

STAFF REPORT

CASE NUMBER: VAC2019-00008 – City vacation of a portion of street right-of-way of North Meridian Drive and West 41st Street North for the relocation of reconstruction of the roadways in a new location.

APPLICANT/AGENT: South Harbor, LLC (applicants), Baughman Company (agent)

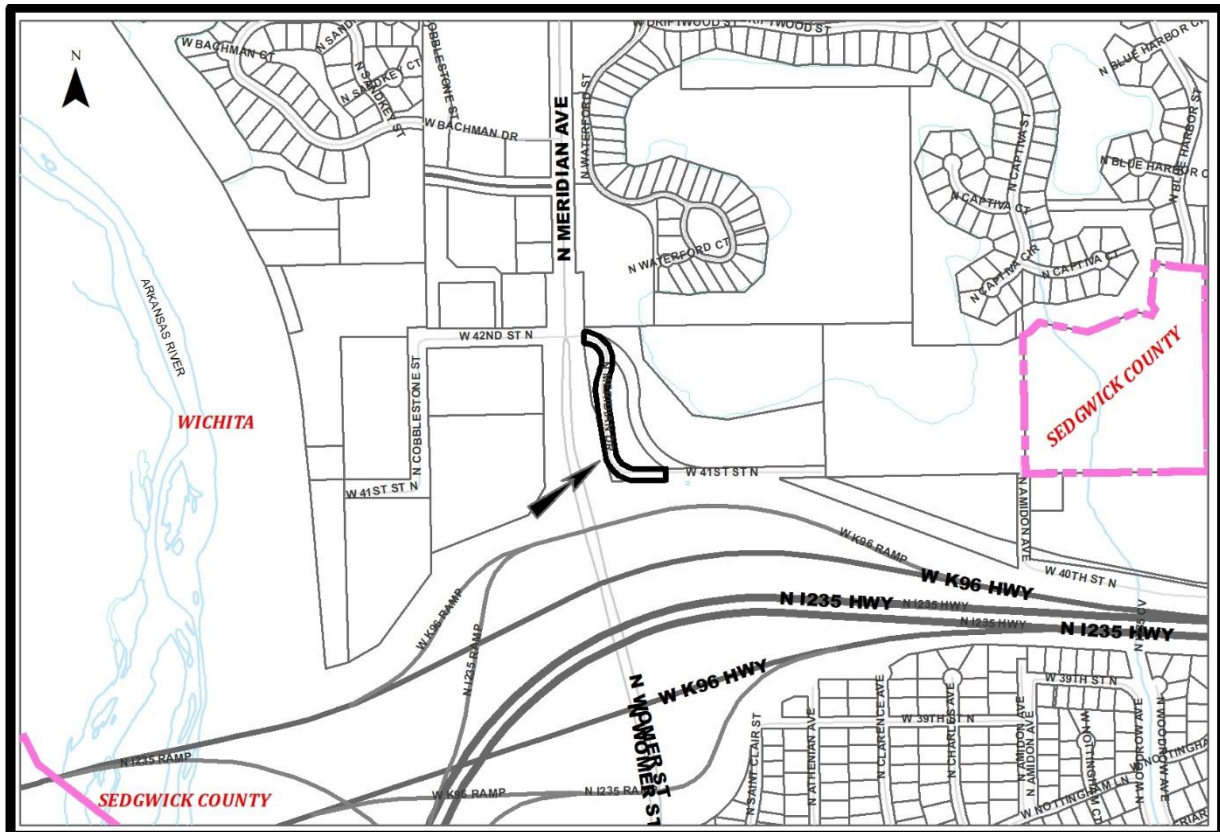
LEGAL DESCRIPTION: See attached full legal description. Generally described as vacating a portion of the platted North Meridian Drive and West 41st Street North public street rights-of-way dedicated on the Mallard Cove Addition Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located east of North Meridian Avenue and north of Kansas Highway 96 (WCC VI)

REASON FOR REQUEST: Relocation and reconstruction of roadways.

CURRENT ZONING: Abutting and adjacent properties are zoned MF-18 Multi-Family

VICINITY MAP:



The applicant is requesting the vacation of a portion of north Meridian Drive and West 41st Street North Street rights-of-way located at east of North Meridian Avenue and north of Kansas Highway 96; dedicated on the Mallard Cove Addition. The purpose of the proposed vacation is to reconstruct the portions of each street in a new location as part of the larger road construction project on Interstate 235 and Kansas Highway 96. The propose vacation will not impact the function of the North Meridian Drive or West 41st Street North and each street will be reconstructed in the near vicinity (see attached exhibit). Lot 1 will still have access to their property when the streets are relocated. The rights-of-way for the new alignments have already been dedicated. There is a platted 64-foot waterline easement along the West 41st Street North alignment. This easement will be retained. Cox Communications relocated a fiber cable to the north side of the new 41th Street currently under construction. Part of this relocation was boring under the new alignment where Meridian Drive intersects Meridian Avenue. Cox does not want to relocate this fiber cable as it will cause an interruption of service for their customers. A utility easement will need to be dedicated in this area. Westar has no objection to this vacation request Richard Aitken is the area representative and can be contacted at 261-6320 for this item. The Mallard Cove Addition was recorded with the Register of Deeds March 14, 1985.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works, Water & Sewer, Stormwater, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described public street rights-of-way.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time April 18, 2019, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the described portion of the platted street rights-of-way and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Provide a covenant, with original signatures, binding and tying the described vacated public street rights-of-way to the applicants' abutting property. This must be provided to Planning prior to VAC2019-00008 proceeding to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds and the Sedgwick County Appraisers Office.
- (2) As needed provide utilities with any needed project plans for the relocation of utilities for review and approval. Any relocation/reconstruction of utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number(s) to Planning prior to the case going to City Council for final action.

- (3) All improvements shall be according to City Standards and at the applicants' expense.
- (4) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval per staff recommendations.

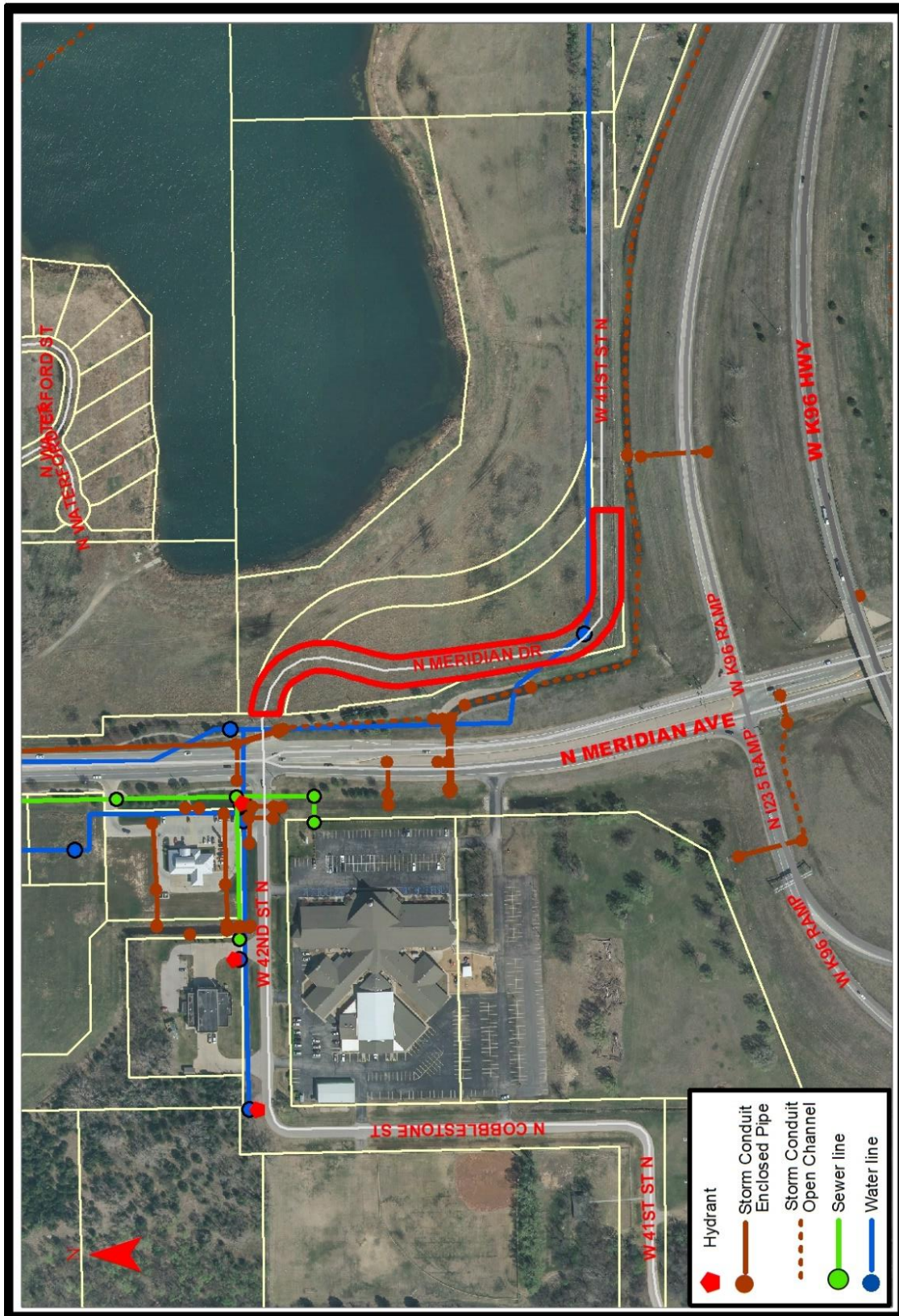
Attachments:

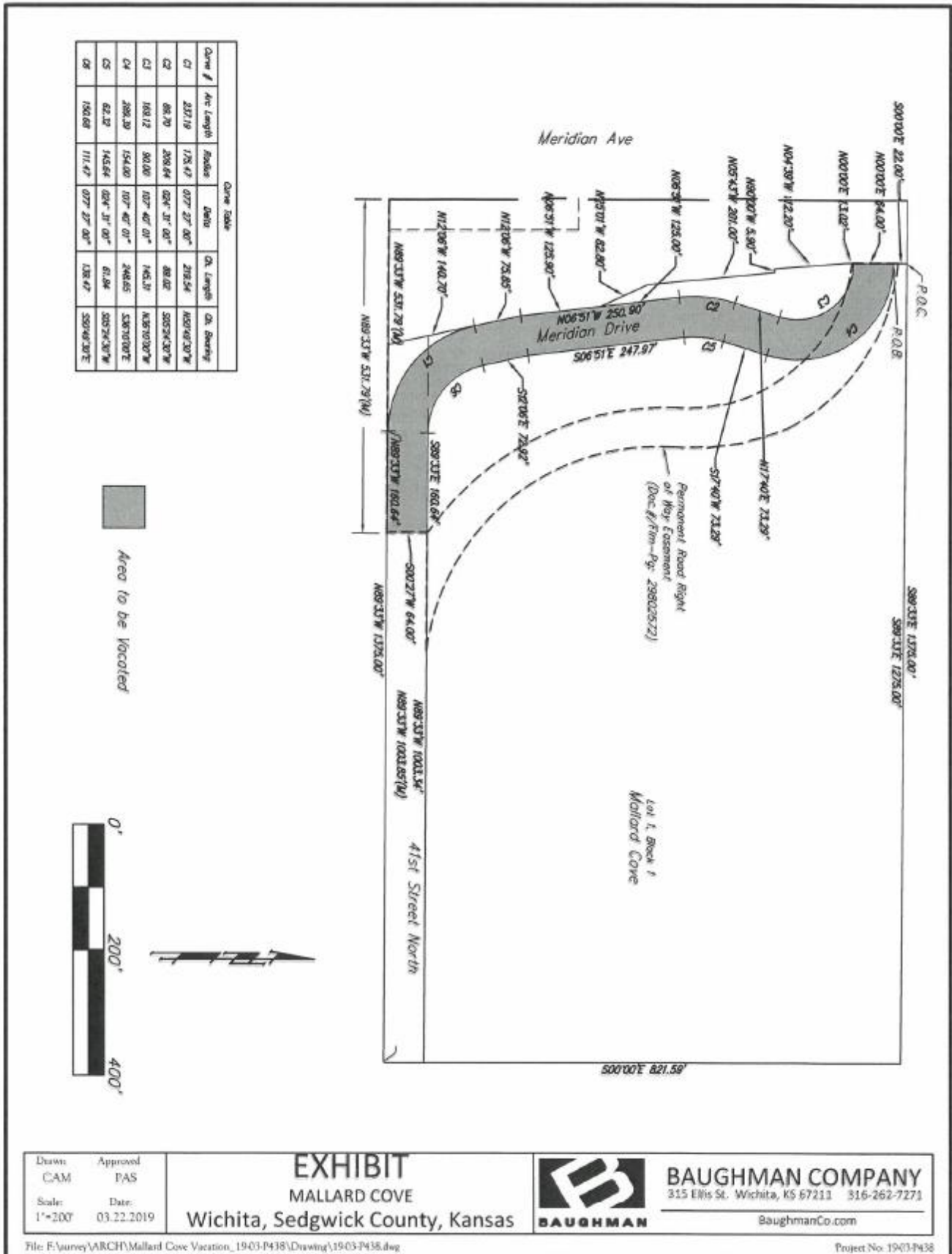
1. Area Map
2. Zoning Map
3. Site Plan Submitted by Applicant
4. Plat
5. Legal Description.

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May 9, 2019

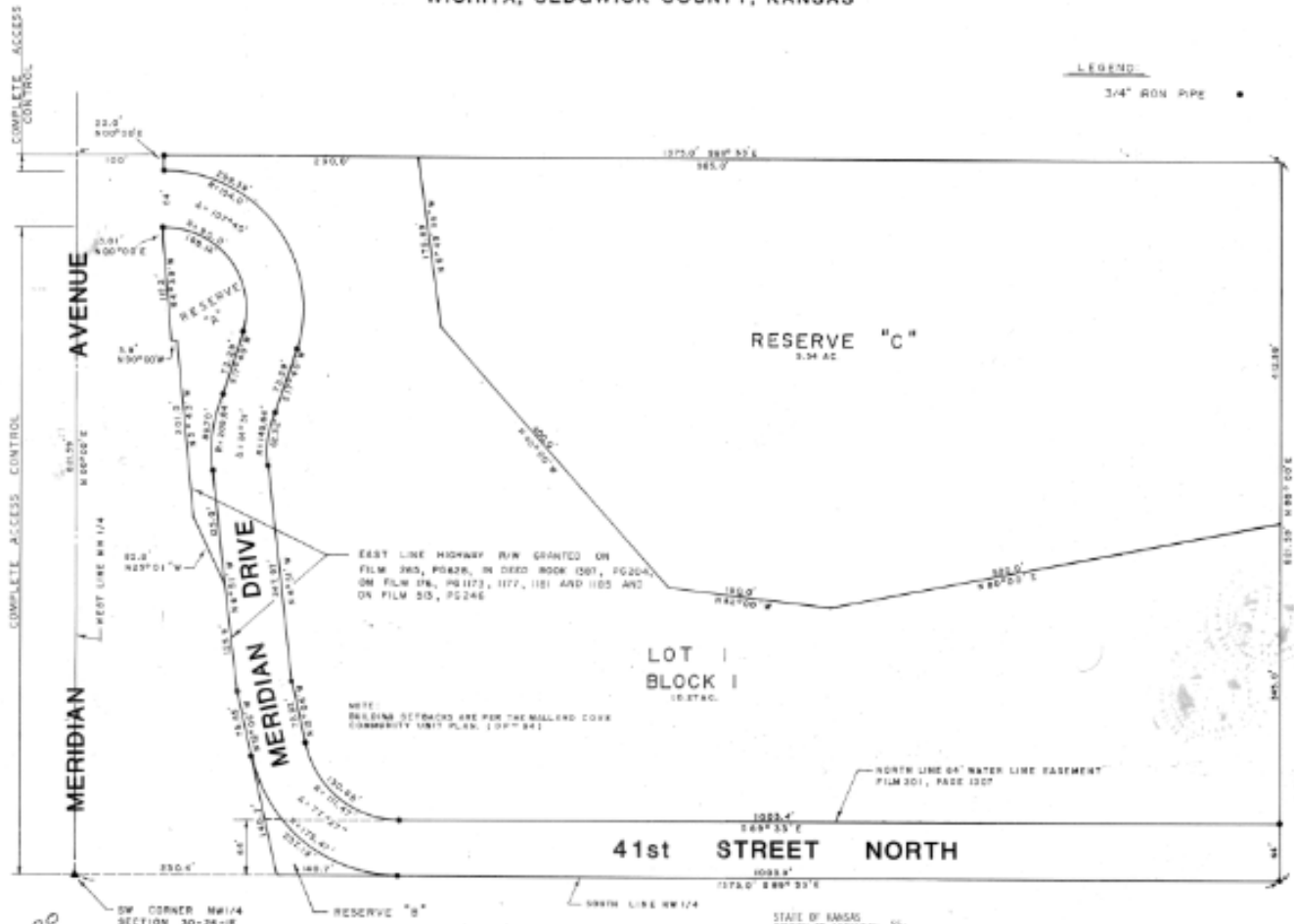
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MALLARD COVE

AN ADDITION TO
WICHITA, SEDGWICK COUNTY, KANSAS



LEGEND
3/4" R/W PIPE

20.00

OWN ALL HIS BY THESE PRESENTS:
That we, United American Bank and Trust Company, holders of a mortgage on the property described in the engineers certificate, do hereby consent to the plat of Mallard Cove.

United American Bank and Trust Company
Marion Sells
TOWNSHIP, President



STATE OF KANSAS
COUNTY OF SEDGWICK ss:
Be it remembered, that on this 9th day of May, 2019, before me a Notary Public in and for said County and State, came, UNITED AMERICAN BANK AND TRUST COMPANY, by its President, MARION SELLS, to me known to be the same person who executed the foregoing instrument on behalf of the Company, duly acknowledged by me, in testimony whereof I have hereunto set my hand and affixed my notarial seal the day and year above written.
By Commission Expires: 12-15-2022
Sharon A. Bace
Notary Public (19847)

92 1-25

Meridian Drive - Street Vacation - Boundary Description

That portion of Meridian Drive and 41st Street North as dedicated in Mallard Cove, an Addition to Wichita, Sedgwick County, Kansas, described as commencing at the northwest corner of Lot 1, Block 1 in said Mallard Cove; thence S00°00'W along the west line of Lot 1 in said Block 1, 22.0 feet for a point of beginning; thence easterly, southeasterly, southerly and southwesterly along a curve to the right having a radius of 154.00 feet, an arc length of 289.39 feet, a chord length of 248.65 feet and a chord bearing of S36°10'00"E, to the Point of Tangency (P.T.) in the east right of way line of Meridian Drive; thence S17°40'W along the east right of way line of Meridian Drive, 73.29 feet to the Point of Curvature (P.C.) of a curve to the left; thence southwesterly and southerly along said curve to the left having a radius of 145.64 feet, an arc length of 62.32 feet, a chord length of 61.84 feet and a chord bearing of S05°24'30"W, to the P.T. in the east right of way line of Meridian Drive; thence S06°51'E along the east line of Meridian Drive, 247.97 feet to a deflection point in the east right of way line of Meridian Drive; thence S12°06'E along the east right of way line of Meridian Drive, 72.92 feet to a P.C. of a curve to the left, in the east right of way line of Meridian Drive; thence southeasterly along said curve to the left having a radius of 111.47 feet, an arc length of 150.68 feet, a chord length of 139.47 feet, and a chord bearing of S50°49'30"E, to the P.T. of said curve; thence S89°33'E along the north right of way line of 41st Street North, 160.64 feet; thence S00°27'W, 64.00 feet to a point in the south right of way line of 41st Street North; thence N89°33'W along the south right of way line of 41st Street North, 160.64 feet to the P.C. of a curve to the right; thence northwesterly along said curve to the right having a radius of 175.47 feet, an arc length of 237.19 feet, a chord length of 219.54 feet and a chord bearing of N50°49'30"W to the P.T. of said curve; thence N12°06'W along the west right of way line of Meridian Drive, 75.85 feet to a deflection point in the west line of Meridian Drive; thence N06°51'W along the west right of way line of Meridian Drive, 250.9 feet to the P.C. of a curve to the right; thence northeasterly along said curve to the right having a radius of 209.64 feet, an arc length of 89.70 feet, a chord length of 89.02 feet, and a chord bearing of N05°24'30"E, to the P.T. of said curve; thence N17°40'E along the west right of way line of Meridian Drive, 73.29 feet to the P.C. of a curve to the left; thence northeasterly, northerly, northwesterly and westerly along said curve to the left, having a radius of 90.0 feet, an arc length of 169.12 feet, a chord length of 145.31 feet, and a chord bearing of N36°10'00"W to a point in the east right of way line of Meridian Avenue; thence N00°00'E along the east line of Meridian Avenue, 64.00 feet to the point of beginning.