, said right-of-way being described as all of Lot 2, Washington Avenue, and the north 10 feet off of Lots 2, 4, 6, 8 and 10, Douglas Avenue, all in L.A. Armstrong's Addition to Wichita, Kansas, except the west 20 feet thereof; also strip of ground 5.75 feet by 20 feet south of and abutting Lot 14, Wabash Avenue, McCarty's Addition to Wichita, Kansas being a portion of Lot 5, Douglas Avenue, Mathewson Addition, Sedgwick County Kansas. (MAPC No. V-1315)

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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 MAY 15, & 22, '85.
2. No private rights will be injured or endangered by the vacation of the above-described alley, 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 vacated alley right-of-way as a utility easement.
6. The vacation of the alley described herein should be approved.


6.00

City Clerk

IT IS, THEREFORE, BY THE BOARD OF CITY COMMISSIONERS, on this 28th day of May, 1985, ordered that the above-described alley is hereby vacated. IT IS FURTHER ORDERED that the vacated alley right-of-way is hereby retained as a utility easement. 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. Cisick, City Clerk

Approved as to Form:

  
John Dekker, Director of Law

