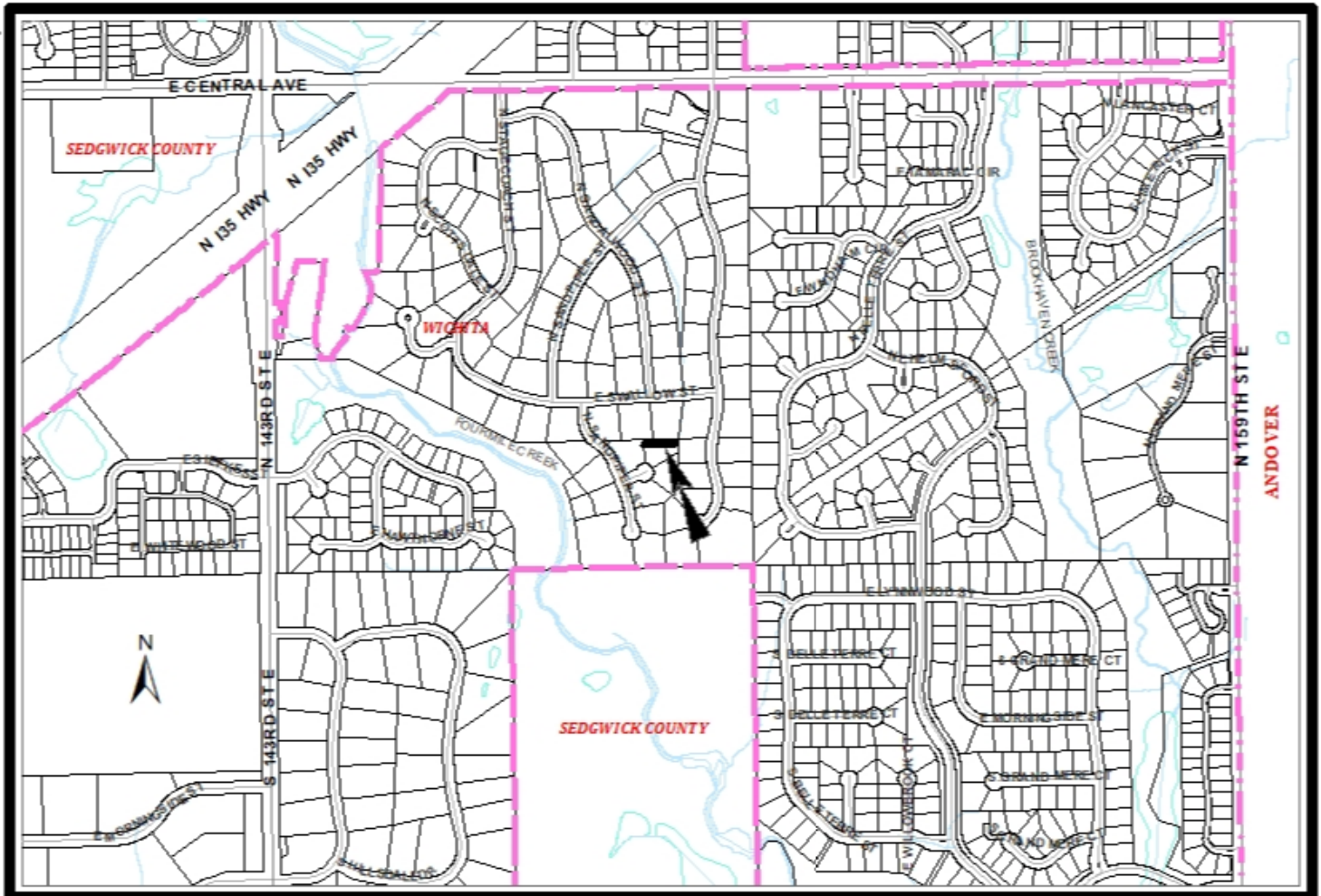


**STAFF REPORT**

- CASE NUMBER:** VAC2022-00001 – Request in the City to vacate a portion of a platted utility easement
- APPLICANTS:** Mona J. Stecklein Rev. Trust, c/o Mona J. Stecklein (applicant/owner) Shigley Construction Co. Inc., c/o Tim Shigley (agent)
- LEGAL DESCRIPTION:** Generally described as vacating the south 10 feet of the platted 30-foot wide utility easement running parallel to the north, back, property line of Lot 12, Block 1, The Orchard at Shadybrook Farm Addition, Wichita, Sedgwick County, Kansas
- LOCATION:** Generally located approximately one-half mile east of North 143<sup>rd</sup> Street East and one-half mile south of East Central Avenue, on the north side of North Sandpiper Court (District II)
- REASON FOR REQUEST:** Build a detached garage
- CURRENT ZONING:** The subject site and all abutting and adjacent properties are zoned SF-5 Single-Family Residential & are developed with single-family residences
- VICINITY MAP:**



VAC2022-00001 – Request in the City to vacate a portion of a platted utility easement on SF-5 Single-Family Residential zoned property generally located approximately one-half mile east of North 143<sup>rd</sup> Street East, one-half mile south of East Central Avenue, on the north side of North Sandpiper Court (District II)

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The applicant proposes to vacate the south 10 feet of the platted 30-foot wide utility easement running parallel to the north, back, property line of the SF-5 Single-Family Residential zoned subject site; Lot 12, Block 1, The Orchard at Shadybrook Farm Addition. The subject site is located in the City, approximately one-half mile east of North 143<sup>rd</sup> Street East and one-half mile south of East Central Avenue, on the north side of North Sandpiper Court; 20 North Sandpiper Court. The subject site and all abutting and adjacent properties are zoned SF-5 and are developed with single-family residences. The Orchard at Shadybrook Farm Addition was recorded May 16, 1994.

The applicant proposes to build a detached garage that would partially encroach into the south 10 feet of platted 30-foot utility easement; see applicant's exhibit. If approved, as described by the applicant, the subject site's SF-5 zoning district's minimum 20-foot rear setback would not be encroached into. The subject site's platted 30-foot wide utility easement runs parallel to the north abutting properties platted 20-foot wide utility easement as shown on the Quarter Section Map exhibit. The north abutting properties are Lots 7, 8 and 9, Block 8, Shadybrook Farm Addition; recorded November 2, 1972. This abutting parallel easement and the subject easement provide a total of 50 feet of easement located in the back yards of these properties.

There is a sewer line located in the describe easements that extends east and west out of the described easements. Current Subdivision standards for the width of a sewer easement is 20 feet. As noted, the combined easements provides a width of 50 feet. Storm Water has lines and equipment running north to south through the east side of the subject property and the subject easement. Storm Water is located in a platted 15-foot drainage and utility running parallel to the subject site's east property line that intersects with the east side of the subject easement; the platted 15-foot drainage and utility easement would remain in effect. Public Water is located in the North Sandpiper Court right-of-way.

Everyg does not appear to have lines or equipment in the described area of the subject easement. However, if the applicant needs to remove or relocate Everyg equipment or lines they will need to contact LaDonna Vanderford, Everyg Design Representative at 316-261-6290 Conditions #1, #2, #3, and #4 cover all utilities. Vehicular traffic, pedestrian traffic and public safety will not be impacted by this vacation request.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from Public Works, Storm Water, Water and Sewer, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described 10-foot wide portion of the east – west, platted 30-foot wide utility easements.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time February 10, 2022, which was at least 20 days prior to this public hearing.
  2. That no private rights will be injured or endangered by vacating the described portions of the platted utility easement, and that the public will suffer no loss or inconvenience thereby.
  3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Provide Planning with an approved legal description of the vacated south 10-foot wide portion of the platted 30-foot utility easement on a Word document that can be copied and used on the Vacation Order.
- (2) As needed provide easements dedicated by separate instrument(s), with original signatures. This must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at

the Register of Deeds.

- (3) As needed provide utilities with project plans for relocation of utilities for review and approval. Relocation of the utilities will be the responsibility and at the expense of the applicant and to City standards. The approved project number must be provided to Planning prior to the case goes to City Council for final approval.
- (4) All improvements shall be according to City Standards and at the applicants' expense.
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order, and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

### **SUBDIVISION COMMITTEE'S RECOMMENDED ACTION**

The Subdivision Committee recommends approval subject to the following (but not limited to) conditions :

- (1) Provide Planning with an approved legal description of the vacated 10-foot wide portion of the platted 20-foot utility easement on a Word document that can be copied and used on the Vacation Order.
- (2) As needed provide easements dedicated by separate instrument(s), with original signatures. This must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (3) As needed provide utilities with project plans for relocation of utilities for review and approval. Relocation of the utilities will be the responsibility and at the expense of the applicant and to City standards. The approved project number must be provided to Planning prior to the case goes to City Council for final approval.
- (4) All improvements shall be according to City Standards and at the applicants' expense.
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order, and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

#### **Attachments:**

- Aerial showing water, sewer, storm water & location of proposed vacated utility easement
- Exhibit from Quarter Section map showing site's, Lot 12, platted 30-foot utility easement & north abutting properties' platted 20-foot utility easement
- Applicant's exhibit

VAC2022-00001 – Request in the City to vacate a portion of a platted utility easement on SF-5 Single-Family Residential zoned property generally located approximately one-half mile east of North 143<sup>rd</sup> Street East, one-half mile south of East Central Avenue, on the north side of North Sandpiper Court (District II)

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