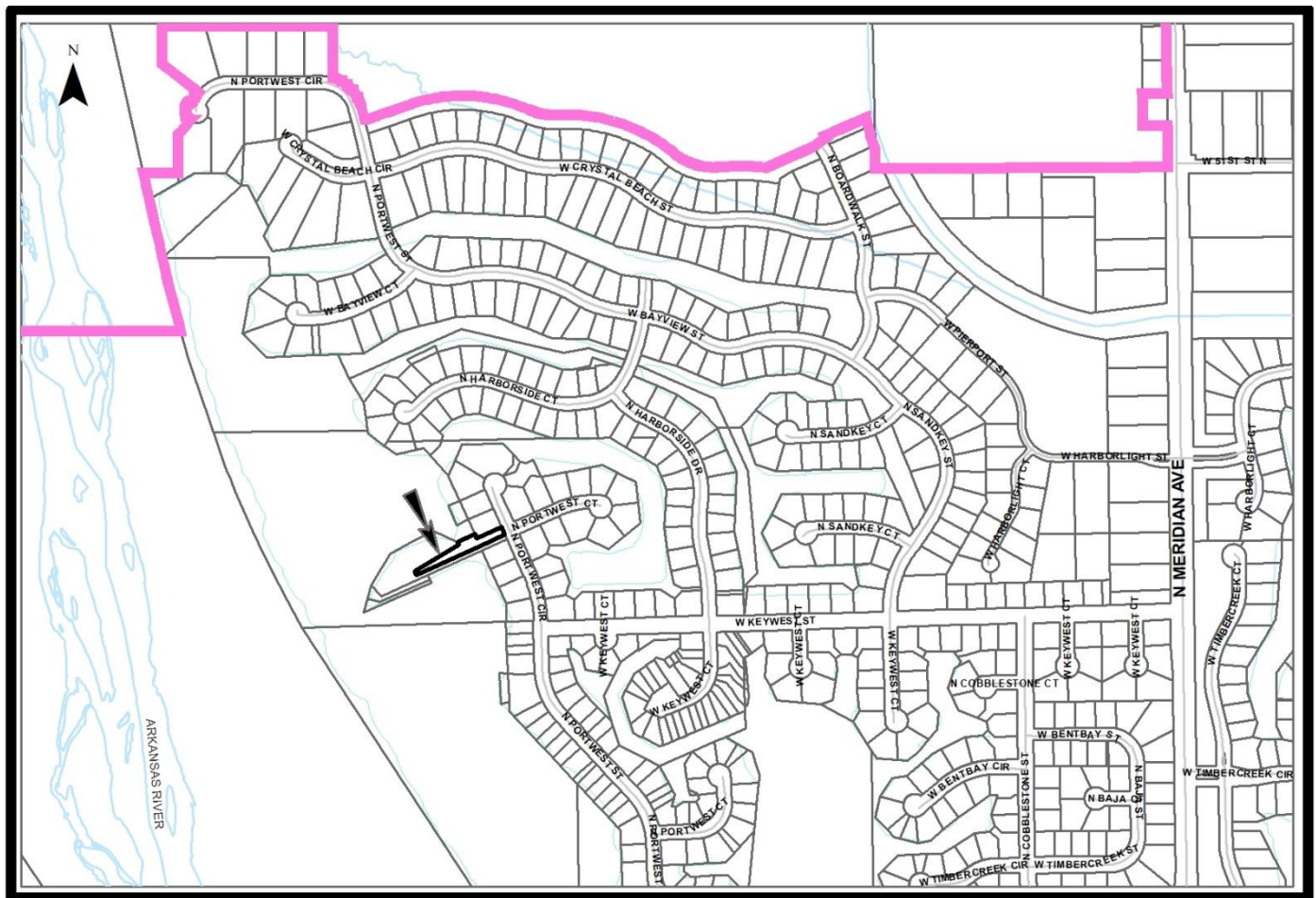


STAFF REPORT

- CASE NUMBER:** VAC2020-00022 - City Vacation of a utility easement by separate instrument.
- APPLICANT:** Raymond W. Grundmeyer, III (Applicant) Baughman Company, P.A. (Agent)
- LEGAL DESCRIPTION:** See Attached
- LOCATION:** Generally located one-half mile west of North Meridian Avenue and one-half mile south of West 53rd Street North (4921 North Portwest Circle).
- REASON FOR REQUEST:** To allow for privately owned service.
- CURRENT ZONING:** SF-5 Single Family Residential
- VICINITY MAP:**



The applicant has requested the vacation of a utility easement by separate instrument recorded with the Sedgwick County Register of Deeds in Film 1454 at Page 63. Said easement is located on property addressed 4921 North Portwest Circle, which is generally located one-half mile west of North Meridian Avenue and one-half mile south of West 53rd Street North. The applicant would like to vacate this easement to allow for privately owned service to his residence. A portion of the easement was vacated in 2015 (VAC2015-00027). This application is vacating the rest of the easement to the south and east of the previous vacation case. Staff notes that a portion of the easement by separate instrument overlaps the platted 20-foot utility easement on the east side of the subject property. The platted easement shall remain. This application will only vacate the easement by separate instrument.

There are no public utilities located within the easement. The water and sewer lines that serve the property are privately maintained. Cox has underground lines in the area. Any relocation is at the applicant's expense. Evergy has no objection to the vacation. It was determined that the platted easement on the east side of the property covers Evergy's equipment. Richard Aitken is the Area Construction Representative for this case and can be contacted at 316-261-6334 with any questions. The Moorings 5th Addition was recorded August 7, 1990.

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 August 20, 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 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 it is determined that the 20-foot platted utility easement is not sufficient to meet the needs of Evergy, the applicant shall retain a portion of the described easement or dedicate a new easement by separate instrument to meet Evergy needs. Applicable documents shall be submitted to Planning prior to this case going before City Council.
- (2) If any utility services are found to be located within the area of the proposed Vacation, these services shall be maintained privately or 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.

- (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 4. Evergy Easement



Legal Description

Vacation of City of Wichita Utility Easement

The Easement recorded in the Office of the Sedgwick County Register of Deeds in Film 1454 at Page 63, said Easement being more particularly described as follows: Beginning at the Southeast Corner of Lot 5, Block 1, The Moorings 5th Addition to Wichita, Sedgwick County, Kansas; thence S66°30'00"W for a distance of 425.00 feet; thence N23°30'00"W for a distance of 36.36 feet; thence N60°14'25"E for a distance of 224.97 feet; thence N22°35'30"W for a distance of 13.57 feet; thence N66°30'00"E for a distance of 82.39 feet; thence S23°30'00"E for a distance of 20.00 feet; thence N66°30'00"E for a distance of 120.00 feet; thence S23°30'00"E for a distance of 58.00 feet to the point of beginning, except for the South 20.00 feet thereof;

Note: This legal description will vacate the above-mentioned Easement, but does not and is not intended to vacate the east 20.00 foot platted utility easement.

