

**STAFF REPORT**

- CASE NUMBER:** VAC2020-00014 – City vacation of north/south and east/west alleys.
- APPLICANTS/AGENT:** City of Wichita c/o Paul Gunzelman (applicants)/ Garver c/o Will Clevenger (agent).
- LEGAL DESCRIPTION:** See Attached.
- LOCATION:** Generally located one block south of West Douglas Avenue and on the west side of South Sycamore Street. WCC IV
- REASON FOR REQUEST:** To construct a commercial parking lot.
- CURRENT ZONING:** SF-5 Single Family Residential, MF-18 Multi-Family Residential, LC Limited Commercial, GC General Commercial (associated with ZON2020-00014, rezone to GC General Commercial) and subject to the Delano Overlay District.
- VICINITY MAP:**



The applicant is requesting the vacation of a north/south alley and an east/west alley to permit the construction of a commercial parking lot. The property is generally located one block south of West Douglas Avenue and on the west side of South Sycamore Street. The site contains multiple zoning districts: SF-5 Single Family Residential, MF-18 Multi-Family Residential, LC Limited Commercial, and GC General Commercial. The site is also subject to the Delano Overlay District. The applicant has also filed a zone change application to unify the zoning on the property to GC General Commercial. The two cases are being heard concurrently. The east/west alley traverses the property from South Sycamore Street to South Oak Street. The north/south alley travels south from West Texas Avenue and dead-ends into the subject east/west alley. The applicant owns all properties abutting both alleys; therefore no property will be deprived of any access.

Public sewer lines are located in each respective alley. The applicant shall be responsible to relocate the sewer lines or easements by separate instrument shall be dedicated to protect those sewer lines. Everygy has worked with the applicant prior to the case being heard, and their equipment has already been moved. Shane Price, Construction Service Supervisor, can be contacted at 316-261-6315 with questions regarding this case. The alleys were platted in the West Wichita Addition, recorded with the Register of Deeds August 5, 1872; as well as the McKees Resurvey, recorded with the Register of Deeds March 25, 1907.

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, staff has listed the following considerations (but not limited to) associated with the request to vacate the described alleys.

- 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 14, 2020, 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 alleys 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) Prior to construction, the property owner shall grant easement over the proposed alley vacations, or guarantee the removal or abandonment of the existing utilities located within the alleys.
- (2) Provide restrictive covenants, with original signatures, binding and tying the vacated described alley 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.
- (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.

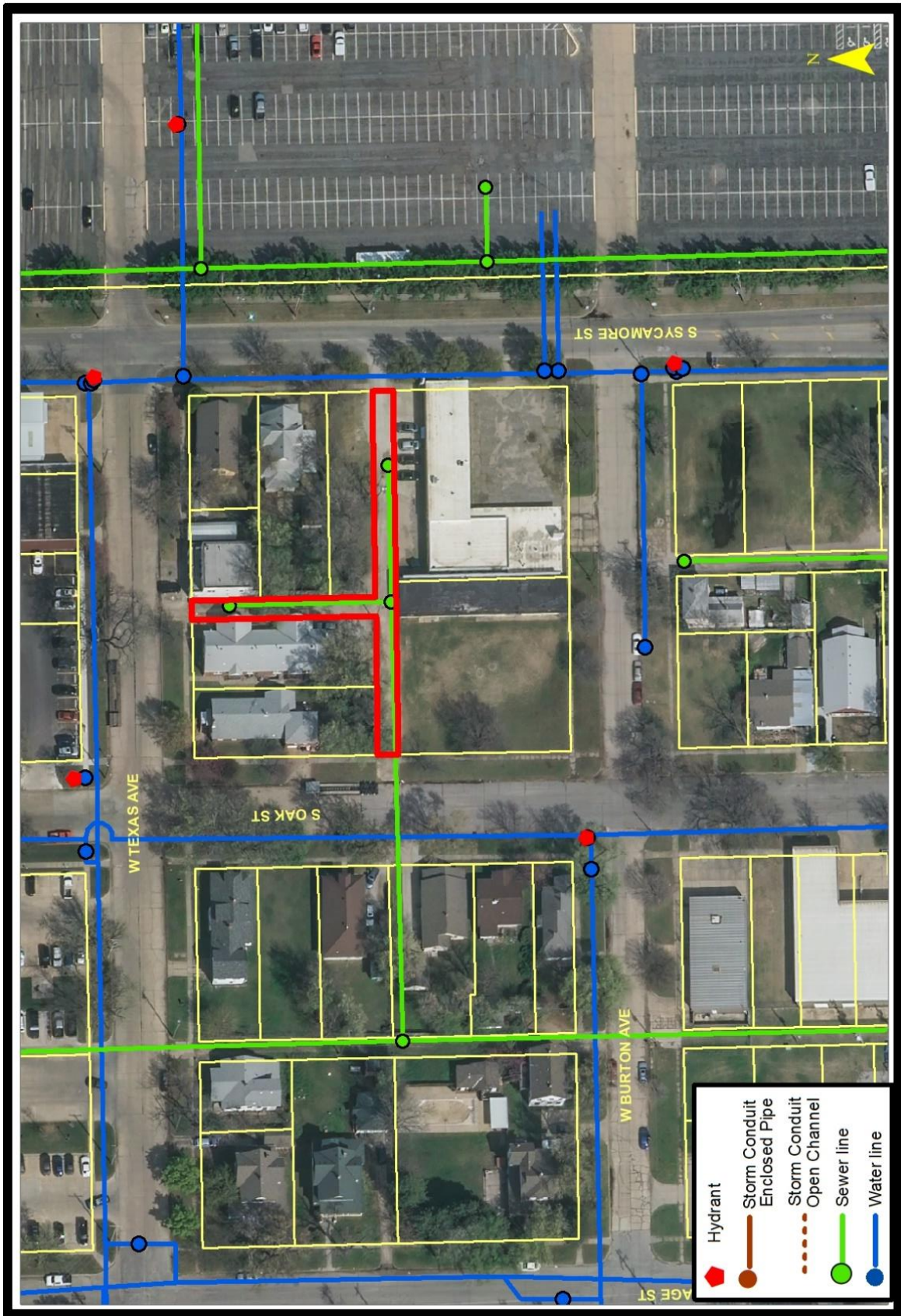
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken 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**

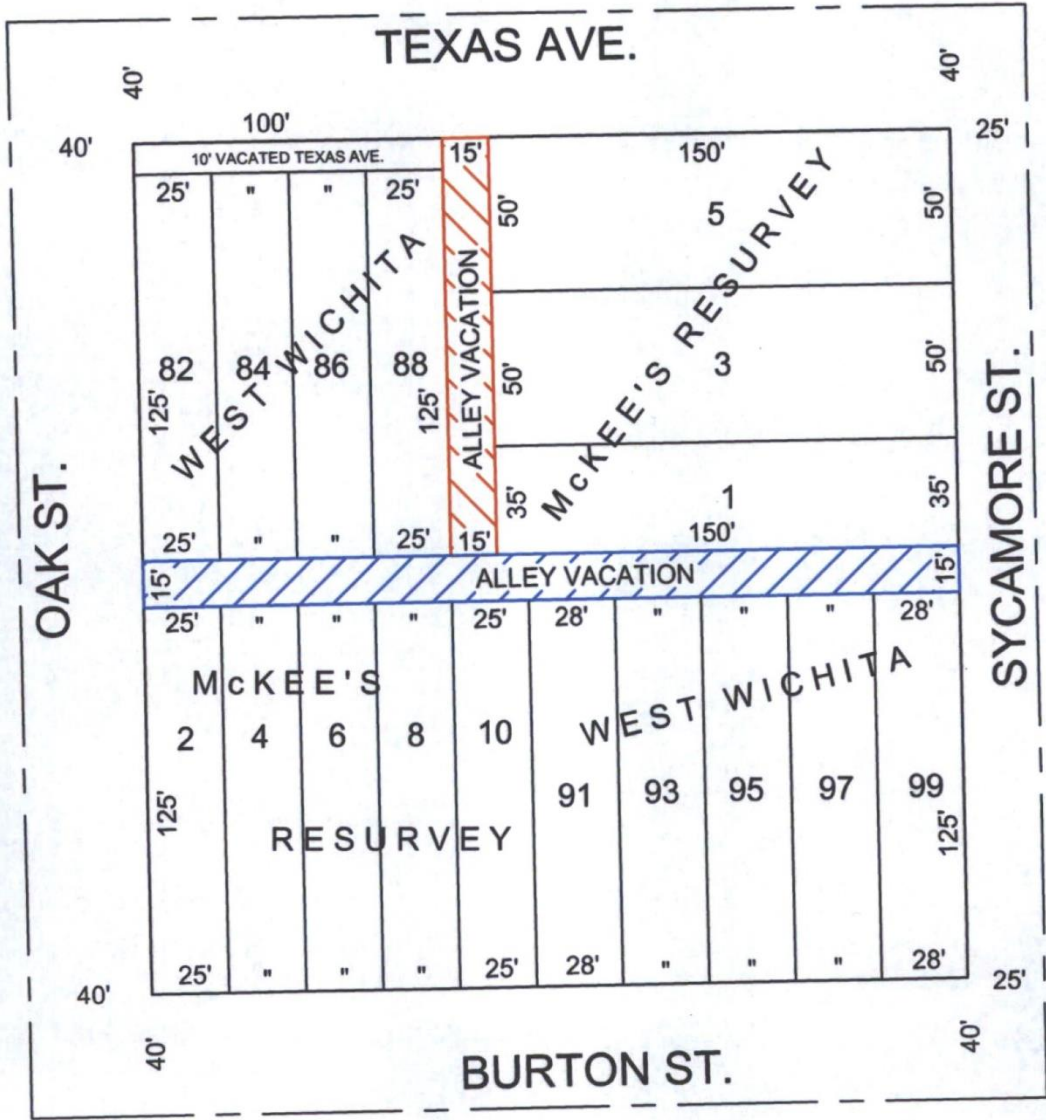
The Subdivision Committee recommends approval per staff recommendations

Attachments:

1. Aerial Map
2. Site Plan
3. Legal Description



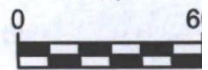
# VACATION SITE PLAN



= 15' ALLEY VACATION (WEST WICHITA)



= 15' ALLEY VACATION (McKEE'S RESURVEY)



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**Alley Vacation Description**

The 15.00 foot alley adjoining the south line of Lots 82, 84, 86, 88, 90, 92, 94, 96, 98, and 100 on Texas Avenue, West Wichita, Sedgwick County, Kansas.

The 15.00 foot alley adjoining the west line of Lots 1, 3, and 5 on Sycamore Avenue, McKee's Resurvey of Lots 90, 92, 94, 96, 98, 100 Texas Avenue and Lots 2, 4, 6, 8, 10 Oak Street, West Wichita, Sedgwick County, Kansas.