

Planning Agenda # _____

**City of Wichita
City Council Meeting
October 13, 1998**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2118 REQUEST TO VACATE 34TH STREET FROM
INTERSECTION WITH INWOOD EAST TO WEST LINE OF COMOTARA
POWER CENTER 2ND ADDITION,
(District #2)

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

Staff Recommendation: Approve the vacation of 34th Street .

MAPC Recommendation: Approve the vacation of 34th Street. (unanimous)

Background: The applicant is requesting to vacate a portion of the platted 25 foot building setback. The setback is along the north and is platted from Ironwood Court. The vacation would allow the applicant to construct an apartment complex.

Public Works and Traffic Engineering have reviewed and approved this request. The Subdivision Committee and the MAPC both voted unanimously to approve the requested vacation of a portion of the building setback.

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

IN THE MATTER OF THE VACATION OF
34TH STREET FROM INTERSECTION
WITH INWOOD EAST TO WEST LINE OF
COMOTARA POWER CENTER 2ND
ADDITION

GENERALLY LOCATED
34TH STREET

MORE FULLY DESCRIBED BELOW

J. Breelan
Deputy

Case No. V-2118

MICROFILMED
OF RECORD

STATE OF KANSAS } SS
SEDGWICK COUNTY }

Dec 3 11 46 AM '98



VACATION ORDER

BILL HEEK
REGISTER OF DEEDS

NOW on this 13th day of October, 1998, comes on for hearing the petition for vacation filed by Austin Miller, P.A., c/o Tim Austin, praying for the vacation of the following described 34th Street from intersection with Inwood east to west line of Comotara Power Center 2nd Addition, to-wit:

34th Street from intersection with Inwood east to west line of Comotara Power Center 2nd Addition.

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 9-22-98, 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 34th Street from intersection with Inwood east to west line of Comotara Power Center 2nd Addition, 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.

g. ch

city clerk

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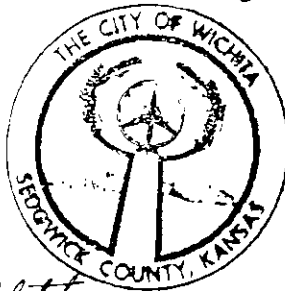
Vacation Order
V - 2118

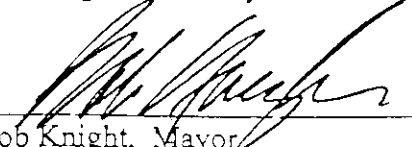
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5. The vacation of the 34th Street from intersection with Inwood east to west line of Comotara Power Center 2nd Addition described herein should be approved, subject to the following condition:

- A) Any relocation or reconstruction of any utilities made necessary by this vacation shall be the responsibility of the applicant.
- B) Retain as a water line easement or applicant needs to pinpoint water line for 20 feet utility easement.
- C) The applicant shall guarantee the closure of the driveway located at 34th Street and Inwood.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13th day of October, 1998, ordered that the above-described 34th Street from intersection with Inwood east to west line of Comotara Power Center 2nd Addition 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.

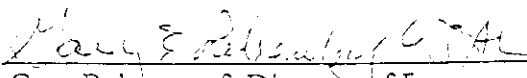



Bob Knight, Mayor

ATTEST:


Pat Burnett, City Clerk

Approved as to Form:


Gary Rebenstorf, Director of Law



