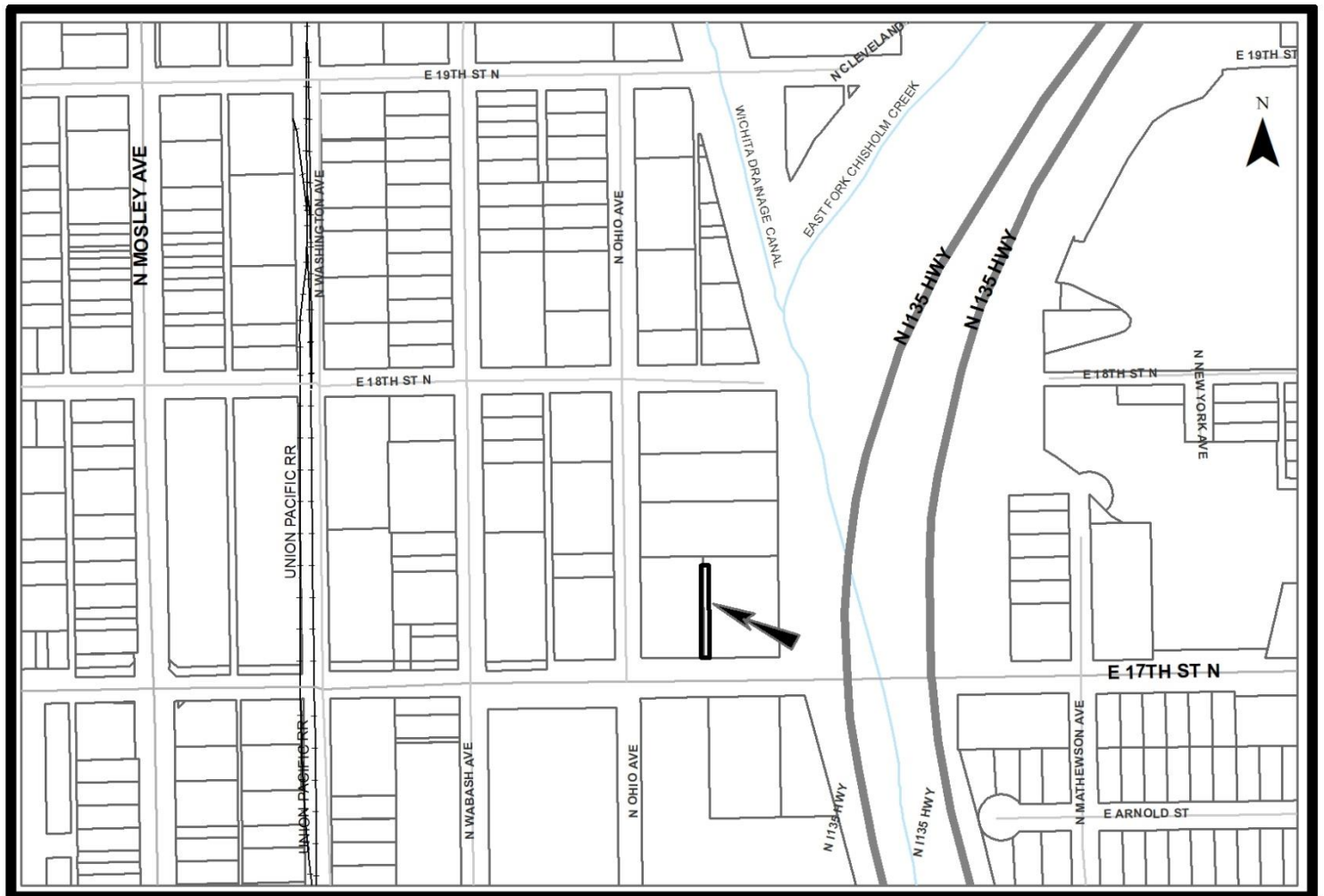


**STAFF REPORT**

- CASE NUMBER:** VAC2020-00007 - City Vacation of a portion of a utility easement
- APPLICANT/AGENT:** 17<sup>th</sup> & Ohio, LLC c/o Matthew Vos (Applicant)/ Baughman Company c/o Phil Meyer (Agent)
- LEGAL DESCRIPTION:** See Attached
- LOCATION:** Generally located on the north side of East 17<sup>th</sup> Street North and 1,000 feet east of North Mosley Ave (1818 N. Ohio Avenue).
- REASON FOR REQUEST:** To allow for site development.
- CURRENT ZONING:** GI General Industrial
- VICINITY MAP:**



The applicant is requesting the vacation of a utility easement by separate instrument for the purpose of site development on property generally located on the north side of East 17<sup>th</sup> Street North and 1,000 feet east of North Mosley Avenue. The property is zoned GI General Industrial and is addressed 1818 North Ohio Avenue. The subject easement was put in place in 1978 after the alley was vacated. The easement contains a sewer line that dead-end at the south end of the subject property. The applicant will be completing a private project with City Public Works in order to privately maintain the portion of sewer line in the vacated easement. Their intent is to remove that portion of the sewer line in order to build a proposed building over the easement. The applicant will also be constructing a new manhole near the north property line to provide City Public Works access to the portion of the sewer line that remains public.

Neither Cox nor Evergy have objection to this vacation. Evergy has poles and lines near the area of the proposed new driveway. Any relocation of utilities shall be at the applicant's expense. Becky Thompson is the Area Construction Representative and can be contacted at 316-261-6320 with questions about this case. The D.W. Jones Addition was recorded March 18, 1887.

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 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 February 27, 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 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) Provide Planning a copy of the Private Project as approved by City Public Works. This must be provided to Planning prior to this case being schedule for 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.

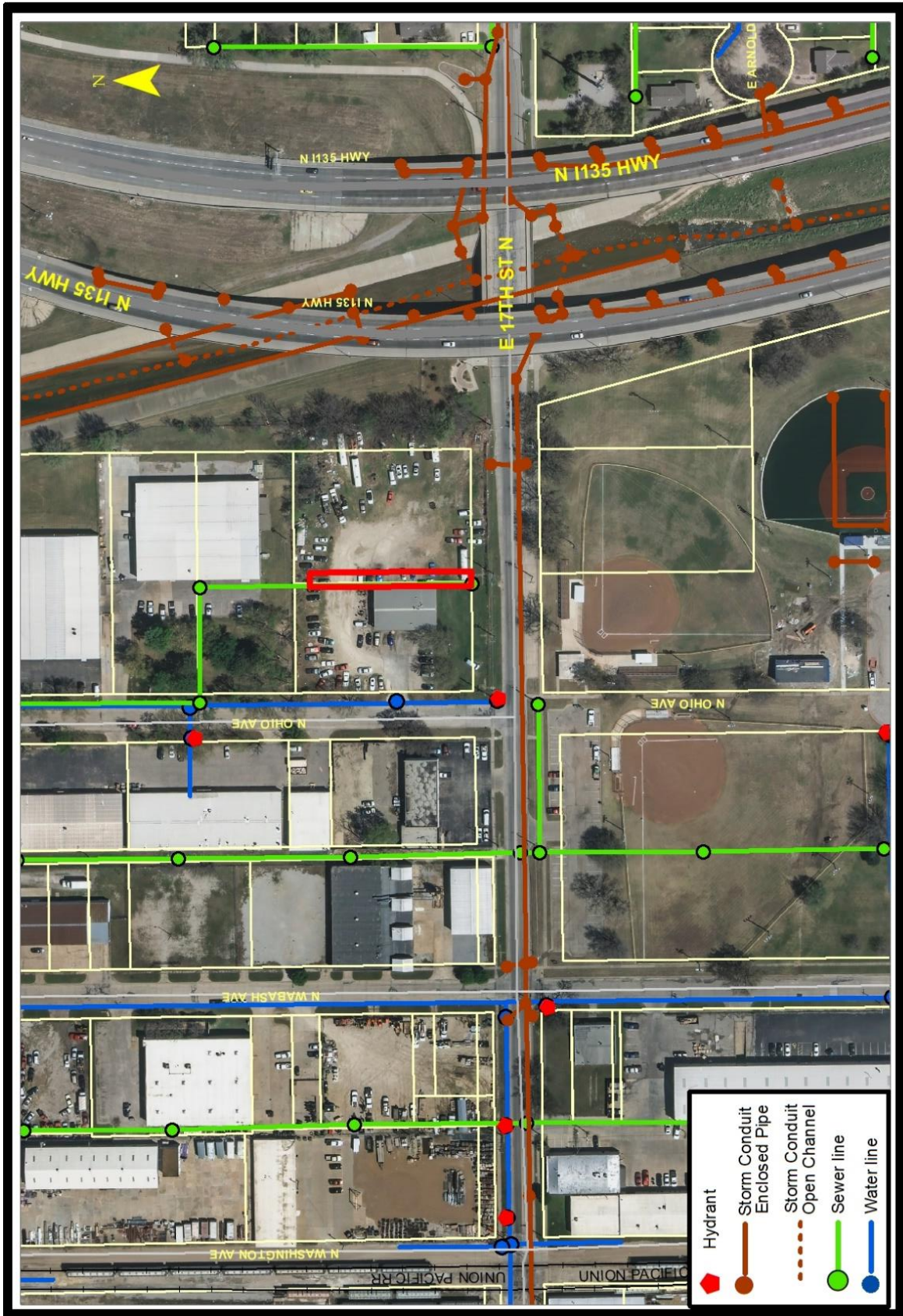
- (3) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken 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

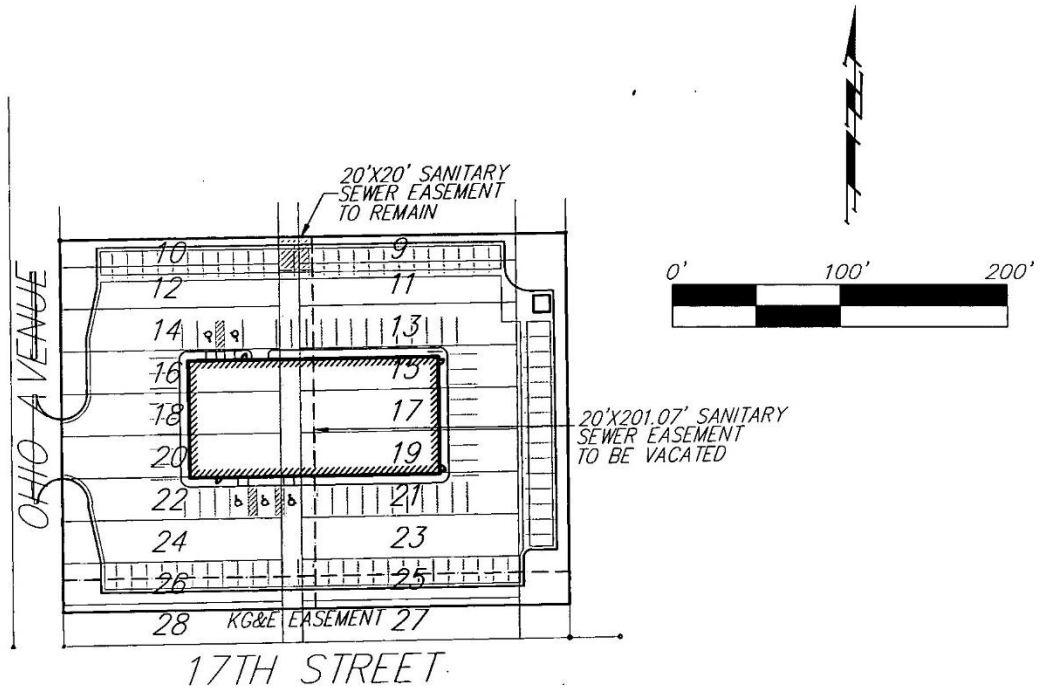


# EXHIBIT

## LOTS 9 & 11 UTILITY EASEMENT, DW JONES ADDITION

 INDICATES AREA OF EXISTING EASEMENT TO BE VACATED

 INDICATES AREA OF EXISTING EASEMENT TO BE REMAIN



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