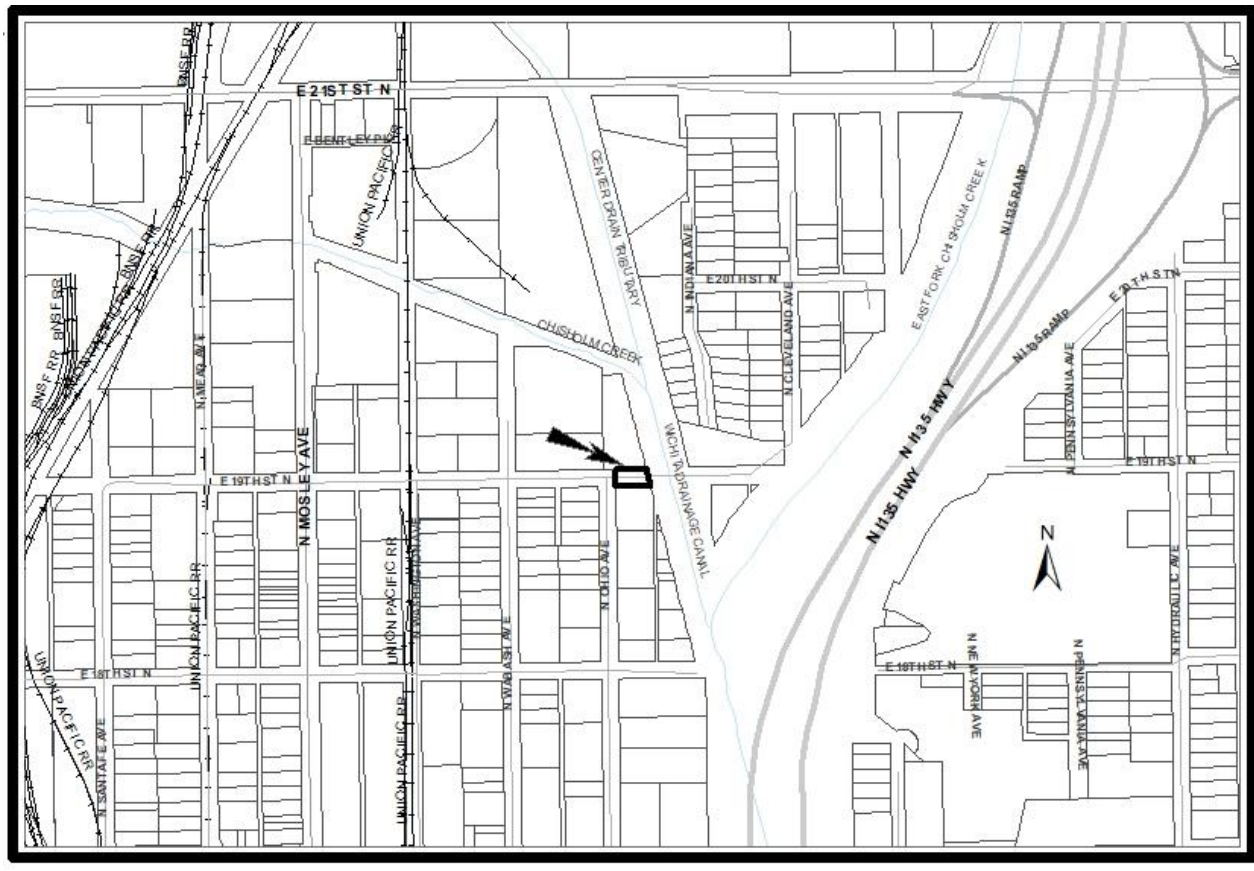


STAFF REPORT

- CASE NUMBER:** VAC2021-00046 – City Vacation of a platted public street right-of-way.
- APPLICANT:** Tramco, Inc.; JB Holdings, LLC; RRM Properties, LLC and Triple J of Wichita, LLC (applicants) Baughman Company (Philip Meyer, L.A.) (agent)
- LEGAL DESCRIPTION:** Generally described as vacating East 19th Street North right-of-way as platted in Strode’s Addition and Gem City Addition to Wichita, Sedgwick County, Kansas.
- LOCATION:** Generally located between North Ohio Avenue and the Wichita Drainage Canal. (WCC VI)
- CURRENT ZONING:** The property abutting on all sides of the proposed street vacation and adjacent properties are zoned GI General Industrial.
- REASON FOR REQUEST:** To simplify the street intersection and support a replat of the property east of the drainage canal.
- VICINITY MAP:**



The applicant is requesting the vacation of a platted street right-of-way (ROW) on property zoned GI General Industrial and generally located between North Ohio Avenue and the Wichita Drainage Canal. The purpose of the request is to allow the intersection to be simplified at East 19th Street North and North Ohio Avenue to a 90 degree “L” shape, and to support a replat of property to the east of the drainage canal. The replat of the property to the east will have a cul-de-sac coming off of East 21st Street North. Therefore, no property will be deprived of access. The property to the east is under Cornejo ownership and they are in agreement with the vacation as they pursue development of their property and are part of this request.

The ROW area contains stormwater facilities. Any removal or relocation of the stormwater facilities is at the applicant’s expense. Wichita Public Works and Utilities Department is fine with leaving the bridge in place whether the paving remains, or it is removed and grass or another surface is put in. Plans are being worked on to facilitate development of the property on the east side of the canal. Any project plans shall be submitted to the Wichita Public Works and Utilities Department for review and approval.

Evergy has no objection to vacating the Street ROW the applicant is requesting to vacate. Evergy does have existing lines in the ROW along 19th St N. Street ROW can be maintained as easement or the removal and relocation of Evergy equipment and all utilities will be at the applicant’s expense. Shane Price, Design Supervisor, will be the contact for this item and he can be reached at 316 261-6315. Conditions #2, #3, #4 and #5 cover all utilities. All references are to The Strode’s Addition, recorded with the Register of Deeds on July 23, 1887, and The Gem City Addition, recorded with the Register of Deeds on March 12, 1887.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works and Utilities, 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 11, 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 portion of the sewer easement dedicated by separate instrument, 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) If the vacated portion of right-of-way is barricaded or fenced the applicant will need to provide access for utilities, Fire, and other Emergency Service Vehicles.
- (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) Dedicate utility easements by separate instrument to cover all utilities. The original dedications must be provided to Planning prior to VAC2021-00046 proceeds to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (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.

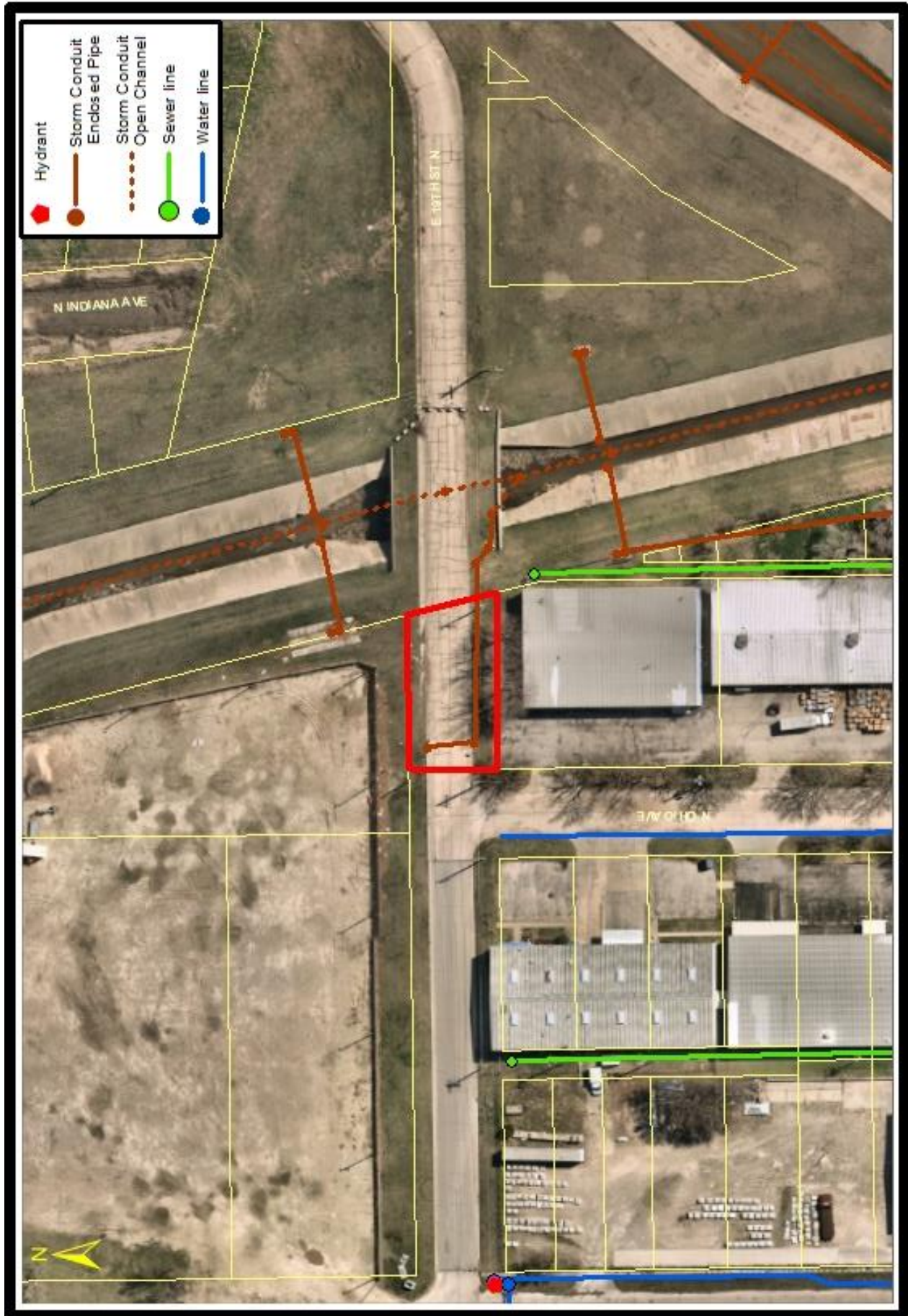
SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

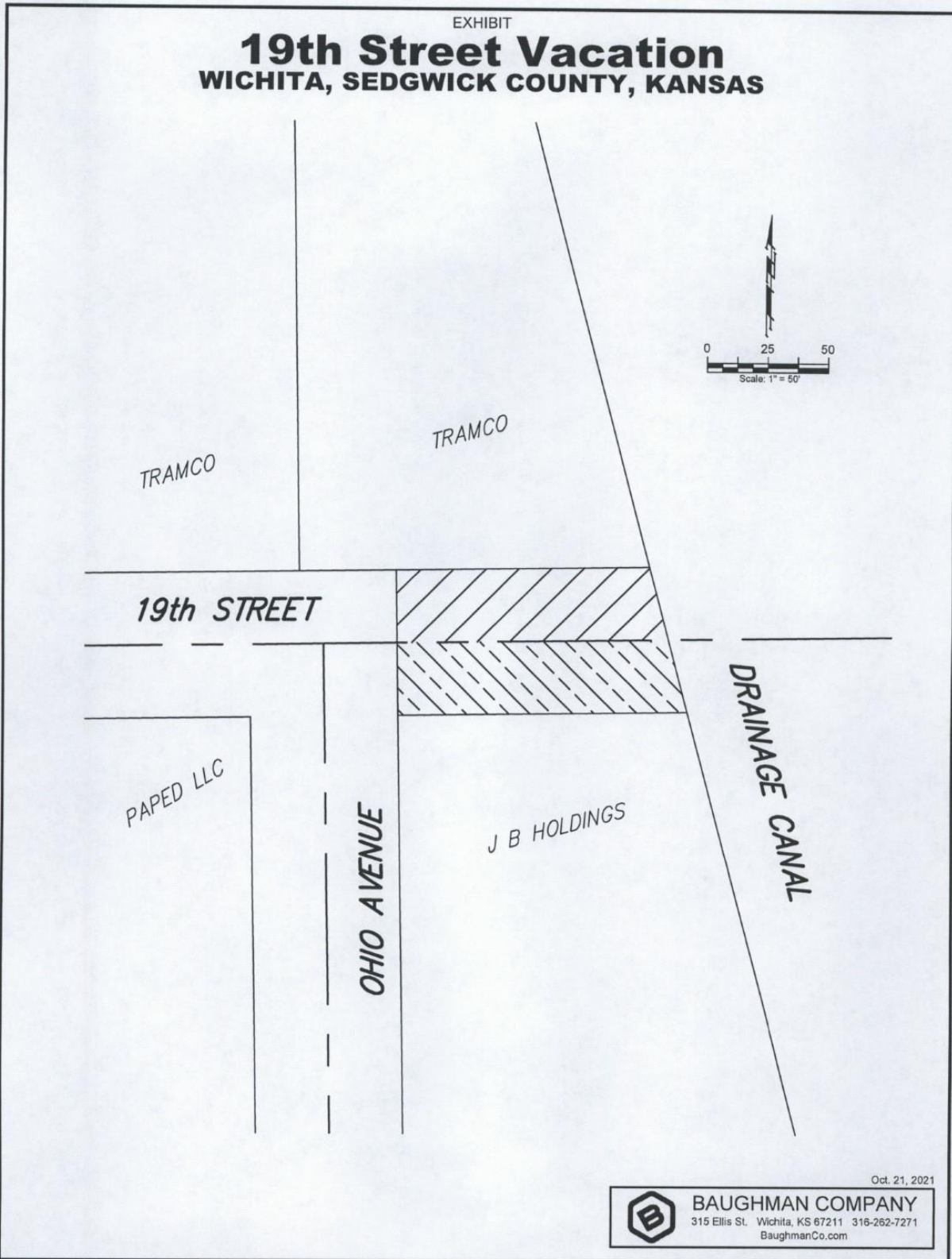
The Subdivision Committee recommends approval subject to the following conditions:

- (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) If the vacated portion of right-of-way is barricaded or fenced the applicant will need to provide access for utilities, Fire, and other Emergency Service Vehicles.
- (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.
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- (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.

Attachments:

1. Aerial Map
2. Site Plan of Proposed Vacation Areas
3. Proposed Replat of Area to the East of Drainage Canal





E:\Projects\Commo\Industrial District_20-11-F600\FacDrawings\Commo Industrial District_2nd_revised sketch.mxd

Oct. 21, 2021

 **BAUGHMAN COMPANY**
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BaughmanCo.com

