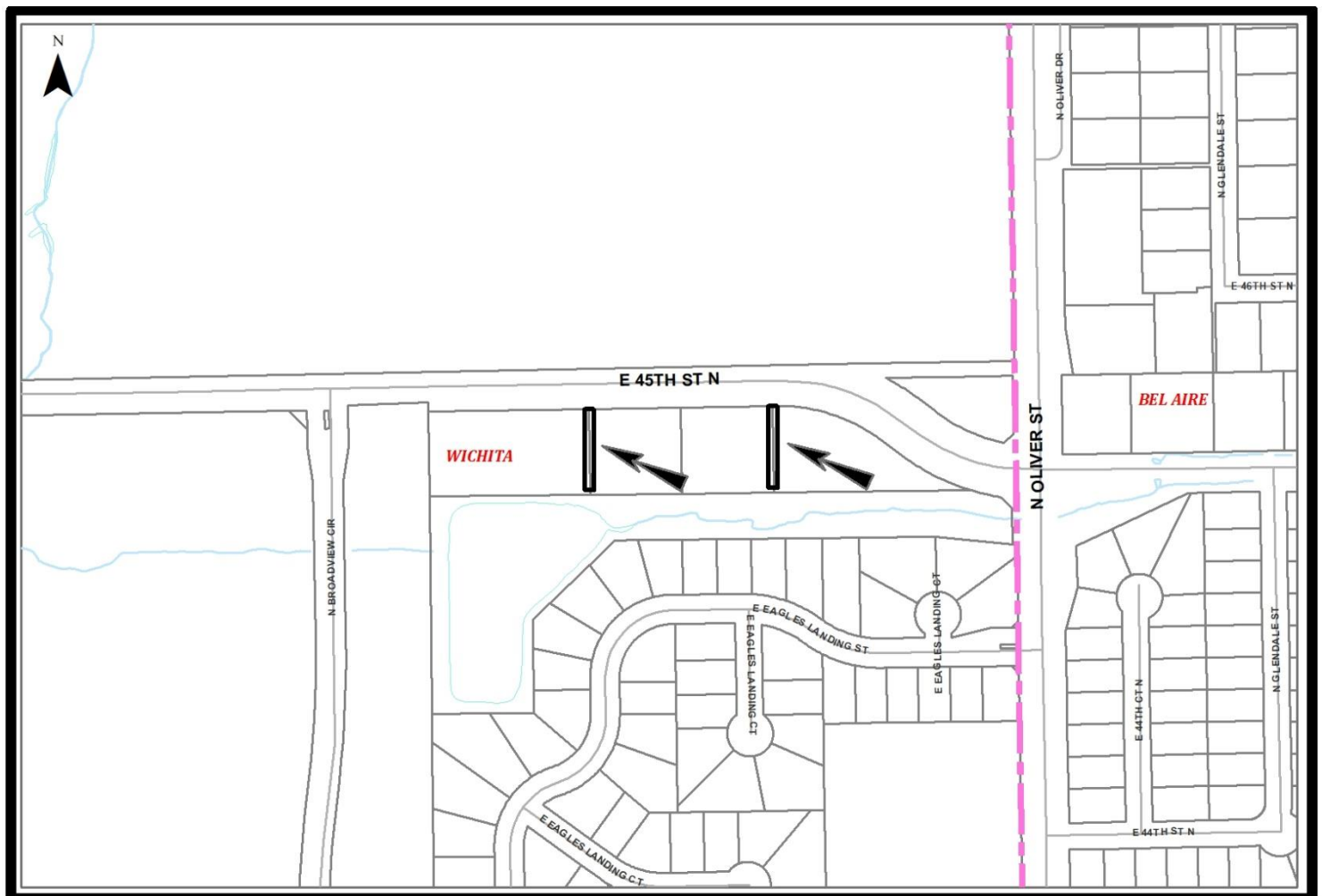


STAFF REPORT

- CASE NUMBER:** VAC2020-00003 - City Vacation of platted drainage easements
- OWNER/APPLICANT:** Barakeh Property, LLC (Applicant) K.E. Miller Engineering – Kirk Miller (Agent)
- LEGAL DESCRIPTION:** See Attached
- LOCATION:** Generally located southwest corner of North Oliver Avenue and East 45th Street North. (WCC I)
- REASON FOR REQUEST:** To vacate platted drainage easements between Lots 1 and 2 and between Lots 3 and 4 in order to build duplexes.
- CURRENT ZONING:** LC Limited Commercial

VICINITY MAP:



The applicant is requesting the vacation of two platted drainage easements on property zoned LC Limited Commercial and generally located on the southwest corner of North Oliver Avenue and East 45th Street North. As seen on the site plan these platted, north/south easements are located between Lots 1 and 2 and between Lots 3 and 4. The purpose of this vacation is to facilitate future construction of duplexes. The site contains a platted 20-foot drainage easement along the south and west property lines. These easements will be retained. The applicant intends to dedicate a new 20-foot drainage easement in the middle of Lot 1 in lieu of vacating the two subject easements.

There are no public utilities located within the easements. Everygy has no facilities in the subject drainage easements being vacated, and they do not object as long as the 20-foot drainage and utility easement on the south side of the property is retained. This easement can be used to serve the duplexes. They do not request any additional easements at this time but may need to in the future depending on how the duplexes are to be served. Heide Bryan, Subdivision Representative can be contacted at 316-261-6354 with any questions. The Eagles Landing at North Oliver 2nd Addition was recorded January 24, 2002.

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 portion of the platted drainage 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 January 30, 2020, 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 platted drainage 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.

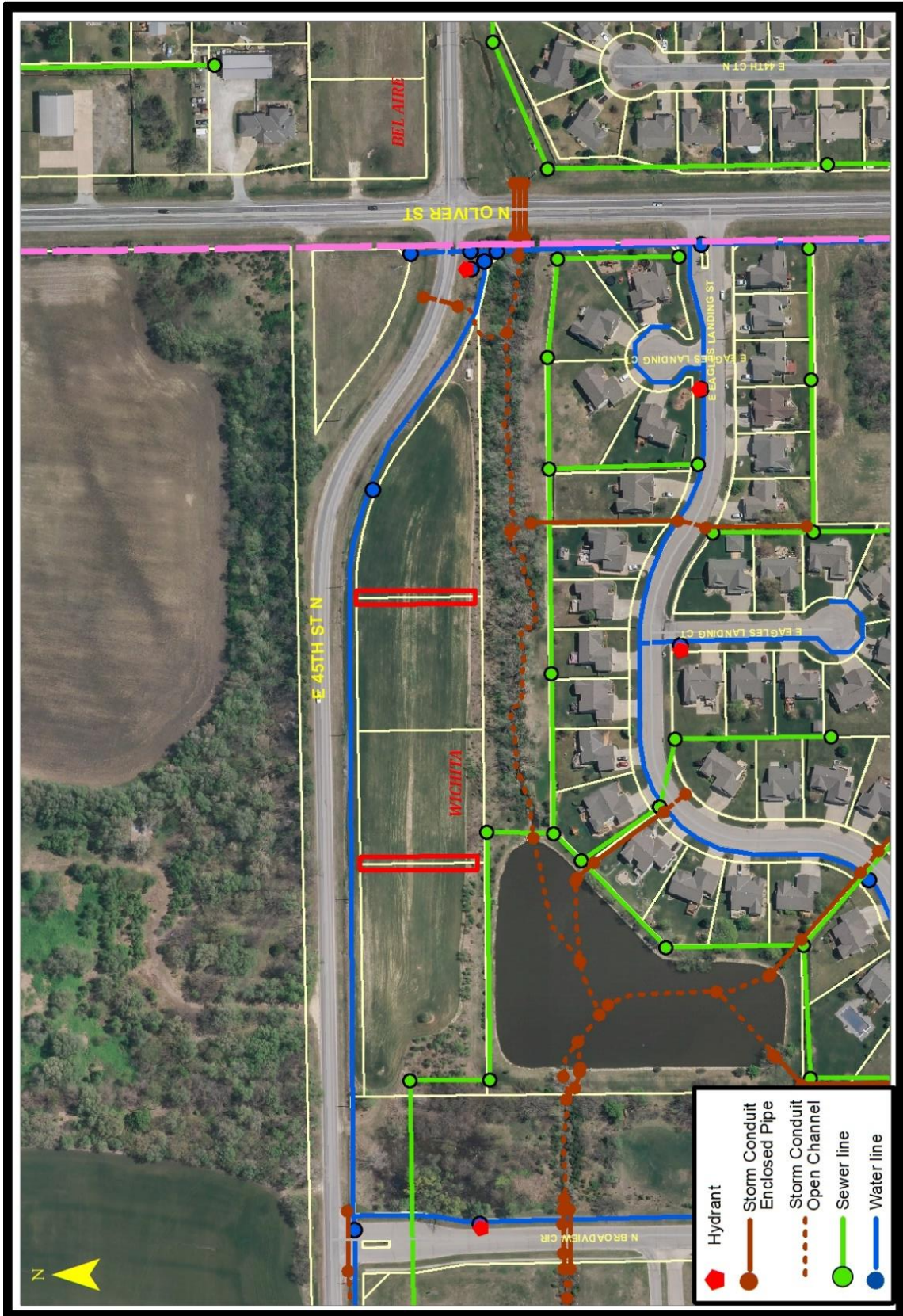
Conditions (but not limited to) associated with the request:

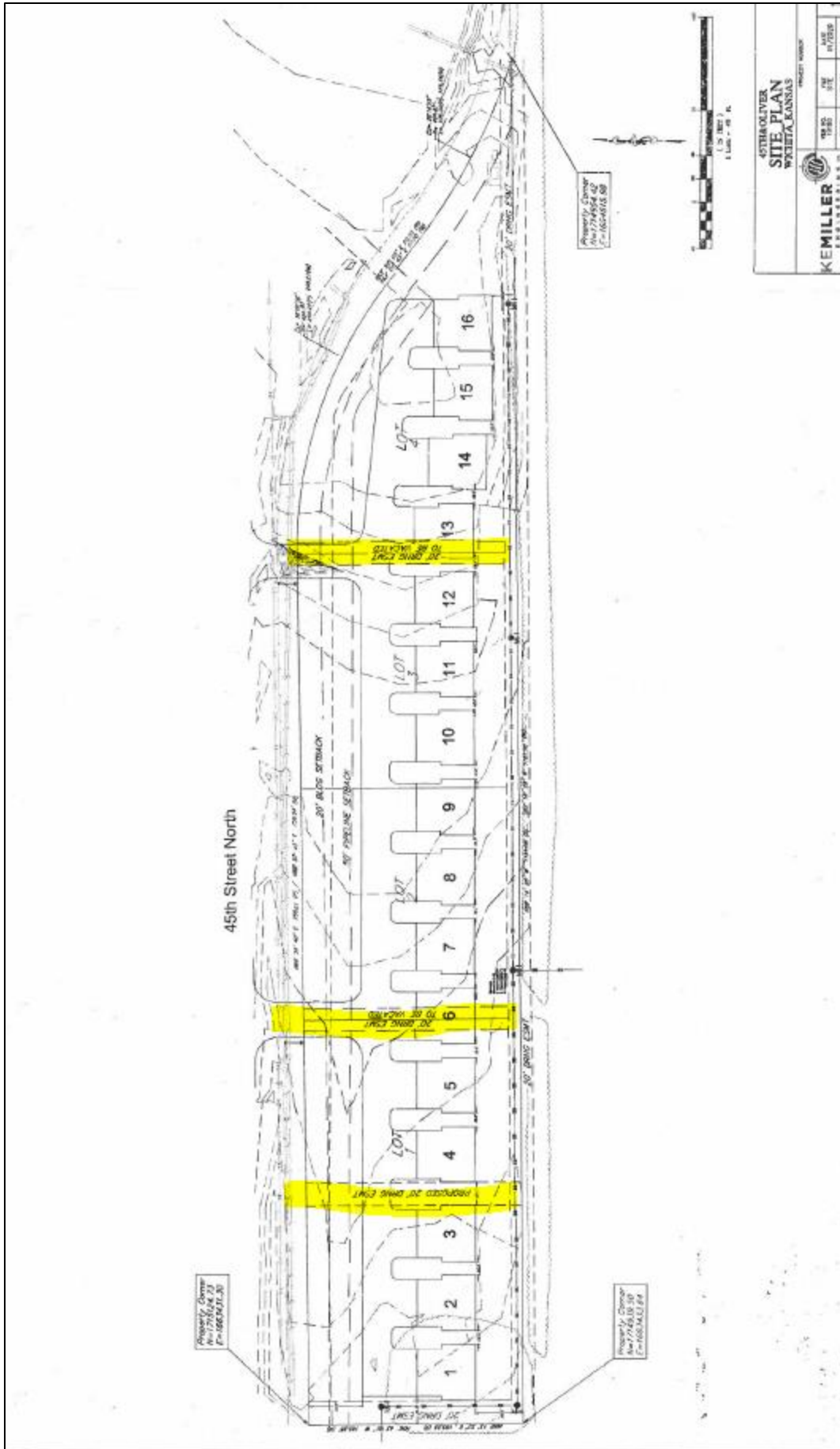
- (1) Vacate the described, platted drainage easements. Dedicate a 20-foot drainage easement, by separate instrument on Lot 1. This easement shall be provided to Planning prior to this case going before City Council for final action.
- (2) If any utility services are found to be located within the area of the proposed Vacation, these services shall be relocated at the owner's expense, to city standards, and the applicant shall provide Planning with the dedication of utility easements by separate instruments to go with the Vacation Order to be filed with the Register of Deeds. If relocation is not possible then this Vacation shall be rendered void as the current easement must remain in place.
- (3) 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 per staff recommendations.

Attachments: 1) Aerial Map, 2) Site Plan, 3) Legal Description





Legal Description—West Drainage Easement

The East 10 feet of Lot 1 and the West 10 feet of Lot 2, Block E, Eagles Landing to North Oliver 2nd Addition to Wichita, Sedgwick County, Kansas.

Legal Description—East Drainage Easement

The East 10 feet of Lot 3 and the West 10 feet of Lot 4, Block E, Eagles Landing to North Oliver 2nd Addition to Wichita, Sedgwick County, Kansas.