



The applicant proposes to vacate the platted 20-foot wide utility easement running southwest – northeast through the back yard of the SF-5 Single-Family Residential zoned subject site; Lot 34, Block 3, Northridge Lakes Addition. The Northridge Lakes Addition was recorded August 7, 1995. The subject site is located in the City, midway between North Tyler & North Ridge Roads, one-half mile south of West 29<sup>th</sup> Street North, west of Meadow Pass on the east side of West Meadow Pass Court; 8117 West Meadow Pass Court

The applicant proposes to build a 14-foot by 32-foot swimming pool that will encroach into the platted easement. The applicant’s exhibit shows a sewer line and what appears to be underground electric (E), television (TV) and phone (T) lines located in the platted easement. Everyg also has an above ground transformer box located in the south end of the platted easement. Everyg requires that the edge of the pool that holds water (not the deck around it) needs to be a minimum of five feet from the buried Everyg power lines; see attached exhibit. Heide Bryan is the Everyg consultant for this area and can be reached at 316-261-0635. The applicant’s exhibit shows a proposed 20-foot wide utility easement that will cover these utilities. Current Subdivision standards for the width of a sewer easement is 20 feet. As shown on the exhibit the proposed easement basically shifts its boundaries 15 feet south of platted easement, with its southmost portion intersecting the abutting Reserve H, Northridge Lakes Addition.

Reserve H functions for “...landscaping, walks, lakes, drainage structures, recreational facilities and utilities confined to easements.” Reserve H is subject to restrictive covenants stating that it “...shall be owned and maintained by the one or more homeowners’ associations...”. As shown on the exhibit the sewer line is not proposed to be moved and as such the vacation should not impact Reserve H.

Storm water is located Reserve H. Public Water is located in the West Meadow Pass Court right-of-way. Conditions #1 - #5 cover all utilities. Vehicular traffic, pedestrian traffic and public health and safety will not be impacted by this vacation request if the recommended conditions are approved.

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 20-foot wide 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 14, 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 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) Confirm the physical location of the utilities located in the platted 20-foot utility easement and their location within the proposed 20-foot utility easement. Provide this information to Public Works for examination and approval of the proposed 20-foot utility easement. This must be provided Public Works and Planning prior to the case to City Council for final action.

- (2) Provide an easement dedicated by separate instrument, 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) Provide Planning with an approved legal description of the vacated platted 20-foot utility easement on a Word document that can be copied and used on the Vacation Order.
- (4) As needed provide utilities with project plans for relocation of any 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.
- (5) All improvements shall be according to City Standards and at the applicants' expense.
- (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) Confirm the physical location of the utilities located in the platted 20-foot utility easement and their location within the proposed 20-foot utility easement. Provide this information to Public Works for examination and approval of the proposed 20-foot utility easement. This must be provided Public Works and Planning prior to the case to City Council for final action.
- (2) Provide an easement dedicated by separate instrument, 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.
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- (5) All improvements shall be according to City Standards and at the applicants' expense.

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

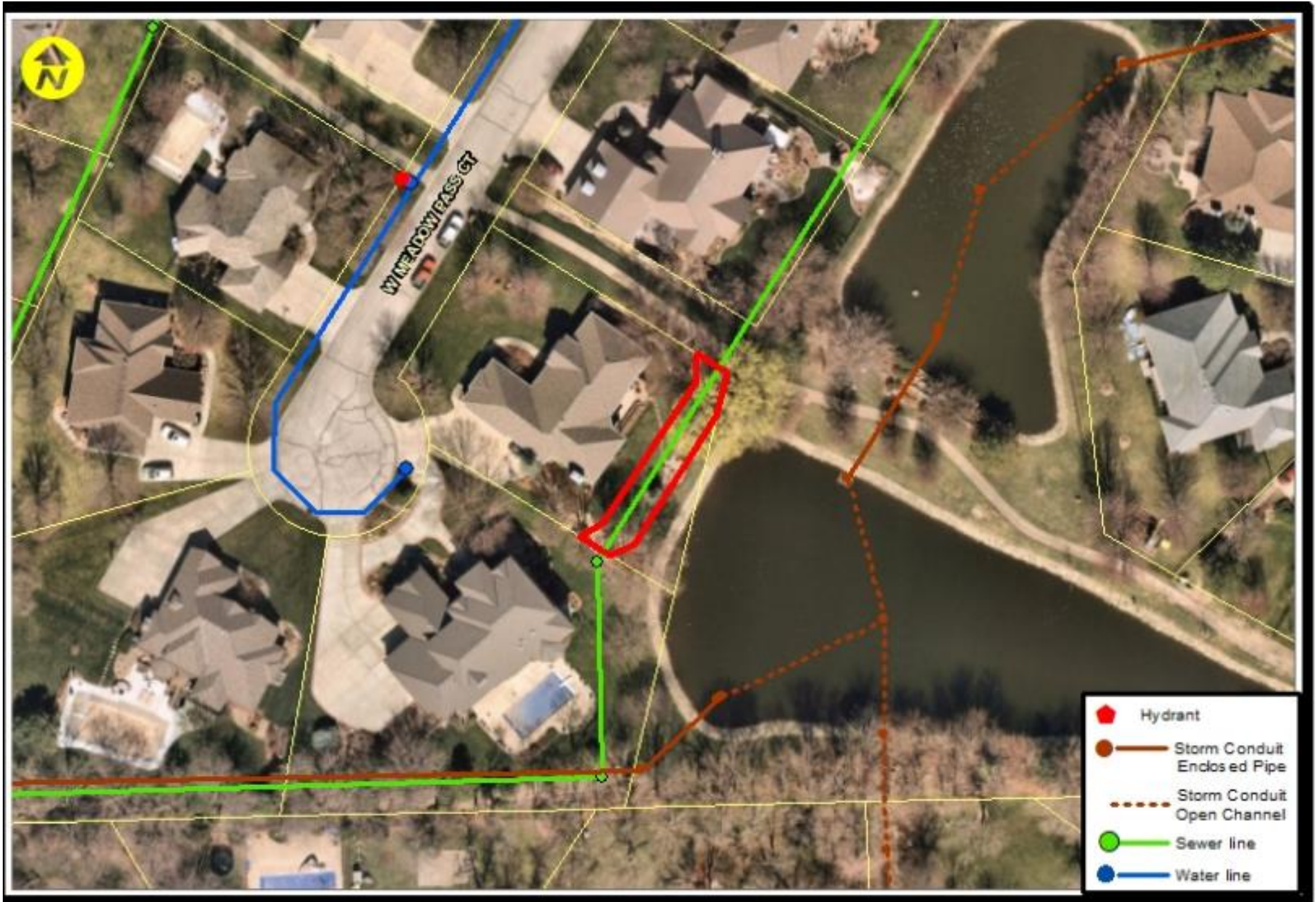
VAC2022-00006 – Request in the City to vacate a platted utility easement on SF-5 Single-Family Residential zoned property generally located approximately midway between North Tyler & North Ridge Roads, one-half mile south of West 29<sup>th</sup> Street North, west of Meadow Pass on the east side of West Meadow Pass Court

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Attachments:

- Aerial showing water, sewer, storm water & location of proposed vacated utility easement
- Every transformer location
- Every clearance from bodies of water
- Applicant's exhibit
- Legal description
- Lot 34, Block 3, Northridge Lakes Addition
- GIS photo of site



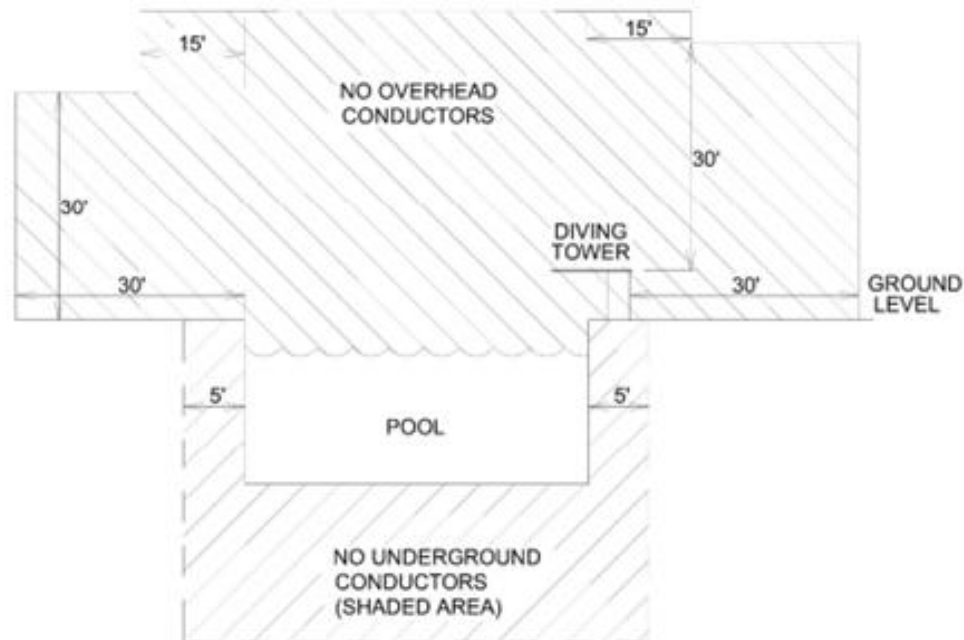
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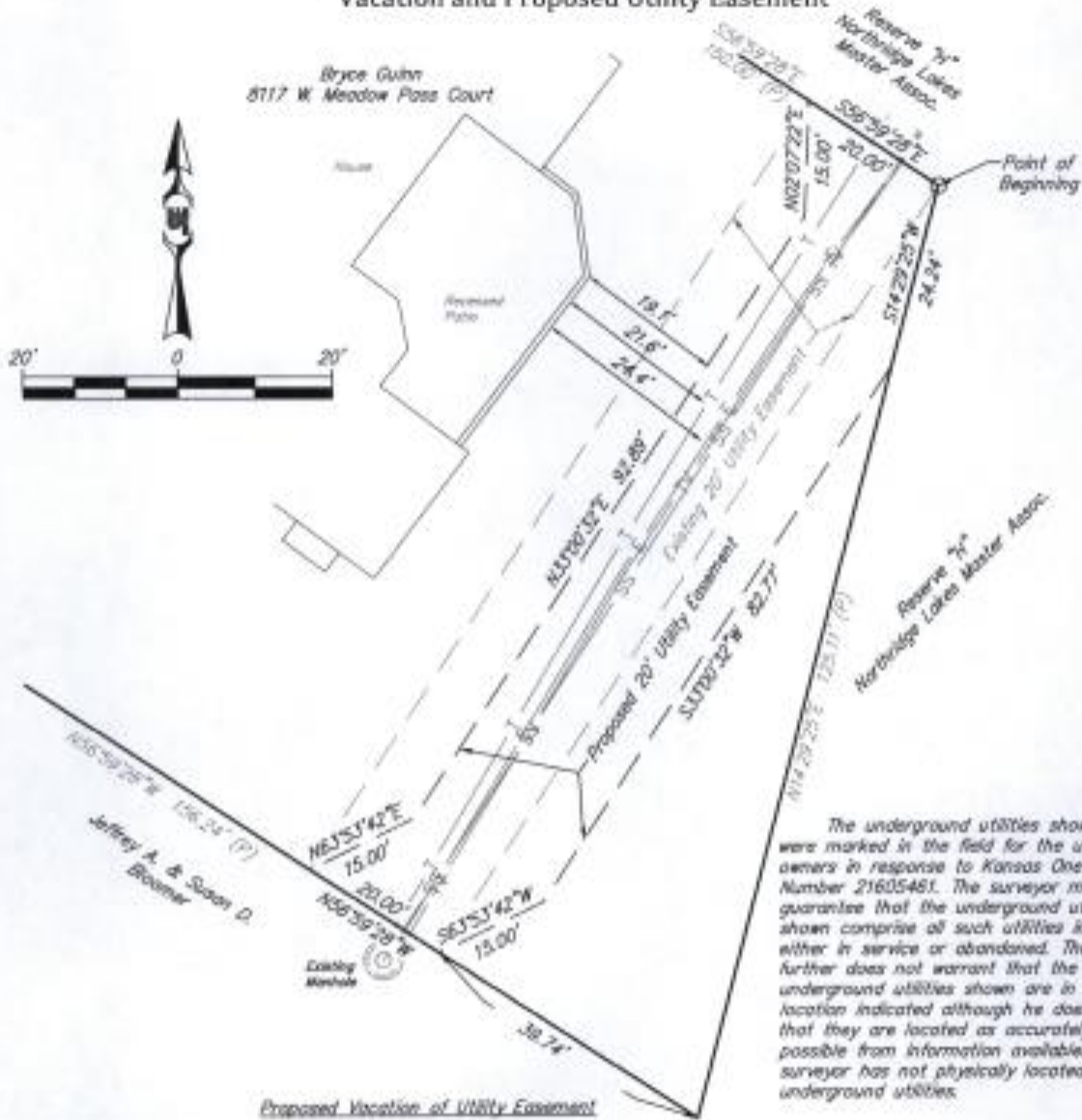
### 10.25 – Clearances to Bodies of Water

The following rules apply to in-ground pools, spas, and hot tubs, as well as hydro-massage bath tubs, decorative fountains, reflection pools, above ground pools, storable swimming or wading pools, or any other water surface.



# Site Plan

## for Vacation and Proposed Utility Easement



The underground utilities shown hereon were marked in the field for the utility owners in response to Kansas One Call Ticket Number 21605461. The surveyor makes no guarantee that the underground utilities shown comprise of such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated although he does certify that they are located as accurately as possible from information available. The surveyor has not physically located the underground utilities.

The 20' Utility Easement as plotted on Lot 34, Block 3, Northridge Lakes, Sedgwick County, Kansas.

### Proposed Utility Easement

Beginning at the Northeastly property corner of Lot 34, Block 3, Northridge Lakes, Sedgwick County, Kansas; thence  $S14^{\circ}29'25''W$  along the Eastern property line of said lot 34, a distance of 24.24 feet; thence  $S33^{\circ}00'32''W$ , a distance of 82.77 feet; thence  $S63^{\circ}33'42''W$ , a distance of 15.00 feet to a point on the southern line of said lot 34 which is 39.74 feet from the Southeastly corner of said lot 34; thence  $N56^{\circ}59'28''W$  along the southern line of said lot 34, a distance of 20 feet; thence  $N63^{\circ}33'42''E$ , a distance of 15.00 feet; thence  $N33^{\circ}00'32''E$ , a distance of 92.89 feet; thence  $N02^{\circ}07'22''E$ , a distance of 15.00 feet to a point on the Northern line of said lot 34; thence  $S56^{\circ}59'28''E$  along the Northern line of said lot 34, a distance of 20.00 feet to the point of Beginning. Said easement containing 0.05 acres more or less.

SE Project No. 211096284

**Schwab  
Eaton**

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Legal Description  
For  
Vacation of Utility Easement

The 20' Utility Easement as platted on Lot 34, Block 3, Northridge Lakes, Sedgwick County, Kansas.

Legal Description  
For  
Proposed Utility Easement

Beginning at the Northeasterly property corner of Lot 34, Block 3, Northridge Lakes, Sedgwick County, Kansas; thence S14°29'25"W along the Eastern property line of said lot 34, a distance of 24.24 feet; thence S33°00'32"W, a distance of 82.77 feet; thence S63°53'42"W, a distance of 15.00 feet to a point on the southern line of said lot 34 which is 39.74 feet from the Southeasterly corner of said lot 34; thence N56°59'28"W along the southern line of said lot 34, a distance of 20 feet; thence N63°53'42"E, a distance of 15.00 feet; thence N33°00'32"E, a distance of 92.89 feet; thence N02°07'22"E, a distance of 15.00 feet to a point on the Northern line of said lot 34; thence S56°59'28"E along the Northern line of said lot 34, a distance of 20.00 feet to the point of Beginning. Said easement contains 0.05 acres more or less.

VAC2022-00006 – Request in the City to vacate a platted utility easement on SF-5 Single-Family Residential zoned property generally located approximately midway between North Tyler & North Ridge Roads, one-half mile south of West 29<sup>th</sup> Street North, west of Meadow Pass on the east side of West Meadow Pass Court  
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