

Planning Agenda # _____

**City of Wichita
City Council Meeting
June 6, 1995**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1914 REQUEST TO VACATE MADISON STREET
RIGHT-OF-WAY, SOUTH OF 21ST. STREET NORTH.
(District # 1)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of street right-of-way.

MAPC Recommendation: Approve vacation of street right-of-way (11 - 2).

CPO Recommendation: Approve the redevelopment project, but not the vacation of Madison Street (8 - 0).

Background: The City of Wichita in conjunction with Union National Bank (Commerce Bank) and Mennonite Housing are redeveloping a site along 21st St. North and either side of Madison. As part of this redevelopment the site is being replatted. To provide needed area for the improvements being planned, a section of Madison between 21st St. N. and Stadium is intended to be incorporated into the site's platting, that is, the right-of-way vacated and made part of the site. Any required improvements (closing of street openings, utility relocations, etc.) will be addressed through the platting of the two abutting tracts.

Over 80 property owners were directly notified of the MAPC and CPO meetings in regard to this vacation case, and those people in attendance at those meetings were notified of the Council hearing date. Other meetings, have also been held by bank officials over the past months to inform area residents of this proposal.

Planning staff recommended approval of this request, in consideration of the following:

- Police and fire department officials indicate that the street closing will not have a significant impact on response time for emergency services. A new water line and fire hydrants will improve fire protection for nearby residents.
- The street closing should reduce traffic conflicts and potential accidents along 21st Street.
- The street closing should reduce the volume and speed of traffic on Madison south of Stadium, increasing pedestrian safety. It may also have some positive effect in discouraging crime by offering a less convenient getaway from the crime scene.
- The inconvenience for residents south of Stadium involves only trips to and from 21st Street west of Madison, and is no more than that experienced by the residents of most newer local subdivisions, whose streets are laid out in a more hierarchical pattern.
- Provisions for continued pedestrian circulation between 21st and Stadium will be made through the plat abutting Madison Street on the east. And
- The redevelopment plan includes a component of housing rehabilitation and public improvements which will benefit the residents in this general area.

Although no citizens appeared in opposition to the vacation at the MAPC meeting, there were 3 speakers at the MAPC's Subdivision Committee meeting and 12 at the initial CPO meeting. They expressed concerns about not having been informed earlier in the process, about the inconvenience that would result from the street closing for trips to and from 21st Street to the west, about the increased congestion on Piatt and on Grove at 21st Street, and at possible effects of the proposed redevelopment on property values. The MAPC voted (11 - 2) to recommend approval of the vacation. The CPO, after a two-week deferral, voted (8 - 0) to endorse the redevelopment project but not the vacation of Madison Street. They also requested that the Traffic Engineer assess Piatt at 21st and ascertain whether a traffic signal is warranted.

Legal Considerations: The City Clerk needs to certify as to proper notification and no filing of written protest.

Recommendations/Actions:

Close the public hearing; approve the vacation; authorize the Mayor to sign the Vacation Order and record the certified copy of the Vacation Order; recording costs to be billed to: 150029-2909

BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS



IN THE MATTER OF THE VACATION OF
STREET RIGHT-OF-WAY

GENERALLY LOCATED MADISON FROM
21ST ST. N. TO STADIUM

MORE FULLY DESCRIBED BELOW

Case No. V-1914

STATE OF KANSAS
SEDGWICK COUNTY, SS
FILED FOR RECORD AT

12:30 P.M.
1459446 3168

PAT KETTLER
REGISTER OF DEEDS

VACATION ORDER

NOW on this 6th day of June, 1995, comes on for hearing the petition for vacation filed by The City of Wichita, etal, praying for the vacation of the following described street right-of-way, to-wit:

The vacation of Madison Avenue from the south right-of-way line of 21st Street North southward to the north right-of-way line of Stadium Drive as platted adjacent to Reserve A of the Builders First Addition to Wichita, Kansas

The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Daily Reporter of notice of this vacation proceeding for consecutive weeks on 5/26/95 + 6/2/95

Vacation Order
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2. No private rights will be injured or endangered by the vacation of the above-described street right-of-way, and the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner(s), the prayer of the petition ought to be granted.

4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

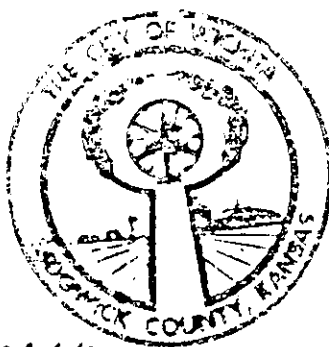
5. The vacation of the street right-of-way described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 6th day of June, 1995, ordered that the above-described street right-of-way is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

ATTEST:

Pat Burnett

Pat Burnett, Deputy City Clerk



Bob Knight
Bob Knight, Mayor

State of Kansas)
Sedgwick County) ss
City of Wichita)

I, Tom Schneider, Deputy City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is affixed is a true and correct copy of the original on file in the office of the City Clerk.

Given under my hand and seal of the City of

Wichita, this June 8, 1995
Tom Schneider Deputy City Clerk
TOM SCHNEIDER

Approved as to Form:

Gary Rebenstorf

Gary Rebenstorf, Director of Law



