

Agenda Item #

**City of Wichita
City Council Meeting
January 13, 2004**

Agenda Report No.

TO: Mayor and City Council

SUBJECT: VAC2003-00050 REQUEST TO VACATE PORTIONS OF PLATTED ALLEY RIGHT-OF-WAYS LOCATED SOUTHEAST OF THE DOUGLAS AVENUE – OLIVER AVENUE INTERSECTION. (District II)

INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Background: The applicants are requesting to vacate the eastern portion of the platted west to east alley ROW. The Douglas Avenue Addition was recorded 03-24-1887.

Analysis: The alley is developed and there is sewer or in the ROW. Setbacks on abutting lots would remain in effect and move with the adjusted property lines. Reversion rights of the 15-foot alley ROW would go ½ to the north and ½ to the south. All abutting property owners have signed the petition and the application to vacate. 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.

Financial Considerations: None

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds, provide dedication of Cross Lot Access and dedication of 5-feet of additional utility easement to be recorded with the Register of Deeds, retain the 15-foot alley as an utility easement, setbacks on abutting lots would remain in effect and move with the adjusted property lines and reversion rights of the 15-foot alley ROW would go ½ to the north and ½ to the south.

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

METROPOLITAN PLANNING
ROUTE 1

1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle on September 18, 2003, which was at least 20 days prior to the public hearing.

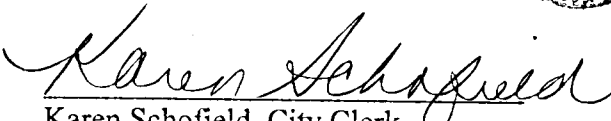
2. No private rights will be injured or endangered by the vacation of the above-described portions of platted alley right-of-ways, and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner(s), the prayer of the petition ought to be granted.
4. No written objection to 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 portions of platted alley right-of-ways described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13th day of January 2004, ordered that the above-described portions of alley right-of-ways 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:




Carlos Mayans, Mayor


Karen Schofield, City Clerk

Approved as to Form:


Gary Rebenstorf, Director of Law

DOUGLAS

25	"	"	"	"	"	"	"	"	25
4	8	0	7	←	4	8	2	5	→
22	21	20	19	18	17	16	15	14	13

12	132.5	13	132.5
14		13	
16		17	
18		19	
20		21	
22		23	
24		25	
26	132	27	131
28		29	
30	140	31	143
32		33	
34		35	
36	146	37	
38		39	
40	50	41	151
42		43	
44	56	45	
46	132.5	47	132.5

ENGLISH

48	137.5	137.5	1	25
47			2	201
46			3	
45			4	207
44			5	
43			6	211
42			7	215

50' AVE.

ALLEY

1	132.5	132.5	24	4912	53.5
2	108		23	405	50
3	112		22	411	
4	118		21	417	
5	122		20	423	
6	128		19	429	
7	132		18	435	
8	138		17	441	
9	142		16	447	
10	148		15	453	
11	150		14	459	
12	156	132.5	13	465	50

80' (AVE)

DRIVE.

7	10
125	10
30	11
12	12
13	13
14	14
15	15
16	16
17	17
18	18
19	19
20	20
21	21
22	22
23	23
24	24
25	25

EXHIBIT EAST DOUGLAS ALLEY VACATION

BAUGHMAN COMPANY P.A.
ENGINEERING, SURVEYING, & PLANNING
318-262-7271 • 318 ELLIS • WICHITA, KANSAS 67211



SCALE: 1" = 100'