

Planning Agenda # _____

**City of Wichita
City Council Meeting
May 12, 1998**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1802 REQUEST TO VACATE STREET RIGHT-OF-WAY LOCATED IN AN AREA SOUTH OF CENTRAL AND WEST OF HOOVER.
(District #5)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

M. Kout

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

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

Background: The applicants are requesting to vacate street right-of-way located just north of St. Louis. This case was approved by the MAPC in 1993 but due to an original applicant selling one of the lots involved in this case, the request was never completed. The new owner of this lot is requesting this vacation case now be completed. Once this vacation is completed, the street right-of-way will be returned to the applicants.

City Engineering has indicated that this vacation request is acceptable. The vacation request has been reviewed and approved by the Planning Commission, subject to retaining the north and south 30 feet as utility easement to maintain a common building setback with adjoining lots. No members of the public addressed the MAPC in opposition to this request.

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.

CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

1709746 4228

Approved / Accepted By City Council

This MAY 12 1998

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Page 1 of 2 STATE OF KANSAS) ss
Sedgwick County)

JUL 22 8 05 AM '98

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

IN THE MATTER OF THE VACATION OF)
STREET RIGHT-OF-WAY)

GENERALLY LOCATED)
SOUTH OF CENTRAL AND WEST OF HOOVER)

MORE FULLY DESCRIBED BELOW)

Case No. V-1802



REGISTER OF DEEDS

Deputy

MACROFILMED
OF RECORD

VACATION ORDER

NOW on this 12th day of May, 1998, comes on for hearing the petition for vacation filed by James W. Mead, II, Etal, praying for the vacation of the following described street right-of-way, to-wit:

Beginning at the S.W. corner of Lot G, West Central Gardens Second Addition, Sedgwick County, Kansas; thence west along the south line of said Lot G extended, 79.5 feet more or less to a point on the west line of said Addition; thence north along the west line of said Addition, 235 feet; thence east 6.05 feet to the N.W. Corner of Lot F in said Addition; thence southeasterly 245.63 feet more or less to the point of beginning.

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 one time 4-20-98, which was at least 20 days prior to this public hearing.

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, subject to the following condition:

A) Any relocation or reconstruction of any utilities made necessary by this vacation shall be the responsibility of the applicant.

8.00
RETURN ABOVE

600/150003

Vacation Order
V - 1802

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- B) The north and south thirty (30) feet of the right-of-way area being vacated will be retained as utility easement to adequately establish comparable thirty (30) foot front building setbacks as indicated by the pattern established by the previously platted thirty (30) foot front building setbacks on Lots F and G.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 12th day of May, 1998, 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:

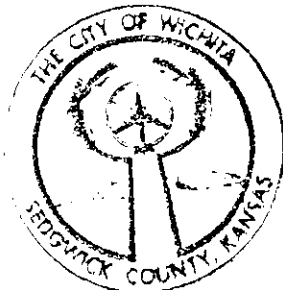
Pat Burnett
Pat Burnett, City Clerk



Bob Knight
Bob Knight, Mayor

Approved as to Form:

Gary E. Rebenstorf
Gary Rebenstorf, Director of Law

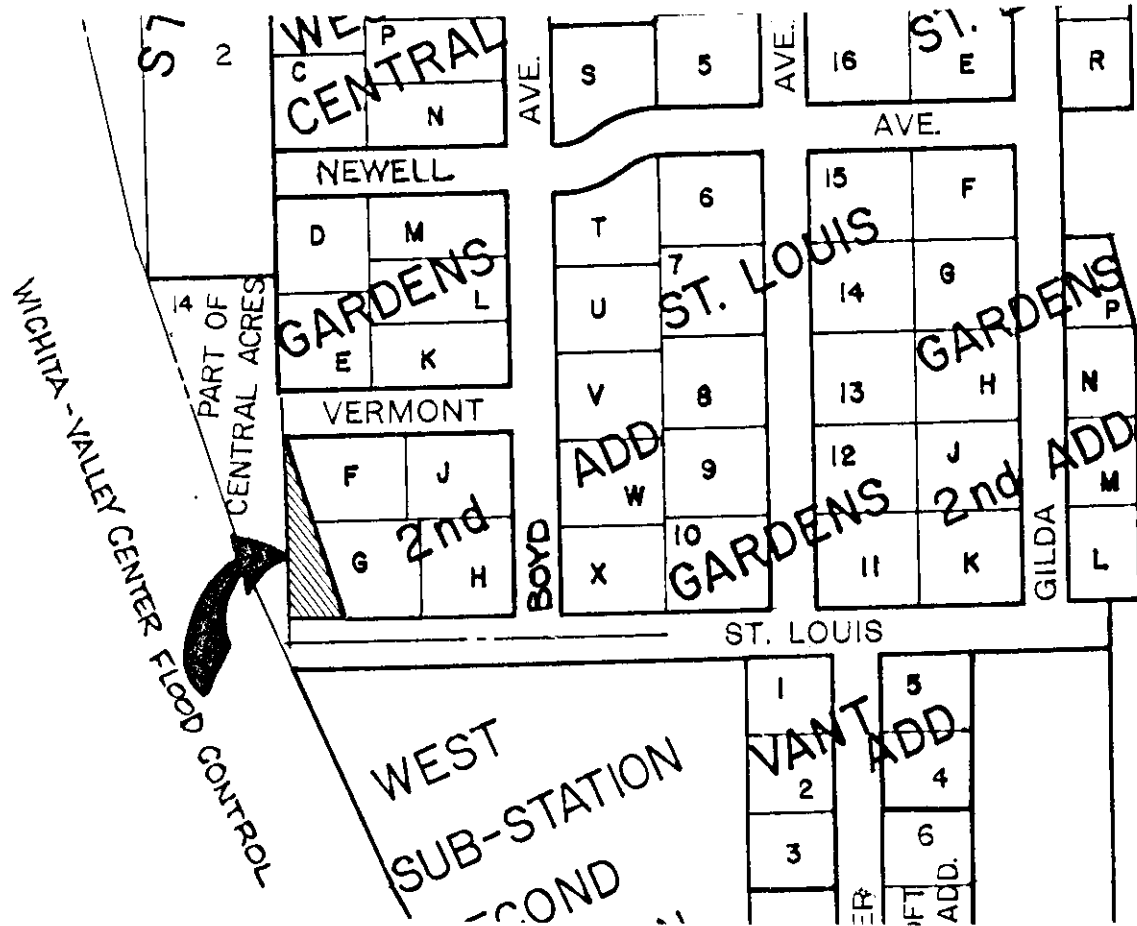


State of Kansas)
Sedgwick County) ss
City of Wichita)

I, **Pat Burnett** 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 my office.

Given under my hand and seal of the City of Wichita, this **MAY 12 1998**

Pat Burnett City Clerk



Application Filed 1/15/93
 S/D Comm. Action 2/4/93 App
 M.A.P.C. Action 2/11/93 App

W.C.C. Action _____
 Bd. Co. Co. Action _____
 Order to Vacate Recorded _____