

Planning Agenda # _____

City of Wichita
City Council Meeting
June 8, 1999

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: V- 2175 - REQUEST TO VACATE UNUSED PORTION OF
STREET RIGHT-OF-WAY LOCATED AT THE SOUTHEAST
CORNER OF 27TH STREET SOUTH AND CUSTER (3071
WEST 27TH STREET SOUTH)
(District IV)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

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

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

Background: The applicant is requesting to vacate the southern 20 feet of the dedicated 55 feet half-street right-of-way. The Custer Addition, which was recently platted to the west of this location and other areas along 27th Street South only provided for 35 feet of half-street right-of-way. Therefore, if this vacation is approved, the street right-of-way along the applicant's property will match the existing and needed right-of-way along 27th Street North. There still will be other areas along 27th Street North where there is 55 feet of half-street right-of-way, which could be vacated if requested by the property owners adjacent to the right-of-way.

The Traffic Engineer and Public Works have reviewed and approved this request. 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. No written protests have been filed.

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.

IN THE MATTER OF THE VACATION OF)
 UNUSED PORTION OF STREET)
 RIGHT-OF-WAY)
)
 GENERALLY LOCATED) Case No. V-2175
 SOUTHEAST CORNER OF 27TH STREET SOUTH)
 AND CUSTER (3071 WEST 27TH STREET SOUTH))
)
 MORE FULLY DESCRIBED BELOW)

NOW on this 8th day of June, 1999, comes on for hearing the petition for vacation filed by Duane Carpenter, praying for the vacation of the following described unused portion of street right-of-way, to-wit:

Beginning at the northwest corner of Lot 1, Block 11, Builders Fourteenth Addition, Wichita, Sedgwick County, Kansas; thence north, 20 feet; thence east, 104.1 feet; thence south, 20 feet to the northeast corner of said Lot 1; thence west 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 on May 4, 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 unused portion of 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.
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 unused portion of street right-of-way described herein should be approved, subject to the following condition:

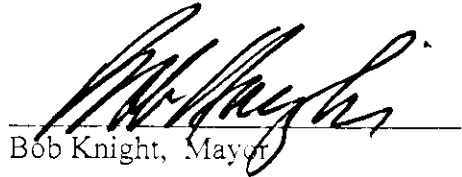
- A) Any relocation or reconstruction of any utilities made necessary by this vacation shall be the responsibility of the applicant.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 8th day of June 1999, ordered that the above-described unused portion of 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, City Clerk




Bob Knight, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

