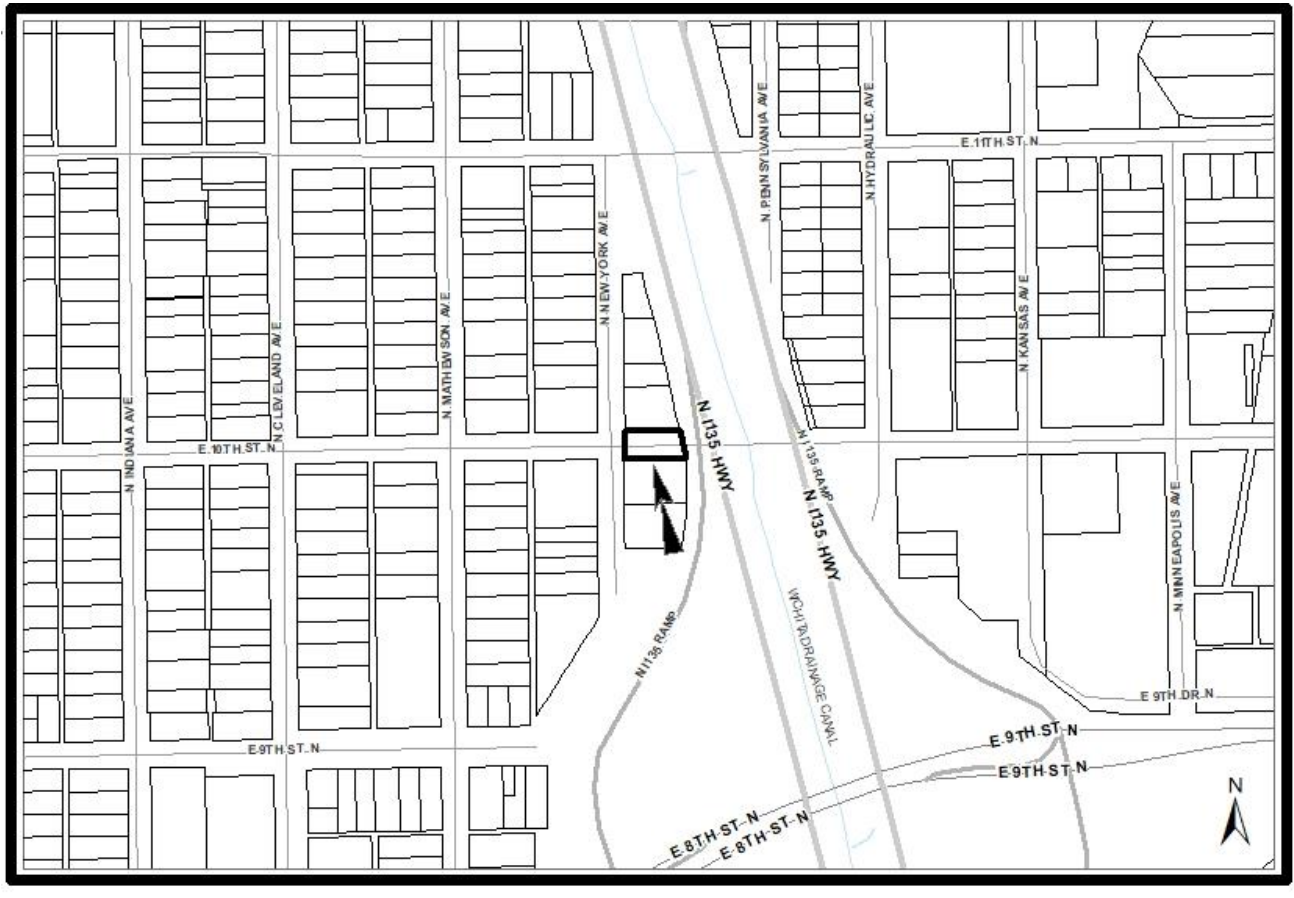


STAFF REPORT

- CASE NUMBER:** VAC2022-00004 – City Vacation of a platted public street right-of-way.
- APPLICANT:** Grace Assembly of Jesus Christ (Jeff Brooks, Pastor and Lakeshia E. Brooks) (applicants)
- LEGAL DESCRIPTION:** Generally described as vacating a portion of East 10th Street North right-of-way as platted in the Gettos Addition to Wichita, Sedgwick County, Kansas.
- LOCATION:** Generally located between North New York Avenue and the right-of-way of I-135 and the Wichita Drainage Canal. (WCC VI)
- CURRENT ZONING:** The property abutting on the north side and adjacent to the northwest of the proposed street vacation is zoned TF-3 Two-Family Residential, and the property abutting on the south side and adjacent to the southwest is zoned SF-5 Single-Family Residential. I-135 and the Wichita Drainage Canal abut to the east.
- REASON FOR REQUEST:** To consolidate property.

VICINITY MAP:



The applicant is requesting the vacation of a platted street right-of-way on property zoned SF-5 Single-Family Residential on the south side and TF-3 Two-Family Residential on the north side and generally located between North New York Avenue and I-135 and the Wichita Drainage Canal. The purpose of the request is to consolidate property on both sides of the right-of-way owned by the applicant. The 10th Street bridge over the canal no longer exists, so the segment of street to the east of New York Avenue no longer functions as a street. The right-of-way is 60 feet wide, and the area contains stormwater and sanitary sewer facilities. Wichita Public Works and Utilities Department has stated they will need to retain easements for utilities, drainage, and sidewalks. Public Works and Utilities will not allow any permanent structures in the vacation area (nothing with a foundation). Any project plans shall be submitted to the Wichita Public Works and Utilities Department for review and approval.

Evergy has no objection, but we have Overhead lines in the ROW they are wanting to vacate. Conditions 2, 3, 4 & 5 on the staff report will cover Evergy. Standard language will apply, should they need to relocate or remove any existing service or equipment due to this vacation request it will be at their expense. LaDonna Vanderford, Design Representative, will be the contact for this item and can be reached at (316)-261-6290. Cox has no objection to this vacate. We are attached to Evergy poles. Any relocation will be at the applicants' expense. The Gettos Addition was recorded with Sedgwick County on August 2, 1886.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works and Utilities, 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 13, 2021, 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 sewer easement dedicated by separate instrument, 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 applicant's abutting property. This must be provided to Planning prior to this case 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) If the vacated portion of right-of-way is barricaded or fenced the applicant will need to provide access for utilities, Fire, and other Emergency Service Vehicles.
- (3) 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.

- (4) All improvements shall be according to City Standards and at the applicants' expense.
- (5) Dedicate utility, drainage, and sidewalk easements by separate instrument to cover all utilities. The original dedications must be provided to Planning prior to VAC2022-00004 proceeds to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (6) 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.

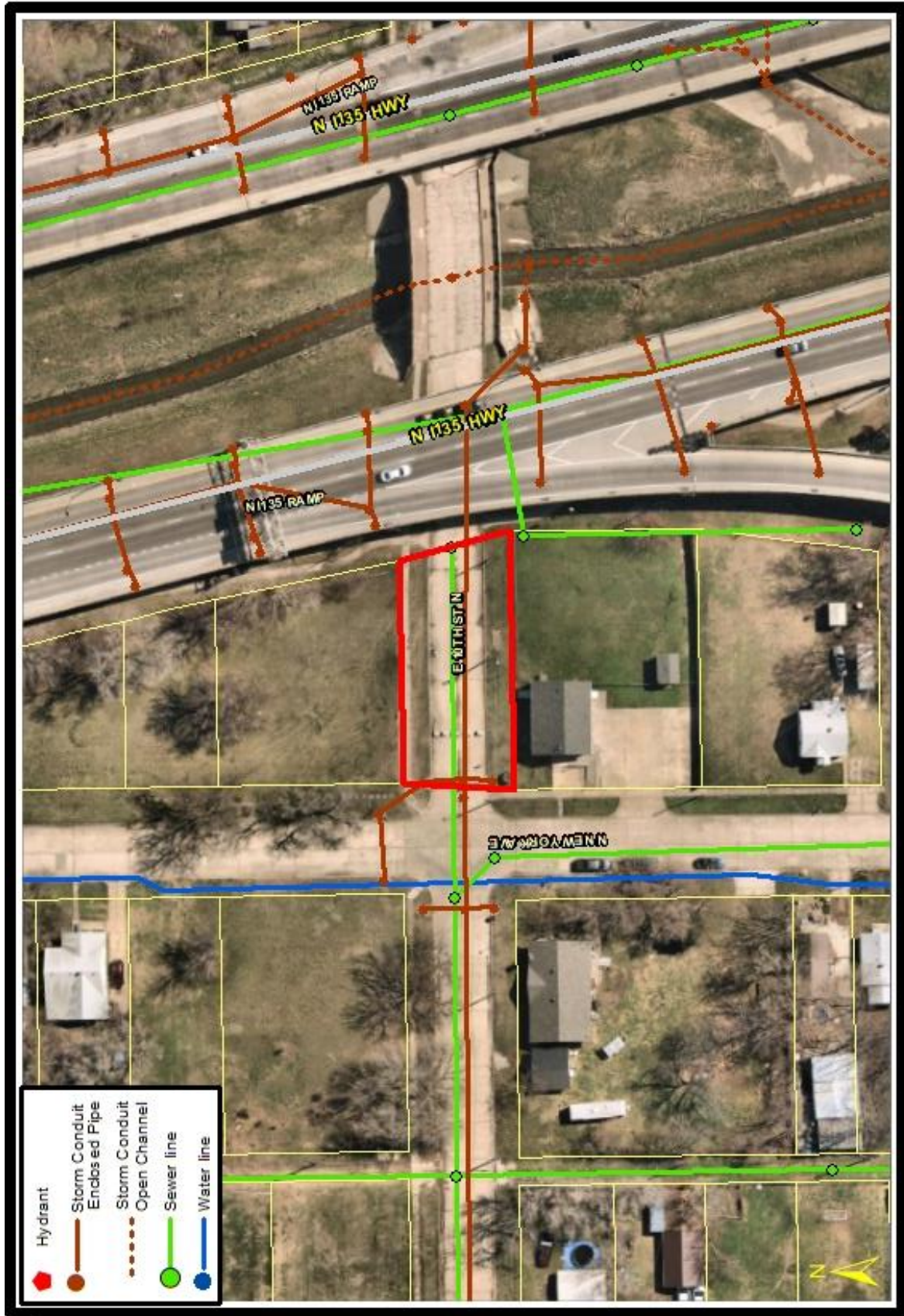
SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

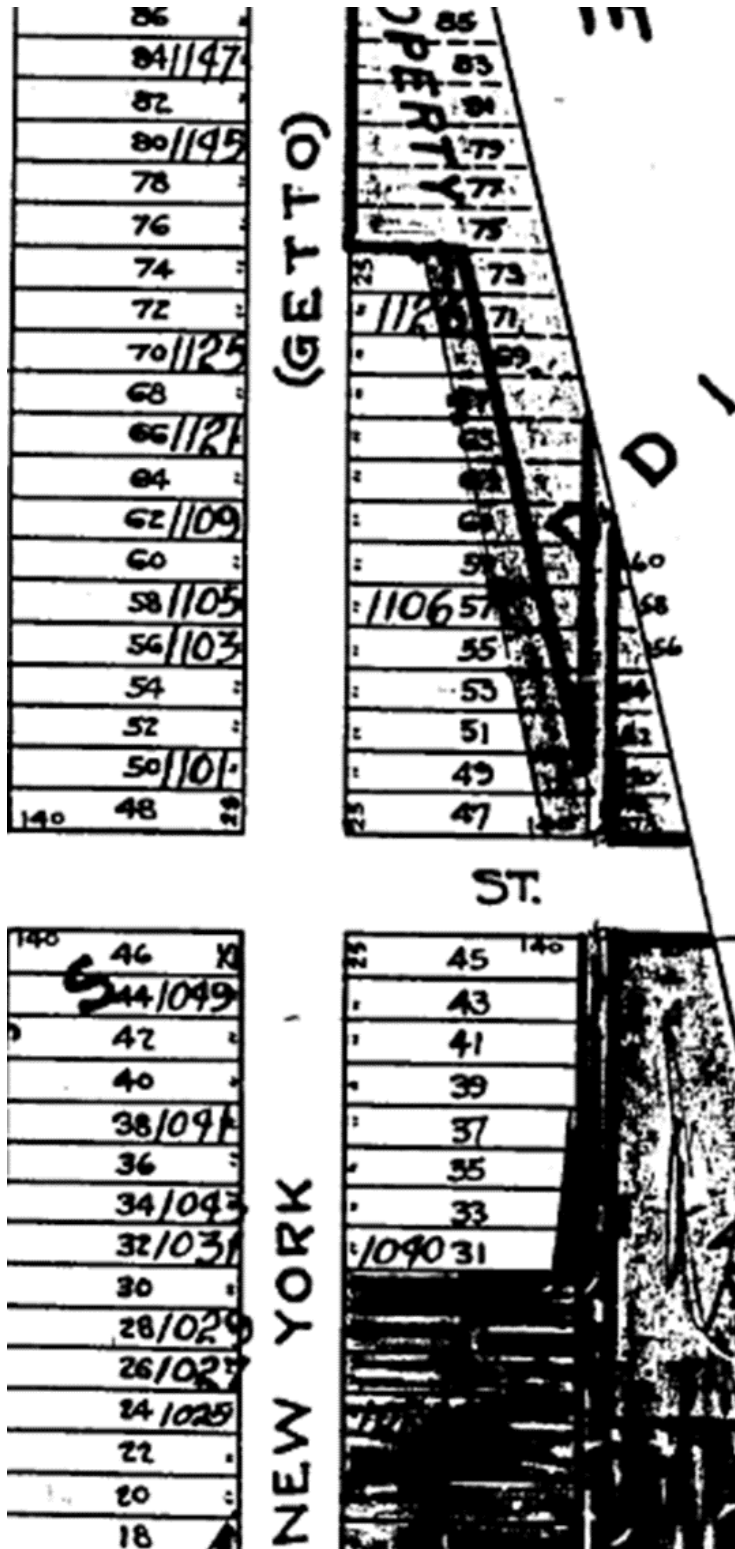
- (1) Provide a covenant, with original signatures, binding and tying the described vacated public street right-of-way to the applicant's abutting property. This must be provided to Planning prior to this case proceeding to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds and the Sedgwick County Appraisers Office.
- (2) If the vacated portion of right-of-way is barricaded or fenced the applicant will need to provide access for utilities, Fire, and other Emergency Service Vehicles.
- (3) 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.
- (4) All improvements shall be according to City Standards and at the applicants' expense.
- (5) Dedicate utility, drainage, and sidewalk easements by separate instrument to cover all utilities. The original dedications must be provided to Planning prior to VAC2022-00004 proceeds to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (6) 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.

Attachments:

1. Aerial Map
2. Quarter Section Map
3. Site Photo



Quarter section map showing Lots 45 & 47, Getto's Addition (recorded August 4, 1886), abutting the south and north sides of East 10th Street North & the I-135 ROW.





Site Photo – Looking East along East 10th Street North toward I-135.