

The applicants are requesting the vacation of a portion of a platted alley right-of-way generally located between South Main Street and South Market Street and between East Lewis Street and East Dewey Street. The purpose of this vacation is to allow for the development of Waterwalk Apartments and associate parking. The applicant desires to have the associated parking for the apartment building within the same secured enclosure. The portion of the alley requested to be vacated is approximately midblock between East Lewis and East Dewey. The subject section abuts only those properties owned by the applicant; therefore, no other signatures were required on the vacation petition. The majority of the block in which this alley is located is undeveloped. Properties nearest Lewis will not be deprived of access to their part of the alley. The gas station nearest Dewey will also not be deprived any access to their portion of the alley. If this vacation is approved, it will prevent any through-travel between Lewis and Dewey Streets via the alley.

A public sewer line is located in the alley. Therefore, an easement by separate instrument shall be dedicated. There are also power poles in the alley as well. Evergy has no objection to this request. They have aerial lines in the alley. They would like to retain an easement and not remove or relocate the lines. Cox has as their equipment on Evergy's poles. Kansas Gas Service also has their equipment in the alley. Shane Price is Evergy's Supervisor and can be contacted at 316-261-6315 with any questions. The alley was platted as part of the Grieffensteins 3rd Addition which was recorded with the Register of Deeds June 19, 1873.

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, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described alley 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 September 3, 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 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 drainage and utility easement by separate instrument, with original signatures, for the length of the described portion 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 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.

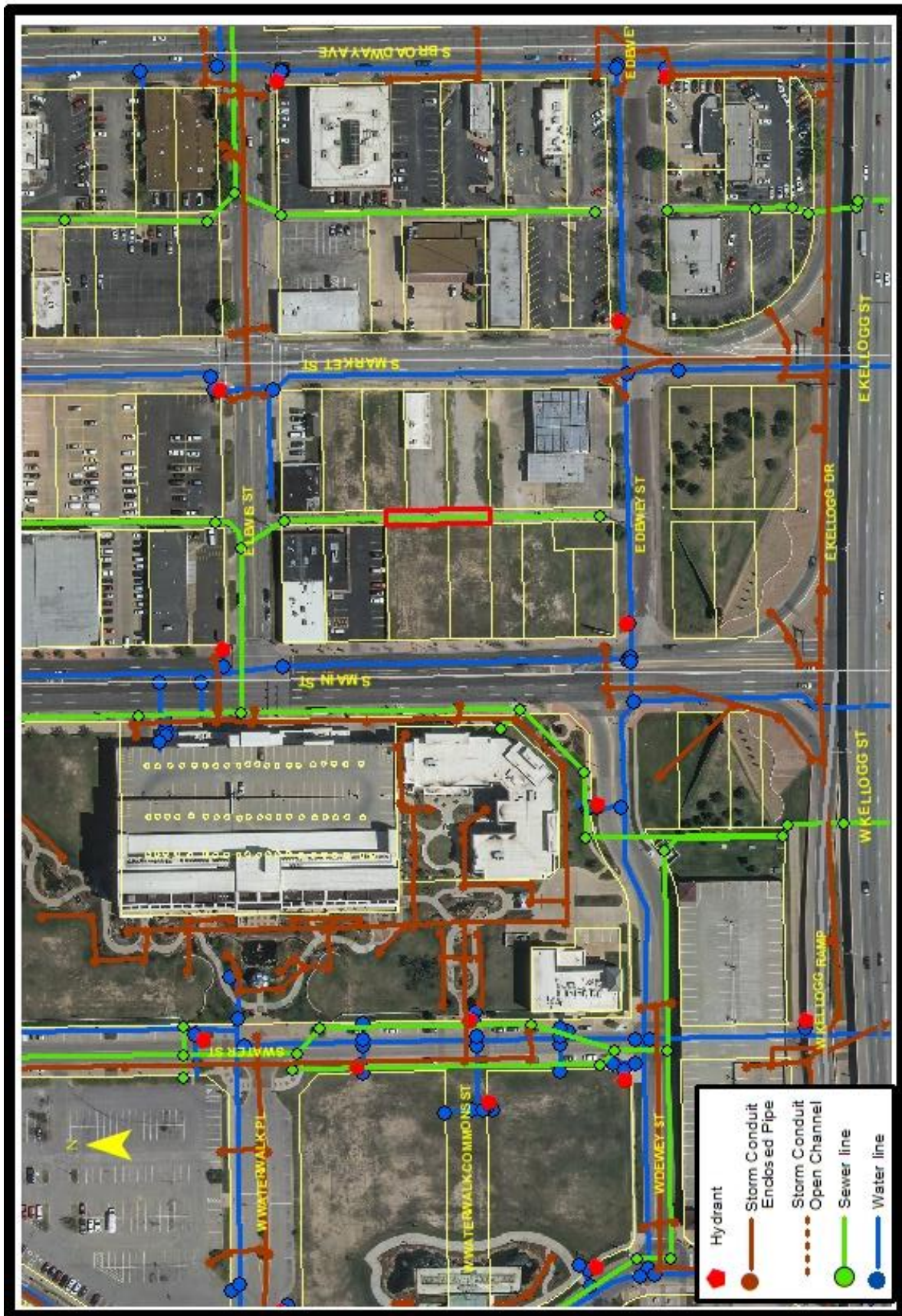
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken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



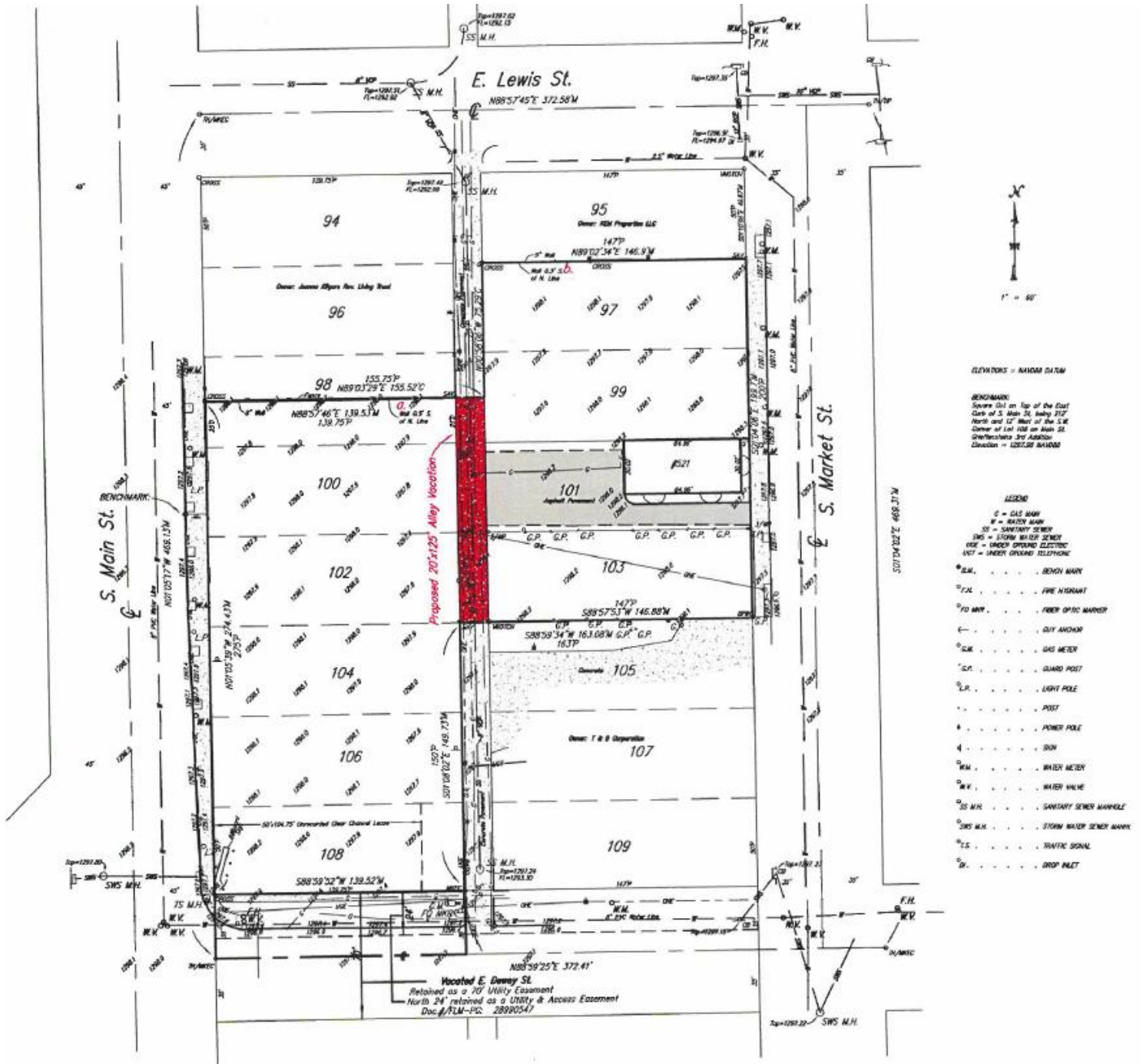


EXHIBIT ALLEY VACATION

VAC2020-00032 Legal Description

That portion of Alley, described as Beginning at the S.E. Corner of Lot 102 on Main St; thence North along the East line of Lot 102, 100, and 98, on Main St, 125 feet to the N.E. Corner of the S1/2 of said Lot 98; thence East along the North line of the S1/2 of said Lot 98 extended East, 20 feet to the West line of Lot 99 on Market St.; thence South, along the West line of Lots 99, 101, and 103 on Market Street, 125 feet to the S.W. Corer of said Lot 103, thence West 20 feet to the Point of Beginning, all in Grieffensteins 3rd Addition, Wichita, Sedgwick County, Kansas.