

Planning Agenda # _____

**City of Wichita
City Council Meeting
January 30, 1996**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1934 REQUEST TO VACATE AN ALLEY
RIGHT-OF-WAY IN AN AREA NORTH OF 18TH STREET NORTH
BETWEEN WABASH AND OHIO.
(District # 6)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning



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

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

Background: The applicant desires to vacate an alley in order to better utilize the property for development purposes. The alley right-of-way will be retained as a utility easement and the applicant has provided an additional four foot utility easement along the 16-foot portion of the alley involved in this vacation case. The additional easement will provide the typical 20-foot easement required for sanitary sewer. 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:

Accept the utility easements, 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

Approved / Accepted By City Council

This JAN 30 1996

COPY

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

IN THE MATTER OF THE VACATION OF
ALLEY RIGHT-OF-WAY

GENERALLY LOCATED
NORTH OF 18TH STREET NORTH
BETWEEN WABASH AND OHIO

MORE FULLY DESCRIBED BELOW

Case No. V-1934

STATE OF KANSAS)
SEDGWICK COUNTY) ss
FILED FOR RECORD AT

10:00 AM

1506211 E 13 R

PAT KETTLER
REGISTER OF DEEDS

VACATION ORDER

NOW on this 30th day of January, 1996, comes on for hearing the
petition for vacation filed by Elmo Santer, Etal, praying for the vacation of the
following described alley right-of-way, to-wit:

The alley as platted between: Lots 59-78, Marquis Addition to Wichita, Kansas,
and Lots 17-28, Beacon Addition to Wichita, Kansas

And

An alley dedicated by separate instrument in Lots 18 and 20, Beacon Addition to
Wichita, Kansas, more fully described as follows: Beginning at the northeast
corner of said Lot 18; for a distance of twenty (20) feet; thence west, parallel
with the south line of said Lot 18 for a distance of one hundred (100) feet to the
point of curvature of a curve to the left, said curve having a radius of thirty (30)
feet; thence southwesterly along said curve to the left of the southwest corner of
Lot 20, Beacon Addition; thence north along the west line of said Lot 20, and the
west line of Lot 18, Beacon Addition, to the northeast corner of said Lot 18;
thence east along the north line of said Lot 18 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 vacation proceeding for consecutive
weeks on 1/16/96 & 1/23/96.

COPY

Vacation Order
V - 1934

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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.

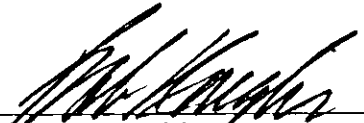
3. The north/south alley right-of-way shall be retained as a utility easement.

4. In justice to the petitioner(s), the prayer of the petition ought to be granted.

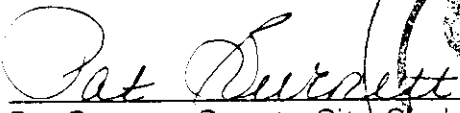
5. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

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

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 30th day of January, 1996, 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.


Bob Knight, Mayor

ATTEST:


Pat Burnett, Deputy City Clerk



Approved as to Form:

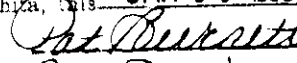

Gary Rebenstorf, Director of Law

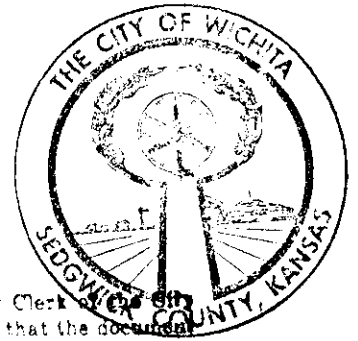
State of Kansas)
Sedgwick County) ss
City of Wichita)

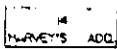
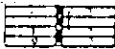
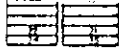
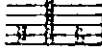
I, **Pat Burnett** Deputy City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is a return is a true and correct copy of the original on file in the office of the City Clerk.

Given under my hand and seal of the City of

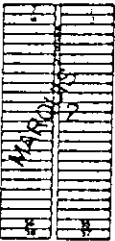
Wichita, this JAN 30 1996


PAT BURNETT Deputy City Clerk



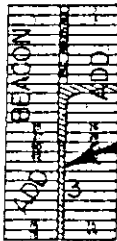


WASHINGTON



8TH

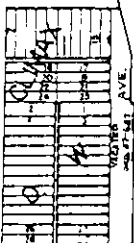
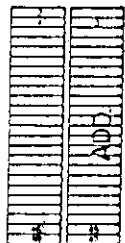
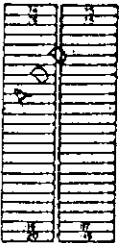
WABASH



ONDO AVE



MICHITA



1-135