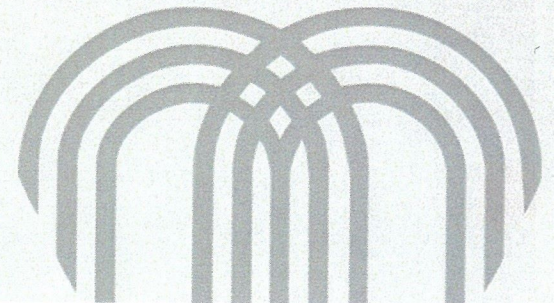


# Ordinance No. 240599

Vacation of Public Right of Way: Fremont Street North of East 55<sup>th</sup> Ter  
CD-ROW-2023-00053

July 23, 2024

Neighborhood Planning and Development Committee





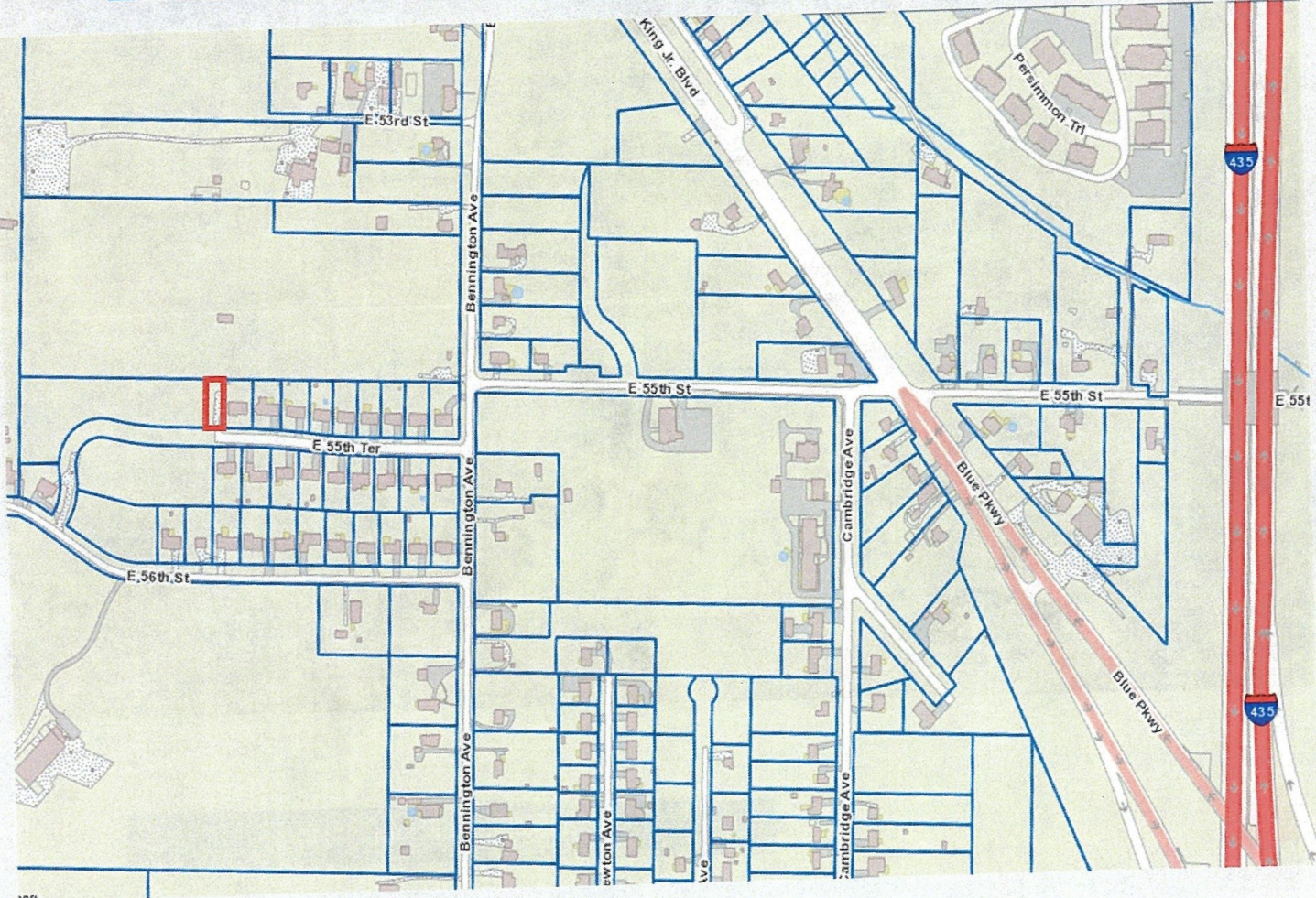






# Location

## City Planning and Development



10R



# Location

# 2022





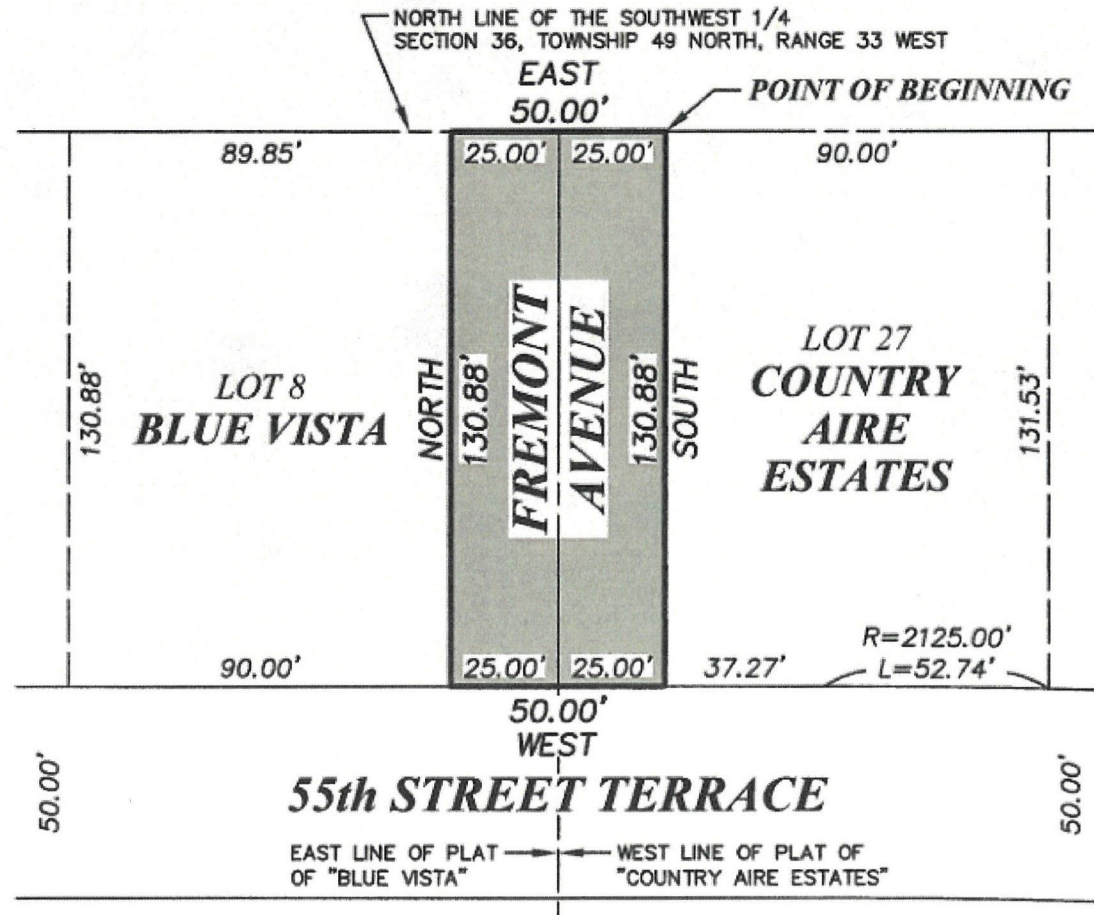
# Location

## 2016





# Survey







## Looking North from East 55<sup>th</sup> Terrace







# Vacation Requirements

**88-560-10-A. All property owners adjacent to the right-of-way shall have legal access to another public right-of-way. Such access shall be physically feasible and shall not result in an unreasonable burden or unsafe conditions on the alternate right-of-way.**

The proposed right-of-way vacation pertains to the unimproved section of the street located north of East 55th Terrace, designated as Fremont Street according to the underlying plat. All adjacent property owners will maintain their legal access to the public right-of-way. The neighbor to the north will continue to have legal access to the public right-of-way. Following the directive of the Board of Zoning Adjustment (BZA), the Master Planned Development (MPD) is required for the property to the north, the MPD will address the primary site access via Bennington Avenue. It should be noted that no formal application has been submitted at this time by Urbavore Farms.

**88-560-10-B. The retention of the public right-of-way or subdivision serves no current purposes and no future useful public purpose is anticipated.**

The proposed right-of-way vacation involves an unimproved section of right of way, that neither serves any current nor anticipated future purpose as a primary access route to any property. This right-of-way provides access to the property to the north; however, to the best of staff's knowledge, this access was not correctly permitted for right-of-way usage.

As directed by the Board of Zoning Adjustment (BZA), the proposed Master Planned Development (MPD) Plan will formalize the use of the property to the north. Should an MPD Plan be submitted and approved, any subsequent development on the site that deviates from the approved plan would necessitate an amendment to the MPD Plan.



# Vacation Requirements

**88-560-10-C. The vacation will not result in a violation of 88-405.**

The vacation will not be in violation of 88-405 of the Zoning and Development Code.

**88-560-10-D. The vacation shall not disrupt the constructed street network or reduce existing physical connectivity.**

The vacation will not disrupt any existing street network as the unimproved street dead ends to the north.

**88-560-10-E. The vacation shall not result in a dead-end street or alley.**

The proposed vacation will not create a dead-end street or alley, as the entire length of the alley is included in the vacation proposal. Unimproved Public Right of Way extends to the west. Currently East 55<sup>th</sup> Terrace ends at Fremont St.

**88-560-10-F. The vacation shall not result in street traffic being routed through an alley.**

No traffic will be routed through an alley as a result of this vacation.

**88-560-10-G. The vacation shall not vacate half the width of a street or alley.**

This vacation will not vacate half the width of any street or alley.

**88-560-10-H. The right-of-way to be vacated is not on the Major Street Plan.**

The area being vacated is not on the Major Street Plan.



# Utility Conditions

- **No Utility Company had facilities in the Right of Way**
  - Reviewed by AT&T, Evergy, & Spire
- **No Conditions were placed by City Staff**
  - Reviewed by Fire Department, Public Works Street Lights, Public Works Traffic, & Water Services



# **Vacation of Public Right of Way Ordinance No. 240599:**

**Staff Recommendation: Approval**

**City Plan Commission Recommendation: Approval**



