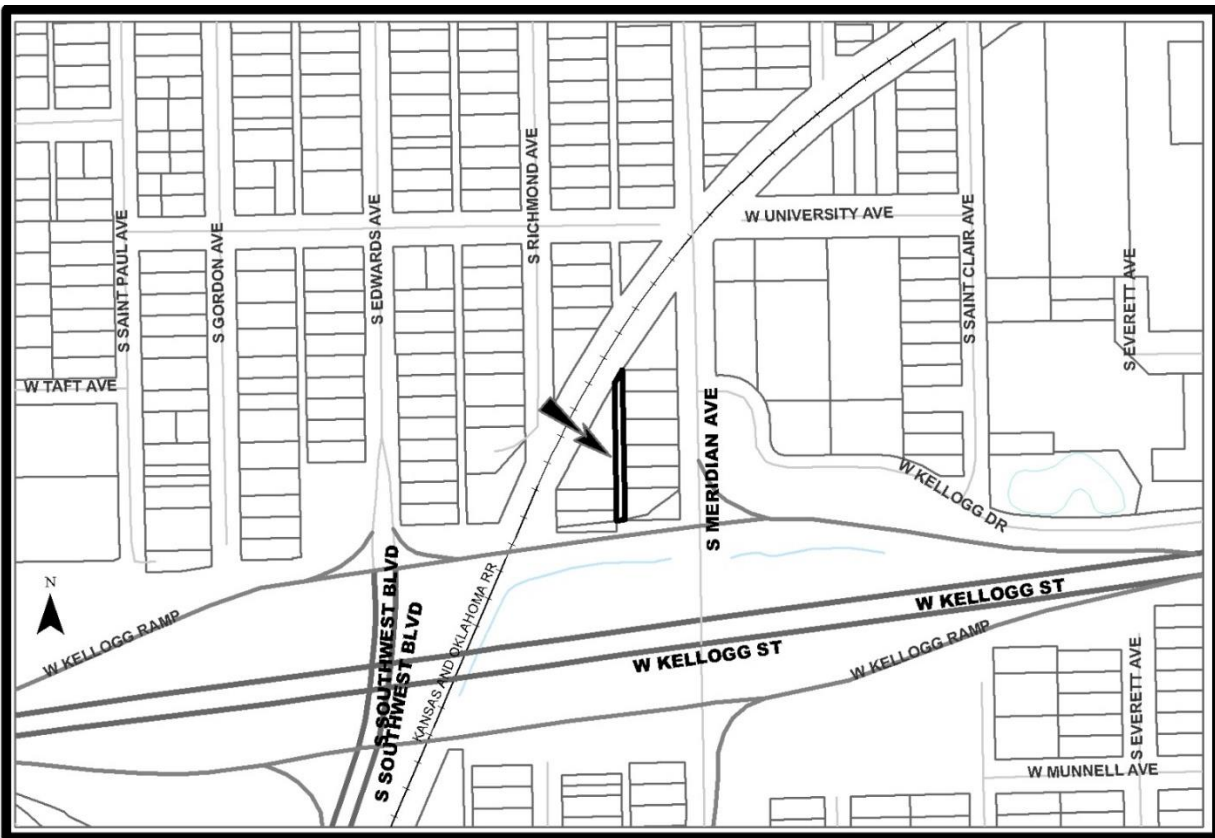


STAFF REPORT

- CASE NUMBER:** VAC2018-00036 – City vacation an alley.
- APPLICANT:** SPS Investments LLC (applicant)
- LEGAL DESCRIPTION:** See Attached.
- LOCATION:** Generally located northwest of West Kellogg Drive and South Meridian Avenue. (WCC #IV)
- REASON FOR REQUEST:** For a future redevelopment.
- CURRENT ZONING:** All lots directly east and west of the alley are zoned LC Limited Commercial. Properties north and west of the railroad tracks are zoned TF-3 Two Family. Properties to the east (across Meridian Avenue) are zoned U University.

VICINITY MAP:



The applicants to vacate the platted alley generally located on the northwest corner of West Kellogg Drive and South Meridian Avenue. The platted parcels abutting the alley on the east are developed. The platted parcel abutting the alley on the west is undeveloped. There is a sewer line that runs down the middle of the alley. No property will be denied access to public street right-of way if the vacation is approved. The utility will either have to be relocated at the owners expense or a 20-foot easement over the sewer line be dedicated to the City by separate instrument. Westar and Cox Communications have facilities in the area which will either have to be dedicated by an easement or relocated at the owner's expense. Ennidh Garcia is the area representative for Westar and can be contacted at 316-261-6334 on this item. Martinson's 5th Addition was recorded with the Register of Deeds November 6, 1886. 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 alley.

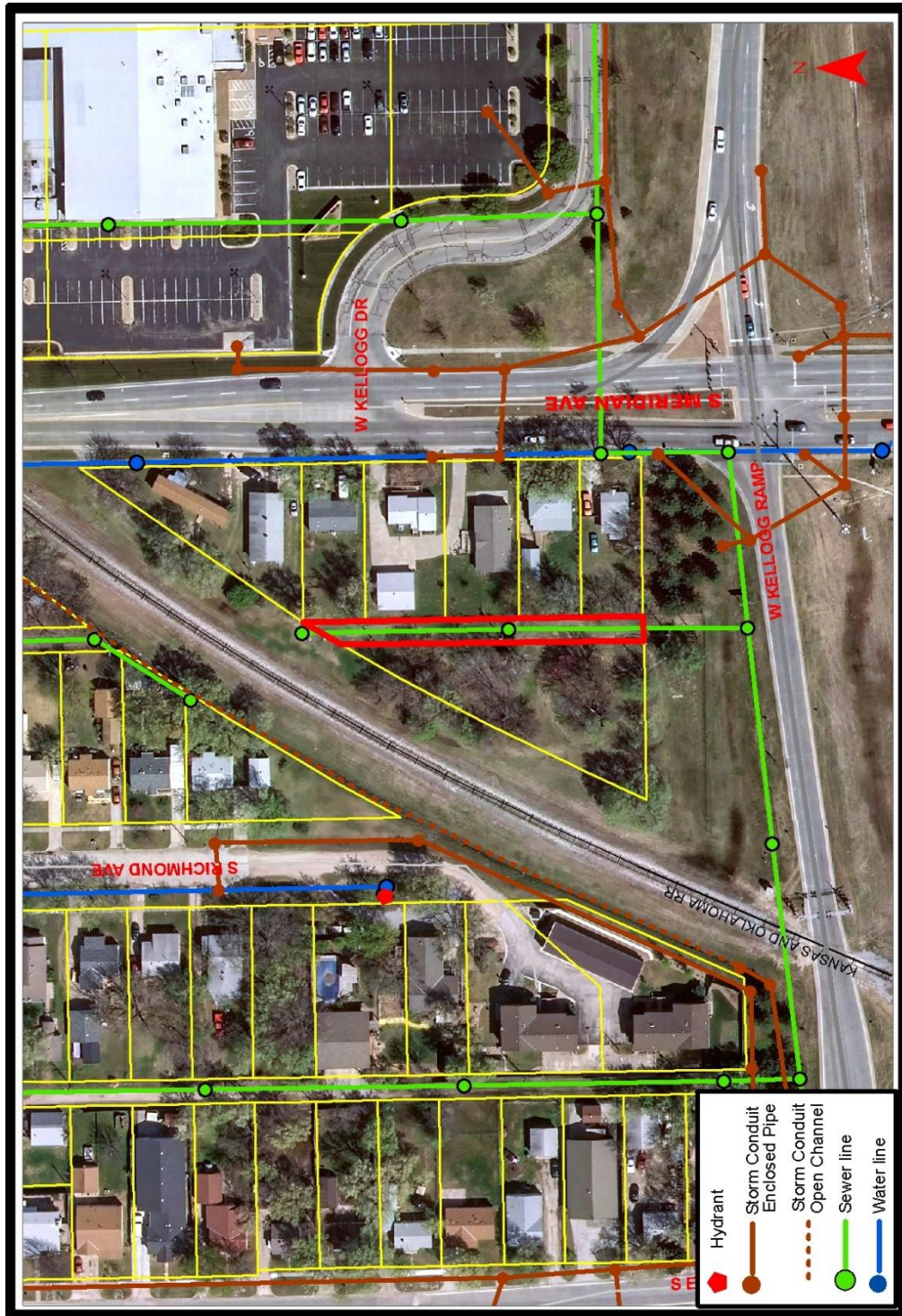
- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time January 17, 2019, 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 alley 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.

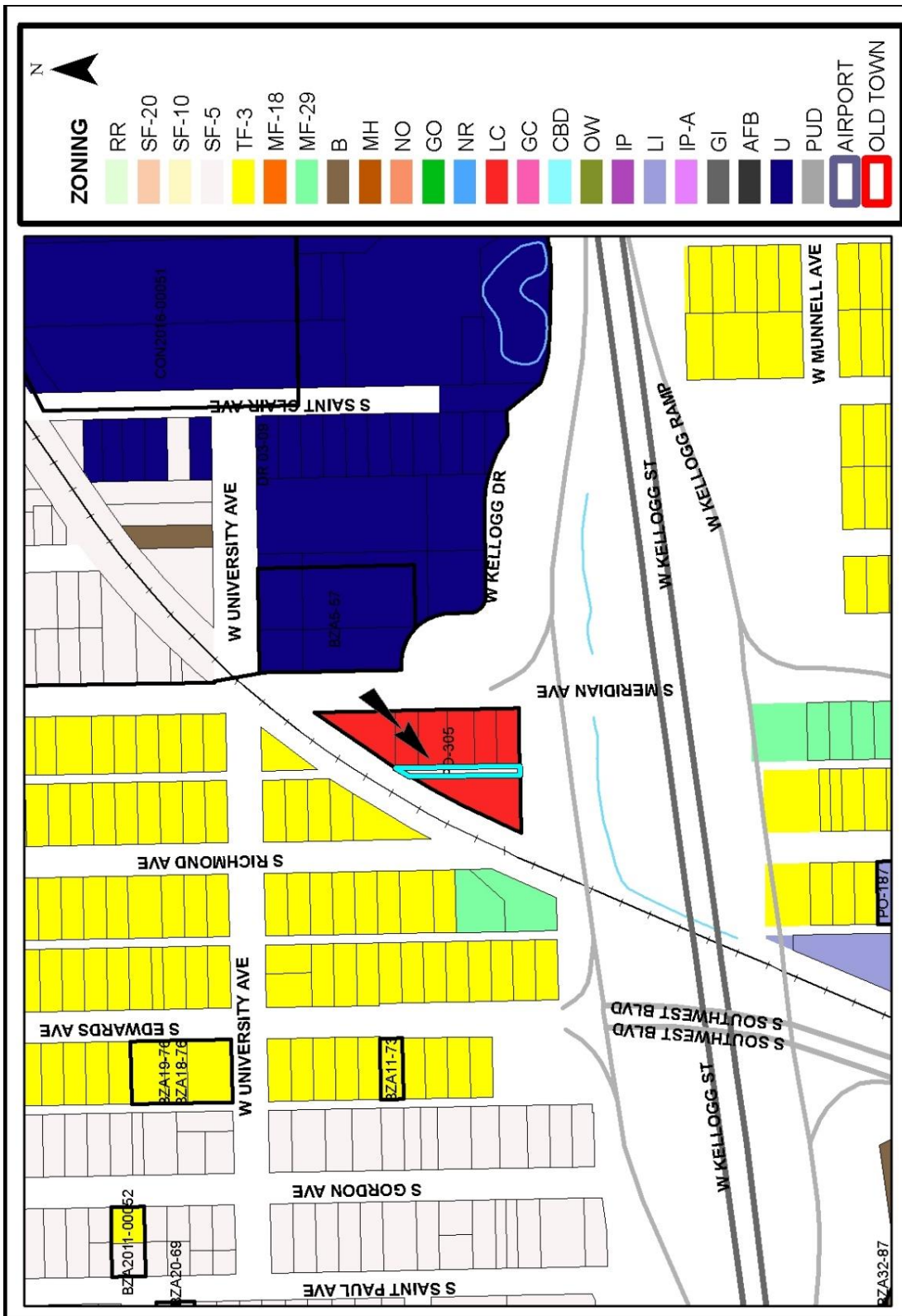
Conditions (but not limited to) associated with the request:

- (1) The applicant shall dedicate a 20-foot wide utility easement by separate instrument, with original signatures, for the length of the platted vacated alley or relocated the utility to City Standards at their own expense. The applicant shall provide Planning with the dedication of utility easements by separate instrument to go with the Vacation Order to be filed with the Register of Deeds. 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. If relocation is not possible then this Vacation shall be rendered void as the current easement must remain in place.
- (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.

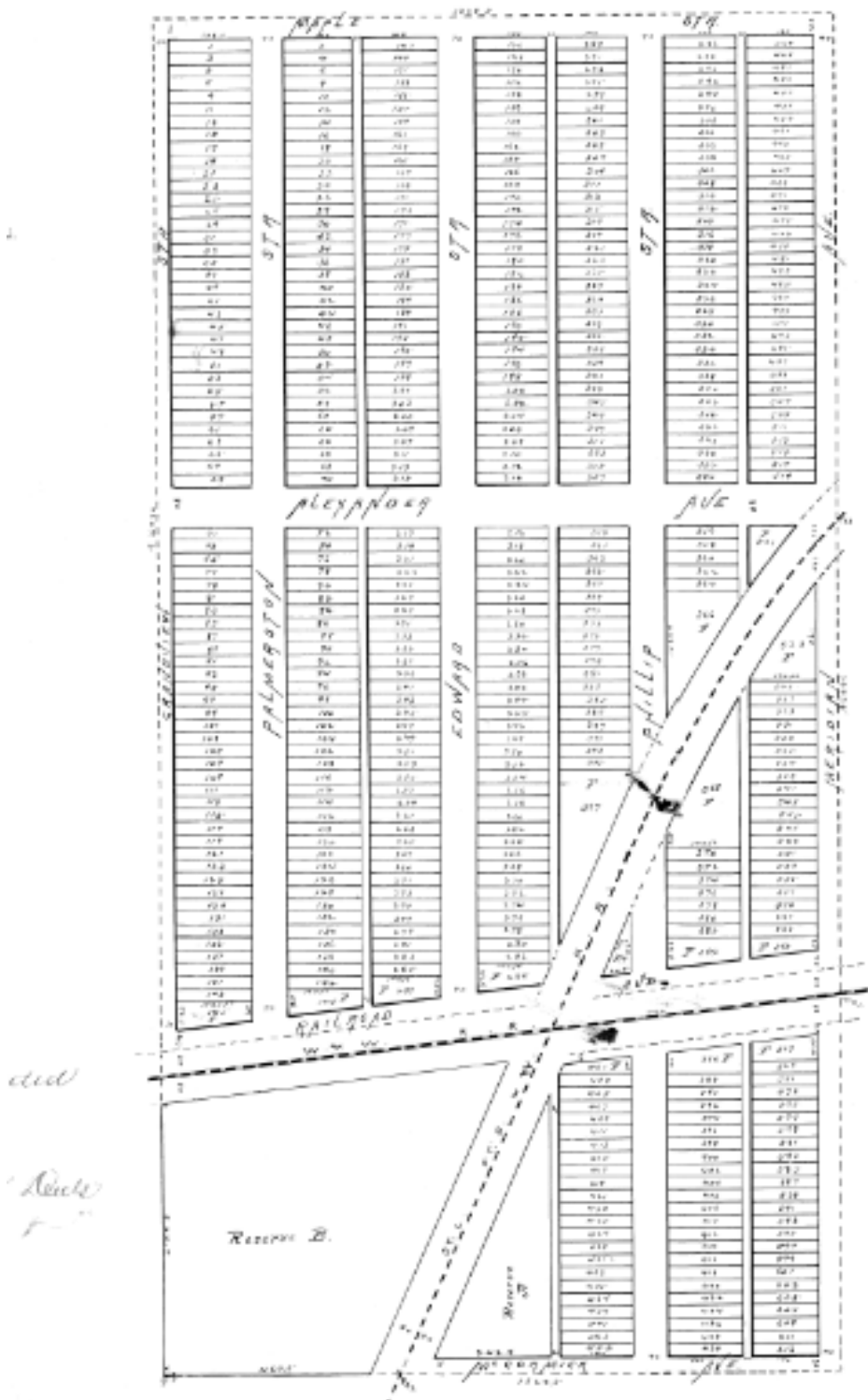
SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval per staff recommendations.

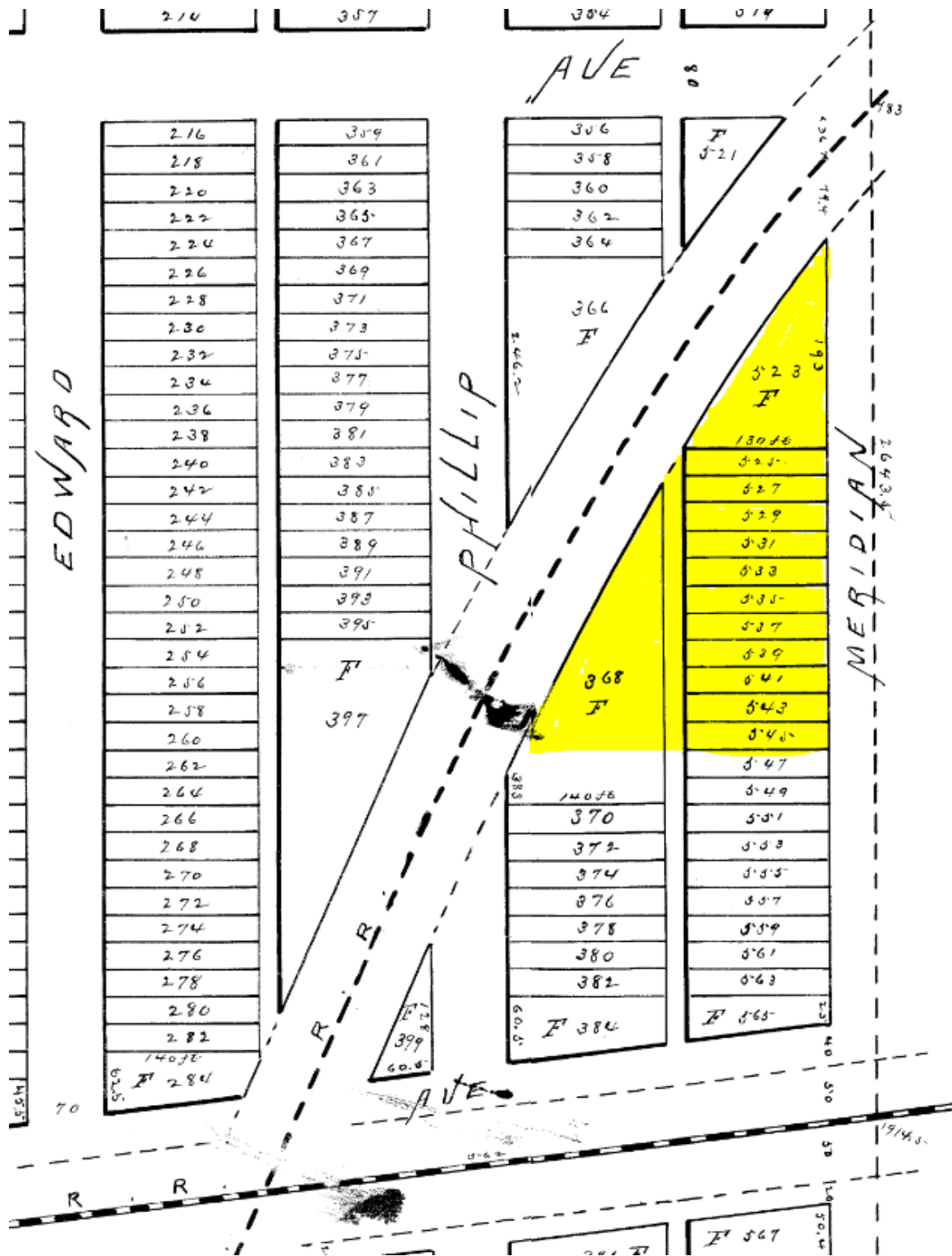




MARTINSONS 5TH ADDITION TO WICHITA KANSAS.



M1-4-3



TOGETHER with:

That part of the alley as dedicated in said Martinson's 5th Addition lying west of and abutting the west line of Lots 523 through 551, odd inclusive, on said Meridian Avenue, lying east of and abutting the east line of Lots 368 through 372, even inclusive, on said Richmond Avenue, (originally dedicated as Phillip Avenue), lying south and southeast of and abutting the southeast right-of-way line of said Mo. Pac. Railroad, (formerly the St. Louis, Ft. Scott, & Wichita Railroad), and lying north of and abutting the following described line: Commencing at the northwest corner of Lot 551, on said Meridian Avenue, said northwest corner also being on the east right-of-way line of said alley; thence southerly along the east right-of-way line of said alley, 22.36 feet for a point of beginning; thence west-southwesterly with a deflection angle to the right of $78^{\circ}07'44''$, 11.85 feet; thence west-southwesterly with a deflection angle to the right of $06^{\circ}31'04''$, 8.44 feet to a point on the west right-of-way line of said alley, said west right-of-way line also being the east line of Lot 372, on said Richmond Avenue, (originally dedicated as Phillip Avenue), and said point being 0.61 feet southerly of the northeast corner of said Lot 372, and for a point of termination.