

**STAFF REPORT**

**CASE NUMBER:** VAC2020-00033 – City Vacation of a portion of platted public street right-of-way.

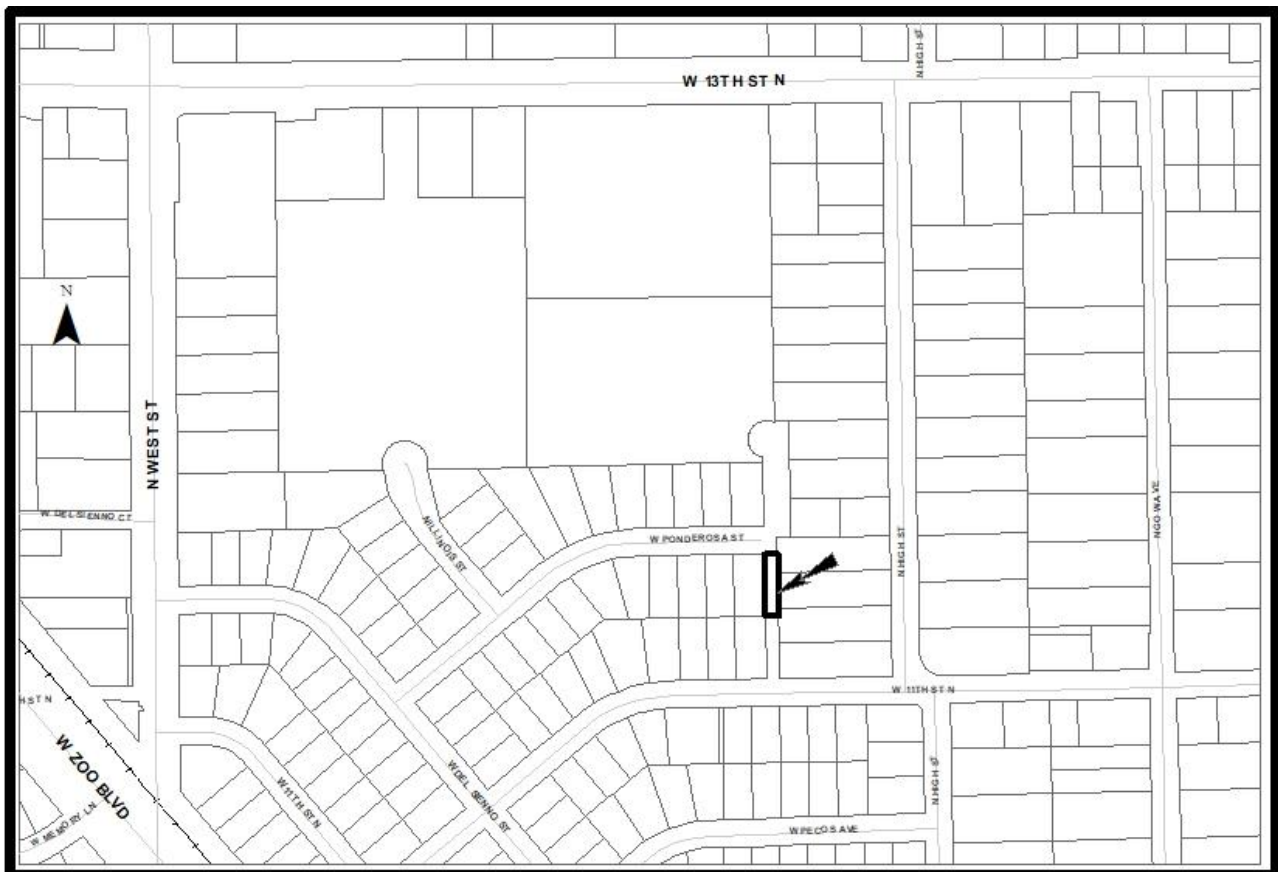
**APPLICANT:** Randy L. and Christa L. Caudillo (applicants).

**LEGAL DESCRIPTION:** That part of Nelson Street, described as Beginning at the S.E. Corner of Lot 14, Block D, La Placita Park Addition to Wichita, Sedgwick County, Kansas; thence East, along the extended south line of said Lot 14, 30 feet; thence North, parallel with the East line of Said Lot 14, 134 feet to the North line of said Lot 14 extended East; thence West 30 feet to the N.E. Corner of Said Lot 14; thence South along the East Line of said Lot 14, 134 feet to the Point of Beginning.

**LOCATION:** Generally located one-quarter mile east of North West Street and one-quarter mile south of West 13<sup>th</sup> Street South (east of 3535 W Ponderosa St).

**REASON FOR REQUEST:** To extend the applicant’s property for a larger yard.

**VICINITY MAP:**



The applicants are requesting the vacation of the portion of the platted Nelson Street right-of-way abutting their property to the east for the purposes of extending their property for a larger yard. This right-of-way is generally located one-quarter mile east of North West Street and one-quarter mile south of West 13<sup>th</sup> Street North. The applicants' property abuts this right-of-way on the west and is addressed as 3535 W Ponderosa Street. This 30-foot portion of Nelson Street was never constructed. The Pleasant Acres Addition to the east of the right-of-way never dedicated the additional 30 feet for Nelson Street to be constructed. Therefore, all 30-feet of this right-of-way will be deeded to the applicants. If this vacation is approved, no property will be deprived of access. The portion of Nelson Street right-of-way abutting to the south was recently vacated (VAC2020-00017). The right-of-way has power poles and an easement shall be dedicated. There is a sewer line that runs east/west at the south end of the right-of-way in question. Any easement retained for the other utilities should be retained as access to this line as well. City Storm Water comments that any ground alteration in the area may not adversely affect local natural drainage patterns. Evergy has no objection. They have light equipment and lines in the area. They require an easement for these lines and would prefer them to not be removed or relocated. Richard Aitken, Area Construction Services Representative can be contacted at 316-261-6334 with any question about this case. The La Placita Park Addition was recorded with the Register of Deeds June 1954.

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 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 September 17, 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 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) Provide a covenant, with original signatures, binding and tying the described vacated public street right-of-way to the applicants' abutting property. This must be provided to Planning prior to this case proceeding to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds and the Sedgwick County Appraisers Office.
- (2) Dedicate a utility, drainage, and access easement, by separate instrument, for the described area of the right-of-way. This shall be submitted to Planning, with originals signatures, prior to this case proceeding to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.

- (3) The applicant shall not alter the ground of the described vacated area in such a way that shall adversely affect the natural, local drainage patterns.
- (4) 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.
- (5) All improvements shall be according to City Standards and at the applicants' expense.
- (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 per staff recommendations.

#### Attachments:

1. Aerial Map
2. Site Plan

