

STAFF REPORT

CASE NUMBER: VAC2020-00047 – City Vacation of a portion of platted public street right-of-way

APPLICANT: K&R Hospitality, Inc. c/o Hemang Patel (applicant)

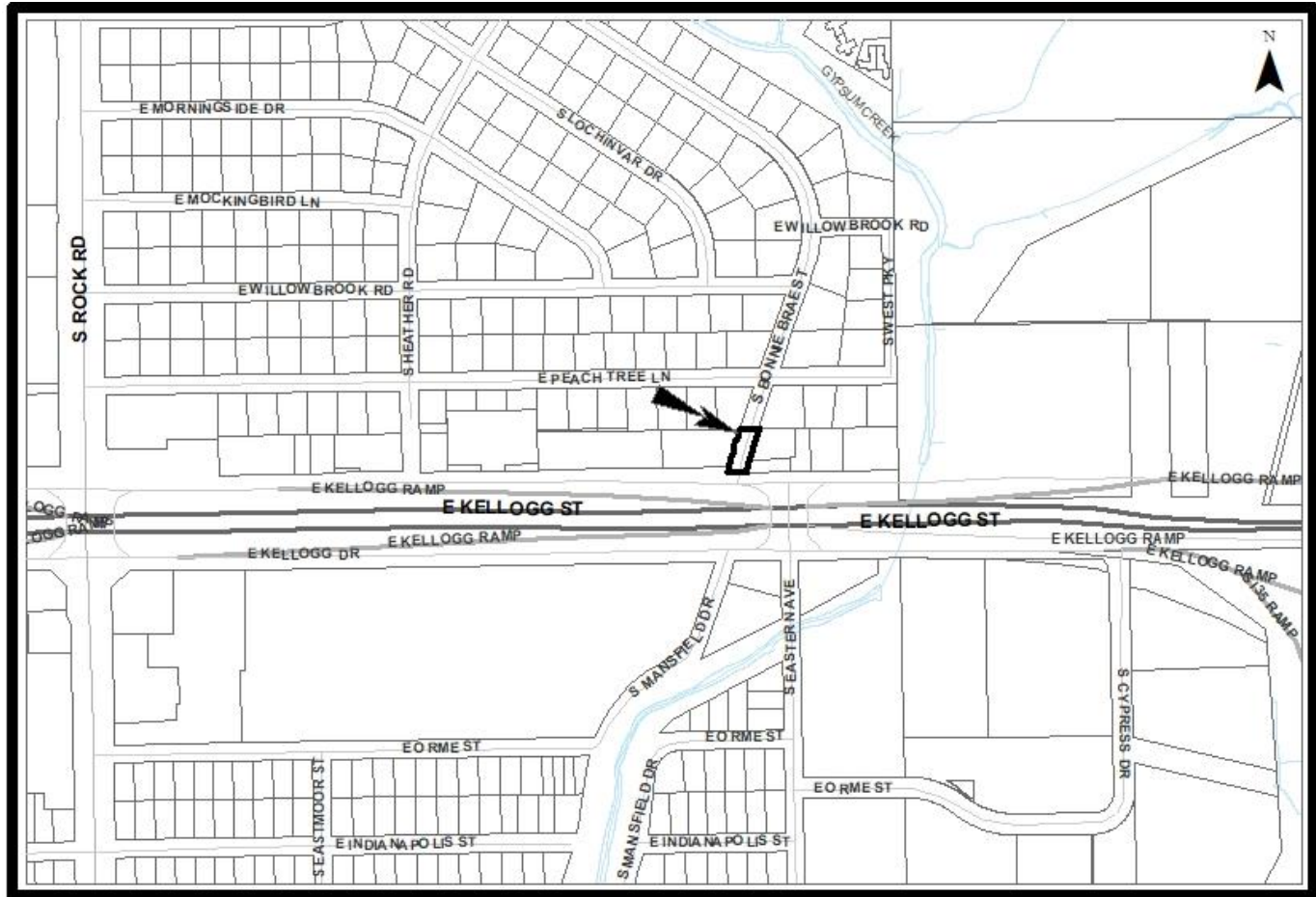
LEGAL DESCRIPTION: See Attached.

LOCATION: Generally located on the north side of East Kellogg Drive and within one-half mile east of South Rock Road (abutting 8302 E. Kellogg). WCC II

REASON FOR REQUEST: To allow for additional parking.

CURRENT ZONING: LC Limited Commercial

VICINITY MAP:



The applicant is requesting the vacation of a portion of the platted Bonnie Brae right-of-way in-between properties that he owns. K&R Hospitality Inc. owns the properties both on the east and west sides of the subject right-of-way which is generally located on the north side of East Kellogg Drive and within one-half mile east of South Rock Road. South Bonnie Brae Street was originally platted as part of the Ruth's Addition in July 1959. The purpose of this vacation is to provide room for additional parking. South Bonnie Brae Street is not a through-street into the abutting neighborhood to the north. A barrier was constructed some time ago disconnecting the neighborhood from the commercial area fronting the Kellogg freeway. Therefore, no property will be deprived of access. The City Traffic Engineer commented that it is unlikely for the connection to ever be reopened, and he is supportive of the vacation request.

There is a platted 30-foot easement traversing a portion of the right-of-way. This easement shall be retained. There are multiple public utility lines located in the right-of-way including water, sewer, and storm water lines. Therefore, the Public Works and Utilities Department is requiring the entire width of the right-of-way to be dedicated as an easement to cover these utilities. Everyg and Cox have equipment in the right-of-way, but do not have any objections to the vacation. They request the dedication of an easement to cover their equipment, or any removal or relocation is at the applicant's expense. Shane Price is Everyg's contact for this case. He can be contacted at 316-261-6315 with any questions.

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 November 26, 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.
- (2) Dedicate a utility easement for the entire right-of-way being vacated, by separate instrument. This easement shall be submitted to Planning prior to this case going before City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- (3) All applicable screening and landscaping requirements shall be installed and maintained per Section IV-B of the Unified Zoning Code and the Wichita Landscape Ordinance after approval of the vacation request by the Governing Body.

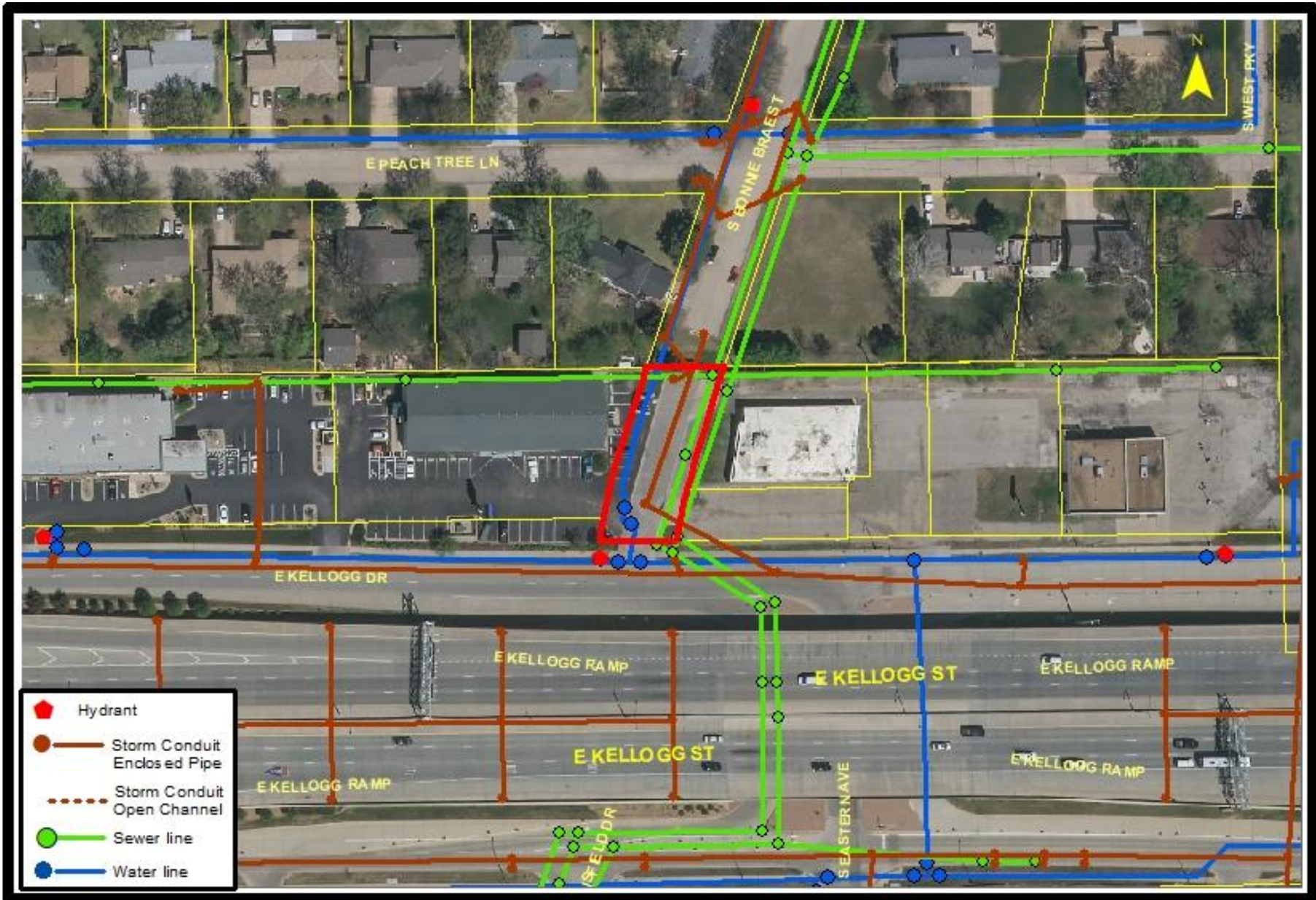
- (4) As needed provide utilities with any needed project plans for the relocation of utilities for review and approval. Any relocation/reconstruction of utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide 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
3. Legal Description





Savoy Company, P.A.
Land Surveyors
www.savoyco.com

Wichita, Kansas
433 S. Hydraulic
Wichita, KS 67211-1911
PH (316) 265-0005
FAX (316) 265-0275

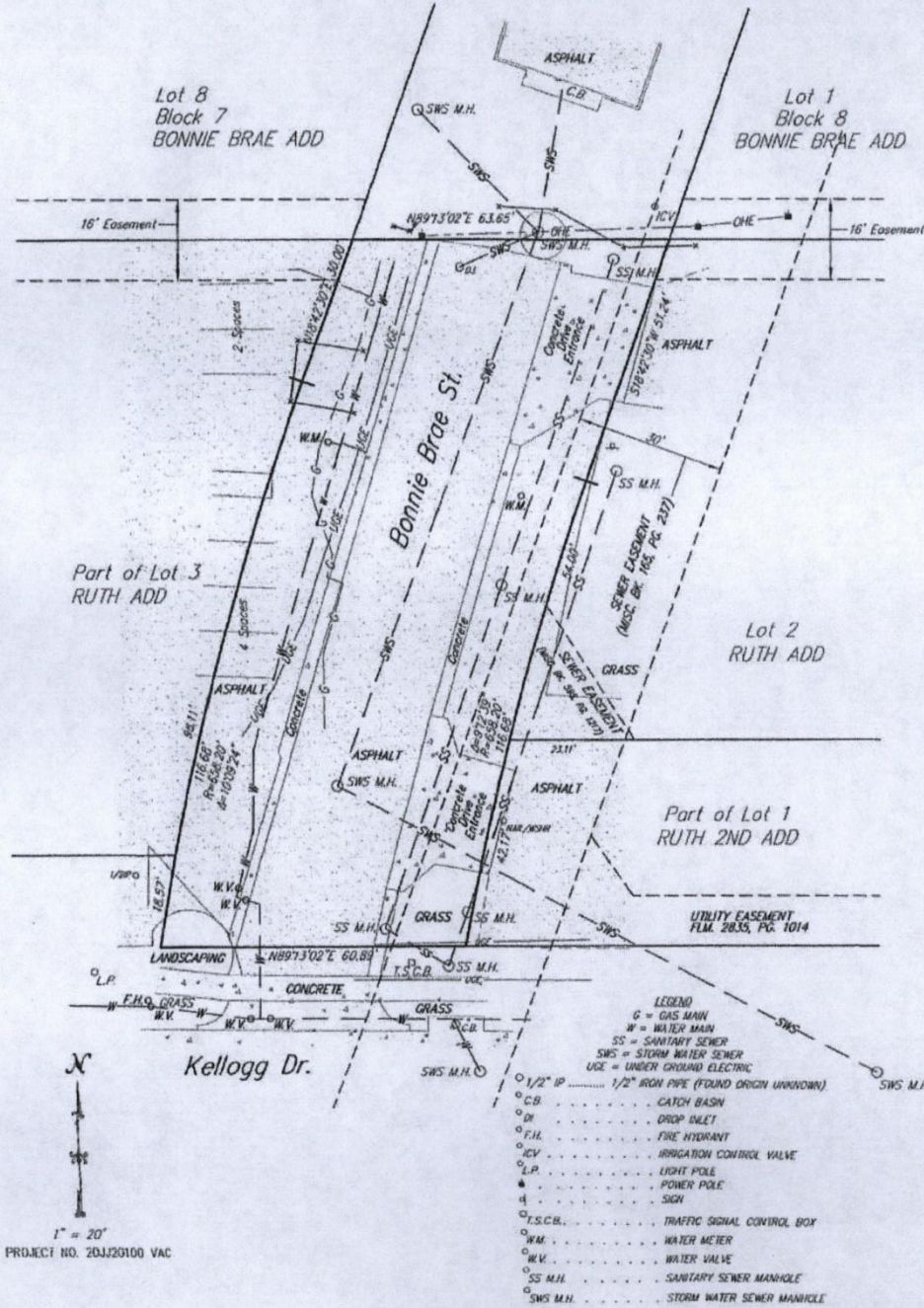
El Dorado, Kansas
120 N. Main, Suite 3
El Dorado, KS 67042-2038
PH (316) 452-9852
FAX (316) 452-9662

Kensington, Kansas
129 S. Main, Suite 100
P.O. Box 95
Kensington, KS 66851-0099
Cell (785) 476-8061

October 29, 2020

Street Vacation Exhibit

That part of Bonnie Brae Street, described as beginning at the N.E. Corner of Lot 3, Ruth Addition to Wichita, Sedgewick County, Kansas; thence N89°13'02"E, along the North line of said Lot 3, extended East, 63.65 feet to the N.W. Corner of Lot 2, in said Ruth Addition, thence S18°42'30"W, along the West line of said Lot 2, 51.24 feet to the P.C. of a Curve to the left, having a radius of 598.2 feet; thence Southerly, along the West line of said Lot 2 and the West line of Lot 1, Ruth 2nd Addition to Wichita, Sedgewick County, Kansas and said Curve, through a Central Angle of 09°12'39" an arc distance of 96.17 feet; thence S89°13'02"W, 60.89 feet to a point of the East line of said Lot 3, extended South, being a point on a curve having a radius of 658.2 feet; thence Northerly, along the East line of said Lot 3 and said Curve to the right, through a Central Angle of 10°09'24", an arc distance of 116.68 feet to the P.T. of said Curve; thence N18°42'30"E, 30.00 feet to the Point of Beginning.



Bonnie Brae Street Vacation Description

That part of Bonnie Brae Street, described as beginning at the N.E. Corner of Lot 3, Ruth Addition to Wichita, Sedgwick County, Kansas; thence N89°13'02"E, along the North line of said Lot 3, extended east, 63.65 feet to the N.W. Corner of Lot 2, in said Ruth Addition; thence S18°42'30"W, along the West line of said Lot 2, 51.24 feet to the P.C. of a Curve to the left, having a radius of 598.2 feet; thence Southerly, along the West line of said Lot 2 and the West line Lot 1, Ruth 2nd Addition to Wichita, Sedgwick County, Kansas and said Curve, through a Central Angle of 09°12'39" an arc distance of 96.17 feet; thence S89°13'02"W, 60.89 feet to a point on the East line of said Lot 3, extended South, being a point on a curve having a radius of 658.2 feet; thence Northerly, along the East line of said Lot 3 and said Curve to the right, through a Central Angle of 10°09'24", an arc distance of 116.68 feet to the P.T. of said Curve; thence N18°42'30"E, 30.00 feet to the Point of Beginning.