

STAFF REPORT

CASE NUMBER: VAC2019-00034 – City vacation of a portion of the north-south alley between South Washington Avenue and South Ida Avenue.

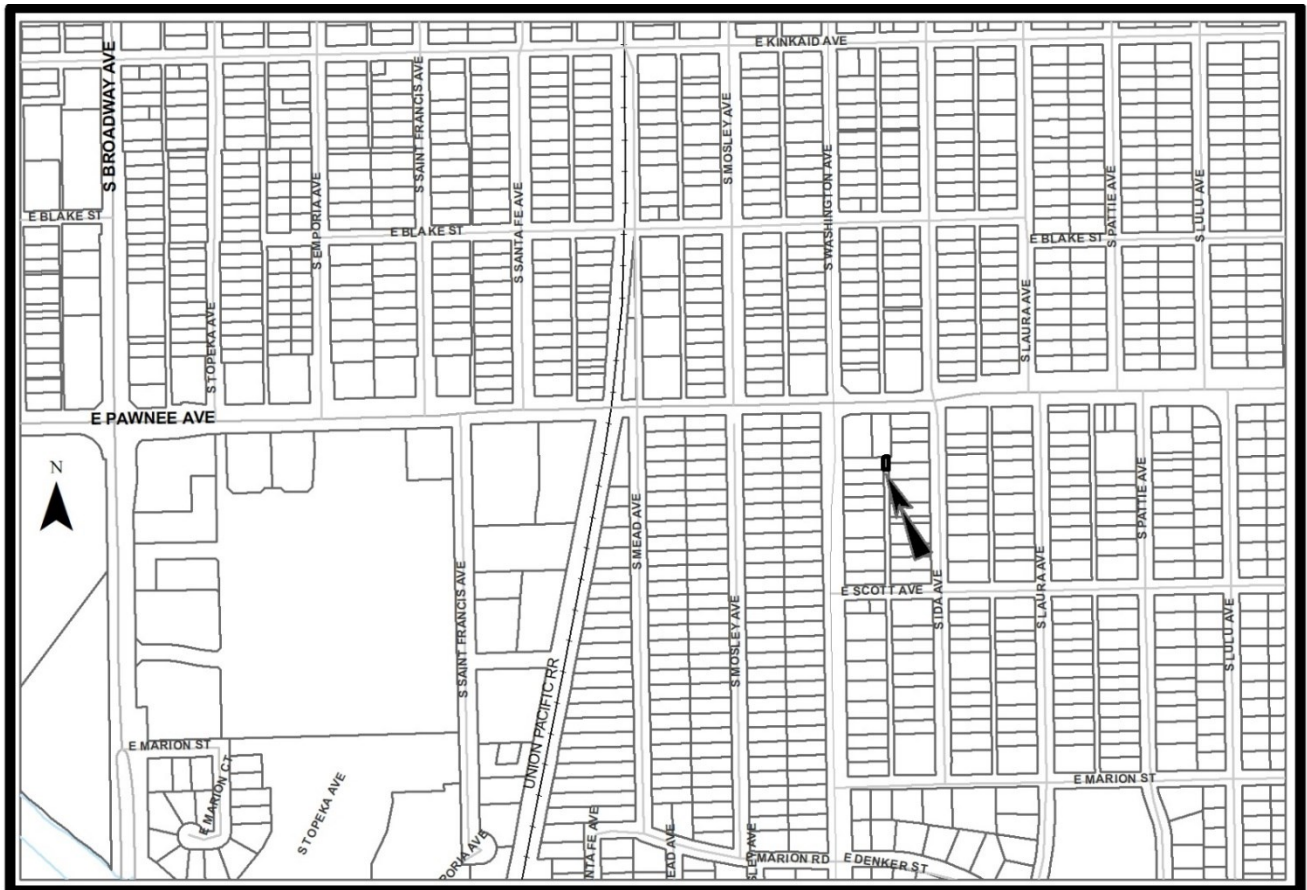
APPLICANT: Eugene Alteneau

LEGAL DESCRIPTION: That portion of the north-south alley right-of-way between even Lots 16 and 18, Washington Block, and odd Lots 15 and 17, Wabash Block, now Ida Block, Wabash Avenue Subdivision in Beals Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located on the east side of South Washington Avenue and 300 feet south of East Pawnee Avenue. (WCC III)

REASON FOR REQUEST: To help prevent illegal dumping.

VICINITY MAP:



The applicant is requesting the vacation of the dead end portion of a north-south alley located between South Washington Avenue and South Ida Avenue, 300 feet south of East Pawnee Avenue. The purpose of this vacation is to allow the property owner to retain ownership of this portion of the alley in order to take measures against illegal dumping. The applicant owns several properties that abut this portion of the alley, and he received signatures on the vacation petition of all other property owners indicating their approval of this request. Because this alley dead ends, no property will be denied access. There is a sewer line located in the alley. Everygy has existing equipment in the alley. LaDonna Vanderford is the Area Construction Representative and can be contacted at 316-261-6290 for questions on this case. A utility easement shall be dedicated upon approval of this vacation. Any relocation of any utilities shall be at the applicant's expense. This alley was platted as part of the Wabash Subdivision in Beals Addition, which was recorded in 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, 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 areas.

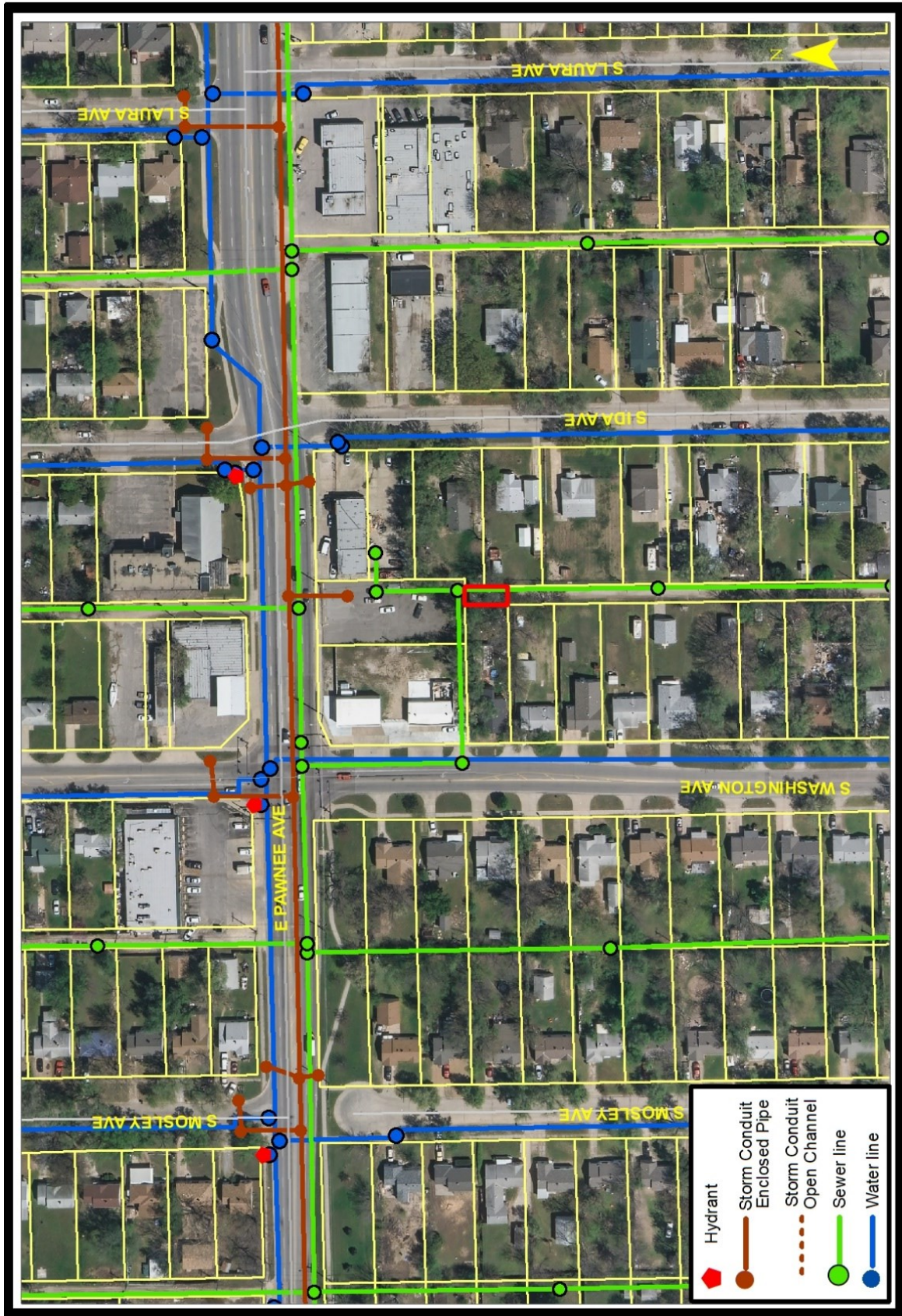
- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time October 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) Dedicate a 20-foot wide utility easement by separate instrument, with original signatures, for the portion 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) All improvements shall be according to City Standards and at the applicants' expense.
- (4) 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.





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

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

El Dorado, Kansas
 120 N. Main, Suite 3
 El Dorado, KS 67042-2058
 Tel. (316) 452-5552
 Fax. (316) 452-5682

Kensington, Kansas
 129 S. Main, Suite 100
 P.O. Box 95
 Kensington, KS 66951-9804
 Cell. (785) 476-8061

**EXHIBIT
 PARTIAL ALLEY VACATION**

