TO: Mayor and City Council

SUBJECT: VAC2016-00021 - Request to Vacate a Portion of Platted Street Right-of-Way
Generally Located East of South Seneca Street and North of West 31st Street South
(District III)

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 (12-0).
**Background:** The applicants are requesting the vacation of the unimproved east – west, 30-foot wide by 332.15-foot long portion of Diane Street dedicated on the Leonard A. Garnett Addition and the Southwest Baptist Church Addition. The Leonard A. Garnett Addition was recorded with the Register of Deeds January 21, 1986, and the Southwest Baptist Church Addition, was recorded with the Register of Deeds February 29, 1968. The abutting north SF-5 zoned properties were platted as part of the Robson Heights Addition, recorded July 25, 1950. There was no dedication of right-of-way for Diane Street on the Robson Heights Addition.

The unimproved Diane half-street right-of-way looks like a yard. The Diane half-street right-of-way dead ends against multiple unplatted SF-5 Single-Family Residential (SF-5) zoned properties on its east side, leaving it approximately 525 feet short of intersecting with the nearest street to the east, Osage Street. There are least four single-family residences (built 1950, 1951 and 1953) located on those tracts.

There has been no opportunity for this portion of Diane Street to acquire an additional 30 feet of right-of-way from the abutting north properties (Robson Heights Addition) or to extend further east to Osage Avenue through the abutting east properties. The proposed vacation will not create a dead end, as the west remaining paved 30-foot wide portion of Diane Street intersects with Seneca Street on its west side and with a paved 20-foot wide alley on its east side, which in turn intersects with 31st Street South. No properties will be denied access to public right of way and circulation in the area will remain as it is now. There are no garages or accessory buildings located on the abutting north properties that use the unimproved half-street right-of-way for access. No public utilities are located in the subject street right-of-way.

**Analysis:** The Metropolitan Area Planning Commission (MAPC) voted (12-0) 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 covenants binding and tying the described vacated portion of street right-of-way to the abutting properties. The Law Department concurs that the approval of the Vacation Order and the restrictive covenants binding and tying the described vacated portion of street right-of-way to the abutting properties are in accordance with City policy. The original Vacation Order and the restrictive covenants binding and tying the described vacated portion of street right-of-way to the abutting properties 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
- Two restrictive covenants binding and tying the described vacated portion of street right-of-way to the abutting properties