

Planning Agenda Item # _____

City of Wichita
City Council Meeting
February 25, 1992

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V-1730 - REQUEST TO VACATE ALLEY RIGHT-OF-WAY LOCATED WEST
OF SENECA AND NORTH OF DOUGLAS. (District #4)

INITIATED BY: Metropolitan Area Planning Department

W. Krou

AGENDA ACTION: Planning

Staff Recommendation: Deny the vacation of alley right-of-way.

MAPC Recommendation: September 12: Approve vacation of alley
right-of-way (vote 3-2).

November 21: Failed to recommend approval of
amended request (vote 4-8).

Background: This site is being considered for a convenience store which potentially plans to build across the vacated alley right-of-way. Utilities, including sanitary sewer, are located within the alley, but the applicant has indicated that as necessary they will relocate utilities, make special construction improvements for the sewer line, and enact a hold harmless agreement.

Since this site is at the corner of a major intersection which presently lacks typically required right-of-way, the Planning Department requested the dedication of additional right-of-way for both Douglas (10-feet additional) and Seneca (20-feet additional) in order to meet a standard of 60 feet of half street right-of-way for developed areas. The applicant, however, requested that only right-of-way for Douglas and a triangular portion at the corner be required. The action of the Subdivision Committee and then the Metropolitan Area Planning Commission on September 12 was to support the vacation as requested by the applicant, subject to conditions.

In November, the applicant's agent contacted staff to say he was now unable to get Taco-Tico, the co-applicant on this case, to agree to dedicate the western portion of the 10 feet of right-of-way along

SUBJECT: V-1730 - REQUEST TO VACATE ALLEY RIGHT-OF-WAY LOCATED
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Page 2

Douglas which was part of the MAPC-approved conditions. Staff brought the application back to the MAPC on November 21 to reconsider the application without the dedication of this right-of-way.

The MAPC, which by this time had new and additional members who had not attended the September 12 meeting, reconsidered the vacation request, and this time a motion to approve, subject to the revised dedication of 10 feet of right-of-way only to the half-block-line along Douglas, failed (vote 4-8).

Staff's main concern is to provide adequate right-of-way in this location for roadway, utilities, sidewalks, and landscaped area separating the street from the sidewalk. The proposed convenience store will increase traffic significantly at this intersection. Although this intersection was recently improved with widened paving of Seneca for left turn bays, it does not meet desirable standards. The City Council just last month approved the design study for Seneca between Kellogg and McLean Boulevard, to improve traffic flow and create an aesthetically pleasing primary route to the Museum District. The construction of Seneca improvements is scheduled among the core area projects in the CIP for 1994.

Recognizing the difficulty of redeveloping on smaller lots in the older part of the city, and believing that it will not be necessary to construct a freeflow right turn lane on southbound Seneca and westbound Douglas, staff suggested a compromise - to only dedicate 10 feet along Seneca (and establish 50 feet of right-of-way to the street center line). However, the applicant indicated that the proposed convenience store cannot fit on the remainder of the lot with the configuration of gas pump islands that is most desirable if they are required to dedicate any right-of-way.

In addition to the right-of-way dedications along Douglas, the applicant has submitted a dedication of access control to Seneca from a portion of the site and has also granted additional utility easement adjacent to the alley right-of-way being vacated.

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

SUBJECT: V-1730 - REQUEST TO VACATE ALLEY RIGHT-OF-WAY LOCATED WEST OF SENECA AND NORTH OF DOUGLAS. (District #4)

Page 3

Recommendations/Action:

1. Close public hearing, approve the vacation as submitted; authorize the Mayor to sign the Vacation Order; accept the dedication of street right-of-way, the utility easement, and the dedication of access control; and record, certified copy of the Order, the dedications of right-of-way and access control, and the utility easement; recording costs to be billed to:

150029-2909

or

2. Deny the vacation request on the basis that granting the vacation would result in public loss and/or inconvenience.

Attachments: September 12, 1991, MAPC minutes
November 21, 1991, MAPC minutes

Date FEB 25 1992
Approve & File

Page 1 of 2

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

IN THE MATTER OF THE VACATION OF)
ALLEY RIGHT-OF-WAY.)
)
GENERALLY LOCATED WEST OF SENECA AND)
NORTH OF DOUGLAS. (V-1730))
)
)
MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 25th day of February, 1992, comes on for hearing the petition for vacation filed by Joseph P. Steven, et al., praying for the vacation of the following described alley right-of-way, to-wit:

The east/west alley lying north of Douglas Avenue, and extending from the east line of Dodge Avenue to the west line of Seneca Street, except the east 10 feet thereof, AND that portion of the north-south alley lying west of Seneca Street and extending from the north edge of the above described east/west alley to the south edge of Pearl Street, all as platted in Supplemental Plat to Martinson's First Addition to west Wichita.

MICROFILMED
OF RECORD

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 2/11/92 & 2/18/92.
2. No private rights will be injured or endangered by the vacation of the above-described alley 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.

8.00 ck

City Clerk

260 15000 7 10000

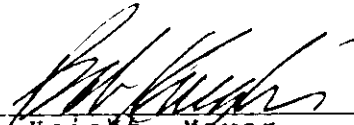
260

Vacation Order
V-1730
Page 2 of 2

5. That the east 20 feet of the above described east-west alley right-of-way shall be retained for street right-of-way (Seneca).

6. That the above described alley rights-of-way shall be retained as utility easements.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 25th day of February, 1992, ordered that the above-described alley 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.

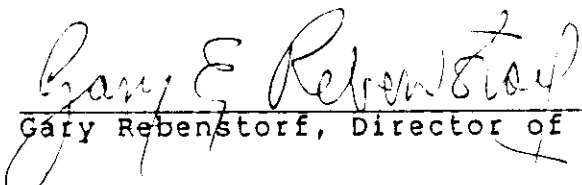

Bob Knight, Mayor

ATTEST:


Pat Burnett, Deputy City Clerk



Approved as to Form:


Gary Rebenstorf, Director of Law

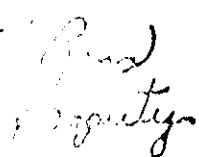
State of Kansas)
Sedgwick County) ss
City of Wichita)
I, **Pat Burnett** Deputy City Clerk of the City
of Wichita, Kansas, hereby certify that the document
to which this is affixed is a true and correct copy of
the original on file in the office of the City Clerk.
Given under my hand and seal of the City of
Wichita, this **FEB 25 1992**

 Deputy City Clerk

STATE OF KANSAS)
SEDCWICK COUNTY) SS
FILED FOR RECORD AT
8:00 A.M.

MAR 31 92 1198638

PAT KETTLER
REGISTER OF DEEDS





MARTIN'S		50 46		49 39		ADDITION		SENECA
FIRST		EXPOSITION		6TH ST.				
29 ON'S		MARTIN'S 2ND		DODGE		JOE'S ADD		
25 21		30 29 21		32 30 22		28 21		

MO. PAC. RR.

16 10		15 9		16 10		15 9		16 10		15 9	
ON'S		SUPP		FLAT							
39 10		40 9		39 10		40 9		39 10		40 9	

DOUGLAS AVE.

4TH		ADD		3RD		ADD	
10		9		10		9	

Application Filed 8/19/91
S/D Comm. Action 9/5/91

M.A.P.C. Action _____

W.C.C. Action _____

Bd. Co. Co. Action _____

Order to Vacate Record _____