

City of Wichita  
City Council Meeting  
March 1, 1988

Agenda Report # \_\_\_\_\_

TO: Mayor and City Council Members

SUBJECT: V-1523 - REQUEST TO VACATE NORTH/SOUTH ALLEY RIGHT-OF-WAY,  
LOCATED BETWEEN FIRST AND SECOND STREETS, IN AN AREA WEST  
OF ASH. (District #1)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

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

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

Background: This vacation case has been requested in order to permit the applicant to utilize the vacated alley right-of-way adjacent to his property as a private circulation drive. This alley is not presently open from 1st Street to Second Street. Since public utilities are located in the 10-foot wide alley, the Vacation Order retains the vacated right-of-way as a utility easement. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions.

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

MICROFILMED OF RECORD

IN THE MATTER OF THE VACATION OF PLATTED ALLEY )  
RIGHT-OF-WAY. )

Approved / Accepted By City Council  
MAR 1 1988

GENERALLY LOCATED NORTH OF 1ST STREET NORTH, )  
BETWEEN MINNESOTA AND ASH STREET. (V-1523) )

This \_\_\_\_\_

STATE OF KANSAS }  
SEDGWICK COUNTY }  
FILED FOR RECORD AT  
8:00 AM

MORE FULLY DESCRIBED BELOW

MAR 15 1988

NO. 9 36255

PAT KETTLER  
REGISTER OF DEEDS

VACATION ORDER

*Ed Rea Deputy*

NOW on this 1st day of March, 1988, comes on for hearing the petition for vacation filed by Import Auto Center, Inc., et al, praying for the vacation of the following described alley right-of-way, to-wit:

The ten-foot wide alley right-of-way lying adjacent to the east line of Lots 2 through 48 inclusive, Block 1, Minneapolis Addition to Wichita, Kansas, except the south 20 feet and the north 20 feet thereof. (V-1523)

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 FEB 17 & 24, 1988.
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 CITY COUNCIL, on this 1st day of March, 1988, 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, Kansas.



*Robert C. Knight*  
Robert C. Knight, Mayor

State of Kansas )  
Sedgwick County) ss  
City of Wichita )  
DALE 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 office of the City Clerk. Given under my hand and seal of the City of Wichita, Kansas.

TEST: *Dale E. Rea*  
Dale E. Rea, Deputy City Clerk

Approved as to Form:

*Thomas Powell*  
Thomas Powell, ~~City~~ Director of Law

*Dale E. Rea*  
Dale E. Rea, Deputy City Clerk

city clerk

