

Agenda Item #

**City of Wichita
City Council Meeting
July 8, 2003**

Agenda Report No.

TO: Mayor and City Council

SUBJECT: VAC2003-00025 REQUEST TO VACATE A PLATTED ALLEY
LOCATED SOUTHEAST OF THE HARRY STREET AND GROVE
STREET INTERSECTION.
(District III)

INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Background : The applicant is requesting consideration to vacate all of a 16-foot wide, north (Osie Street) to south (Funston Street) alley, generally located southeast of the Harry Street – Grove intersection, at the Chisholm Elementary School, 2515 Osie. The Eicholtz Addition was recorded May 2, 1887.

Analysis: There are existing encroachments by school buildings and possible future encroachments by future building expansion. The alley is not developed and contains, besides the existing encroachments, a playground and track. The applicant owns all the properties abutting the alley. There is no sewer, water or other utilities in the alley. There are no plans for water, sewer or utility equipment in the easement in the future. There is sewer and a manhole outside the alley's (Lots 2-14, even) east side. There are buildings over a portion of this sewer line. Records indicate this a private line.

Financial Considerations: None

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds.

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

**BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS**

**IN THE MATTER OF THE VACATION OF
A PLATTED ALLEY**

**GENERALLY LOCATED SOUTHEAST
OF THE HARRY STREET - GROVE STREET
INTERSECTION**

MORE FULLY DESCRIBED BELOW

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Case No. VAC2003-00025

VACATION ORDER

NOW on this 8th day of July, 2003, comes on for hearing the petition for vacation filed by USD 259 c/o Joe Hoover, praying for the vacation of the following described platted alley, to-wit:

That part of the 16-foot wide alley abutting Lots 1-48, inclusive, Block 12, as dedicated in the Eicholtz Addition of 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 Derby Reporter on May 29, 2003, which was at least 20 days prior to the public hearing.

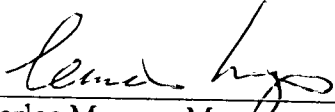
2. No private rights will be injured or endangered by the vacation of the above-described platted alley, and the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner(s), the prayer of the petition ought to be granted.

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COMMISSION

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 platted alley described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 8th day of July 2003, ordered that the above-described platted alley 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.

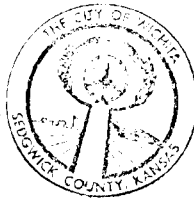


Carlos Mayans, Mayor

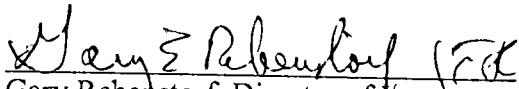
ATTEST:



Pat Graves, City Clerk



Approved as to Form:



Gary Rebenstorf, Director of Law



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