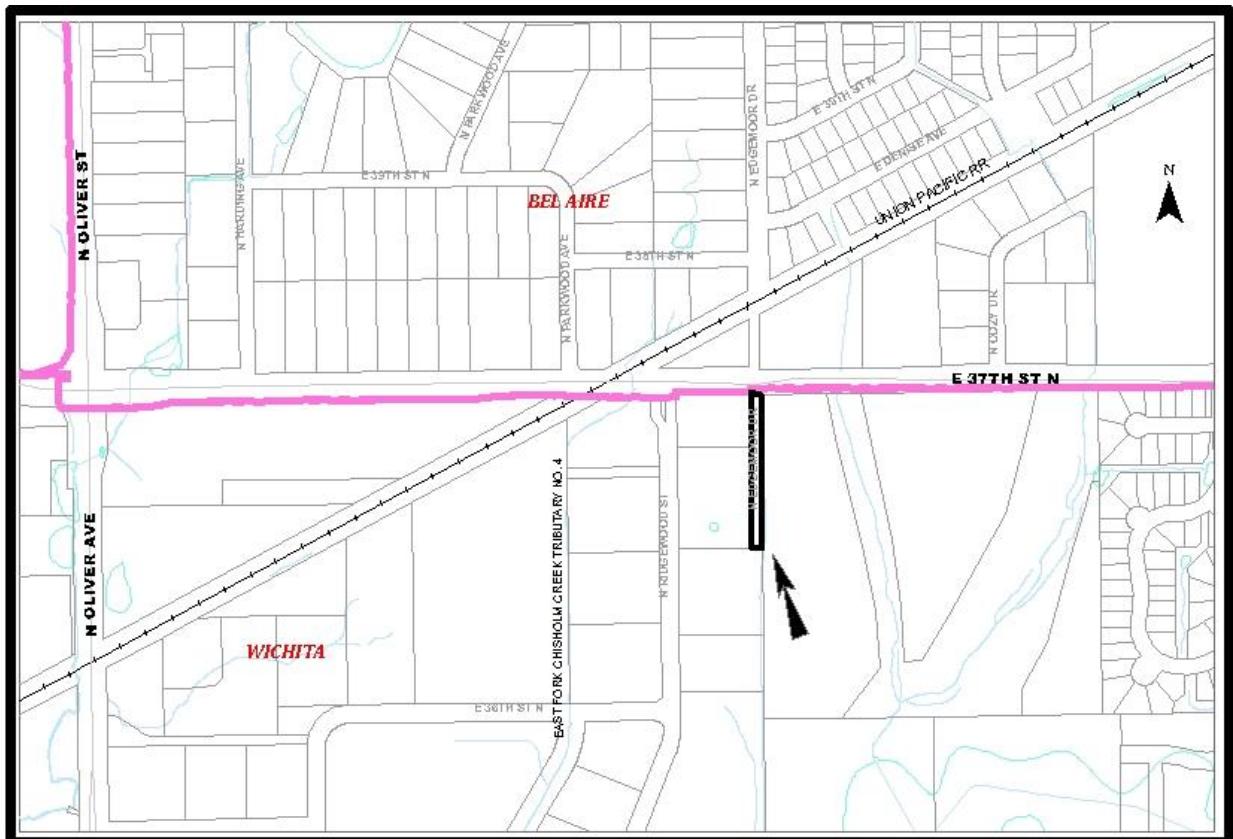


STAFF REPORT

- CASE NUMBER:** VAC2018-00012 - City Vacation of platted street right-of-way known as North Edgemoor Drive to allow a church expansion
- AGENT:** Will Clevenger with Garver (Agent)
- APPLICANT:** Town & Country Christian Church, Rathbon Properties, LLC, Chisholm Trail Church of Christ, Inc (Applicant)
- LEGAL DESCRIPTION:** All of Edgemoor Street as platted in Town and Country Christian Church Addition, Wichita (Sedgwick County), Kansas
- LOCATION:** Generally located on the south side of East 37th Street North and one half mile east of North Oliver Avenue.
- REASON FOR REQUEST:** Expansion of church parking lot
- CURRENT ZONING:** The northern properties (east and west side of area to be vacated) is zoned SF-5 Single Family and the southern property is zoned LI Limited Industrial
- VICINITY MAP:**



The applicant is requesting the vacation of platted street right of way to allow for Town & Country Christian Church to expand their parking lot. The attached site plan shows the area to be vacated in relation to both the principle structure as well as East 37th Street North.

The plat that contains the street dedication, the Town and Country Christian Church Addition, was platted in 1986. It appears the western half of the street was dedicated via this plat, with the intention that the other half would be dedicated at the time of platting for the property to the east. Despite being platted as a part of the Aurora Park Addition in 1952, it does not appear any work has been done for North Edgemoor Drive south of the Union Pacific rail line just north of the area being proposed for a vacation. The plats that followed the Town and Country Church plat (both to the east and south) do not contain any dedications of right of way for North Edgemoor Drive.

There are no public utilities in the area to be vacated. Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the subject area. No properties will be denied access to public right of way if approved.

The Town and Country Christian Church Addition was platted on 15 September 1986.
The Chisholm Trail Church of Christ Addition was platted on 6 May 2009.
The Great Plains Business Park 2nd Addition was platted on 31 March 1992.
See attached for image of each plat.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Stormwater, 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 platted 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) If needed provide Planning with dedication of utility 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.
- (2) Provide covenants, with original signatures, binding and tying the vacated described right of way to the abutting property. 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 adhere 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.