

**STAFF REPORT**

**CASE NUMBER:** VAC2022-00014 - Request in the City to vacate a portion of a platted public street right-of-way.

**APPLICANT:** Jeff Englert, NAI Martens (applicant) Kirk Miller KE Miller Engineering PA (agent)

**LEGAL DESCRIPTION:** Generally described as vacating the 80-foot wide portion of North Millwood Avenue located approximately 60 feet north of its intersection with West St Louis Street, abutting the south side of the North McLean Boulevard right-of-way, the west side of Lot 5, Case Addition, the north approximately 70 feet of the east side of Lot 122, Dodges 2<sup>nd</sup> Addition, Wichita, Dodges 2<sup>nd</sup> Addition, Wichita, Sedgwick County, Kansas.

**LOCATION:** Generally located west of North Seneca Street, south of North McLean Boulevard, between North Vine Avenue and North Fern Avenue. (District VI)

**REASON FOR REQUEST:** Development of multi-family residential associated with Planned Unit Development PUD2022-00011.

**CURRENT ZONING:** This section of North Millwood Avenue is paved public street ROW right-of-way that ends as a hammerhead south of the North McLean Boulevard ROW. All abutting east and west properties are currently undeveloped and zoned SF-5 Single-Family Residential but are part of the of the zone change request PUD2022-00011. Adjacent south properties are zoned SF-5.

**VICINITY MAP:**



This portion of North Millwood Avenue (subject ROW) is located approximately 60 feet north of its intersection with West St. Louis Street and dead ends as a hammerhead south of the North McLean Boulevard ROW right-of-way. It is a paved local City street with 89-feet of ROW. This section of North Millwood was platted on Dodges 2<sup>nd</sup> Addition, recorded March 18, 1887 and the Case Addition, recorded August 1, 1951.

Undeveloped City owned SF-5 Single-Family Residential zoned properties abut the subject ROW's east and west sides; generally described as the north portion off Lot 5, Case Addition on its east side and the north portion Lot 122, Dodges 2<sup>nd</sup> Addition on its west side. These City owned properties extend from the subject ROW east to North Fern Avenue, west to North Vine Avenue and north to the North McLean Boulevard ROW. A zone change to Planned Unit Development, PUD2022-00011, has been filed for these properties. If approved the vacated ROW will provide parking and internal circulation for PUD2022-00011's multi-family residential development.

South of the subject ROW are two SF-5 zoned single-family residences abut the south portion North Millwood Avenue that is not included in the vacation request. These two properties are located on the northwest and northeast corners of the West St. Louis Street - North Millwood Avenue intersection. Neither of these two properties will lose direct access onto West St. Louis Street or North Millwood Avenue. Both of these properties have driveways onto North Millwood Avenue. West St. Louis Street ends at its intersections with North Fern Avenue to the east and North Vine Avenue to the west. Both North Fern and North Vine intersect with North McLean Boulevard. The applicant's exhibit shows the PUD having access on to North Vine, North Fern, and the remaining portion of North Millwood at its intersection with West St Louis. Because North Millwood currently dead ends as a hammerhead south of the North McLean Boulevard ROW the vehicular traffic patterns in this area will essential remain the same. Because PUD 2022-00011 is for multi-family development there will be an increase in traffic volume in the area.

Storm water, a water line and a water hydrant are located in the North Millwood ROW. Evergy has no equipment in the subject ROW. Richard Aitken is the Evergy Design Representative for this area and can be contacted at (316) 261-6334. Conditions #3, #4, #5 and #6 cover all utilities. Vehicular traffic, pedestrian traffic and public safety should not be impacted by this vacation request if approved with the listed conditions.

If the vacation request is approved pedestrian access from North Millwood to a sidewalk that is located in and runs parallel to North McLean Boulevard will be terminated. The applicant's exhibit shows a 15-foot wide water line easement that extends into the North McLean Boulevard ROW. This 15-foot wide water line easement can include a pedestrian access that would attach to the existing sidewalk located in and running parallel to the North McLean Boulevard ROW. At some undetermined future point, it could also, in theory, extend across North McLean Boulevard to the pedestrian – bicycle that runs along the Arkansas River.

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 May 12, 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 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) Vacation of the described portion of North Millwood ROW is contingent upon the approval of PUD2022-00011.
- (2) Vacate the described portion of North Millwood Avenue ROW as described in an approved legal description on a Word document sent 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.
- (3) Dedicate a 15-foot wide water line – pedestrian easement that will provide unhindered access to the water line and allow unhindered pedestrian access from that portion of North Millwood Avenue not included in the vacation to the sidewalk located in and running parallel to the North McLean Boulevard ROW. The pedestrian access will be paved to City Standards, will be the applicant’s responsibility and at the applicant’s expense. 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.
- (4) Dedicate an easement to cover Storm Water lines and equipment in the vacated portion of North Millwood Avenue, per the standard as directed by the Storm Water Engineer. 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.
- (5) As needed dedicate utility easement(s) by separate instrument(s), with original signatures, to cover utilities, located in the vacated 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.
- (6) 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.
- (7) All improvements shall be according to City Standards and at the applicants’ expense.
- (8) Provide a restrictive covenant, with original signatures, binding and tying the described vacated portion of North Millwood Avenue 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.
- (9) 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**

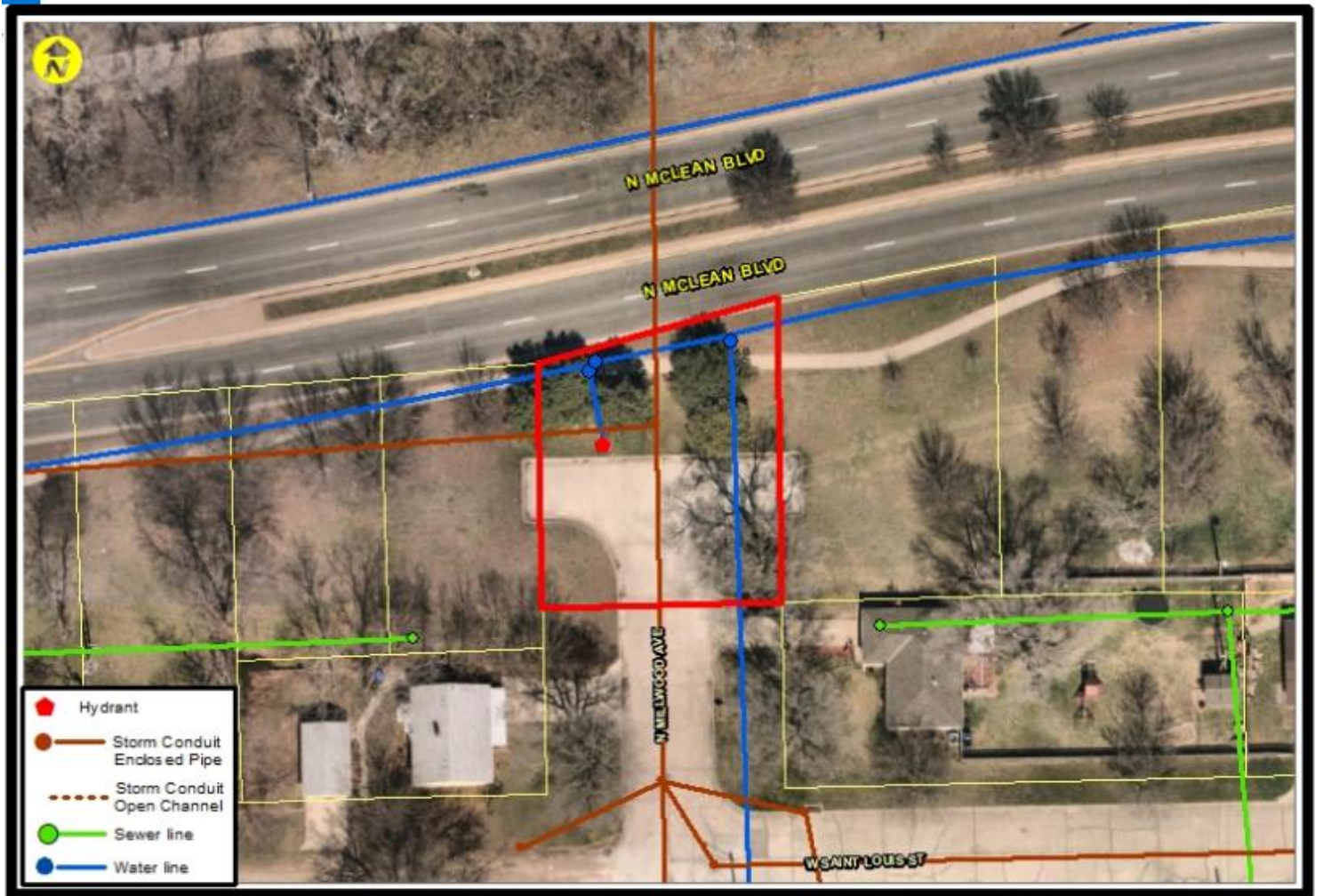
The Subdivision Committee recommends approval subject to the following conditions:

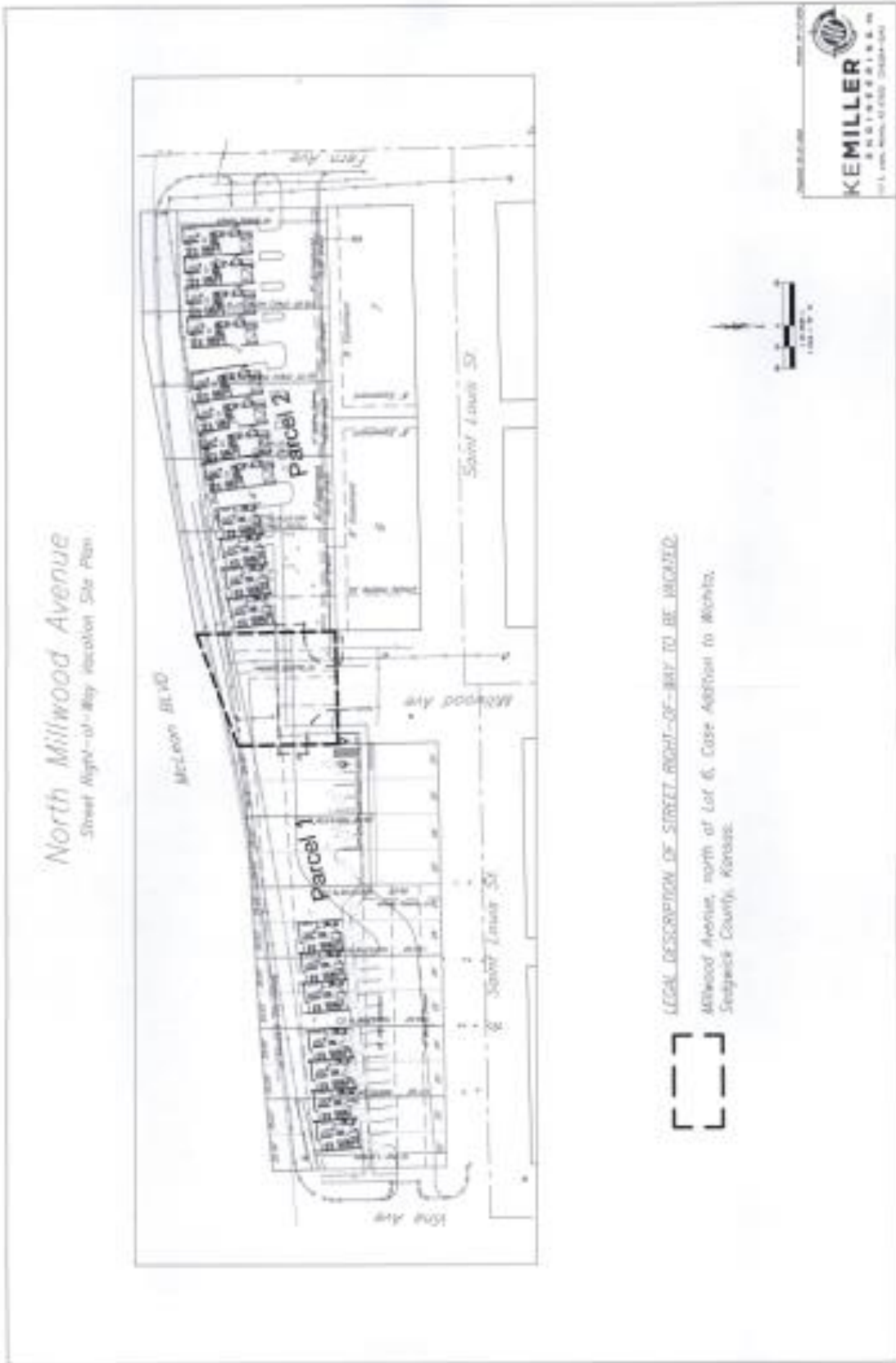
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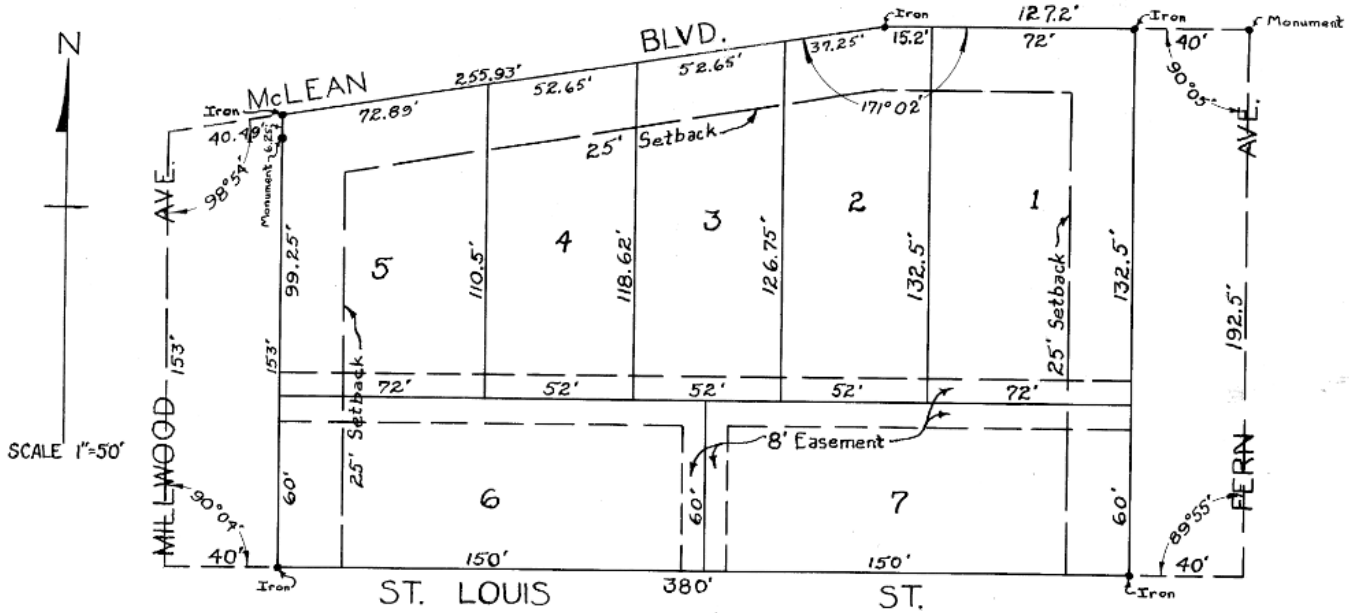
Attachments:

- Aerial with water, sewer, and drainage
- Applicant’s exhibit
- Case Addition
- Dodge’s 2<sup>nd</sup> Addition
- Photos of vacation area





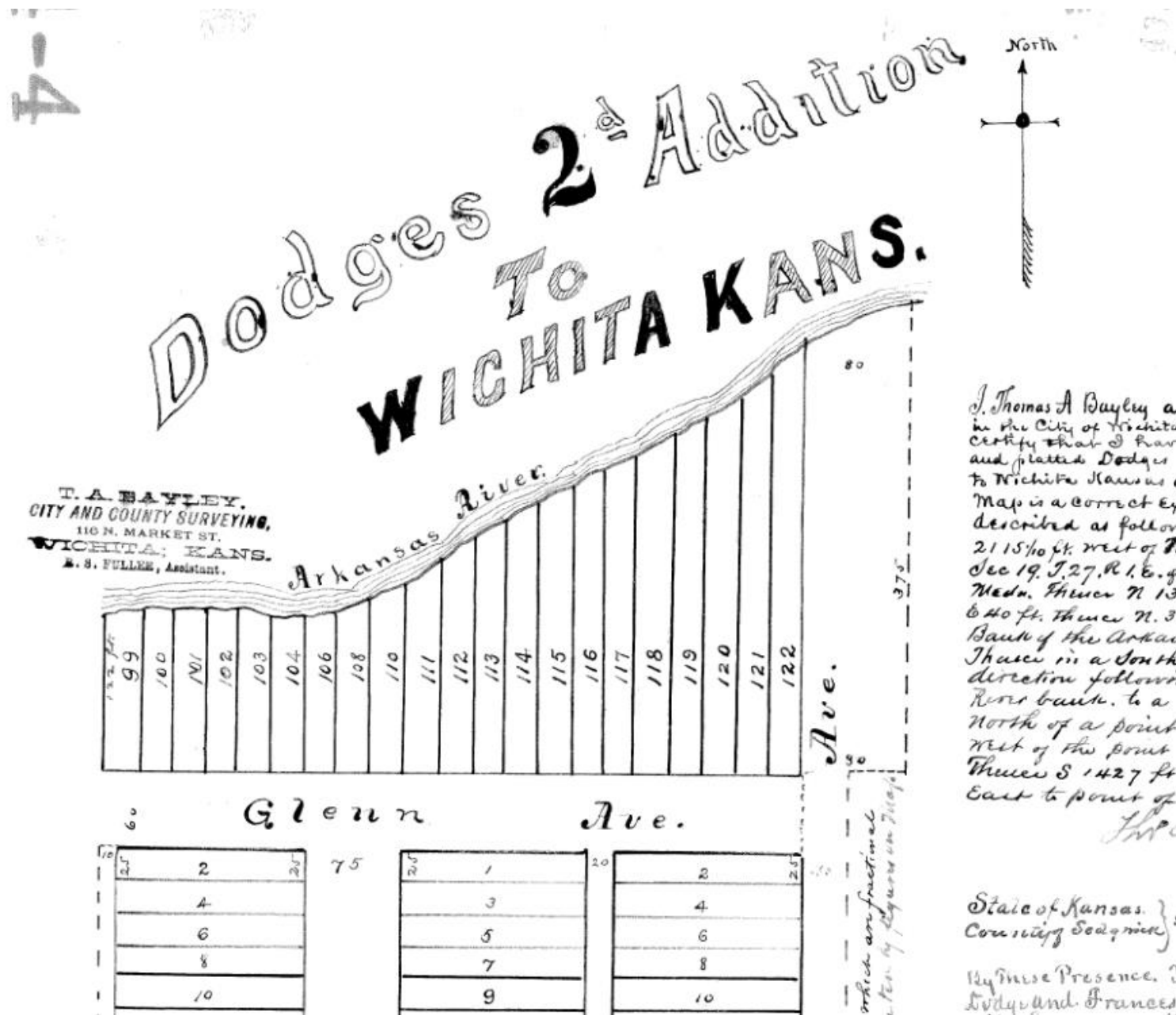
# CASE ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS



State of Kansas }  
County of Sedgwick } s.s.

I Don C. Moehring, a Civil Engineer in and for said State and County, do hereby certify that I have surveyed and platted Case Addition to Wichita, Sedgwick County, Kansas, into Lots and Avenues, the same being accurately set forth on the accompanying plat and being a replat of the Reserve in Dodge's Addition to Wichita, Sedgwick County, Kansas, except that portion acquired by the City of Wichita, Kansas for street purposes.

*Don C. Moehring, C.E.*



VAC2022-00014– Request in the City to vacate a portion of a platted public street right-of-way, generally located west of North Seneca Street, south of North McLean Boulevard, between North Vine and North Fern Avenues

June 2, 2022

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