

City of Wichita
City Council Meeting
July 21, 1987

Agenda Report # _____

TO: Mayor and City Council Members
SUBJECT: V-1449 - REQUEST TO VACATE A PORTION OF STREET
RIGHT-OF-WAY
INITIATED BY: Metropolitan Area Planning Department
AGENDA ACTION: Planning

Location: Southside of 15th Street North between Jeanette and Ferrell Drive. (District #5).

Applicant: Delora M. Donovan, 1559 Ferrell Drive, Wichita, Ks. 67203

Site Size: A 10-foot wide portion of street measuring 100 feet in length.

Current Zoning: "AA" (Single-family)

Background:

This case represents an amended application for a case previously considered by the City Council on May 12, 1987. At that earlier meeting, the Council voted unanimously to deny the request based on a perceived damage to the neighborhood. A protest petition signed by 260 persons had been filed.

Whereas the applicant's original request involved the vacation of the entire right-of-way for 15th Street North between Jeanette and Ferrell Drive, this revised request pertains to only the south 10 feet of the right-of-way. After vacation, 50 feet of right-of-way would remain for 15th Street. Although the Planning Commission had previously recommended vacation of the entire street right-of-way, their recommendation to vacate the 10-foot strip involved the stipulation that their recommendation should not be construed as supporting the future closure of the subject street. This stipulation was made in order to address the concerns of several neighbors who had voiced their fear that partial vacation would eventually cause the closure of the street.

The applicant has requested this vacation case in order to provide more buildable area for construction of a one car garage. The Utility Advisory Committee has verified that the south four feet of the 10-foot strip of land is not needed for utility purposes, but did require that the Vacation Order retain the north six feet as a "street, drainage and utility easement."

Staff Recommendation: Approve vacation of street right-of-way

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

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 ON THE SOUTH SIDE OF 15TH STREET NORTH, BETWEEN JEANETTE AND FERRELL DRIVE (V-1449)

MORE FULLY DESCRIBED BELOW

MICROFILMED OF RECORD

Approved / Accepted By City Council

This ~~JUL 21 1987~~

STATE OF KANSAS { 53
SEDGWICK COUNTY
FILED FOR RECORD AT
1:00 P.M.

JUL 29 1987

NO. 8 97715

PAT KETTLER
REGISTER OF DEEDS

VACATION ORDER

*Ed Resal
Deputy*

NOW on this 21st day of July, 1987, comes on for hearing the petition for vacation by Delora M. Donovan, praying for the vacation of the following described portion of street right-of-way, to-wit:

The south ten (10) feet of street right-of-way existing for Fifteenth Street North adjacent to the north lines of lots 220, 222, 224 and 226 on 15th Street North, Rich's Addition to Wichita, Kansas. (V-1449)

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 7/8 & 15/87.
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 north six (6) feet of the vacated street right-of-way is hereby retained as a street, drainage and 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 21st day of July, 1987, ordered that the above-described 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. Resal
Dale E. Resal, Deputy City Clerk

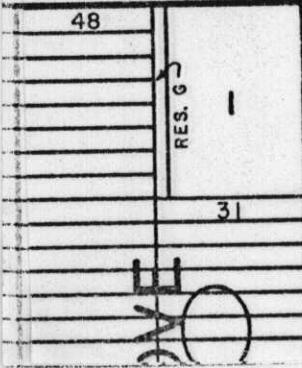
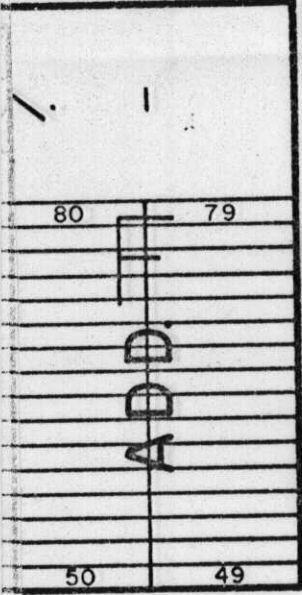
Approved as to Form:

5.00
Thomas R. Powell
Thomas Powell, Interim Director of Law

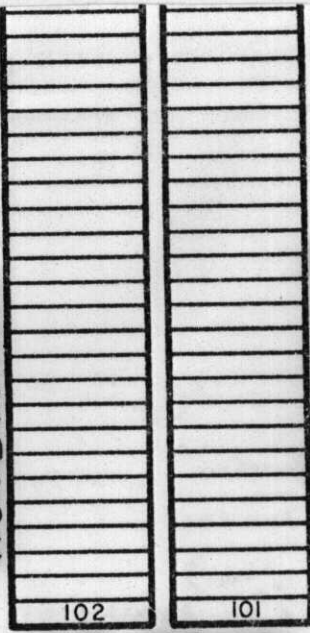
Robert C. Knight
Robert C. Knight, Mayor

State of Kansas)
Sedgwick County)
City of Wichita)
I, Dale E. Resal, Deputy City Clerk of the City of Wichita, Kansas, hereby certify that the document in which this is affixed is a true and correct copy of the original on file in the office of the City Clerk. Given under my hand and seal of the City of Wichita, Kansas, this 23rd day of July, 1987.

Dale E. Resal
Dale E. Resal, Deputy City Clerk
City Clerk

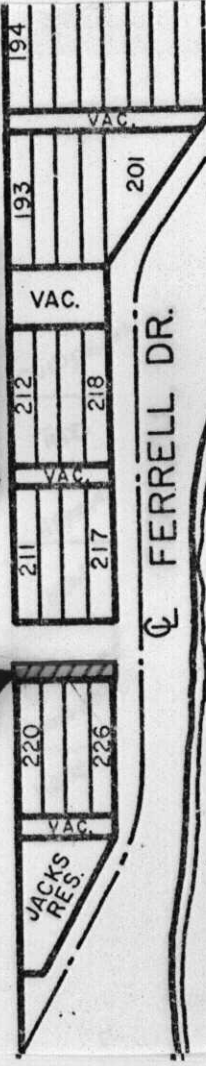


WOODLAND



15th ST. NO.

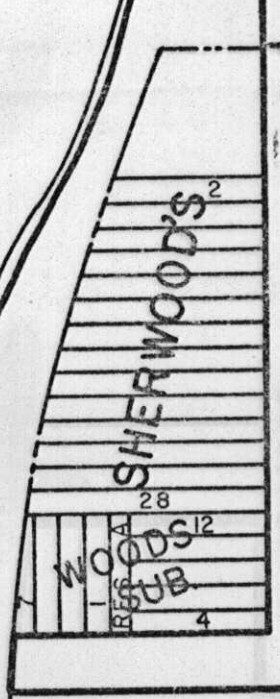
JEANETTE



FERRELL DR.

LITTLE ARKANSAS RIVER

CITY PROPERTY



SHERWOOD

AVE.