

Planning Agenda # _____

**City of Wichita
City Council Meeting
August 1, 2000**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: VAC2000-00024 - REQUEST TO VACATE ALLEY RIGHT-OF-WAY LOCATED 1/2 BLOCK SOUTH OF HARRY AND WEST OF GREEN.
(District III)

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

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

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

Background: The applicant is requesting to vacate alley right-of-way that is interior to property that he owns. He wishes to expand the existing building and provide parking for the tenants.

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 alley right-of-way being retained as utility easement and the applicant providing a covenant that ties together lots 1-6, Block 1, Eicholtz Addition to Wichita, Sedgwick County, Kansas. No written protests have been filed.

Legal Considerations: A certified copy of the Vacation Order and the Restrictive Covenant 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.

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This _____

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

**GENERALLY LOCATED
½ BLOCK SOUTH OF HARRY AND WEST OF
GREEN**

Case No. VAC2000-00024

MORE FULLY DESCRIBED BELOW

VACATION ORDER

RECEIVED

AUG 14 2000

METROPOLITAN PLANNING
ROUTE ☐ ☒

NOW on this 1st day of August, 2000, comes on for hearing the petition for vacation filed by Jack E. Smith, praying for the vacation of the following described alley right-of-way, to-wit:

The east-west 15-foot alley between Block 1 and Block 10, Eicholtz Addition to 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:

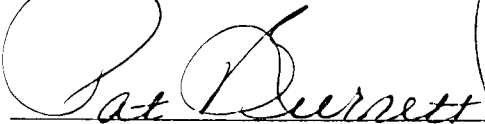
1. That due and legal notice has been given by publication as required by law, by publication in the Daily Reporter on June 20, 2000, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described alley right-of-way, and 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.

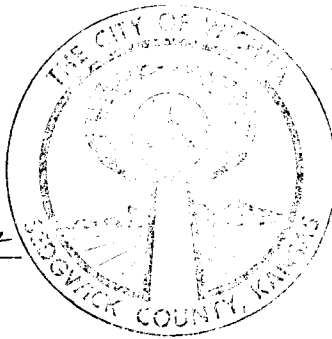
5. The vacation of alley right-of-way described herein should be approved, subject to the following condition:

- A) The alley right-of-way shall be retained as utility easement.
- B) The applicant shall covenant together lots 1-6, Block 1, Eicholtz Addition to Wichita, Sedgwick County, Kansas.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 1st day of August 2000, 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.

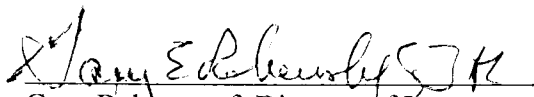
ATTEST:

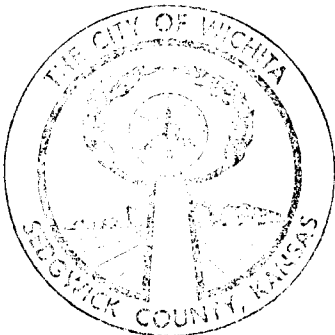

Pat Burnett, City Clerk




Bob Knight, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law





HARRY

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