

City of Wichita
City Council Meeting
September 29, 1987

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V-1486 - REQUEST TO VACATE A PORTION OF PEARL STREET
RIGHT-OF-WAY.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of a portion of street right-of-way.

MAPC Recommendation: Approve vacation of a portion of street right-of-way.
(unanimous)

Location: In an area east of Seneca and north of Douglas. (District #4).

Applicant: Joseph P. Steven, 206 N. Seneca, Wichita, KS 67203

Site Size: A portion of Pearl street right-of-way measuring 255 feet in length and approximately 21 feet in width.

Current Zoning: "E" (Light Industrial)

Background: This applicant owns approximately 3/4 of this block and has previously received approval from the City to vacate the north/south alley (V-1451, W.C.C. approved 5/26/87). This vacation of Pearl Street has been requested in order to provide area for additional parking and for a driveway to provide a circulation aisle for an existing car wash operation. The subject portion of street right-of-way is not being used for public street purposes. Because of the location of public utilities, the Utility Advisory Committee recommended that the Vacation Order retain the right-of-way as a utility easement. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions. This case was previously scheduled for consideration on September 15, 1987, but was struck from the agenda because of a publication error.

Legal Considerations: The City Clerk needs to certify 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:

755-68-360-50000-295-000-000

BEFORE THE CITY COUNCIL OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF A PORTION OF STREET RIGHT-OF-WAY. GENERALLY LOCATED IN AN AREA EAST OF SENECA, NORTH OF DOUGLAS. (V-1486) MORE FULLY DESCRIBED BELOW

Approved / Accepted By City Council This SEP 23 1987

MICROFILMED OF RECORD

VACATION ORDER

NOW on this 29th day of September, 1987, comes on for hearing the petition for vacation filed by Joseph P. Steven, praying for the vacation of the following described portion of street right-of-way, to-wit:

That part of Pearl Street (now) Pacific, described as beginning at the southwest corner of Lot 22 on Seneca, West Wichita Addition, Wichita, Sedgwick County, Kansas; thence east, along the south line of said Lot 22 and extending along the south line of Lot 21 on Walnut, in said West Wichita Addition, 265 feet to the southeast corner of said Lot 21; thence south on the extended east line of said Lot 21, 20.95 feet; thence west, 265 feet to a point on the extended west line of said Lot 22, said point being 18.85 feet south of the southwest corner of said Lot 22; thence north, along the extended west line of said Lot 22, 18.85 feet to the place of beginning, except the west 10 feet thereof.

STATE OF KANSAS SEDGWICK COUNTY FILED FOR RECORD AT 1:00 P M

OCT 8 1987

NO. 9 11549 PAT KETTLER REGISTER OF DEEDS

Ed Reed Deputy

The City Council, 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 SEPT 15 & 22, 1987.
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 CITY COUNCIL, on this 29th day of September, 1987, 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

Dale E. Rea, Deputy City Clerk

Robert G. Knight, Mayor

Approved as to Form

Thomas Powell, Interim Director of Law

State of Kansas Sedgwick County City of Wichita IDALE E. REA, Deputy City Clerk of the City of Wichita, Kansas hereby certify that the document to which this is affixed is a true and correct copy of the original on file in the City Clerk's Office...

g.c.c. city clerk

EXHIBIT

Exhibit A

VACATION OF A PORTION OF PEARL ST. (NOW) PACIFIC

LEGAL DESCRIPTION:

That part of Pearl St. (now) Pacific, described as beginning at the S.W. Corner of Lot 22 on Seneca, West Wichita Addition, Wichita, Sedgwick County, Kansas; thence east, along the south line of said Lot 22 and extending along the south line of Lot 21 on Walnut, in said West Wichita Addition, 265 feet to the S.E. Corner of said Lot 21; thence south on the extended east line of said Lot 21, 20.95 feet; thence west, 265 feet to a point on the extended west line of said Lot 22, said point being 18.85 feet south of the S.W. Corner of said Lot 22; thence north, along the extended west line of said Lot 22, 18.85 feet to the place of beginning, except the west 10 feet thereof.

