TO: Mayor and City Council

SUBJECT: VAC2014-00050 - Request to Vacate the Platror’s Text to Amend the Uses Allowed in a Platted Reserve on Property Generally Located on the South Side of East 37th Street North and West of Interstate Highway I-135 (District VI)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Staff recommends approval of the vacation request.

MAPC Recommendation: The Metropolitan Area Planning Commission recommends approval of the vacation request (9-0).
**Background:** The applicant is requesting that the uses permitted in the platted Reserve A, His Helping Hands Addition, be vacated and amended to allow the uses permitted by right in site’s LI Limited Industrial zoning district. The plattor’s text states that Reserve A is restricted to flood protection and drainage purposes. It further states covenants prohibit human habitat or other construction, or obstructions and that no levees, fill, grade change, creation of channels or work shall be done except with the approval of the City or County Engineer. The owner of the reserve is responsible for it, until such time that the governing body elects to assume the responsibility and maintenance of the subject reserve. There is a platted 30-foot wide drainage easement located in and along the length of the reserve’s east line. There is a platted 20-foot wide utility easement located in and along the length of the reserve’s west line. There does not appear to be any public or franchised utilities located in these platted easements or elsewhere in the reserve. His Helping Hands Addition was recorded with the Register of Deeds January 5, 2005.

**Analysis:** The Metropolitan Area Planning Commission (MAPC) voted (9-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC’s advertised public hearing or its Subdivision Committee meeting.

**Financial Considerations:** All improvements are to City standards and at the applicant’s expense.

**Legal Considerations:** The Law Department has reviewed and approved, as to form, the Vacation Order and the restrictive covenant. The Law Department concurs that the approval of the Vacation Order and the restrictive covenant is in accordance with City policy. The original Vacation Order and the restrictive covenant will be recorded with the Sedgwick County Register of Deeds.

**Recommendation/Actions:** It is recommended that the City Council follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order (simple majority of four votes required) and authorize the necessary signatures.

**Attachments:**
- Vacation Order
- A restrictive covenant