Agenda Item No. II-17

City of Wichita
City Council Meeting
December 6, 2016

TO: Mayor and City Council

SUBJECT: VAC2016-00004 - Request to Vacate a Portion of Platted Street Right-of-Way Generally Located South of the East 2nd Street North and North Minnesota Avenue Intersection (District I)

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 (10-0).
**Background:** The applicants are requesting the vacation of the south approximately 236 feet of the North Minnesota Street public right-of-way. This portion of Minnesota Street does not intersect with East 1st Street at this location, but ends as a cul-de-sac north of 1st Street. The applicants propose to rebuild the cul-de-sac, which means a portion of the proposed new cul-de-sac will be located on their north most property. This will require the dedication of public street right-of-way. The applicant proposes the reconstructed cul-de-sac will be per Subdivision Standards. There is a sidewalk located on the north end of the cul-de-sac that runs to 2nd Street. There is a water line, water valve, stormwater line and stormwater inlets located in the cul-de-sac and the length of Minnesota Street. Vacation of the right-of-way will not deny any properties access to public street right-of-way and will not change traffic patterns.

Minnesota Street was originally platted as part of the Minneapolis Addition, which was recorded June 9, 1886. The west, abutting section of Interstate Highway I-135 was constructed between 1971 and 1978. The construction of I-135 re-routed Minnesota Street. The I-135 frontage road runs parallel to the west side of this portion of Minnesota.

**Analysis:** The Metropolitan Area Planning Commission (MAPC) voted (10-0) 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, the dedication of utility easement by separate instrument, the dedication of public street right-of-way by separate instrument and the restrictive covenant. The Law Department concurs that the approval of the Vacation Order, the dedication of the utility easement by separate instrument, the dedication of public street right-of-way by separate instrument and the restrictive covenant is in accordance with City policy. The original Vacation Order, the dedication of the utility easement by separate instrument, the dedication of public street right-of-way by separate instrument, 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 dedication of a utility easement by separate instrument & exhibit
- A dedication of public street right-of-way by separate instrument & exhibit
- A restrictive covenant