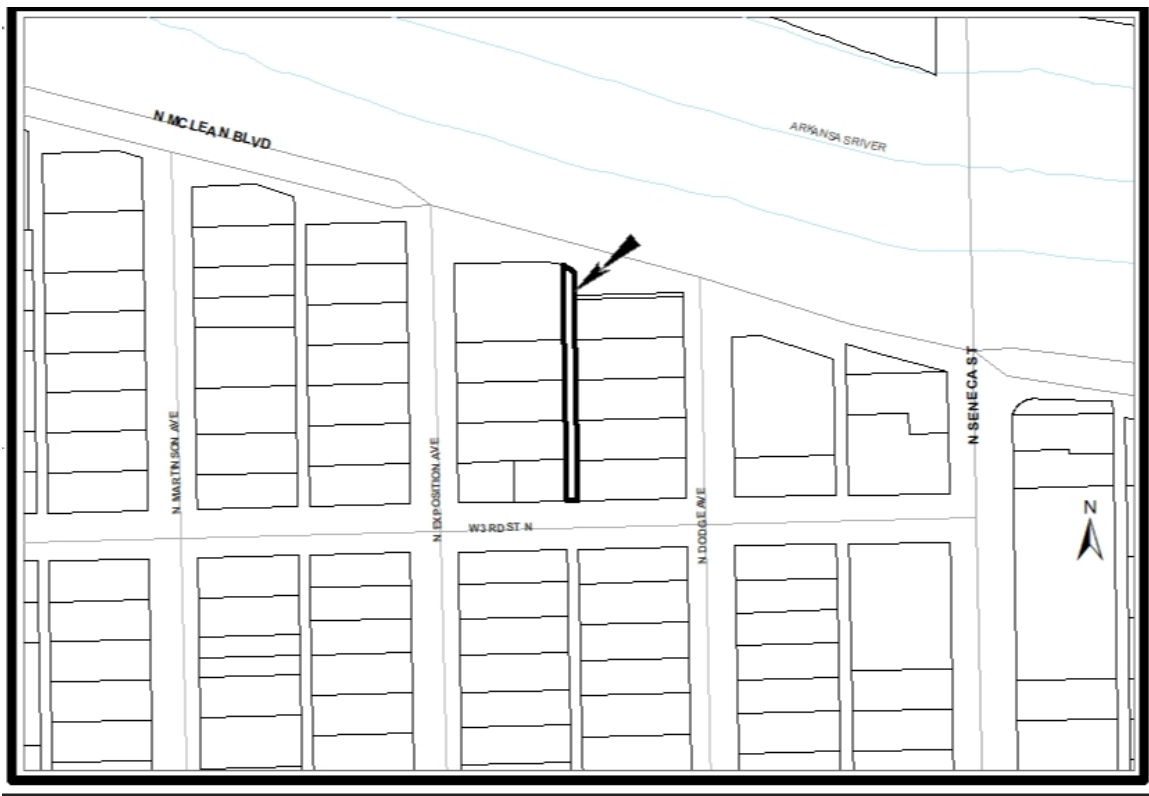


STAFF REPORT

- CASE NUMBER:** VAC2021-00031 - City request to vacate a platted alley
- APPLICANTS:** David & Kristine Dickinson, Spots Block 3rd, LLC, c/o David Dickinson, Spots Block 512, 514, LLC, c/o David Dickinson (applicants), MKEC Engineering, Inc c/o Brian Lindebak (agent)
- LEGAL DESCRIPTION:** Generally described as vacating all of the paved, platted north-south 15-foot wide alley located between North McLean Boulevard and West 3rd Street, east of Lots 150 -170 (even) and west of Lots 149 – 167 (odd) all in McCormick’s Second Addition, Wichita, Sedgwick County, Kansas
- LOCATION:** Generally located two blocks west of North Seneca Street, between North McLean Boulevard, North Dodge Avenue, West 3rd Street and North Exposition Avenue (District VI)
- REASON FOR REQUEST:** Close drive access and retain as easement
- CURRENT ZONING:** The subject site is a paved platted 15-foot wide alley right-of-way. Property abutting the east side of the alley is zoned Planned Unit Development PUD 84 & B Multi-Family Residential*. Property abutting the west side of the alley is zoned PUD 84. Public Street right-of-way abuts the north and south ends of the alley.

VICINITY MAP:



The applicants are requesting the vacation of the platted, paved, north-south 15-foot wide alley public right-of-way abutting the east sides of Lots 150 -170 (even) and the west sides of Lots 149 – 167 (odd) all in McCormick's Second Addition. The McCormick's Second Addition was recorded with the Register of Deeds April 20, 1887.

The applicants own all the abutting property, except the northeast abutting property, which is owned by the City Of Wichita. Reversion rights are to the applicants' property and the City of Wichita. No property will be denied access to public street right-of-way if the vacation is approved. There is a sewer line, power poles and a gas line located in the alley. The vacated platted alley will need be dedicated as a 15-foot wide utility easement, plus an additional five foot of utility easement will be dedicated from the applicants' abutting properties making the utility easement 20-foot wide, which is the current SD Subdivision standard for easements located in the backyard; SD 7-205 (A). Water and Storm Water are located in the abutting North Exposition Avenue, North Dodge Avenue, North McLean Boulevard and West 3rd Street right-of-ways. Conditions #3 and #4 cover all utilities.

*NOTE: PUD 84 was approved by City Council May 25, 2021. An amendment to PUD 84, PUD2021-00013, will be considered by the MAPC at their August 5, 2021 meeting. The amendment will rezone Lots 167 & 165 from B to PUD 84.

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 July 15, 2021, 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 portions of the platted alley public 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:

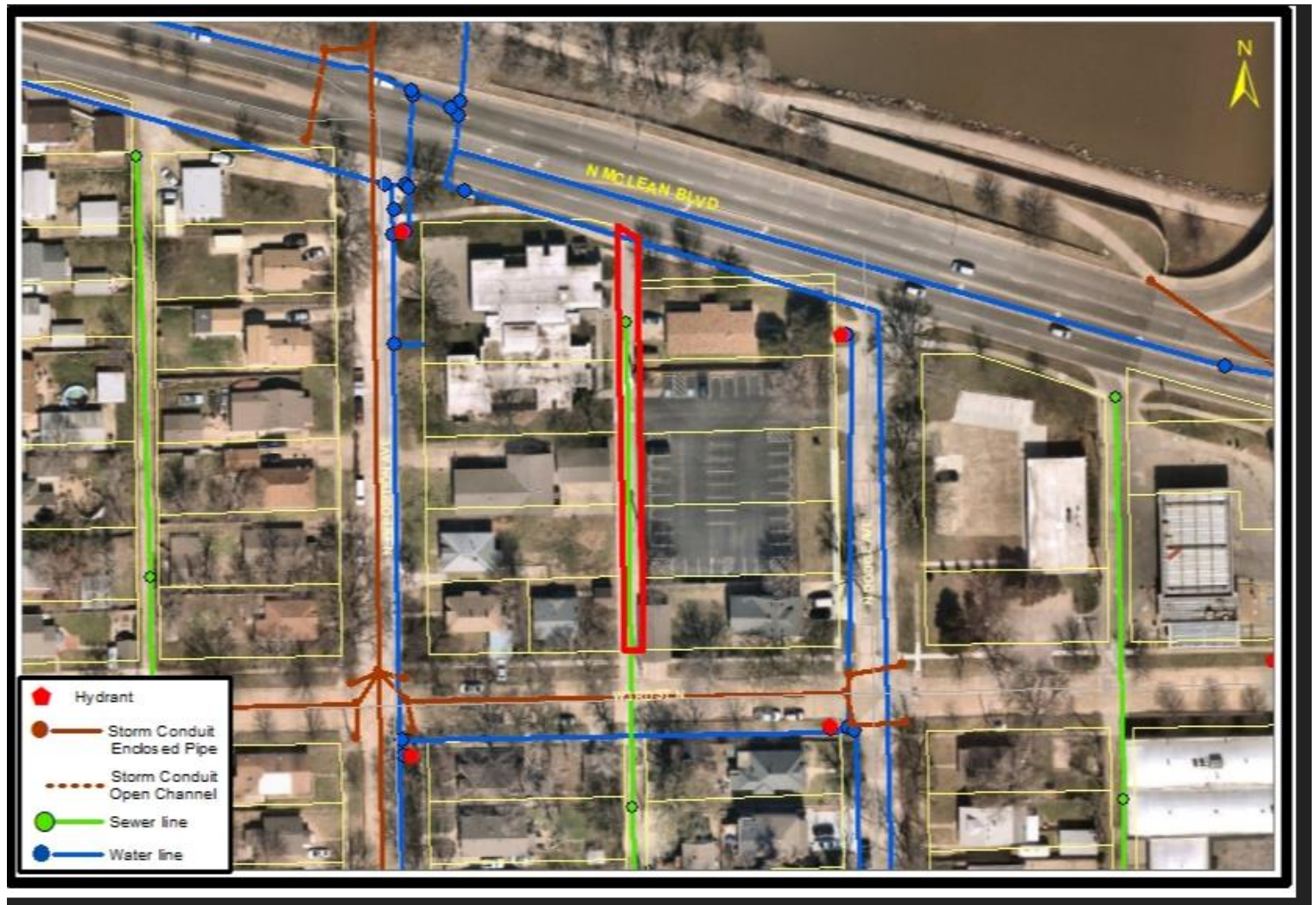
- (1) Dedicate a 20-foot wide utility easement by separate instrument, with original signatures, for the length of the platted vacated alley. This must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (2) Provide 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.

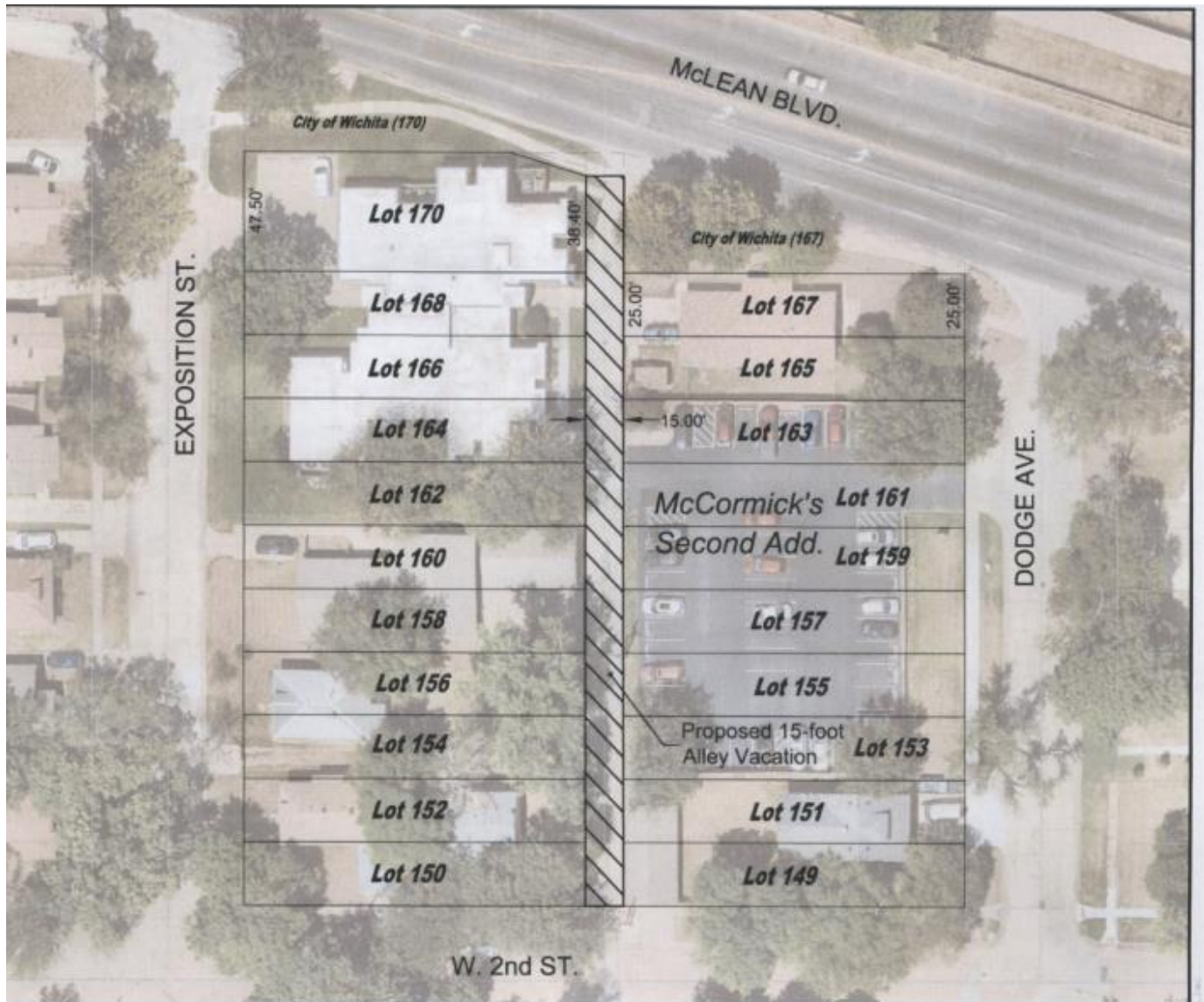
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken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

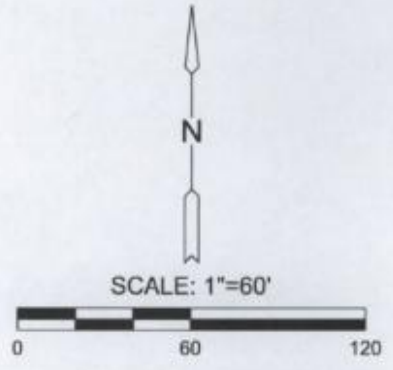
The Subdivision Committee recommends approval subject to the following (but not limited to) conditions :

- (1) Dedicate a 20-foot wide 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 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.





 - Proposed Vacation of 15' Platted Alley (Retain Utility Easement)



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**ALLEY VACATION EXHIBIT
 PORTIONS OF MCCORMICK'S
 SECOND ADDITION**

PROJECT NO. 2001010789	DATE: JUNE 2021	SHEET NO.
DRAWN BY: JCD	DESIGNED BY: JCD	APPROVED BY: BDL
		1 OF 1

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**DESCRIPTION OF
Proposed Vacation of 15-foot Alley (Drive Access Component Only)
Retain Utility Easement Component
VAC2021-000__**

Addresses - Subject Property

560 N. Exposition Ave.	502 N. Exposition Ave.
516 N. Exposition Ave.	1212 W. 3 rd St. N.
512 N. Exposition Ave.	501 N. Dodge Ave.
506 N. Exposition Ave.	419 N. McLean Blvd.

Legal Description – Vacation of 15-foot Alley Property

All of the platted 15-foot Alley abutting and adjoining the tracts described below, provided however, City of Wichita shall retain a utility easement in said vacated 15-foot Alley:

Lots 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, and the south 47½ feet of Lot 170, EXCEPT that part of the south 47½ feet of Lot 170 described as beginning 38.4 feet north of the southeast corner of Lot 170; thence north 9.1 feet; thence west 30 feet; thence in a southeasterly direction along a straight line to the place of beginning, all on Exposition Avenue, McCormick's Second Addition to Wichita, Sedgwick County, Kansas,

TOGETHER WITH,

Lots 149, 151, 153, 155, 157, 159, 161, 163, 165, and the South 25 feet of Lot 167, all on Dodge Avenue, McCormick's Second Addition to Wichita, Sedgwick County, Kansas.