

**STAFF REPORT**

**CASE NUMBER:** VAC2021-00002 - Request to vacate a portion of a platted utility easement by separate instrument

**OWNER/APPLICANT:** Webb Road Partners, LLC (applicant), MKEC Engineering, Inc. c/o Brian Lindebak (agent)

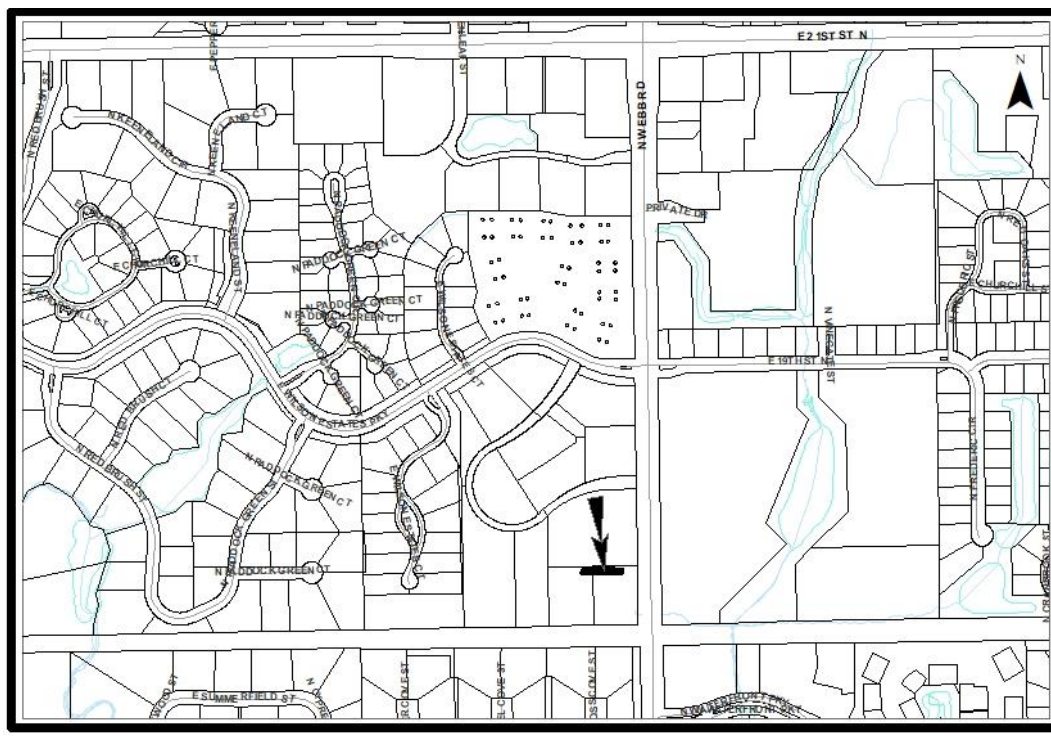
**LEGAL DESCRIPTION:** Generally described as vacating a portion of a drainage and utility easement by separate instrument located on Lot 1, Block 1, Wilson Estates Medical Park Addition, Wichita, Sedgwick County, Kansas

**LOCATION:** Generally located one half mile south of 21<sup>st</sup> Street North, and on the east side of North Webb Road (1821 North Webb Road) (WCC #II)

**REASON FOR REQUEST:** In order to allow the construction of a building.

**CURRENT ZONING:** The site is zoned LC Limited Commercial. The abutting properties to the north and west are zoned GO General Office. The properties to the south and also east across Webb Road are zoned SF-5 Single-Family Residential, the property cattycorner to the southeast across Webb Road is zoned LI Limited Industrial.

**VICINITY MAP:**



The applicant proposes to vacate a portion of a drainage and utility easement by separate instrument recorded on Doc.#/Flm-Pg: 29459692 located on Lot 1, Block 1, Wilson Estates Medical Park Addition. This easement is located on the north side of the developed subject site. If approved the vacation will allow the owner to construct a new building. There are no public utilities in the subject easement being vacated. Every looks to have existing equipment and lines in either platted easement or the easement dedicated by separate instrument. The applicant will need to verify by locates or a survey. Standard language will apply, **should they need to relocate any existing service or equipment it will be at their expense.** LaDonna Vanderford, Area Representative, will be the contact for this item. She can be reached at 261-6290. Cox has Coax and Fiber lines in this easement that **cannot be relocated.** If the vacate of the easement is south of those lines we have no objection. Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the subject easement. The Wilson Estates Medical Park Addition was recorded January 8, 2003.

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 January 28, 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 sewer easement dedicated by separate instrument, 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:

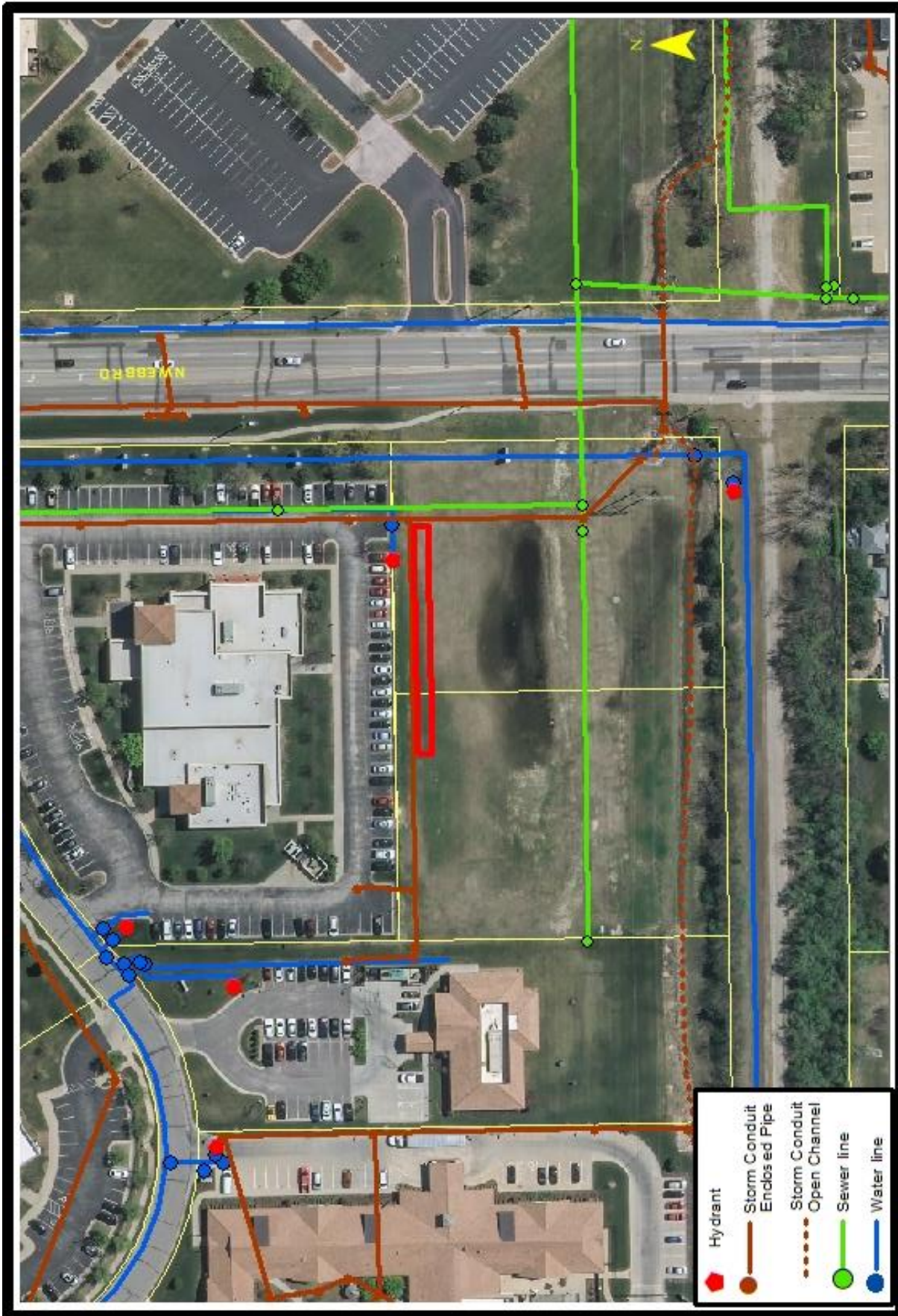
- (1) Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the described portion of the utility easement shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide approval from franchised utilities for 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 portion of a drainage and utility easement by separate instrument recorded on Doc.#/Flm-Pg: 29459692 located on Lot 1, Block 1, Wilson Estates Medical Park 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.

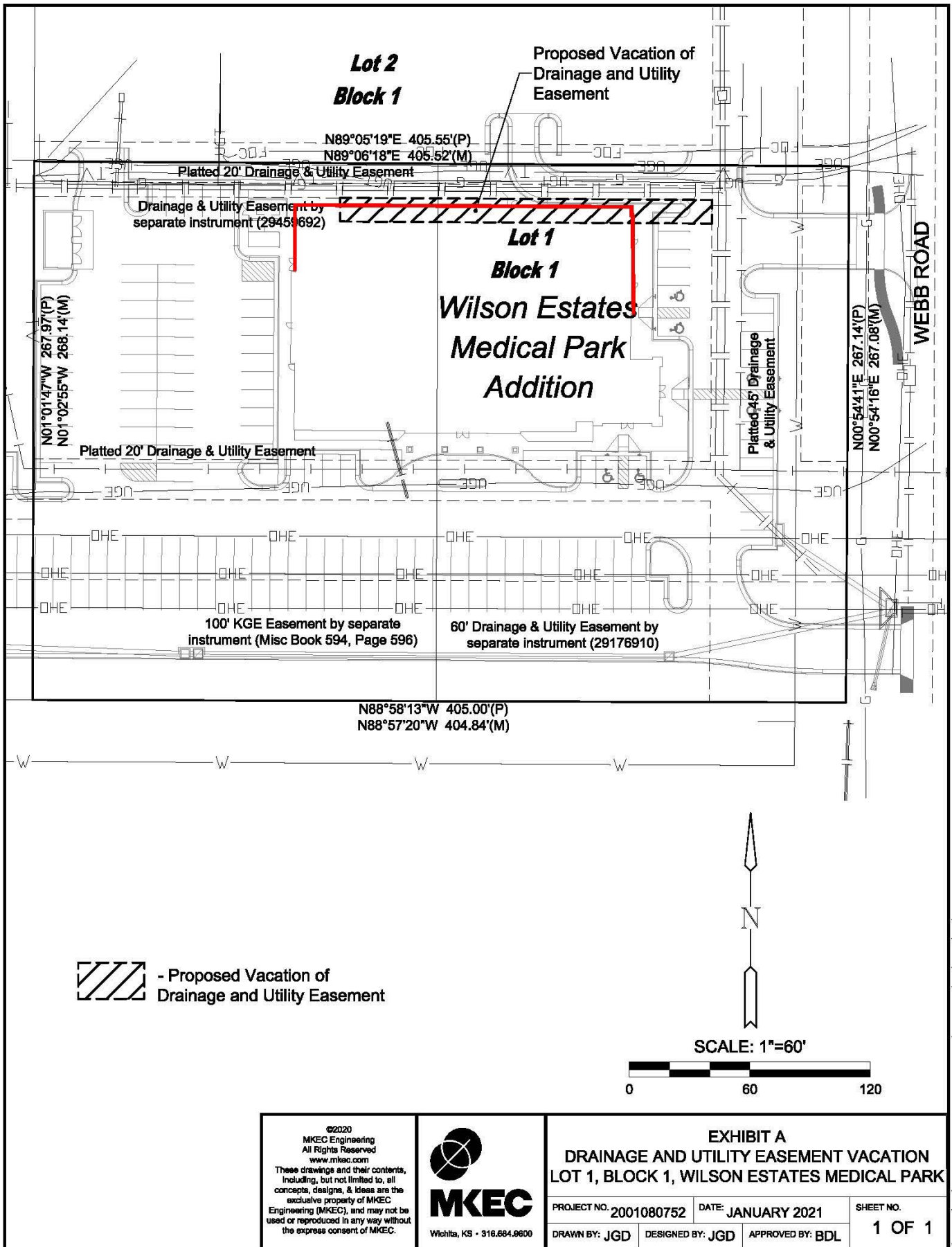
#### **SUBDIVISION COMMITTEE'S RECOMMENDED ACTION**

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 portion of the 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.
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