

Planning Agenda # _____

**City of Wichita
City Council Meeting
September 12, 2000**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: VAC2000-00032 - REQUEST TO VACATE A PORTION OF
STREET RIGHT-OF-WAY LOCATED SOUTH OF 13TH
STREET NORTH ON THE EAST SIDE OF WOODLAWN.
(District II)

INITIATED BY: Metropolitan Area Planning Department 

AGENDA ACTION: Planning

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

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

Background: The applicant is requesting to vacate a portion of street right-of-way adjacent to his west property line or the construction of a drive-up ATM for Fidelity Bank. At the request of City of Wichita Engineering Department, the applicant has agreed to dedicate contingent street right-of-way for a portion of the requested right-of-way vacation. This contingent dedication will provide for a future right turn lane on Woodlawn.

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, subject to the applicant shall dedicate by separate instrument, contingent street right-of-way for a portion of the vacated right-of-way, as determined by the City of Wichita Engineering Department, sufficient to facilitate a corer-clip for a right turn lane. No written protests have been filed.

Legal Considerations: A certified copy of the Vacation Order and the Contingent Dedication 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 necessary signatures.

**IN THE MATTER OF THE VACATION OF
STREET RIGHT-OF-WAY**

**GENERALLY LOCATED
SOUTH OF 13TH STREET NORTH ON THE EAST
OF WOODLAWN**

RECEIVED

SEP 192000

METROPOLITAN PLANNING
ROUTE ☐ _____
☒

NOW on this 12th day of September, 2000, comes on for hearing the petition for vacation filed by Andeel & Andeel Properties, praying for the vacation of the following described street right-of-way , to-wit:

Commencing at the Southwest Corner of Lot 5, Highland Square Addition to Wichita, Sedgwick County, Kansas, thence North on the West line of said Lot for a distance of 190.94 feet to the point of beginning; thence North on the west line of said Lot 5 extended for a distance of 35 feet; thence East on the North line of said Lot 5 extended for a distance of 25 feet; thence South for a distance of 35.0 feet; thence West 25.0 feet to the point of beginning.

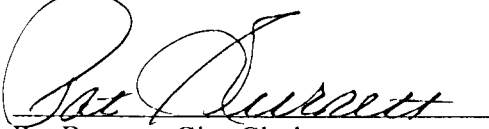
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

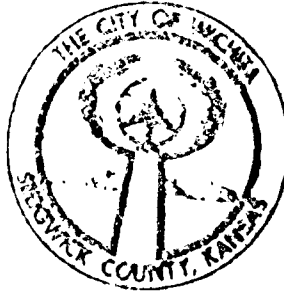
1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle on August 8, 2000, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described street right-of-way, and the public will suffer no loss or inconvenience thereby.

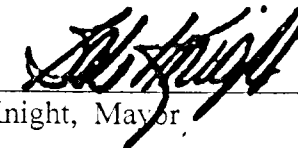
3. In justice to the petitioner(s), the prayer of the petition ought to be granted.
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.
5. The vacation of street right-of-way described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 12th day of September 2000, ordered that the above-described 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.

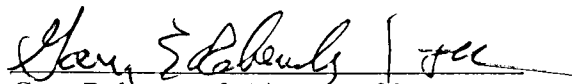
ATTEST:


Pat Burnett, City Clerk




Bob Knight, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

13TH N.

FOURTH ADDITION TO PINE VALLEY ESTATES

3

2

4

$102^{\circ} 02' 10''$

$A = 721.83 \text{ SQ. FT.}$

5

VACATE "BACK" TO A
CONTINGENT DEDICATION

HIGHLAND SQUARE ADDITION

WOODLAWN

Contingent
dedication

$36.02'$

$B. 75'$

$16.25'$

$15'$

$35'$

$25'$

$102^{\circ} 02' 10''$

$75^{\circ} 57' 50''$