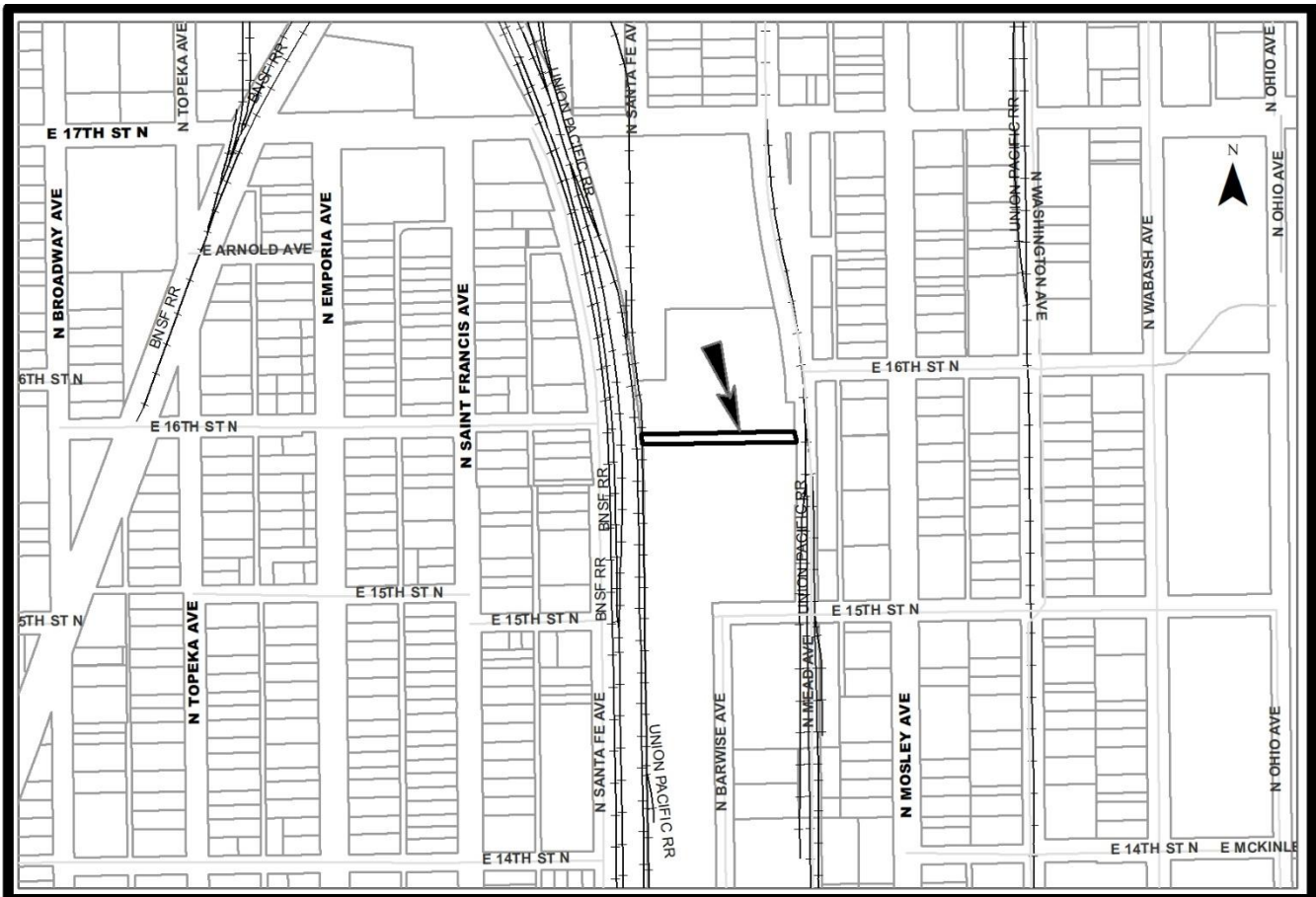


STAFF REPORT

- CASE NUMBER:** VAC2019-00009 – City Vacation former Pearl Street Right-of-Way.
- APPLICANT:** Grain Craft, Inc.
- LEGAL DESCRIPTION:** Generally described as vacating a portion of the platted East Pearl Street public street right-of-way originally dedicated in the Carey Avenue Addition, Wichita, Sedgwick County, Kansas
- LOCATION:** Generally located approximately ¼ mile south of East 17th Street North and 275 feet west of North Mosely Avenue. (WCC VI)
- REASON FOR REQUEST:** To clean up the area for additional parking and provide additional space for tractor trailers.
- CURRENT ZONING:** Abutting and adjacent properties are zoned LI Limited Industrial.
- VICINITY MAP:**



The applicant is requesting the vacation of the former East Pearl Street public street right-of-way located approximately ¼ mile south of East 17th Street North and 275 feet west of North Mosley Avenue, dedicated in the Carey Avenue Addition. The purpose of the vacation request is to clean up the area for additional parking and to provide additional space for tractor trailers. The proposed vacation will not impact any vehicular movements as this right-of-way is not a functioning street and dead ends at the Union Pacific & Burlington Northern/Santa Fe railroad tracks. No property will be denied access if this vacation request is approved. There are no public utilities located in the vacation area. Westar has no objection to this vacation. However, there is a guy wire located near the area. If it is determined this guy wire is in the area to be vacated, the applicant shall be required to maintain an easement or relocated the wire at their own expense. Becky Thompson, Area Construction Representative, can be contacted regarding this item at 261-6320. The Carey Avenue Addition was recorded with the Register of Deeds May 11, 1887.

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 right-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 May 2, 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 right-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:

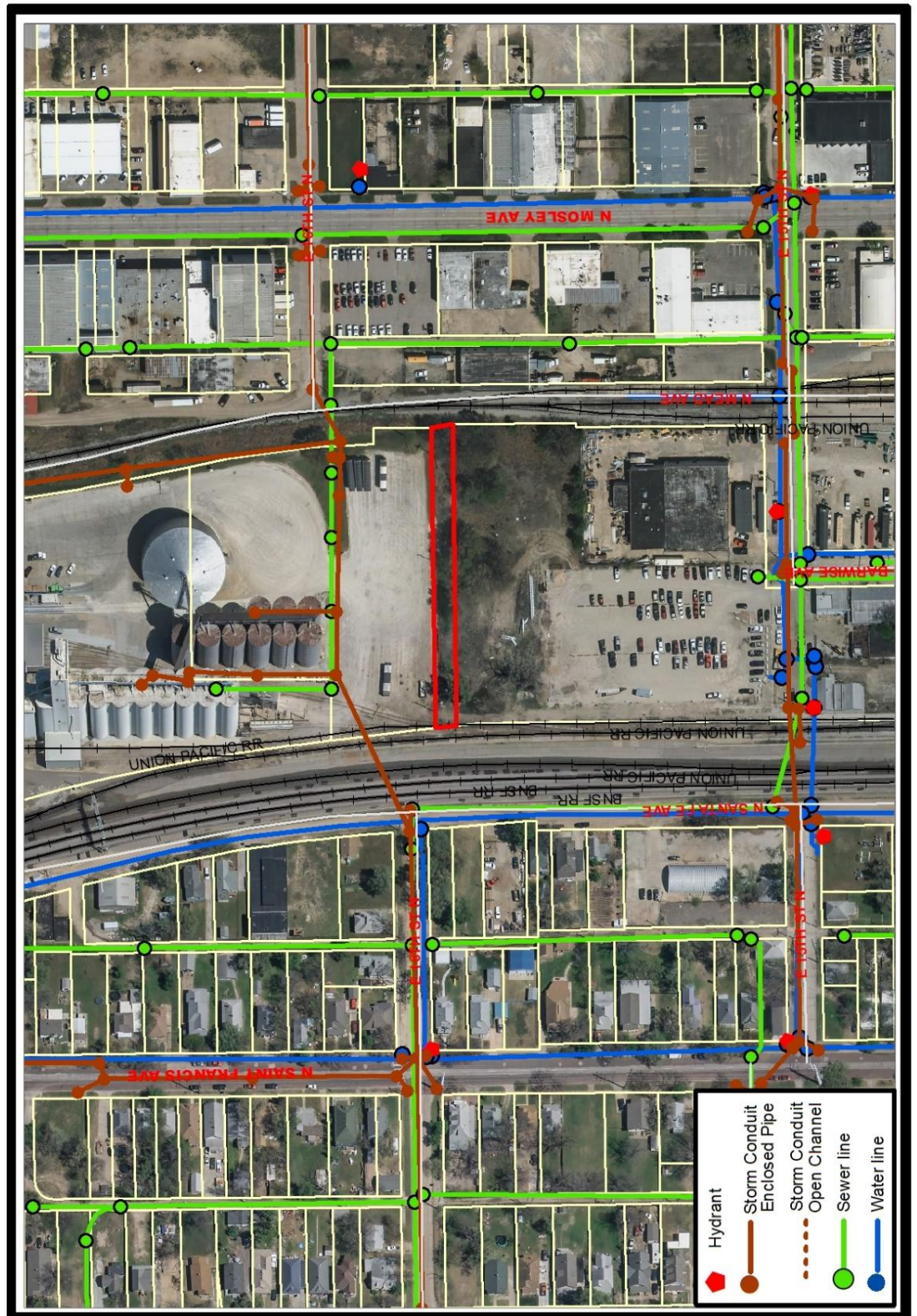
- (1) Provide a covenant, with original signatures, binding and tying the described vacated public street right-of-way to the applicants' abutting property. This must be provided to Planning prior to VAC2019-00009 proceeding to City Council for final action and subsequent recording with the Vacation 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.

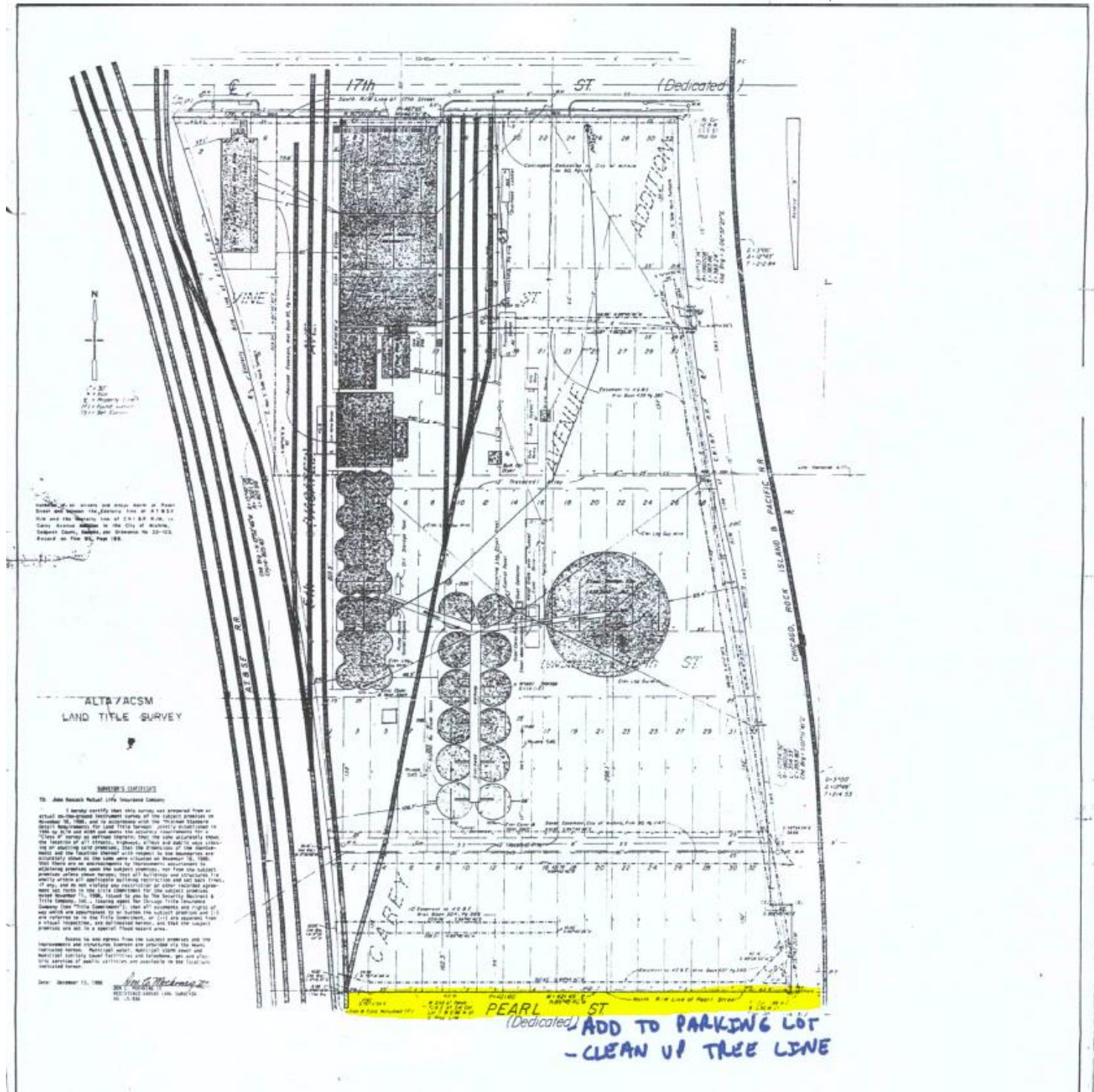
SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval per staff recommendations.

Attachments:

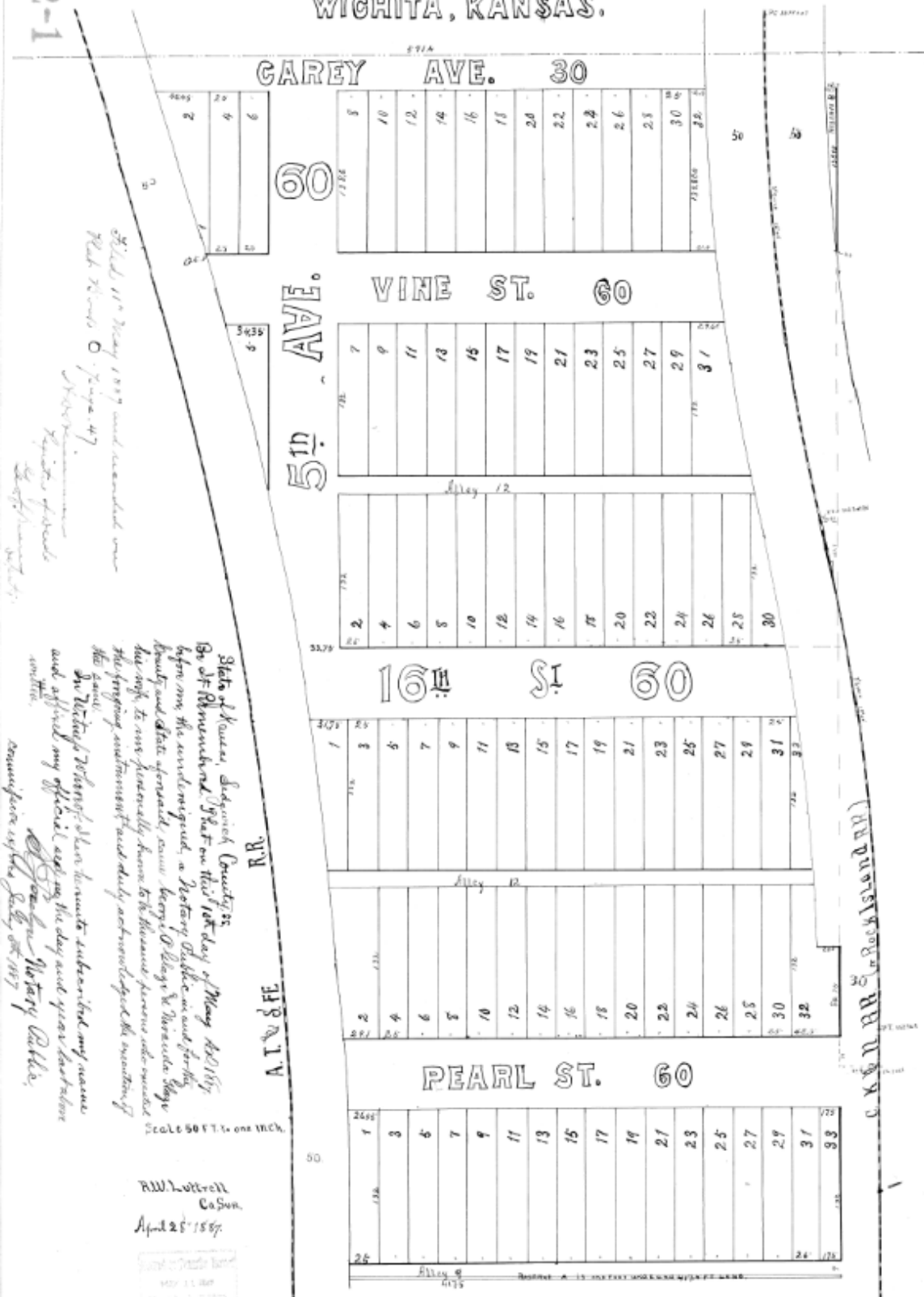
1. Area Map
2. Site Plan submitted by applicant
3. Carey Avenue Addition Plat





C1-2-1 CAREY AVENUE ADDITION

WICHITA, KANSAS.



Filed 11th May 1887 and recorded in
 Plat Book O Page 47.
 John J. ...
 Register of deeds
 of the County of Sedwick
 State of Kansas

State of Kansas, Sedwick County, ss.
 I, J. H. ...
 Register of Deeds, do hereby certify that on this 10th day of May A.D. 1887
 before me the undersigned, a Notary Public in and for the
 County and State aforesaid, came Henry O. ... & ...
 who apply to me generally known to the name of ...
 the foregoing and ...
 and affirm my official seal on this day and year last before
 written.
 Henry O. ...
 Notary Public,
 residence ...

R.W. Luttrell
 Co. Sur.
 April 25, 1887.

Scale 50 FT. = one inch.