

City of Wichita
City Commission Meeting
September 2, 1986

Agenda Report # _____

TO: Mayor and City Commissioners

SUBJECT: V-1412 - REQUEST TO VACATE HALF-STREET RIGHT-OF-WAY,
LOCATED ON THE EAST SIDE OF BATTIN, SOUTH OF SHADYBROOK.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

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

Background: CPC Properties of Kansas, Inc., Attention: Donald Kalicak, 5931 Highway 94 South, St. Charles, MO 63301, is requesting this vacation to clear title to the half-street right-of-way. The vacation of this right-of-way was first approved in 1978, but was not completed through the County. Under current State law, County approval is not required for vacation cases within city limits. The east half of the street right-of-way has been previously vacated by replat.

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. Any relocation or reconstruction of utilities necessitated by this vacation shall be at the sole expense of the applicant; and
5. The Vacation Order shall retain the vacated right-of-way as a utility easement.

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

Recommendations/Action:

Close public hearing; approve vacation; authorize the Mayor to sign 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 STREET
RIGHT-OF-WAY.

GENERALLY LOCATED ON THE EAST SIDE OF BATTIN,
IN AN AREA SOUTH OF SHADYBROOK. (V-1412)

MORE FULLY DESCRIBED BELOW

) Approved by Board of Commissioners
) this SEP 2 1986

STATE OF KANSAS } 33
SEDGWICK COUNTY }
FILED FOR RECORD AT
8:00 A.M.

MICROFILMED
OF RECORD

SEP 16 1986
8 32665

VACATION ORDER

Ed Rea
Deputy

NO. PAT KETTLER
REGISTER OF DEEDS

NOW on this 2nd day of September, 1986, comes on for hearing the petition for vacation filed by CPC Properties of Kansas, Inc., praying for the vacation of the following described street right-of-way, to-wit:

The east 30 feet of Battin Avenue from the south line of Shadybrook to the south line of Lot 5, Block 5, 1st Addition to Crestview Heights, Wichita, Kansas. (V-1412)

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 22 1986 and AUG 29 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 2nd day of September, 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

Tony Casado
Tony Casado, Mayor

Approved as to Form:

John Dekker
John Dekker, Director of Law

City Clerk

5.00

21 ST

ADD.
2

BATTIN AVE.

1

14

1

14

CRESTVIEW

OLD MANOR ROAD

SHADYBROOK

LANE

SHADYBROOK CT.

7

OKL. 36-177
VAC.

5
FIRST

VAC.

6

TIMBROOK 1 8

1 A 2
TIMBROOK

20TH. ST.

3rd

ADD.

5

THE TIMBERS
ADDITION 1