Planning Agenda #_____

City of Wichita
City Council Meeting
March 29, 1994

Agenda Report #_____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1819; REQUEST TO VACATE STREET RIGHT-OF-WAY, GENERALLY LOCATED SOUTH OF KELLOGG AND EAST OF GREENWICH (District #2)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

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

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

Background: This is the vacation of the remaining Brundige Street right-of-way. As a condition of platting One Kellogg Place (originally submitted as One Greenwich Place), located immediately adjacent to the west line of Brundige, the western half of street right-of-way for Brundige was vacated through the platting process. As a requirement of platting, the applicant now seeks to vacate the [remaining] east half of Brundige, from the centerline, which is adjacent to applicant's property. However, the east 15 feet of this proposed vacation area (i.e., - the east 15 feet of the east half-street right-of-way) is to be retained by the City as public utility easement for the provision of City water services, and the north 56 feet of half-street right-of-way is to be retained as street right-of-way for Kellogg. Staff and MAPC have recommended approval because future development needs have been considered, for utilities and right-of-way, and the vacation will not adversely affect the public interest.

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/Actions: Close the public hearing, approve the vacation; authorize the Mayor to sign the Vacation Order; and record the certified copy of the Vacation Order; recording costs to be billed to:
150029-2909

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

IN THE MATTER OF THE VACATION OF THAT PORTION OF STREET RIGHT-OF-WAY	)	
GENERALLY LOCATED SOUTH OF KELLOGG AND EAST OF GREENWICH	)	Case No. V-1819
MORE FULLY DESCRIBED BELOW	)	

VACATION ORDER

NOW on this 29th day of March, 1994, comes on for hearing the petition for vacation filed by Ed Ray, President, Sedgwick State Bank, praying for the vacation of the following described portion of street right-of-way, to-wit:

The east half of Brundige Street right-of-way, as platted in the East Kellogg Mini Storage Addition, an Addition to Wichita, Sedgwick County, Kansas, except the east 15 feet which is retained as public utility easement for the provision of City water, and except the north 56 feet which is retained as street right-of-way for Kellogg.

MICROFILMED OF RECORD

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 Reporter of notice of this vacation proceeding for consecutive weeks on 3/11/94 + 3/18/94.

2. No private rights will be injured or endangered by the vacation of the above-described portion of 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 east 15 feet of the above-described street right-of-way being vacated shall be retained as public utility easement for the provision of City water.

8.00 ch

City Clerk

8 -

Vacation Order
V-1819
Page 2 of 2

6. The vacation of the portion of street right-of-way described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 29th day of March, 1994, ordered that the above-described portion of 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.

Elma Broadfoot, Mayor

ATTEST:

Pat Burnett, Deputy City Clerk

Approved as to Form:

Gary Rebenstorf, Director of Law

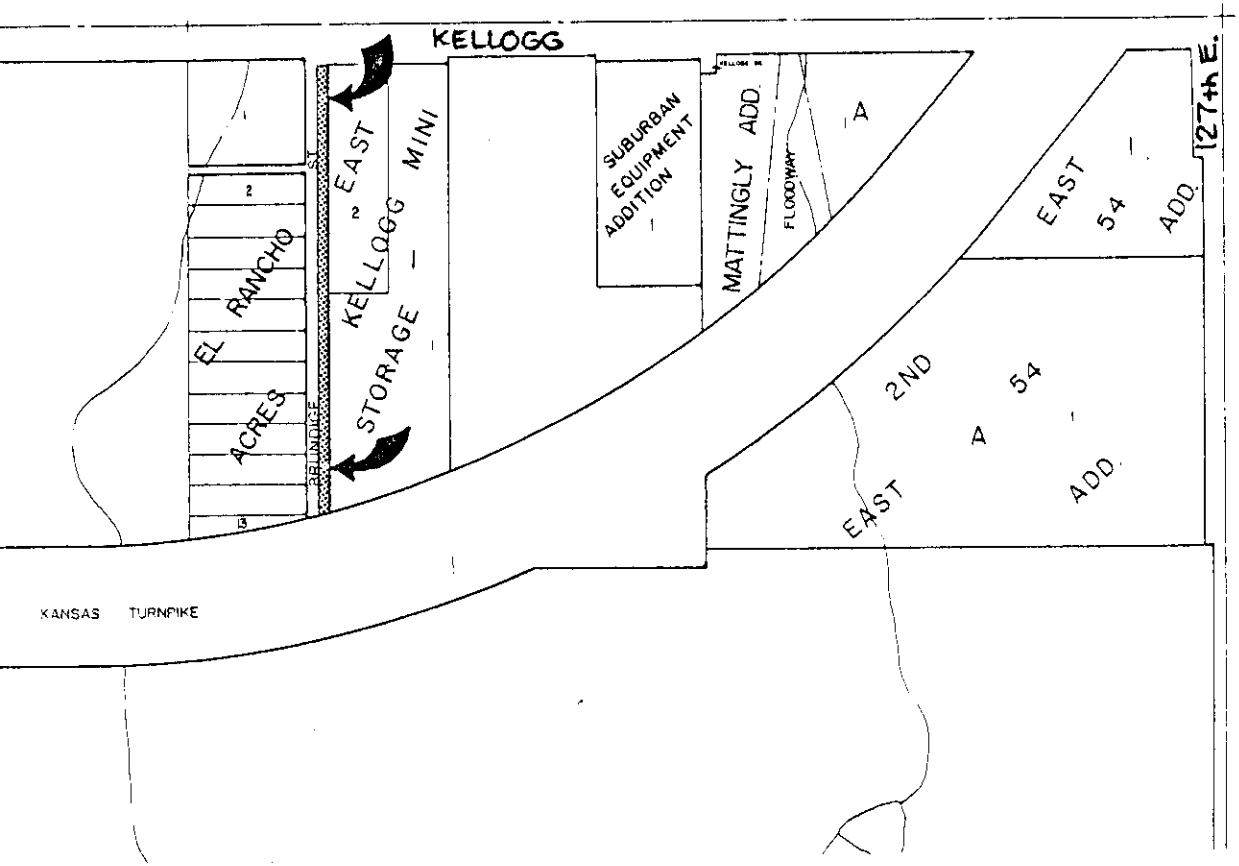
State of Kansas)
Sedgwick County) ss
City of Wichita)

I, Cheryl Holloway, Deputy City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is attached 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, this 2 April 7, 1994

Cheryl Holloway Deputy City Clerk

STATE OF KANSAS } ss
SEDGWICK COUNTY
FILED FOR RECORD AT 8:00 A.M.
JUN 23 1994
NO. 1392070
PAT KETTLER
REGISTER OF DEEDS
Ed Reed
Deputy



Application Filed 5/24/93
S/D Comm. Action 6/10/93 Approved

M.A.P.C. Action 6/17/93 App.

W.C.C. Action 3-29-94 Approved

Bd. Co. Co. Action

Order to Vacate Recorded
June 23 1994