



The applicant is requesting the vacation of the platted, paved, east-west 20-foot wide (x) 278-foot long alley public ROW right-of-way abutting Lots 1 & 2, Byron Smiths Replat of Part of the Parkview Addition (north side), Lots 13 & 14, Minnesota Avenue, Parkview Addition (south side), North Minneapolis Avenue (west side) and North Minnesota Avenue (east side). The platted alley was recorded on the Byron Smiths Replat of Part of the Parkview Addition, which was recorded with the Register of Deeds of Sedgwick County April 5, 1952.

The applicant owns the north abutting LC Limited Commercial zoned Lots 1 & 2, Byron Smiths Replat of Part of the Parkview Addition. If the request is approved reversion rights are to the applicant's property.

The applicant's property has direct access onto the north abutting arterial East 21<sup>st</sup> Street North and the east and west abutting local residential streets North Minneapolis and North Minnesota Avenues. North Minnesota intersects with East 21<sup>st</sup> Street North. North Minneapolis ends as a cul-de-sac turnaround south of East 21<sup>st</sup> Street North. The subject alley connects North Minneapolis Avenue and North Minnesota Avenue perhaps providing residences on North Minneapolis quicker access to East 21<sup>st</sup> Street North. Minor changes in traffic patterns for the immediate area may occur if the subject alley is vacated. Pedestrian traffic and public safety will be minimally impacted by this vacation request, per the conditions of approval.

None of the south abutting B Multi-family Residential zoned single-family residences are using the subject alley for access to garages. Access to those properties is provided by North Minneapolis and North Minnesota Avenues. No property will be denied access to public street right-of-way if the vacation is approved.

Trash pick-up for the subject site is through the subject alley. The residences abutting the south side of the alley do not use the subject alley for trash pick-up. The applicant proposes to control access onto the alley to eliminate dumping in the subject alley. This is the only alley located between East 21<sup>st</sup> Street North, East 19<sup>th</sup> Street North, North Hydraulic Avenue, and North Grove Avenue.

There is a sewer line running north-south through the subject alley. This sewer line also runs through the building located on the applicant's property. Everygy has power poles and electrical equipment located in the south side of the subject alley. There are no easements located on the north sides of the abutting south properties, Lots 13 & 14, Minnesota Avenue, Parkview Addition (recorded May 26, 1910) to cover the power poles and electrical equipment. A portion or all of the vacated platted alley will need be dedicated as a utility easement. Everygy has no objections. LaDonna Vanderford is the Everygy Design Representative for this area and can be contacted at 316-261-6290. Water is located in the abutting North Minneapolis and North Minnesota Avenues' ROWs. Strom Water is located in the East 21<sup>st</sup> Street North ROW and the intersections of East 21<sup>st</sup> Street North and North Minneapolis and North Minnesota Avenues. Conditions #1, #3, #4, and #5 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 platted alley public 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 June 16, 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 alley 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) Dedicate a 20-foot utility easement by separate instrument, with original signatures, for the length of the platted vacated alley. 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.
- (2) Provide a restrictive covenant, with original signatures, binding and tying the vacated described alley right of way to the abutting north property, Lots 1 & 2, Byron Smiths Replat of Part of the Parkview Addition. 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.
- (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) If the vacated alley is going to be gated, 24-7 access must be provided for utilities, emergency services and trash with a lock approved by those services
- (5) All improvements shall be according to City Standards and at the applicants' expense, including the maintenance of the vacated alley, which is now private property.
- (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) Dedicate a 20-foot utility easement by separate instrument, with original signatures, for the length of the platted vacated alley. 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.
- (2) Provide a restrictive covenant, with original signatures, binding and tying the vacated described alley right of way to the abutting north property, Lots 1 & 2, Byron Smiths Replat of Part of the Parkview Addition. 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.
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Attachments

- Aerial showing public water, sewer, and drainage
- Byron Smiths Replat of Part of the Parkview Addition
- Quarter section map
- Google photos of the alley

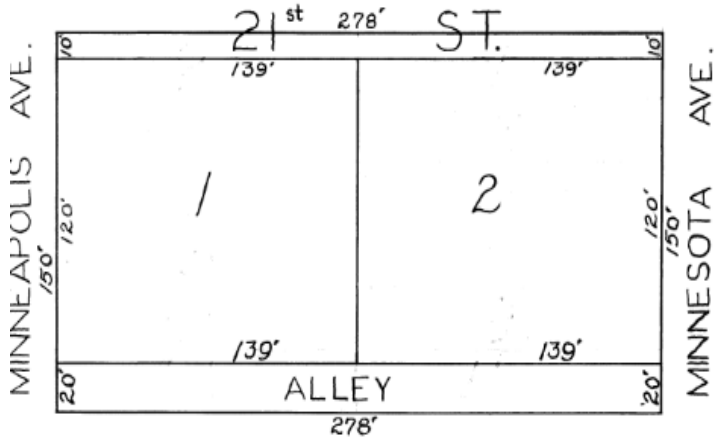
VAC2022-00018 – City request to vacate a platted alley generally located south of East 21st Street North, East of North Hydraulic Avenue, between North Minneapolis and North Minnesota Avenues

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# BYRON SMITHS REPLAT OF PART OF PARKVIEW 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 Byron Smiths Replat Of Part Of Parkview Addition To Wichita, Sedgwick County, Kansas, into Lots, a Street, and an Alley. The same being accurately set forth on the accompanying plat and described as Lots 2 to 12 even inclusive, on Minneapolis Avenue and Lots 1 to 11 odd inclusive, on Minnesota Avenue, in Parkview Addition to Wichita, Sedgwick County, Kansas.

*Don C. Moehring*  
Don C. Moehring, C.E.  
Consulting Civil Engineer

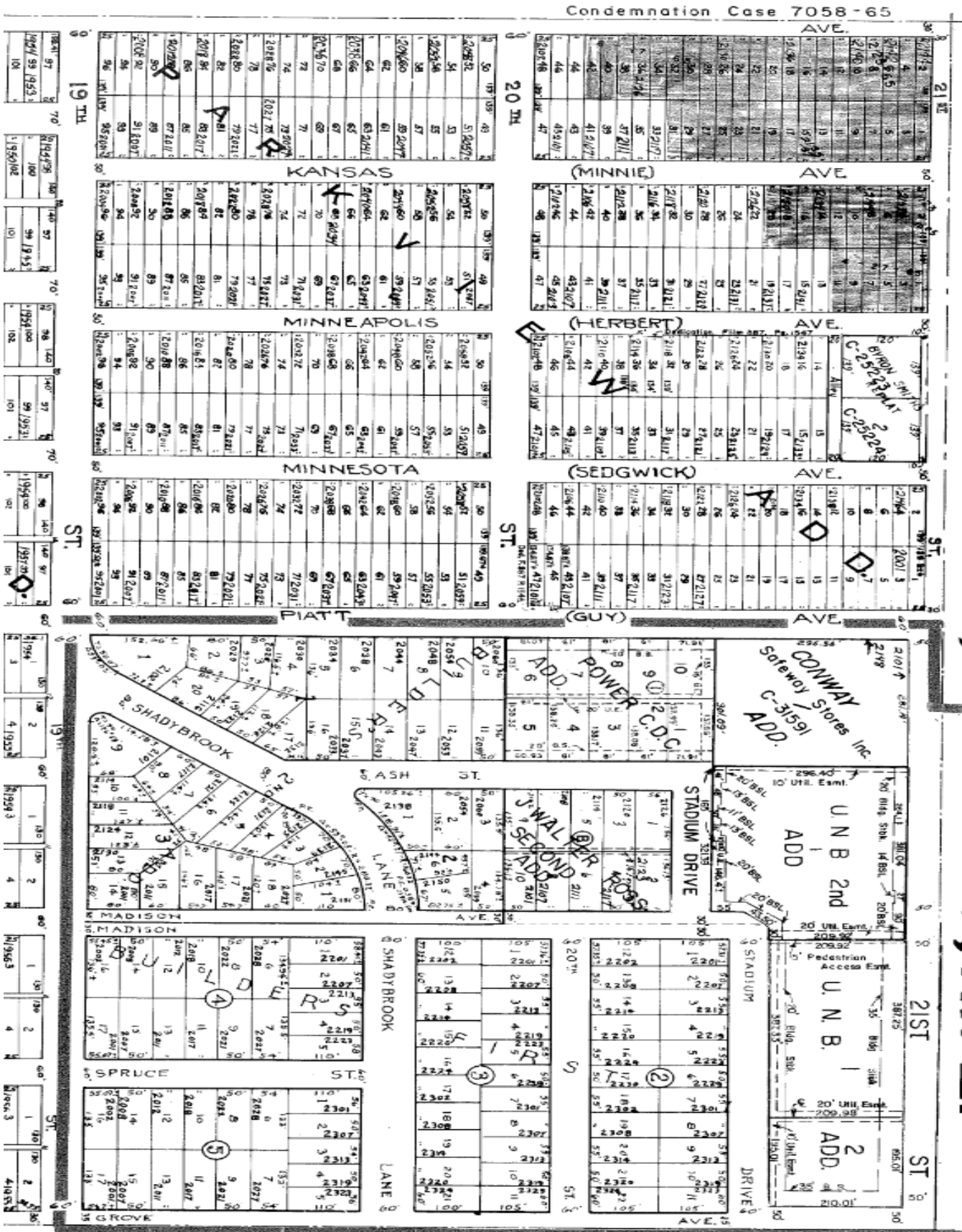
Know all men by these presents that we the undersigned property owners of the land above set forth in the Civil Engineer's certificate have caused the same to be surveyed and platted into Lots, a Street, and an Alley. The same to be known as Byron Smiths Replat of Part of Parkview Addition to Wichita, Sedgwick County, Kansas. The Street and Alley, are hereby dedicated to and for the use of the Public.

*Susie H. Smith*  
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*Byron Smith*  
\_\_\_\_\_

*Letitia Smith*  
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This plat of Byron Smiths Replat of Part of Parkview Addition to Wichita, Sedgwick County, Kansas, is subject to the following conditions:



VAC2022-00018 – City request to vacate a platted alley generally located south of East 21st Street North, East of North Hydraulic Avenue, between North Minneapolis and North Minnesota Avenues

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