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Planning Agenda # _____

**City of Wichita
City Council Meeting
September 10, 1996**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1970 REQUEST TO VACATE AN ALLEY
LOCATED IN AN AREA SOUTH OF ZIMMERLY AND WEST OF
WASHINGTON.
(District # 6)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

M. Kaut

Staff Recommendation: Approve vacation of an alley.

MAPC Recommendation: Approve vacation of an alley. (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 provided a covenant, as requested by the MAPC, that will allow access across the vacated alley to the adjacent land owners to the south of the applicant's site. 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 and the covenant; recording costs to be billed to: 150029-2909

MICROFILMED
OF RECORD

SEP 10 1996

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

IN THE MATTER OF THE VACATION OF
AN ALLEY

GENERALLY LOCATED
SOUTH OF ZIMMERLY AND WEST
OF WASHINGTON

MORE FULLY DESCRIBED BELOW

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Case No. V-1970



SEAL OF SEDGWICK COUNTY, KANSAS
REGISTER OF DEEDS

D. Manheimer
Deputy

434

1561305 9-98

VACATION ORDER

PAT KETTLER
REGISTER OF DEEDS

NOW on this 10th day of September, 1996, comes on for hearing the petition for vacation filed by B & S Aircraft, praying for the vacation of the following described an alley, to-wit:

Described as: All of the 20' alley lying west of and adjacent to Lots 1, 2, 3, and 4 and lying east of and adjacent to Lots 5, 6, 7, and 8, all in Schweiters Fifth Addition, Wichita, Sedgwick County, Kansas.

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 8/23/96 & 8/30/96.
2. No private rights will be injured or endangered by the vacation of the above-described an alley, and the public will suffer no loss or inconvenience thereby.
3. The 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 an alley described herein should be approved.

8.00
ck

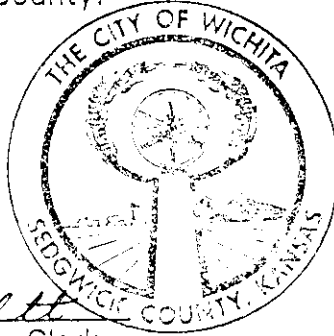
City Clerk

150039
2909

Vacation Order
V - 1970

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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 10th day of September, 1996, ordered that the above-described an alley 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.

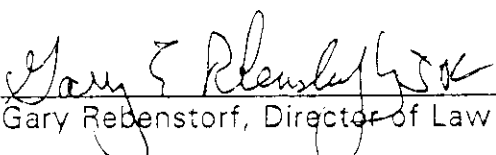


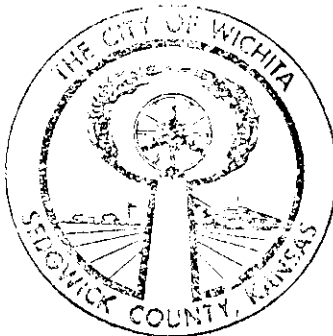

Bob Knight, Mayor

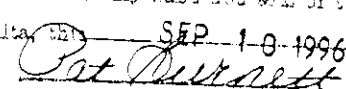
ATTEST:


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, 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, this SEP 10 1996
 City Clerk

The map shows a grid of streets and property lots. Key features include:

- Top Label:** CHICAGO
- Left Label:** E 2nd AVE
- Diagonal Labels:** WASHINGTON, ATLSE PR, HIGHWAY K-16
- Central Feature:** A large black arrow pointing to a lot labeled "SCHWEIER'S 5TH ADD".
- Other Labels:** KENNEDYS ADD, ZIMMERLY, MOSLEY.
- Lot Numbers:** Various numbers are scattered throughout the map, including 4, 3, 19, 30, 5, 8, 4, 5, 5, 6, 8, 32, 0, 24, 16, 5, 8, 26, 35, 2, 48, 50, 49.