

City of Wichita
City Commission Meeting
November 12, 1986

Agenda Report # _____

TO: Mayor and City Commissioners

SUBJECT: V-1401 - REQUEST TO VACATE STREET RIGHT-OF-WAY LOCATED ON THE SOUTH SIDE OF 25TH STREET NORTH, IN AN AREA EAST OF OHIO.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

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

Background: Union Equity Co-op Exchange, P.O. Box 3408, Enid, Oklahoma, 73702 is requesting this vacation to clear an existing building encroachment.

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 applicant or his agent shall meet with K.G.&E. to work out a legal description for that part of the vacated street which needs to be retained as 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 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 STREET)
RIGHT-OF-WAY.)
)
GENERALLY LOCATED ON THE SOUTH SIDE OF 25TH)
STREET NORTH, IN AN AREA EAST OF OHIO. (V-1401))
)
MORE FULLY DESCRIBED BELOW)

Approved by Board of Commissioners
this NOV 12 1986

VACATION ORDER

NOW on this 12th day of November, 1986, comes on for hearing the petition for vacation filed by Missouri Pacific Railroad and Union Equity Co-operative Exchange, praying for the vacation of the following described street right-of-way, to-wit:

That part of Cherry Avenue, now Indiana, and 25th Street North, as platted in McAfee's Addition to Wichita, Kansas, described as follows: Beginning at the northeast corner of Lot 56 on Cherry Avenue, now Indiana, in said McAfee's Addition; thence west along the north line of said Lot 56, 68 feet; thence north parallel with the west line of said Indiana, 30 feet to the north line of the Southeast Quarter of Section 4, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; thence east along said north line to the westerly line of the railroad right-of-way; thence southwesterly along said railroad right-of-way to the west line of said Indiana; thence north along the west line of said Indiana and the east line of Reserve A and Lots 54 and 56 to beginning. (V-1401)

STATE OF KANSAS } 58
SEDGWICK COUNTY }
FILED FOR RECORD AT
8:00 A.M.
NOV 20 1986
NO. 8 46566
PAT KETTLER
REGISTER OF DEEDS

Ed Peral
Deputy

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 OCT 22 & 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 vacation of the street right-of-way described herein should be approved.

IT IS, THEREFORE, BY THE BOARD OF CITY COMMISSIONERS, on this 12th day of November, 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.

Tony Casado
Tony Casado, Mayor

ATTEST:

Donald C. Gisick
Donald C. Gisick, City Clerk

Approved as to Form:

5.00 *Thomas R. Powell JR*
John Dekker, Director of Law

city clerk

AL

ISLAND

25th

AVE.

55
53

55
54

RESERVE A

MO. PAC. R.R.

NORTH

44
42

McAFEE'S

OHIO

23
21

6

23
21