

City of Wichita
City Commission Meeting
August 19, 1986

Agenda Report # _____

TO: Mayor and City Commissioners

SUBJECT: V-1406 - REQUEST TO VACATE ALLEY RIGHT-OF-WAY, LOCATED NORTH OF 13TH STREET NORTH, IN AN AREA EAST OF WEST STREET.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

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

Background: Farris Farha, c/o Wes Darnell, Wilson, Darnell Associates, P.A., 128 N. Oliver, Wichita, KS 67208, is requesting this vacation to permit private use of the property.

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 entire vacated alley right-of-way shall be retained as a utility easement in the Vacation Order.

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 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 ALLEY
RIGHT-OF-WAY.)

GENERALLY LOCATED NORTH OF 13TH STREET NORTH,)
IN AN AREA EAST OF WEST STREET. (V-1406))

MORE FULLY DESCRIBED BELOW

Approved by Board of Commissioners
AUG 19 1986

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

MICROFILMED
OF RECORD

SEP 5 1986
8 30568

VACATION ORDER *Ed Reed Deputy*

NO. PAT KETTLER
REGISTER OF DEEDS

NOW on this 19th day of August, 1986, comes on for hearing the petition for vacation filed by Farris S. Farha, et al, praying for the vacation of the following described alley right-of-way, to-wit:

A twenty (20) foot wide alley right-of-way extending for the entire length of and parallel to the east property line of Lot 1, Westfern Addition, Wichita, Kansas. (V-1406)

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. 6 & 13, 1986.
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(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 alley right-of-way is hereby retained as a utility easement.
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 19th day of August, 1986, 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.

Tony Casado
Tony Casado, Mayor

ATTEST:

Donald C. Gistick
Donald C. Gistick, City Clerk

Approved as to Form:

John Dekker
John Dekker, Director of Law

5.00 *city clerk*

KAKE

1
ADD.

2
ADD.

WEST

WESTFORN
1

FARHA
ESTATES
1
ADD.

HAMMER
ADD. 1

THIRTEENTH