

City of Wichita
City Council Meeting
October 7, 2003

Agenda Report No.

TO: Mayor and City Council

SUBJECT: VAC2003-00024 REQUEST TO VACATE ALLEY LOCATED
NORTHEAST OF THE 13TH STREET NORTH – MOSLEY AVENUE
INTERSECTION.
(District I)

INITIATED BY: Metropolitan Area Planning Department JWS

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Background: The applicant is requesting consideration to vacate the entire 16-foot wide, north to south alley that intersects 15th Street North and 14th Street North and abuts Lots 1-48 Washington Addition. The Washington Avenue Addition was recorded with the Register of Deeds in October 1885.

Analysis There is an existing encroachment on the north end of the alley. Proposed expansion of L'Ouverature Elementary will create more encroachments. The applicant owns all abutting properties. The alley is not used for access, it is currently schoolyard. There is sewer and manholes in the length of the alley. There is no water or other utilities in the alley.

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 and the original copy of the applicant's agreement to retain the sewer and manholes in the vacated alley as private utilities 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.

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. Utilities in the vacated platted alley will be private.
4. In justice to the petitioner(s), the prayer of the petition ought to be granted.
5. 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.
6. The vacation of the platted alley described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 7th day of October, ordered that the above-described 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.

ATTEST:



Karen Schofield
Karen Schofield, City Clerk

Carlos Mayans 10/14/03
Carlos Mayans, Mayor

Approved as to Form:

Gary E. Rebenstorf 10/14/03
Gary Rebenstorf, Director of Law

