

STAFF REPORT

CASE NUMBER: VAC2022-00008 - Request in the City to vacate a portion of a platted public street right-of-way.

APPLICANTS: Kevin W. Hoelker (applicant)

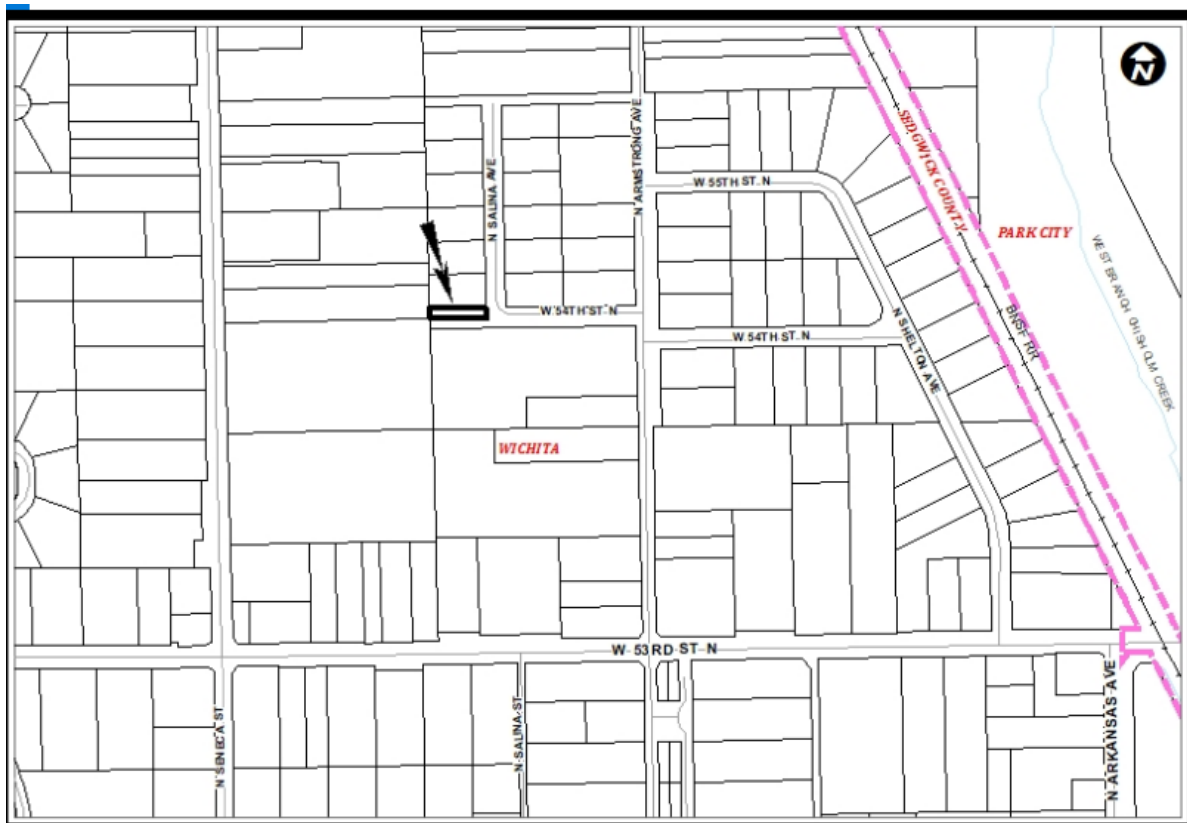
LEGAL DESCRIPTION: Generally described as vacating the platted 30-foot wide (x) 1679.3-foot long portion of West 54th Street North abutting the west side of North Salina Avenue & south side of Lot 6, Block A, A Replat of Lots 12 & 13, Interurban Place & the platted 15-foot street side yard setback on said lot, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located northeast of North Seneca Street & West 53rd Street North on the northwest corner of West 54th Street North & North Salina Avenue. (City District VI)

REASON FOR REQUEST: Revert the undeveloped public street right-of-way to private property

CURRENT ZONING: This section of West 54th Street North is undeveloped public street ROW right-of-way. All abutting and adjacent properties are zoned SF-5 Single-Family Residential.

VICINITY MAP:



The site is located in the City, in an area between North Seneca Street, West 57th Street North, the Railroad tracks/West Branch of Chisolm Creek/Park City and West 53rd Street North. More specifically the site is located on the northwest corner of West 54th Street North and North Salina Avenue. The applicant is requesting the vacation of the 30-foot wide (x) 169.3-foot long portion of undeveloped West 54th Street North public street ROW right-of-way that was platted on A Replat of Lots 12 & 13, Interurban Place Addition; recorded June 28, 1957.

The subject platted ROW:

- Abuts the south side of the applicant's property, Lot 6, Block A, A Replat of Lots 12 & 13, Interurban Place Addition.
- Abuts the west side of its intersection with North Salina Avenue.
- Dead ends on its west side against an undeveloped SF-5 Single-Family Residential zoned lot.
- Abuts the north side of a 30-foot wide undeveloped portion of West 54th Street North that was dedicated, DED2007-00021, as ROW as a condition of a Lot Split, SUB2007-00088, on Lot 14, Interurban Place Addition (recorded May 9, 1917).

Prior to DED2007-00021 the platted subject section of West 54th Street North was the only portion of West 54th Street North that did not have 60 feet of full street ROW. The undeveloped platted subject portion and that portion dedicated by separate instrument are the west most section of West 54th Street North's two blocks length. Its length runs east from North Salina Avenue, intersecting with and going through North Armstrong Avenue, ending at its intersection with North Shelton Avenue. West 54th Street North is classified as local residential street and is paved with the exception of its west most section, the subject platted ROW and the abutting portion dedicated by separate instrument. Subdivision Standards require a minimum of 58 feet of full ROW for this type of local residential ROW; Art.7-201(G)(3)(B).

DED2007-00021 also provided full ROW for future extension of West 54th Street North, west to North Seneca Street. North Seneca Street is located approximately 620 feet west of the subject ROW. Connection to North Seneca Street is blocked by an undeveloped 1.4-acre SF-5 Single-Family Residential zoned lot and a 4.64-acre SF-5 zoned lot developed as a nonconforming warehouse-office (built 1970). Currently there are no plans to extend the West 54th Street West through these abutting properties to North Seneca Street.

Currently the north – south running North Armstrong Avenue provides the only access into this area via its intersections with West 57th Street North and West 53rd Street North. There are no east – west through roads in this area. The attached Quarter Section Maps of this area shows the limited access into the area and the local streets of varying widths interrupted by large lots and the Railroad tracks/West Branch of Chisolm Creek/Park City.

NOTE: Public Works does not anticipate extending West 54th Street West to North Seneca Street due to the abutting west properties/lots being subdivided by sale rather than recorded Lot Splits. The abutting west properties are recorded as fragments of the Interurban Place Addition's original 4.2-acre – 4.6-acre size lots. These lots being broken up by sale did not allow the opportunity to have ROW dedicated for West 54th Street North or West 55th Street North to extend to Seneca. Current vehicular traffic, pedestrian traffic and public safety will remain unchanged by this vacation request. Staff recommends APPROVAL of the request.

There may be structural encroachments into the subject ROW. Water appears to be located east of the subject ROW. Evergy has no objections to the vacation request. Brandon Chadd is the Evergy Design Representative for this area and may be contacted at 785-508-2700. Also note the Interurban Place Addition as recorded in 1917 had no reference to easements. No properties would be denied direct access onto public street ROW if the vacation request is approved. Conditions #2, #3 & #4 cover all utilities.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from Public Works, Storm Water, Water and Sewer, 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 portion of 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 April 28, 2022, 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 public 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) Vacate the platted 30-foot wide (x) 169.3-foot long portion of undeveloped West 54th Street North public street ROW that abuts the south side of Lot 6, Block A, A Replat of Lots 12 & 13, Interurban Place Addition, the west side of its intersection with North Salina Avenue, that dead ends on its west side against the undeveloped SF-5 Single-Family Residential zoned South 99 feet of Lot 5, Interurban Place Addition and the north side of 30-foot wide undeveloped portion of West 54th Street North.
- (2) As needed dedicate utility easement(s) by separate instrument(s), with original signatures, to cover the to cover utilities, located in the vacated 30-foot wide by 169.3-foot long portion West 54th Street North public street right-of-way. These must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (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) Provide Planning with an approved legal description of the vacated West 54th Street North on a Word document by E-mail that can be copied and used on the Vacation Order. This must be provided to Planning prior to the vacation case going to City Council for final action.
- (6) Provide a restrictive covenant, with original signatures, binding and tying the described vacated portion of West 54th Street North public street right-of-way to the abutting properties. This must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (7) 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

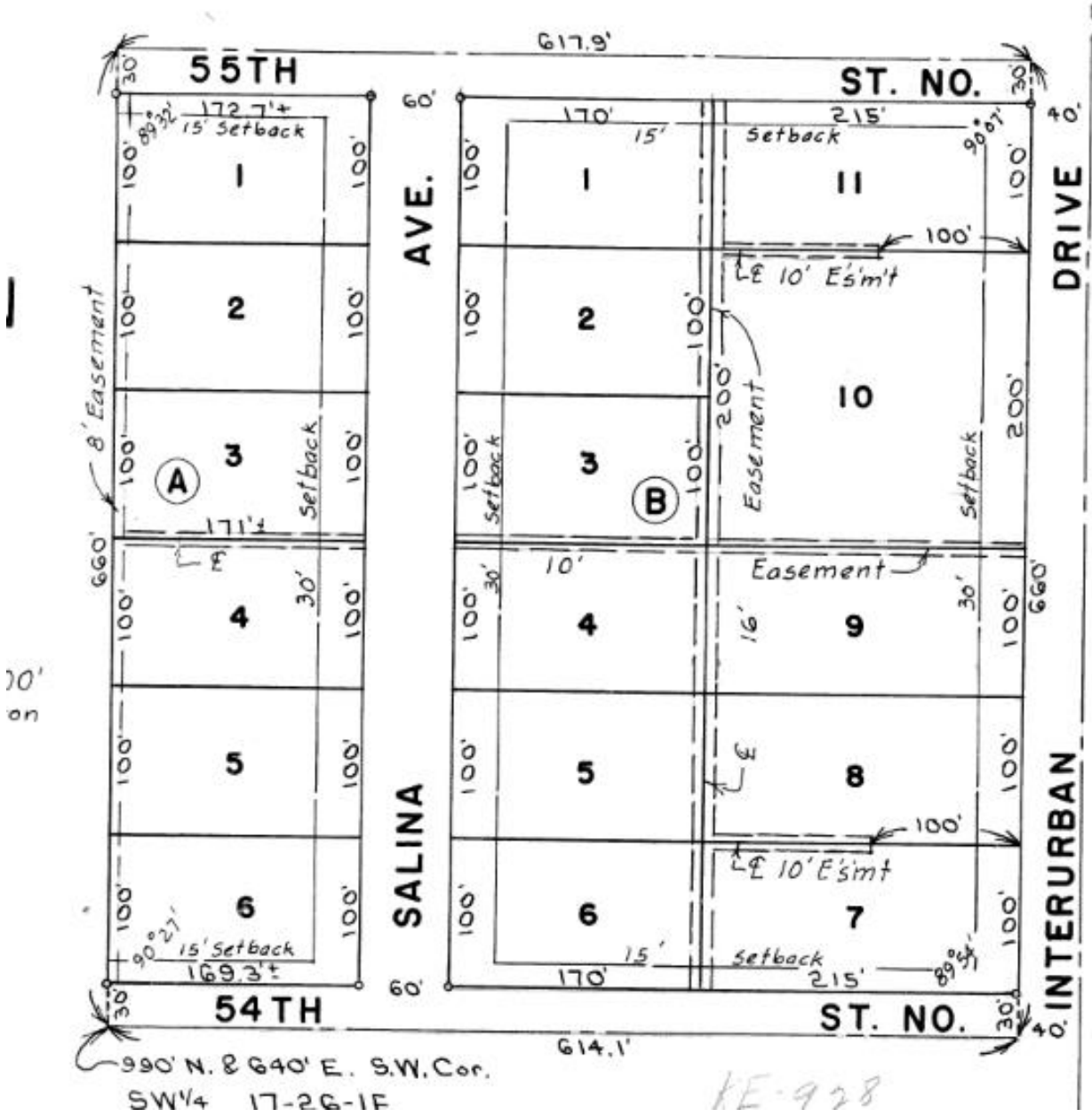
The Subdivision Committee recommends approval subject to the following conditions:

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Attachments:

- Aerial with water, sewer, and drainage
- A Replat of Lots 12 & 13, Interurban Place Addition
- North half of Quarter section map showing site
- South half of Quarter section map showing site
- Google photo of undeveloped subject ROW & intersection with North Salina Avenue



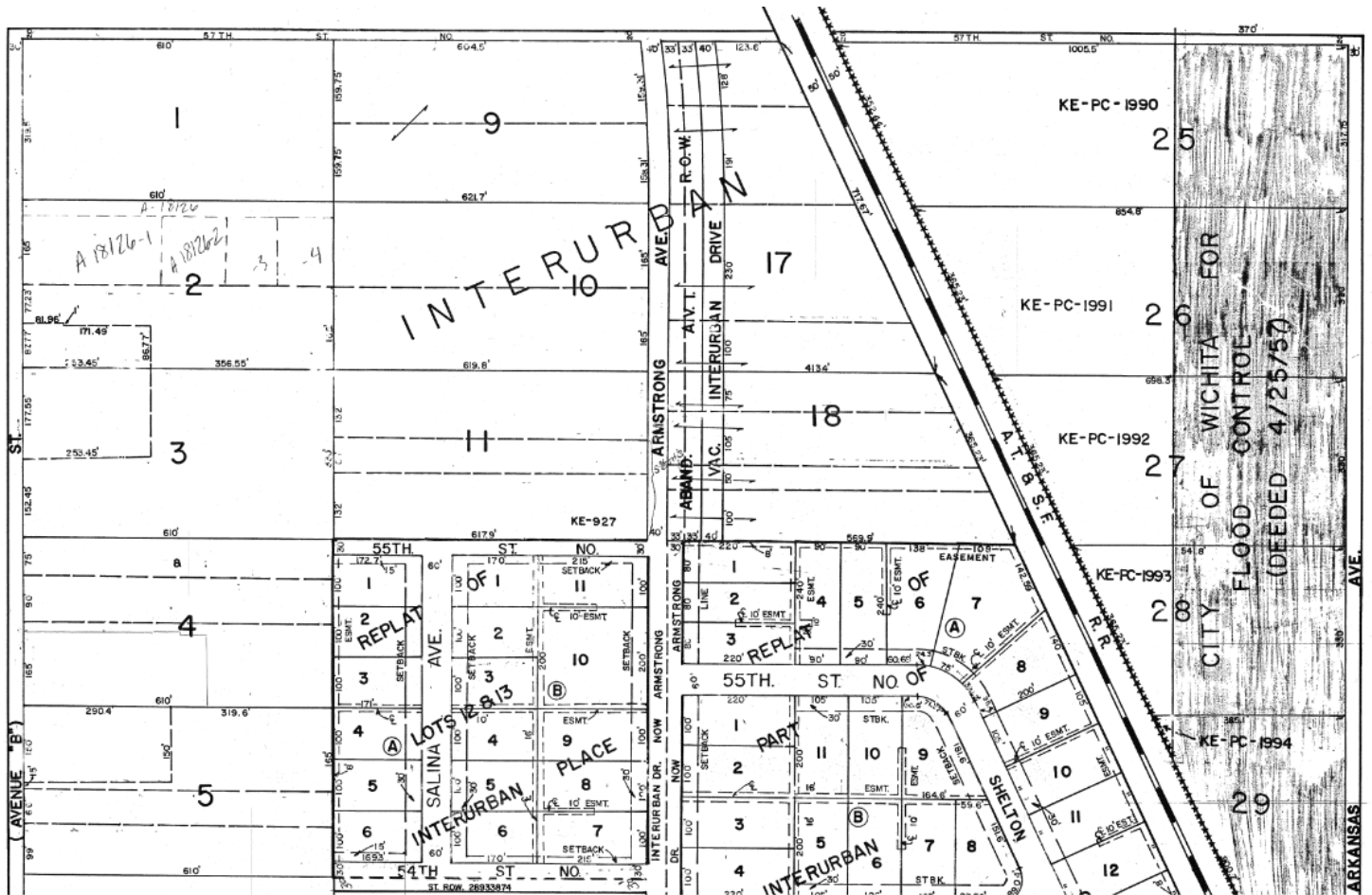


990' N. & 640' E. S.W. Cor.
 SW 1/4 17-26-1E

KE-928

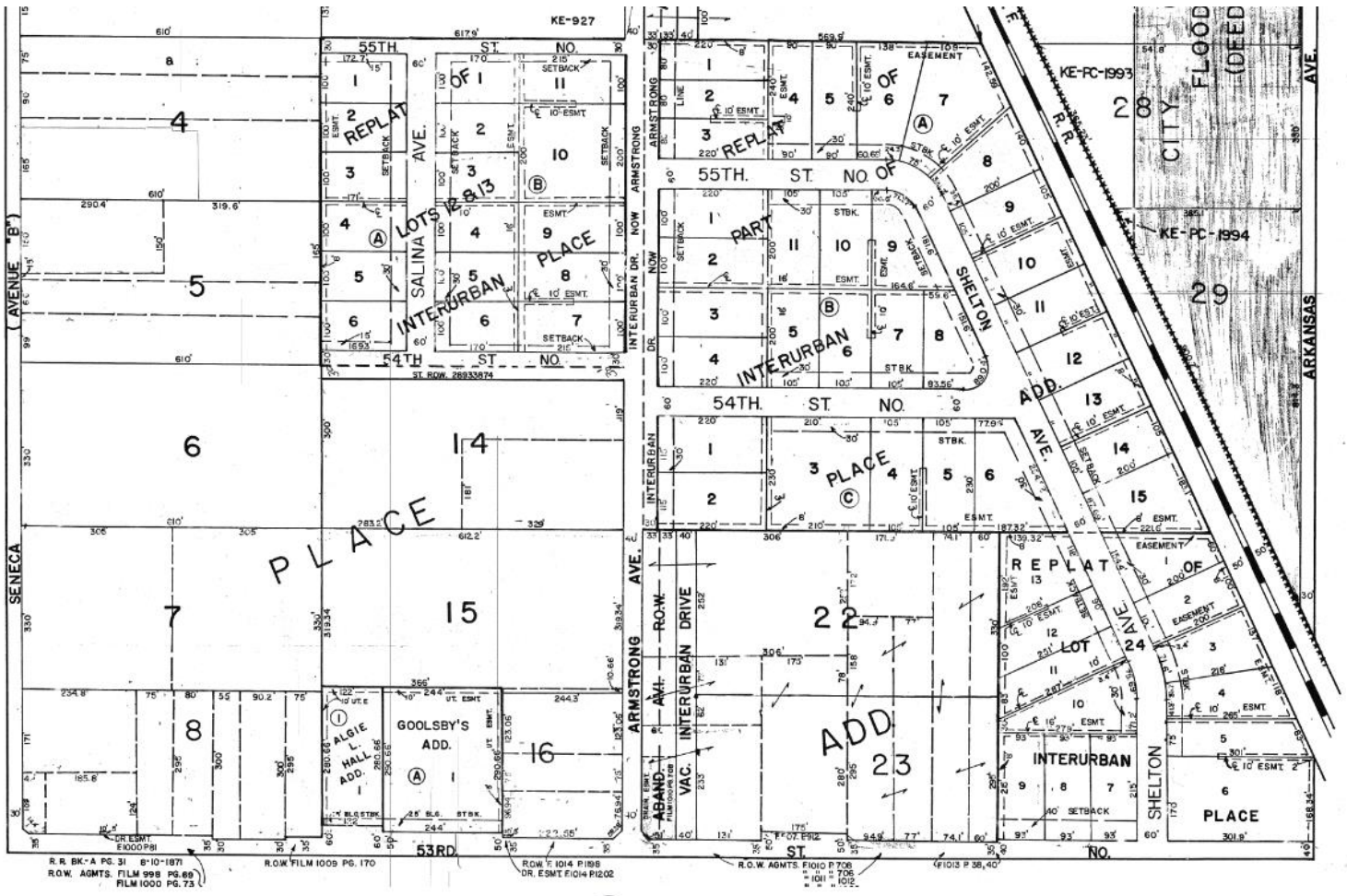
ADD TO

SD



ADD TO SD

VAC2022-00008— Request in the City to vacate a portion of a platted public street right-of-way, generally located northeast of North Seneca Street & West 53rd Street North, on the northwest corner of North Salina Avenue & West 54th Street North
May 19, 2021
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ADD both of the above to SD