

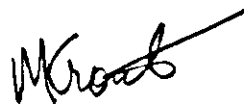
**City of Wichita
City Council Meeting
June 2, 1998**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2078 REQUEST TO VACATE DELLROSE STREET RIGHT-OF-WAY LOCATED IN AN AREA NORTH OF KELLOGG AND WEST OF OLIVER.
(District #2)

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

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

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

Background: The applicants are requesting to vacate Dellrose Street right-of-way (70 feet wide) just south of Arbor Street. This street right-of-way will not be utilized due to Dellrose Street terminating at Kellogg and all adjoining lots south of the application area are now owned by the City of Wichita for Kellogg right-of-way.

With the vacation of this right-of-way Mr. Kouba and Mr. Carney will receive the west 35 feet of the vacated street right-of-way. The City will retain the eastern 35 feet. Mr. Kouba has stated he will attempt to purchase the City owned vacated street right-of-way (east 35 feet) located south of Mr. Carney's property, as well as the City owned land just east of the vacated Dellrose right-of-way. This will allow him to construct a new 3 car garage and game room, in this general vicinity.

City Engineering has indicated that this vacation request is acceptable. The vacation request has been reviewed and approved by the Planning Commission, subject to the following: A 20 foot permanent utility easement shall be retained for the 8 inch water line and the gas line located in the eastern 20 feet of the vacated right-of-way and the applicant shall provide a temporary easement for the 2 inch water line located within the Dellrose right-of-way. This easement shall remain until such time the 2 inch water line is relocated or removed. The applicants have met the conditions of approval. 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 temporary waterline easement and the certified copy of the Vacation Order.

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Approved / Accepted By City Council
JUN 2 1998STATE OF KANSAS } ss
SEDGWICK COUNTY }CITY CLERK'S ORIGINAL
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JUL 22 1998
REGISTER OF DEEDSBEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSASIN THE MATTER OF THE VACATION OF)
DELLROSE STREET RIGHT-OF-WAY)GENERALLY LOCATED)
NORTH OF KELLOGG AND WEST OF OLIVER)MORE FULLY DESCRIBED BELOW)

Case No. V-2078

MICROFILMED
OF RECORD

VACATION ORDER

NOW on this 2nd day of June, 1998, comes on for hearing the petition for vacation filed by City of Wichita, Attn: Allen Eichacker, Bruce Kouba, Michael Carney, praying for the vacation of the following described Dellrose street right-of-way, to-wit:

Commencing at the southeast corner of Block 12 Lincoln Heights, an addition to Wichita, Kansas; thence bearing N0°00'00"E along the east line of said Block 12 a distance of 198.27 feet to the point of beginning thence continuing along said east line bearing N0°00'00"E a distance of 126.00 feet; thence bearing N90°00'00"E a distance of 8.46 feet to a point on a curve to the left having a radius of 59.50 feet and a chord of 68.70 feet bearing S54°54'17"E; thence along said curve through a central angle of 70°31'36" an arc distance of 73.24 feet; thence bearing N89°49'55"E a distance of 5.33 feet; thence bearing S0°00'00"E a distance of 5.00 feet to the northwest corner of Block 14 in Lincoln Heights Addition; thence continuing bearing S0°00'00"E along the west line of said Block 14 a distance of 55.00 feet; thence bearing S69°15'12"W a distance of 74.85 feet 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 MAY 3 1998, 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 Dellrose 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.

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RETURN ABOVE

Vacation Order
V - 2078

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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 Dellrose street right-of-way described herein should be approved, subject to the following condition:

- A) The most easterly 20 feet of Dellrose Street right-of-way shall be retained as a utility easement.
- B) The applicant shall also dedicate a temporary easement until such time the 2 inch water line is relocated or removed. This easement is designated as follows: to be provided
- C) Any relocation or reconstruction of any utilities made necessary by this vacation shall be the responsibility of the applicant.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 2nd day of June, 1998, ordered that the above-described Dellrose 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

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.

Approved as to Form:

Given under my hand and seal of the City of Wichita, this JUN 2 1998
Pat Burnett City Clerk

Gary E. Rebenstorf
Gary E. Rebenstorf, Director of Law

