

City of Wichita
City Council Meeting
April 6, 2004

Agenda Report No. _____

TO: Mayor and City Council

SUBJECT: VAC2003-00055 Request to vacate alley right-of-way located south of Kellogg Drive & west of Gouverneur Road.
(District II)

INITIATED BY: Metropolitan Area Planning Department *JIS*

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Background: The applicants request to vacate a 20-foot alley right-of-way for the future development of the lot. The Ripstra Addition was recorded June 14, 1956, with the Register of Deeds and the Bridwell Addition (now platted as the Scholfield Hatchett 3rd Addition) was recorded January 3, 1951 with the Register of Deeds

Analysis: The alley's south to north run accesses onto Kellogg Drive, running between an auto dealership and a bowling alley. Both of these businesses have direct access onto Kellogg Drive. The alley's east-west run dead ends against a restaurant's parking lot on the west side and the previously mentioned auto dealership on its east side. The alley had run to Gouverneur Road on its east side, but this portion of the alley has been vacated, through replat. Reversion of the public right-of-way to private property would be per dedication on the plats. No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation. No written protests have been filed.

Financial Considerations: None

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds, provide cross lot access and easement for vehicular and pedestrian traffic to be recorded with the Register of Deeds, retain the south 10-feet of the west - east alley as public utility easement, retain both of the alleys as easements until such time that the utilities are relocated at the applicant's expense and to City Standards, when the utilities are relocated dedication of easement(s) by separate instrument must be provided by the applicant to the franchised utilities, setbacks will remain in effect and move with the adjusted property lines and reversion rights would go to the abutting property owners.

Recommendation/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

RECEIVED

APR 20 2004

METROPOLITAN PLANNING
ROUTE ☐

Approved / Accepted By City Council
This 4-6-04

**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
SOUTH OF KELLOGG DRIVE & WEST OF
GOVERNEOUR ROAD**

MORE FULLY DESCRIBED BELOW

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) Case No. VAC2003-00055
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VACATION ORDER

NOW on this 6th day of April 2004, comes on for hearing the petition for vacation filed by RJ Realty LLC, praying for the vacation of the following described alley right-of-way, to-wit:

That part of the 20-foot wide north/south alley as dedicated in Bridwell Addition to Wichita, Kansas lying west of and adjacent to the west line of Lot 1, Schofield-Hatchett 3rd Addition, Wichita, Sedgwick County, Kansas, except the north 20 feet thereof; all being subject to U.S. Highway 54 right-of-way, TOGETHER with the 20 foot wide alley as dedicated in Ripstra Addition to Wichita, 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 Derby Reporter on October 16, 2003, 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.

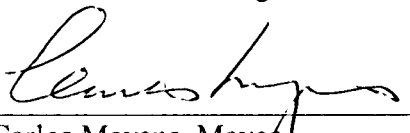
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

5. Retain the alleys as easements.

6. Current setbacks will move the new property lines.

6. The vacation of the alley right-of-way described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 6th day of April 2004, 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.

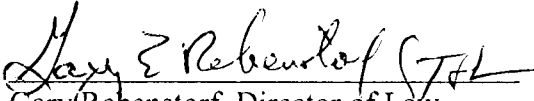

Carlos Mayans, Mayor

ATTEST:


Karen Schofield, City Clerk



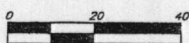
Approved as to Form:


Gary Rebenstorf, Director of Law

Kellogg (US 54) Street

NOTE: Kellogg(US 54) Street is currently under construction
contact Cook Flatt & Strobel (785-272-4706) for
information pertaining to Kellogg improvements
Assumed Basis of Bearings = N90°00'00"E 844.25'(M) & 844.6'(P)

Mission Road



- EB = Electric Box
- CU = Electric Meter
- Guy = Guy Anchor
- HLP = High Line Pole
- PP = Power Pole
- SS/SW = Sanitary Sewer Manhole
- NM = Water Meter

- = #4 Baughman Rebar Set
- = #4 Baughman Rebar Found
- = 1/2" Iron Pipe Found
- △ = Temporary Magic Marker Cross Set
- × = Chiseled Cross Found
- ▽ = Chiseled V-Notch Found

- G — G — G — Gas Line
- E — E — E — Electric Line
- SS — SS — SS — Sanitary Sewer Line
- SW — SW — SW — Stormwater Sewer Line
- T — T — T — Telephone Line
- W — W — W — Water Line
- F — F — F — Fence Line

UTILITY OPERATING AUTHORITIES

Storm Water Sewer - Steve Lashley
City of Wichita
City Hall - 455 N. Main
Wichita, KS. 67202 316-268-4908

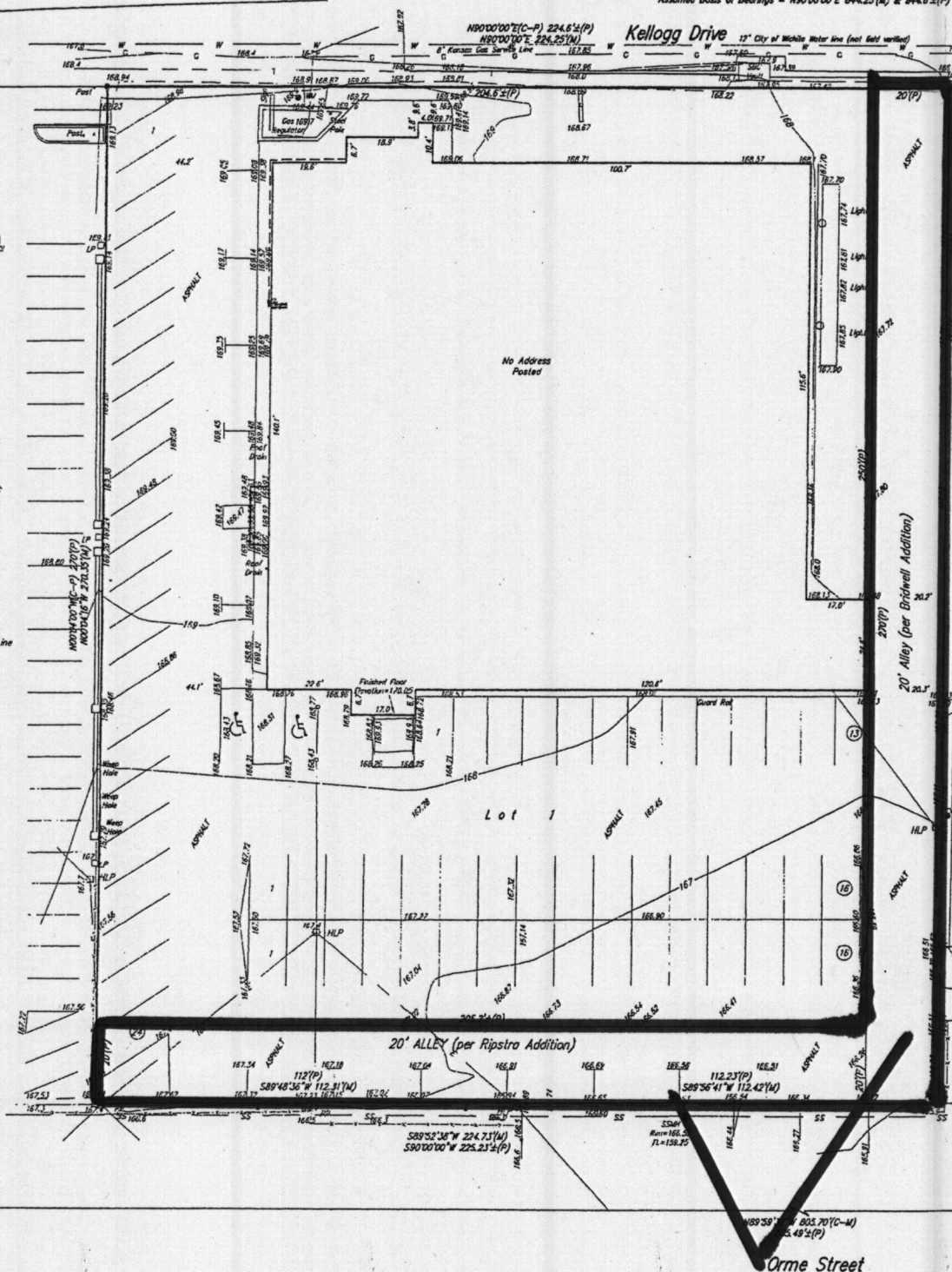
Water & Sanitary Sewer - Bill Parkins
Wichita Water & Sewer Department
City Hall - 455 N. Main
Wichita, KS. 67202 316-268-4555

Aquila Gas Company - Calvin Briggs
1811 South Hoover
Wichita, KS. 67209 316-941-1608

Kansas Gas Service - Charlene Lawless
1021 East 26th Street North
Wichita, KS. 67219 316-832-3101

Wester Energy - Shane Price
201 N. Market
Wichita, KS. 67202 316-261-6824

SBC - Bob Alley
154 North Broadway, Room 210
Wichita, KS. 67202 316-268-2245



ALLEY