

City of Wichita
City Council Meeting
November 16, 1999

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: **V-2196 - PUBLIC HEARING REQUEST TO VACATE ALLEY
RIGHT-OF-WAY LOCATED NORTH OF ORME STREET,
BETWEEN WICHITA AND WATER STREETS.**
(District I)

INITIATED BY: Metropolitan Area Planning Department *M. K. Holt
b7E*

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation alley right-of-way

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

Background: The applicants are requesting to vacate the alley right-of-way primarily for the developing of parking lots for BG Products on Lots 2, 20 and 22 of Fechheimer's Addition and Lot 1 of Davis Moore 4th Addition and in association with an approved Conditional Use permit (CU-535).

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. The motion was subject to the City of Wichita retaining the alley as utility easement, and BG Products dedicating an additional 10 feet of utility easement along the west boundary of the southern portion of the vacated alley, to provide adequate access for any future maintenance of the city sewer line underneath the alley. Additional easement area already exists along the northern portion of this alley. No written protests have been filed.

After the MAPC meeting, BG Products expressed their concern with the condition that the additional 10 feet of property shall be dedicated as utility easement. Staff will be discussing this issue further with the applicant before the Council meeting.

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Recommendations/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the Mayor to sign.

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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 ORME STREET, BETWEEN
WICHITA AND WATER STREETS**

MORE FULLY DESCRIBED BELOW

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) **Case No. V-2196**
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VACATION ORDER

NOW on this 16th day of November, 1999, comes on for hearing the petition for vacation filed by BG Products, c/o Galen Myers; Riverfront Properties, c/o Fran Jabara; Fred Goodwin; Eddie Hamilton; Janice Boggess; Dhon Hauserman; Ralph Conner; City of Wichita, c/o Allen Eichacker, praying for the vacation of the following described alley right-of-way, to-wit:

10-foot platted alley right-of-way north of Orme Street in Feccheimer's 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 on September 7, 1999, which was at least 20 days prior to the public hearing.

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

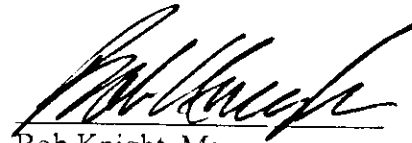
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

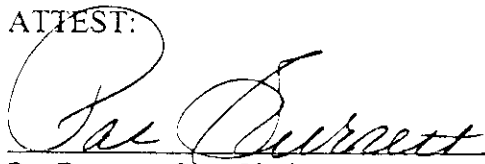
5. The vacation of the alley right-of-way described herein should be approved, subject to the following conditions:

A) The City of Wichita shall retain the alley as utility easement.

- B) BG Products shall dedicate an additional 10 feet of utility easement along the west boundary of the vacated alley on odd Lots 11-21 inclusive, Fechheimer Addition to Wichita, Sedgwick County, Kansas.

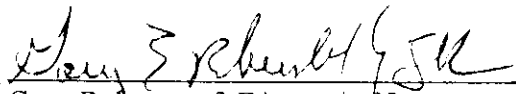
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 16th day of November 1999, ordered that the above-described alley right-of-way is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

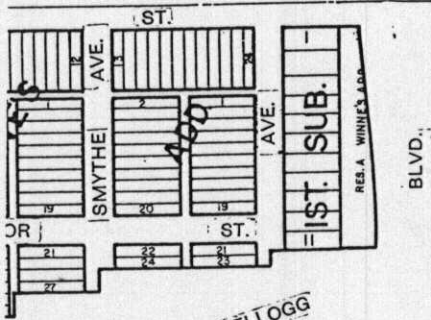

Bob Knight, Mayor

ATTEST:

Pat Burnett, City Clerk

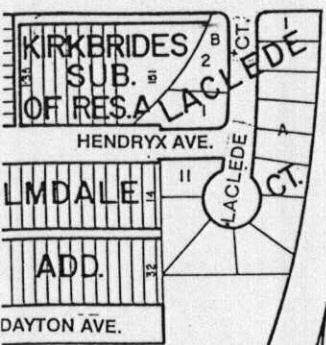
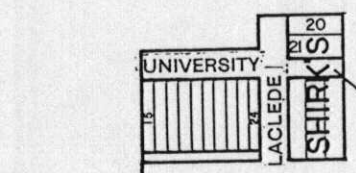


Approved as to Form:


Gary Rebenstorf, Director of Law



V-2196
#5446A



ARKANSAS RIVER

