

STAFF REPORT

CASE NUMBER: VAC2022-00013 - Request to vacate a portion of a platted drainage and utility easement

OWNER/APPLICANT: Paul R. Hoover (applicant), MKEC Engineering, Inc. (Brian Lindebak) (agent)

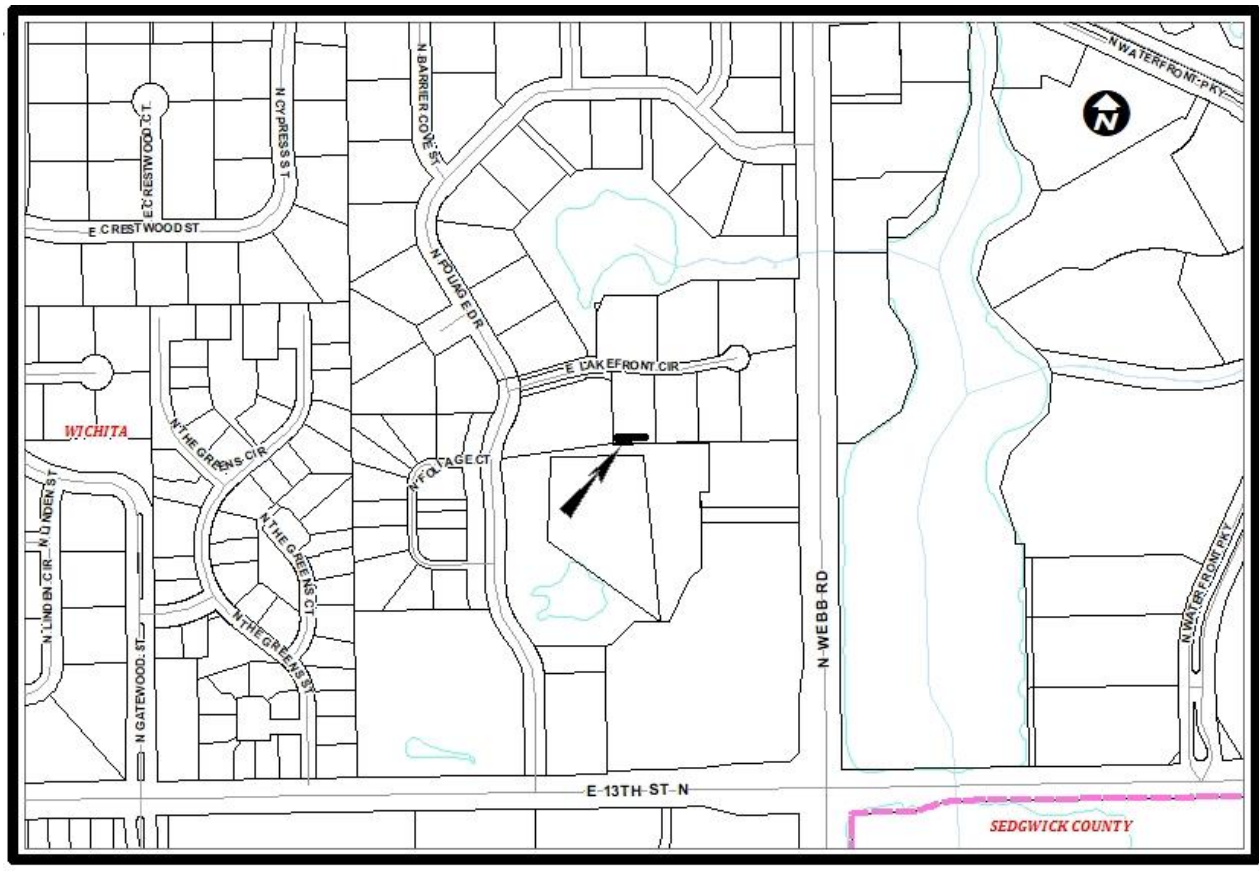
LEGAL DESCRIPTION: Generally described as vacating a portion of a platted 20-foot drainage and utility easement located on Lot 7, Block 1 Foliage Fourth Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located within a quarter mile west of North Webb Road and within a quarter mile north of East 13th Street North (WCC II)

REASON FOR REQUEST: To allow improvements on the property.

CURRENT ZONING: The site is zoned SF-5 Single-Family Residential. All surrounding properties are also zoned SF-5 Single-Family Residential. There are LC Limited Commercial and GO General Office properties to the southeast at 13th & Webb.

VICINITY MAP:



The applicant proposes to vacate a portion of a 20-foot drainage and utility easement located on the south side of Lot 7, Block 1, Foliage Fourth Addition, see legal description and exhibits. If approved the vacation will allow the owners to make additional improvements to the property. There are public utilities in the subject easement. There is sanitary sewer within the easement but outside of the vacation area. There are stormwater facilities within the portion of platted and drainage easement being vacated which the applicant is moving through a private project drainage engineering plan. The Stormwater Division of Public Works Supports the vacation. Evergy has no objection, but we do have existing equipment near the drainage & utility easement they are wanting to vacate. Conditions 1-4 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.** LaDonna Vanderford, Design Representative, will be the contact for this item and can be reached at (316)261-6290. The Foliage Fourth Addition was recorded June 10, 2008.

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 drainage and 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 May 12, 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 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 drainage and 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) As needed provide utilities with any needed project plans for the relocation of utilities for review and approval. Any relocation/reconstruction of utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number(s) to Planning prior to the case going to City Council for final action.
- (4) All improvements shall be according to City Standards and at the applicants' expense.
- (5) Per the approval of Public Works, vacate the portions of platted 20-foot utility easement located on Lot 7, Block 1, Foliage Fourth Addition, Wichita, Sedgwick County, Kansas.
- (6) 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.
- (7) 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 drainage and 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) As needed provide utilities with any needed project plans for the relocation of utilities for review and approval. Any relocation/reconstruction of utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number(s) to Planning prior to the case going to City Council for final action.
- (4) All improvements shall be according to City Standards and at the applicants' expense.
- (5) Per the approval of Public Works, vacate the portions of platted 20-foot drainage and utility easement located on Lot 7, Block 1, Foliage Fourth Addition, Wichita, Sedgwick County, Kansas.

- (6) 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.
- (7) 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.



**DESCRIPTION OF
Vacation of a Portion of a Platted Drainage & Utility Easement
Lot 7, Block 1, Foliage Fourth Addition
VAC2022-000__**

The north 10.00 feet of the south 20.00 feet; EXCEPT the east 25.00 feet thereof, AND EXCEPT, the west 10 feet thereof, of Lot 7, Block 1, Foliage Fourth Addition, an addition to Wichita, Sedgwick County, Kansas,