



The applicant has requested the vacation of a portion of the 30-foot platted drainage and utility easement on his property addressed 2930 North Parkdale Court. The property is zoned SF-5 Single Family Residential and is generally located west of North Maize Road and south of West 29<sup>th</sup> Street North. The purpose of this vacation request is to construct a 34 by 16-foot in-ground pool. When constructed, the pool will be placed 13 feet north of the rear property line, which will be 3 feet outside of the new easement boundary. Twenty feet of the 30-foot easement is on the applicant's property. The remaining 10 feet is on the neighboring property to the south. If this vacation is granted, the easement will be reduced to 20 feet total. The application area includes a public sewer line. The applicant worked with City Public Works prior to submitting the case. City Public Works is agreeable to vacating the north 10 feet of the easement because they will still retain a minimum of 20 feet to access the sewer line.

Evergy has lines near the area. After finding their exact location, it was determined they do not have to be relocated. Richard Aitken, Area Construction Representative, can be contacted at 316-261-6334 with questions regarding this case. The Evergreen 5th Addition was recorded October 4, 2004

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 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 14, 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 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.

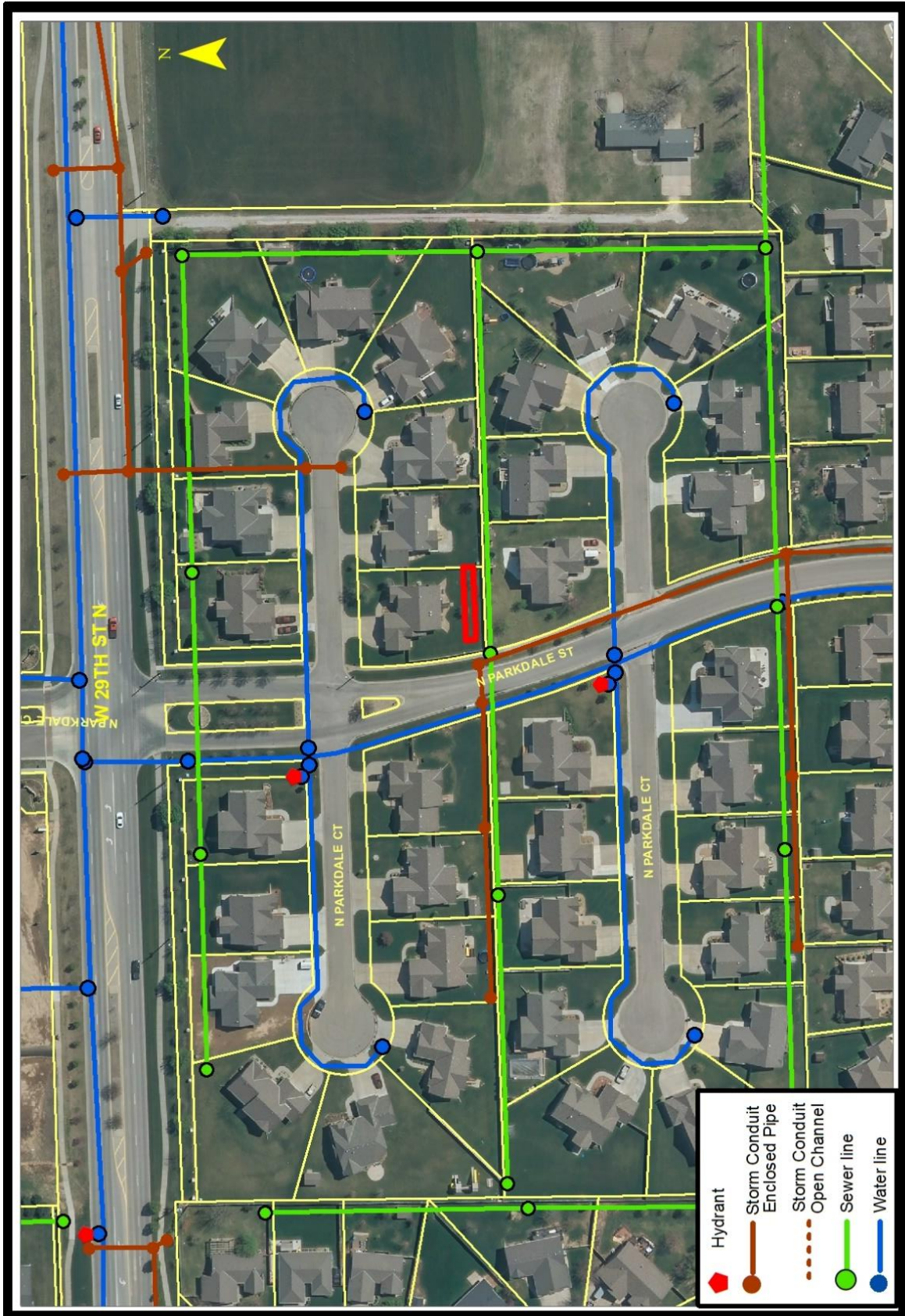
Conditions (but not limited to) associated with the request:

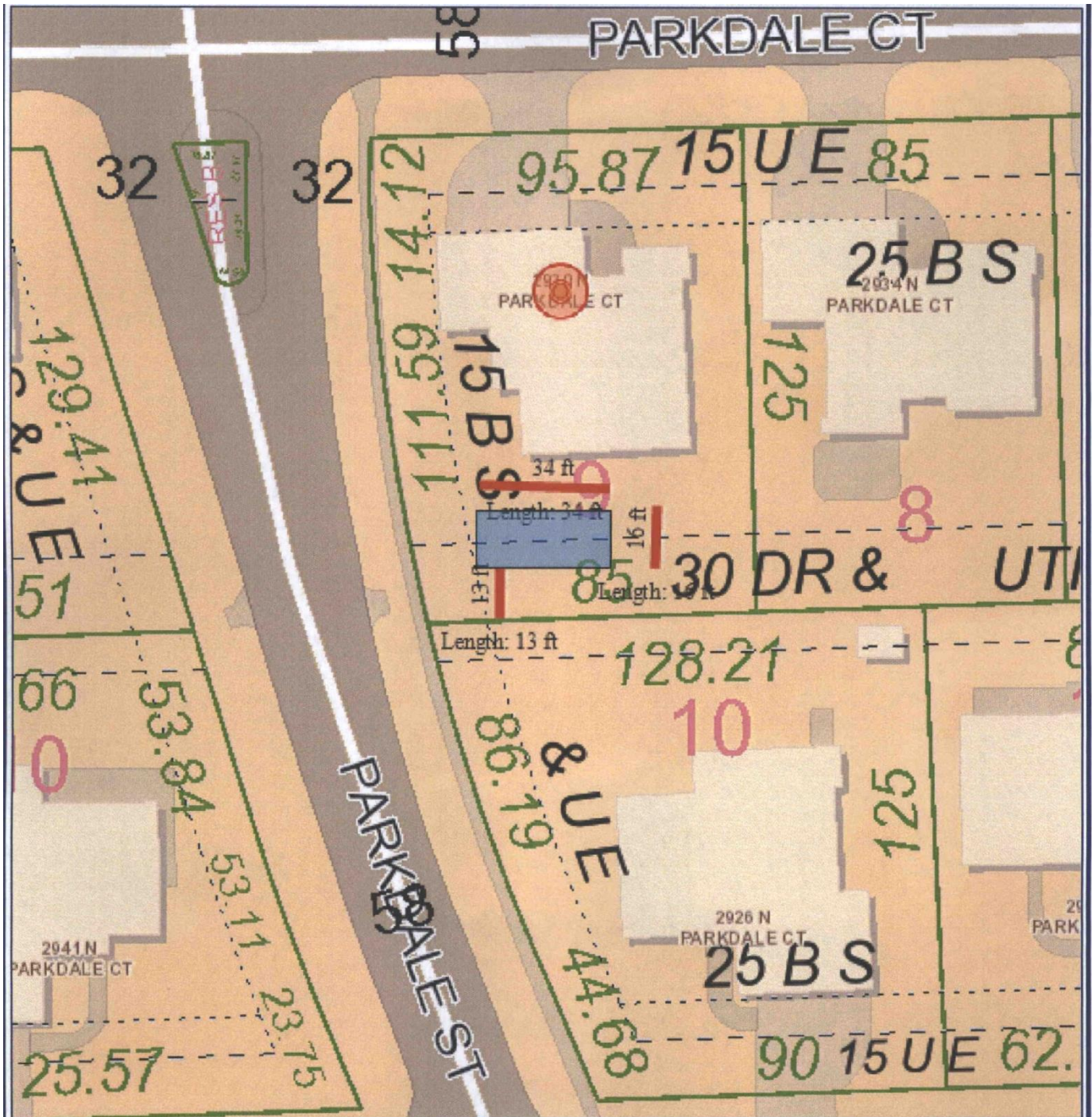
- (1) If any utility services are found to be located within the area of the proposed Vacation, these services shall be relocated at the owner's expense, to city standards, and the applicant shall provide Planning with the dedication of utility easements by separate instruments to go with the Vacation 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.
- (2) 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) Plat





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