

STAFF REPORT

CASE NUMBER: VAC2018-00003 - City Vacation of Public Right of Way for North Market Street from 34th to 35th and East 34th Street North from Market to Broadway to expand an industrial development site

AGENT: Levi Bond with Kaw Valley Engineering

APPLICANTS: Darin Campbell with Venture Rentals
Bruce Meyer, Tony Balderas, Ronald Koepsel

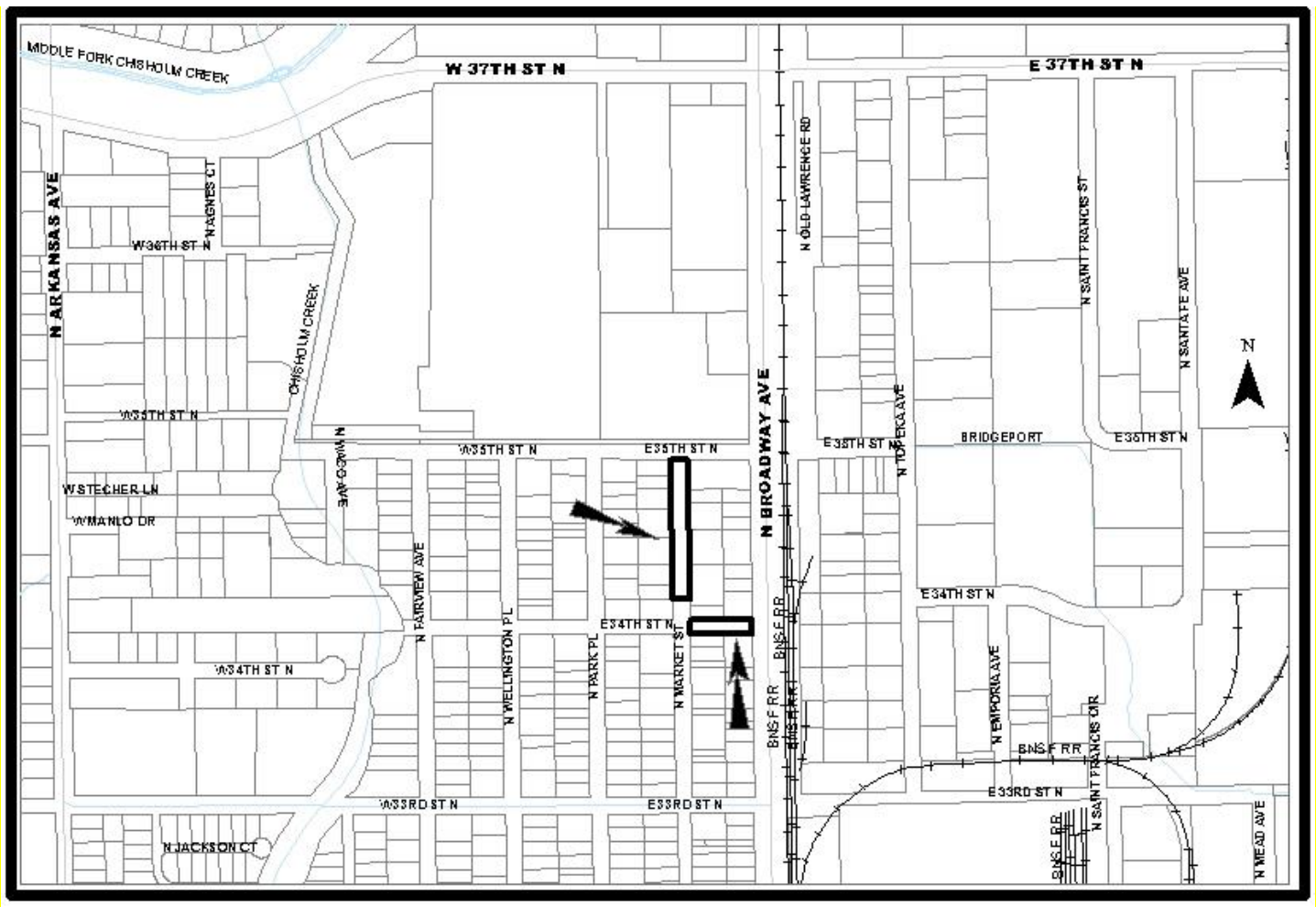
LEGAL DESCRIPTION: See Attached

LOCATION: Generally located on the west side of North Broadway Avenue and south of East 37th Street North.

REASON FOR REQUEST: To expand the area available for business operations.

CURRENT ZONING: Both LI Limited Industrial and LC Limited Commercial

VICINITYMAP:



The applicant is requesting the vacation of the stated portions of North Market Street and East 34th Street North. The stated intention of this application is to allow for the expansion of the existing business operations into the area that is currently street right of way. The applicant has stated that there will be a fence with a gate placed along the north and south ends of the area to be vacated on Market Street, and there will likely be some degree of fencing in the area to be vacated on 34th Street. The applicant has provided photos to demonstrate the type of use that is intended in the area to be vacated.

The site was platted in the Jones Park Addition to North Wichita on 26 May 1920. There are water and sewer lines, as well as gas lines within the area proposed to be vacated. The applicant will need to either relocate these lines or provide easement documentation for them, prior to this case going to City Council.

The property owner of 3507 N Market Street has expressed opposition to this vacation in the past. This property is not included in the area proposed for vacation, and the public right of way in front of their property is not included in this application.

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 portion of public street right-of-way.

- A. That after being duly and fully informed as to fully understanding 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 at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the platter's text to amend the access controls 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.

The Subdivision Committee recommends approval subject to the following stipulations:

- (1) Provide a covenant, with original signatures, binding and tying the described vacated public street right-of-way to the abutting lots. This must be provided to Planning prior to this case going 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) Provide Planning with dedication of easements by separate instruments with original signatures to go with the Vacation Order to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds. All to be provided to the Planning Department prior to this case going to City Council for final action. The entirety of the area to be vacated shall be accounted for in the easements that are provided.
- (3) If needed provide Public Works 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.



- Hydrant
- Storm Conduit Enclosed Pipe
- - - Storm Conduit Open Channel
- Sewer line
- Water line





ZONING

RR
 SF-20
 SF-10
 SF-5
 TF-3
 MF-18
 MF-29
 B
 MH
 NO
 GO
 NR
 LC
 GC
 CBD
 OW
 IP
 LI
 IP-A
 GI
 AFB
 U
 PUD
 AIRPORT
 OLD TOWN

N

Jones Park Addition

34th and Market Vacation

Vacation Legal Description:

34th Street right-of-way from the east line of Market Street right-of-way to the west line of Broadway Avenue right-of-way. Along with, Market Street right-of-way from the north property line of Lot 44, Block 5, Jones Park Addition to the south line of 35th Street right of way.



ROCK SHOP
316-202-2021

3405

SWIFT

AEA
3425



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SK**

KAGE

KAGE











AEA
AUTO AND MARINE
3425

APPLE
ELECTRIC
RESIDENTS

AIR CAPITAL
WAS

KGS 34th St. N. and Market Exhibit Drawing

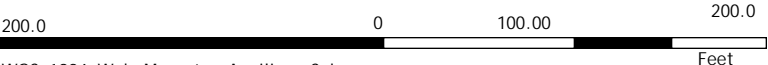


Legend

- Controllable Fitting
 - Short Stop
 - 3-Way Tee
- Meter Setting
- Gas Valve
 - Critical/Inspection Not Required
 - Critical/Inspection Required
 - Non-Critical
- Regulator Station
- Town Border Station
- Drip
- Non Controllable Fitting
 - Other Non Controllable Fittings
 - Insulated Coupling
- Gas Main
 - Steel
 - Wrapped Steel
 - PE
 - PVC
 - Cast Iron
 - Ductile Iron
 - Copper
 - Wrought Iron
 - ABS
 - Extruded Tubing
 - Plastic
- Gas Pipe Casing
- Abandoned Gas Main
- Streets Labels Only (KS)
- Streets Labels Only (OK)
- Streets Labels Only (TX)
- Streets (KS)
- Streets (OK)
- Streets (TX)
- Parcel Boundary
- World Street Map

Notes

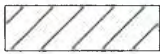
1: 1,200



WGS_1984_Web_Mercator_Auxiliary_Sphere
THIS MAP IS NOT TO BE USED FOR NAVIGATION

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VACATION EXHIBIT



AREA TO BE VACATED

THIS SKETCH DOES NOT CONSTITUTE A SURVEY
AND IS THEREFORE SUBJECT TO CHANGE.



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SCALE: 1" = 100'

04/02/2018
SK-2