TO: Mayor and City Council

SUBJECT: VAC2016-00040 - Request to Vacate a Portion of Platted Street Right-of-Way Generally Located at the Southwest Corner of East Kellogg Drive and South Cypress Drive (District II)

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 (11-0).
**Background:** The applicant is requesting the vacation of a triangular shaped portion of the platted South Cypress Drive public street right-of-way located at its intersection with East Kellogg Drive. This portion of the subject right-of-way was dedicated on the Lankin Addition. The proposed vacation will not impact the function of the Cypress – Kellogg Drives Intersection. There are no public utilities located in the vacation area. Westar has existing facilities very near the vacation area. The applicant will need to provide easement should they be in that portion of road right-of-way where utilities were recently relocated due to the Kellogg expansion in that area and are not able to be relocated again. The Lankin Addition was recoded May 27, 1969.

**Analysis:** The Metropolitan Area Planning Commission (MAPC) voted (11-0) 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 binding and tying the described vacated portion of street right-of-way to the abutting property. The Law Department concurs that the approval of the Vacation Order and the restrictive covenant binding and tying the described vacated portion of street right-of-way to the abutting property are in accordance with City policy. The original Vacation Order and the restrictive covenant binding and tying the described vacated portion of street right-of-way to the abutting property 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 binding and tying the described vacated portion of street right-of-way to the abutting property