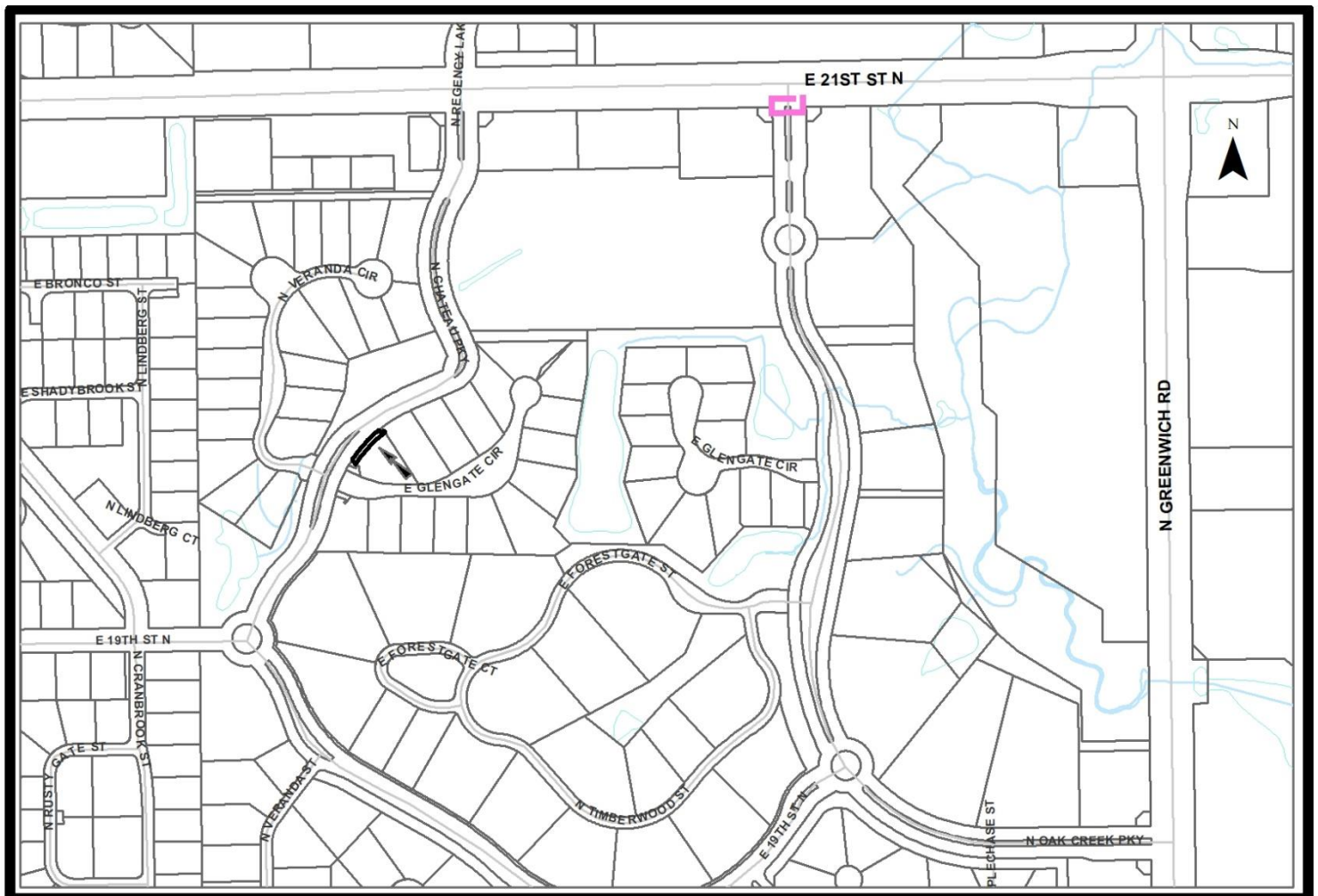


**STAFF REPORT**

- CASE NUMBER:** VAC2020-00025 - City Vacation of platted utility easement
- APPLICANT/AGENT:** David Dooman Rev. Trust (Applicant) MKEC Engineering, Inc. (Agent)
- LEGAL DESCRIPTION:** See Attached
- LOCATION:** Generally located southwest of East 21<sup>st</sup> Street North and North Greenwich Road (10606 East Glengate Circle).
- REASON FOR REQUEST:** To remove an unnecessary platted easement.
- CURRENT ZONING:** SF-5 Single Family Residential with CUP DP-274
- VICINITY MAP:**



The applicant has requested the vacation of a portion of the 15-foot platted utility easement on property addressed 10606 East Glengate Circle. The property is located southwest of East 21<sup>st</sup> Street North and North Greenwich Road. The property is zoned SF-5 Single Family Residential with CUP DP-274. The applicant would like to remove an unnecessary portion of the platted easement from the property. The vacation area retains an easement for the public sewer manhole that is located in the northeast corner of the property. It also retains an easement on the southwest corner of the property for utilities.

There are no public utilities located within the portion of the easement requested for vacation. Everygy has no objection. They have equipment near the area requested and will need to maintain the northeast ten feet of the easement in order to maintain equipment to the west. Heide Bryan, Subdivision Representative, can be contacted at 316-261-6354 with questions regarding this case. The Glenview Addition was recorded April 24, 2012.

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

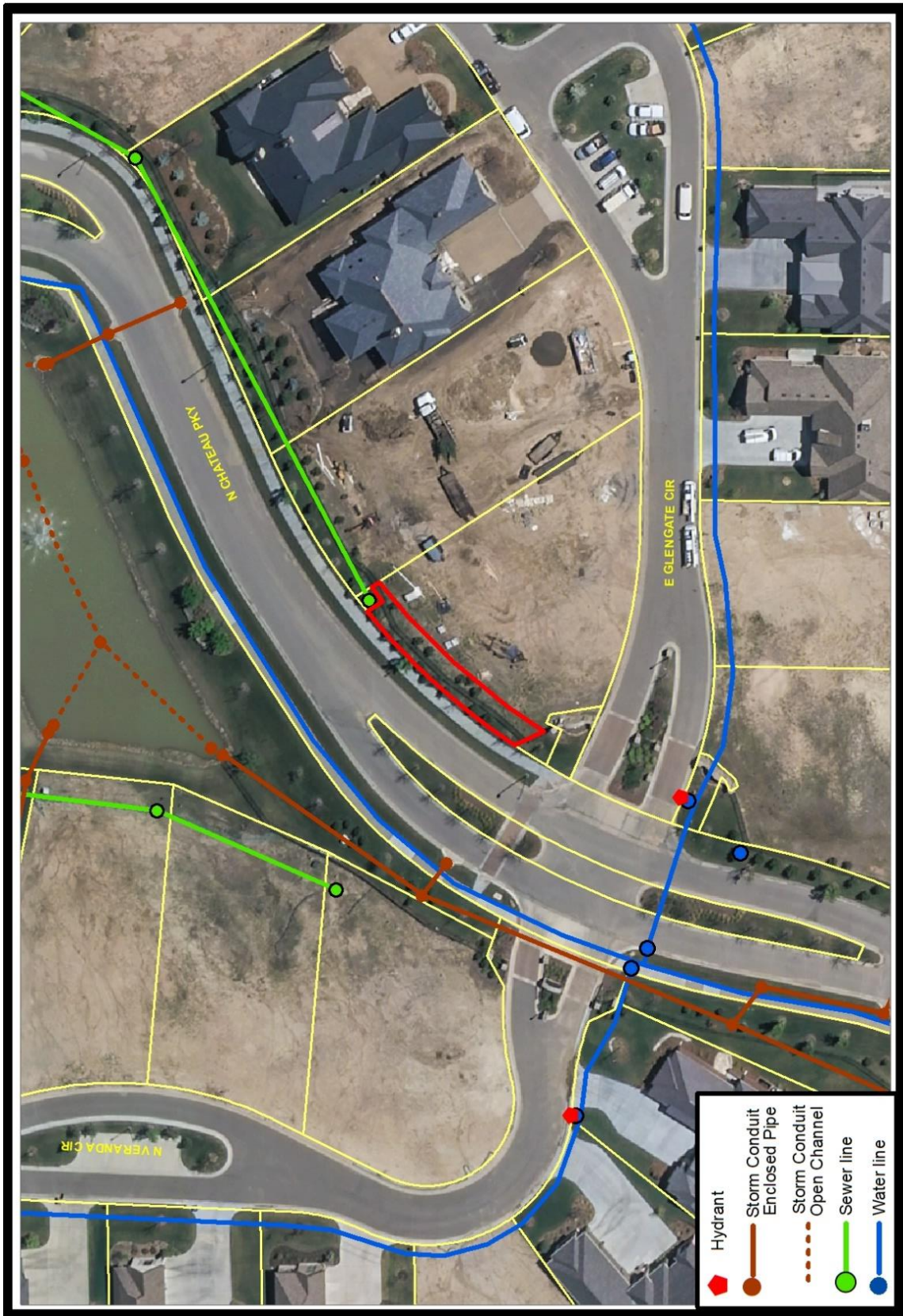
- (1) If any utility services are found to be located within the area of the proposed Vacation, these services shall be relocated at the owner's expense, to city standards, and the applicant shall provide Planning with the dedication of utility easements by separate instruments to go with the Vacation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





**Legal Description:**

A platted 15 foot utility Easement lying within the northwesterly 15,00 feet adjoining and abutting Chateau Parkway, all in Lot 16, Block 1, Glenview Addition, an addition to Wichita, Sedgwick County, Kansas, EXCEPT the east 10.00 feet of the north 10.00 feet thereof; AND EXCEPT that portion BEGINNING at the Southwest most corner of said Lot 16, thence along the northwesterly line of said Lot 16 to a point lying 20.00 feet north of said southwest most corner; thence southeasterly to a point on the east line of said platted 15 foot utility Easement, said point lying 8.50 feet north of the north line of Reserve C, said addition; thence southwesterly along said platted 15 foot Utility Easement to said north line of said Reserve C; thence westerly 15.12 feet along said north line of said Reserve C to the POINT OF BEGINNING.