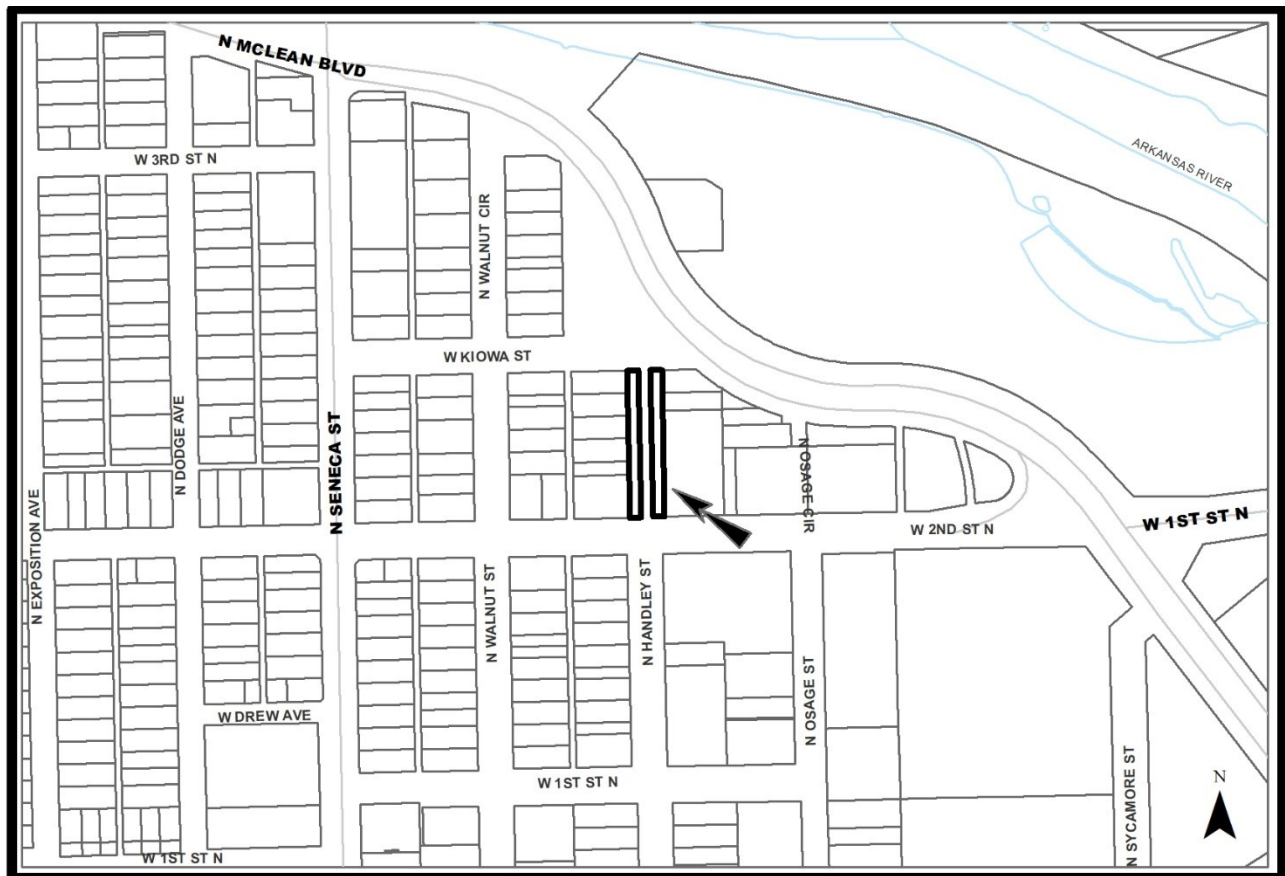


STAFF REPORT

- CASE NUMBER:** VAC2019-00019 – City Vacation of a portion of Handley Street right-of-way related to the 1996 relocation of McLean BLVD
- APPLICANT:** Keith Stevens, Larry Forshee, Gordon McMahon (applicants)
The City of Wichita c/o John Philbrick (agent)
- LEGAL DESCRIPTION:** Attached
- LOCATION:** Generally located on the east and west sides of North Handley Street between West 2nd Street North and West Kiowa Street (WCC VI)
- REASON FOR REQUEST:** 1996 Agreement related to the relocation of McLean BLVD
- CURRENT ZONING:** Abutting and adjacent properties are zoned LI Limited Industrial and GC General Commercial
- VICINITY MAP:**



The applicant is requesting the vacation of a portion of Handley Street right-of-way located between West 2nd Street North and West Kiowa Street; dedicated on the Niederlander's Addition. The proposed vacation area includes parking, sidewalks, drives, and landscaping. The vacation will not impact the current function of the paved portion of Handley Street. There is a waterline present in the western portion of the vacation area that will need to be covered by an easement. Westar has no existing facilities in the platted setback being vacated. Shane Price is the area representative and can be contacted at 261-6315 for this item. The Niederlander's Addition was recorded with the Register of Deeds June 28, 1884.

This vacation request is the result of an agreement between the City of Wichita and an applicant on this vacation, Keith Stevens. On October 10, 1996 Keith Stevens agreed to convey a portion of his property to the City of Wichita for the realignment of McLean Boulevard. In exchange, Mr. Stevens would apply for a vacation with fees covered by the City of Wichita.

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 street right-of-way.

- 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 July 4, 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 street side yard setback 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.

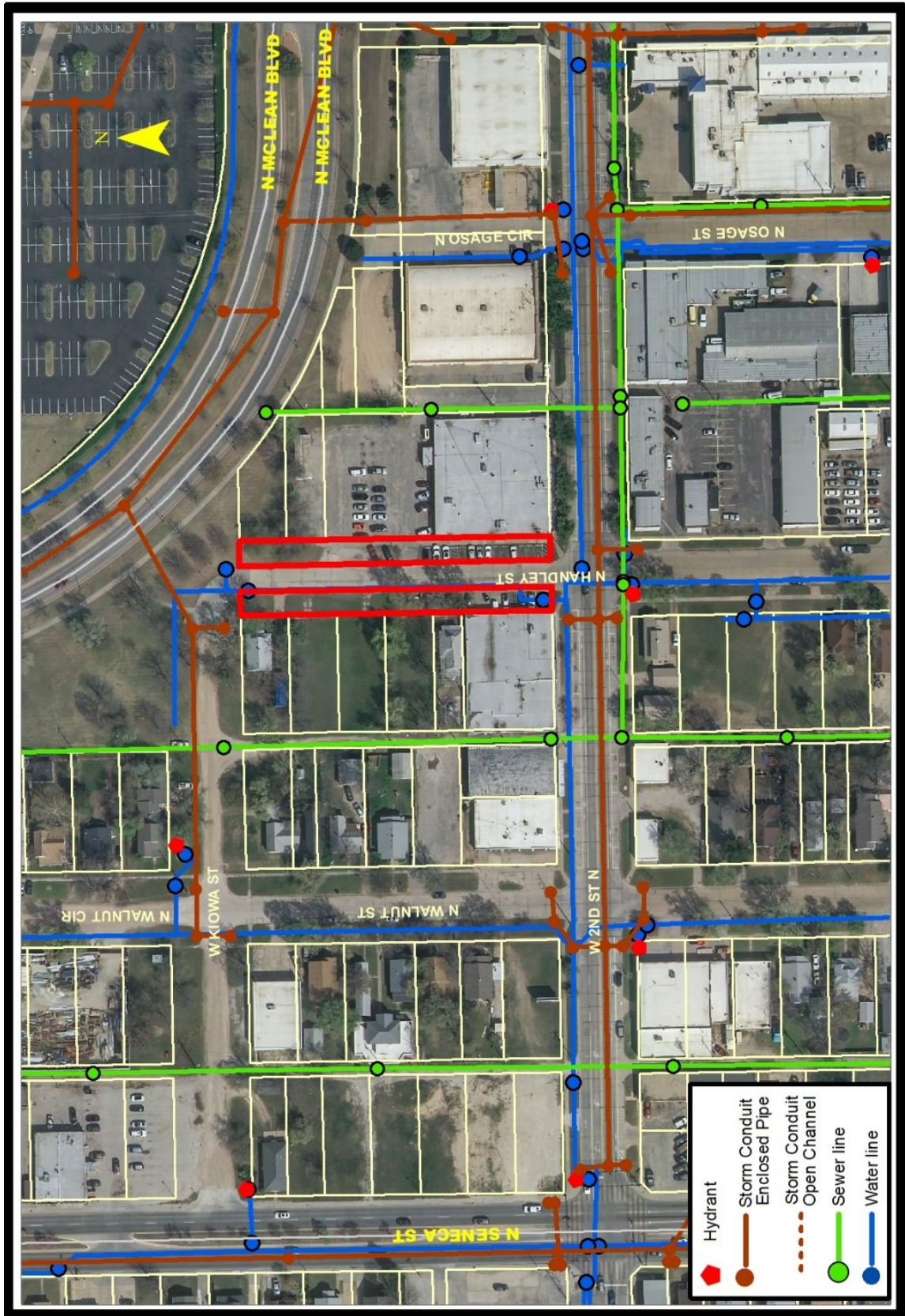
Conditions (but not limited to) associated with the request:

- (1) Abide by section 3 of the Agreement between Keith Stevens and the City of Wichita dated October 10, 1996.
- (2) Provide 5-foot pedestrian easement for existing sidewalks as described on exhibit.
- (3) Provide a covenant, with original signatures, binding and tying the described vacated street right-of-way to the applicants' abutting property. This must be provided to Planning prior to VAC2019-00019 proceeding 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.
- (4) As needed 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.
- (5) 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.
- (6) All improvements shall be according to City Standards and at the applicants' expense.

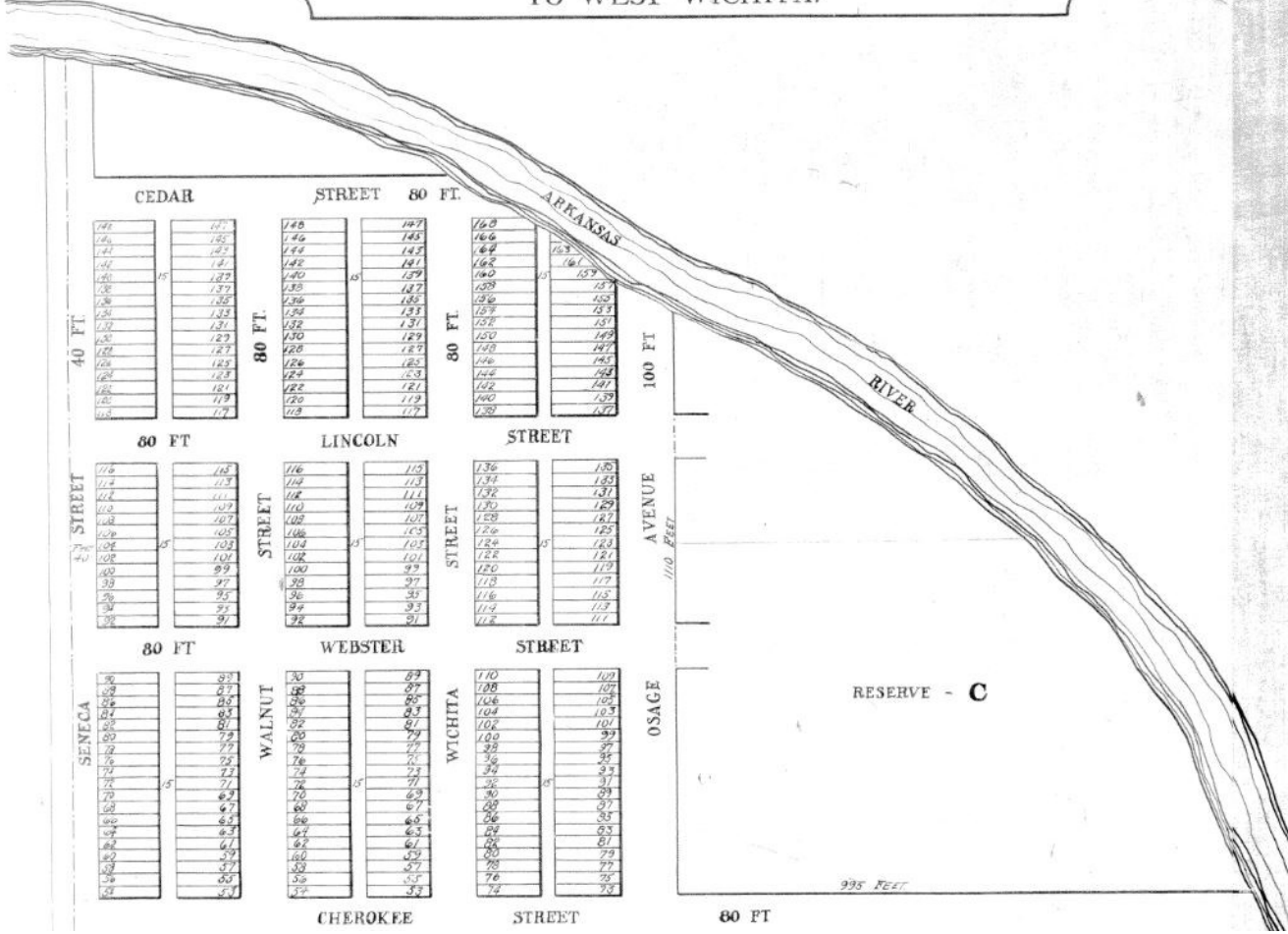
- (7) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken 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.



NIEDERLANDER'S ADDITION TO WEST WICHITA.




EXHIBIT

Handley Vacation



136	135
134	133
132	131
130	129
128	127
126	125
124	123
122	121
120	119
118	117

 INDICATES AREA OF VACATION

