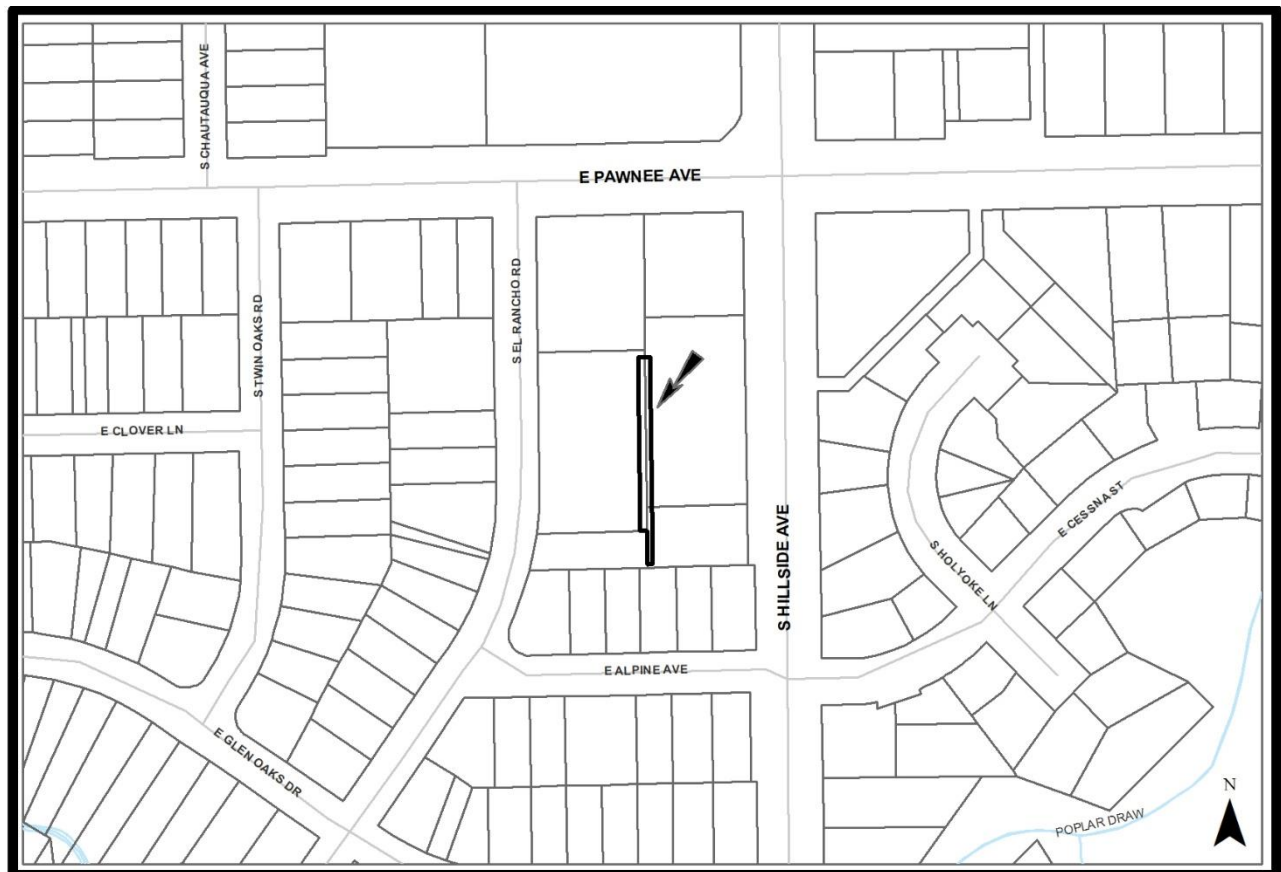


STAFF REPORT

- CASE NUMBER:** VAC2020-00023 - City Vacation of platted utility easements
- APPLICANT/ AGENT:** Nuot Van Nguyen & Thi Ngoc (Applicants) K.E. Miller Engineering (Agent)
- LEGAL DESCRIPTION:** The west 7 feet of Lot 3 of the Parker Pawnee Trust 2nd Addition, except the North 55.00 feet, and except the South 5.00 feet thereof. TOGETHER WITH: The east 10 feet, except the north 10 feet; of a tract described as: Lot 1 of the Parker Pawnee Trust Addition except the part platted as O'Reilly 2nd Addition.
- LOCATION:** Generally located south of East Pawnee Avenue and west of South Hillside Avenue (2416 South El Rancho Road).
- REASON FOR REQUEST:** To connect the existing building with a new one.
- CURRENT ZONING:** LC Limited Commercial
- VICINITY MAP:**



The applicant has requested the vacation of a portion of a ten-foot and seven-foot platted utility easement on properties addressed 2425 South Hillside Avenue, 2441 South Hillside Avenue, and 2416 South El Rancho Road. The property is generally located south of East Pawnee Avenue and west of South Hillside Avenue. The applicant would like to connect a new building onto the existing building on the site. As seen on the site plan, the existing building is on the properties fronting South Hillside. The new warehouse will be on the property fronting South El Rancho Road. All properties are zoned LC Limited Commercial.

There is a public sewer line in the vacation area. However, it dead-ends on the applicant's property and can be maintained privately, Every and Cox have equipment in the vacation area. However, they do not object to the vacation. Any removal or relocation of utilities is at the applicant's expense. LaDonna Vanderford, Area Construction Service Representative, will be the contact for this item and can be reached at 316-261-6290 for this project. The Parker Pawnee Trust Addition was recorded July 16, 1973. The Parker Pawnee Trust 2nd Addition was recorded March 30, 1979.

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 July 16, 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) A Private Project shall be submitted to City Public Works for the portion of the public sewer line within the described easement. The applicant shall provide Planning with the Private Project number. This shall be done before this case is schedule to go 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,

