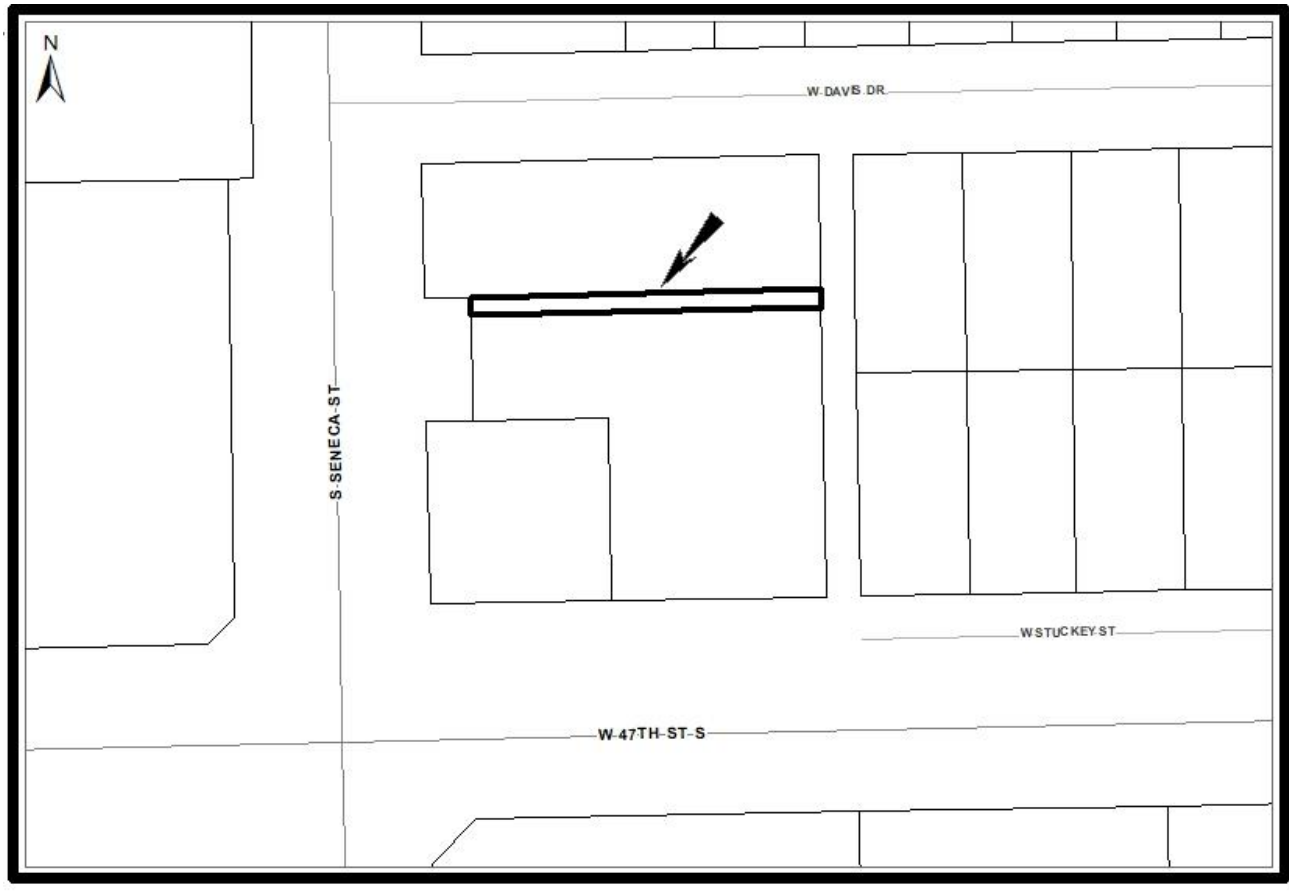


STAFF REPORT

- CASE NUMBER:** VAC2022-00003 - Request to vacate a platted utility easement
- OWNER/APPLICANT:** Fisel Corporation (Faissal Abou-Faissal) (applicant), Excel Custom Construction (Darrell Leffew) (agent)
- LEGAL DESCRIPTION:** Generally described as vacating a platted 10-foot utility easement located on Lots 1, Friends Addition, Wichita, Sedgwick County, Kansas
- LOCATION:** Generally located on the east side of South Seneca Street, and on the north side of West 47th Street South (WCC IV)
- REASON FOR REQUEST:** New development on the property.
- CURRENT ZONING:** The site is zoned LC Limited Commercial. Properties to the north, south and west are also zoned LC Limited Commercial and property to the east is zoned SF-5 Single-Family Residential.

VICINITY MAP:



The applicant proposes to vacate an unused 10-foot utility easement located on the north side of Lot 1, Friends Addition, see legal description and exhibits. If approved the vacation will allow the owners to develop the property along with land the applicant owns on the north side of Lot 1. There are no public utilities in the subject easement being vacated.

Evergy has no objection, but we have Overhead lines near the easement they are wanting to vacate. Conditions 1 & 2 on the staff report will cover Evergy. Standard language will apply, should they need to relocate or remove any existing service or equipment due to this vacation request it will be at their expense. Jeremy Lane, Design Representative, will be the contact for this item and can be reached at (785)-508-2703. Cox has no objection to this vacate. We are attached to Evergy poles. Any relocation will be at the applicant's expense. The Friends Addition was recorded August 21, 1968.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Stormwater, 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 portions of the platted utility easement.

- 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 April 29, 2021, 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 portion of the utility easements, 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:

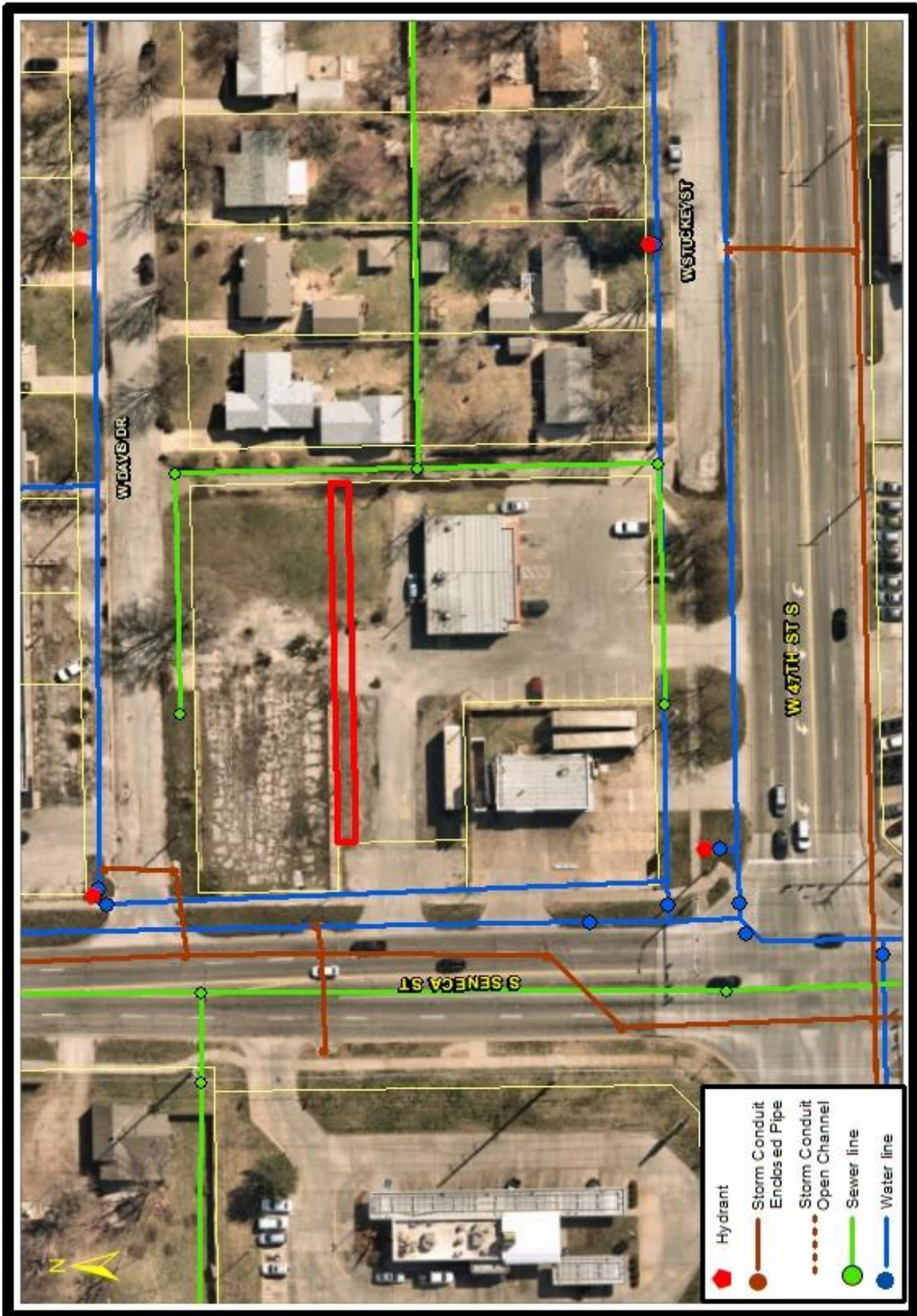
- (1) Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the described utility easement shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) As needed provide Planning with dedication of easements by separate instruments with original signatures to go with the Vacation Order to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (3) All improvements shall be according to City Standards and at the applicants' expense.

- (4) Per the approval of Public Works, vacate the portions of platted 10-foot utility easement located on Lot 1, Friends Addition, Wichita, Sedgwick County, Kansas.
- (5) Provide Planning with a legal description of the vacated platted utility easement on a Word document via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Council for final action.
- (6) 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 conditions:

- (1) Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the described utility easement shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) As needed provide Planning with dedication of easements by separate instruments with original signatures to go with the Vacation Order to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (3) All improvements shall be according to City Standards and at the applicants' expense.
- (4) Per the approval of Public Works, vacate the portions of platted 10-foot utility easement located on Lot 1, Friends Addition, Wichita, Sedgwick County, Kansas.
- (5) Provide Planning with a legal description of the vacated platted utility easement on a Word document via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Council for final action.
- (6) 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.



VAC2022-00003 - Request to vacate a platted utility easement

April 7, 2022

Page 5

**DESCRIPTION OF Proposed Vacated
Platted Utility Easement
VAC2022-00003**

**The platted 10-foot-wide utility easement running parallel to the north property line of Lot 1,
Friends Addition, Wichita, Sedgwick County, Kansas**

Realignment of Lot 1, Friends Addition and the North 75 feet of Lot 29, Block B, Davis Walker Addition

