

STAFF REPORT

CASE NUMBER: VAC2020-00027 - City Vacation of platted drainage and utility easement and platlor's text.

OWNER/APPLICANT: Starkey Inc. (Applicant) Baughman Company, P.A.. (Agent)

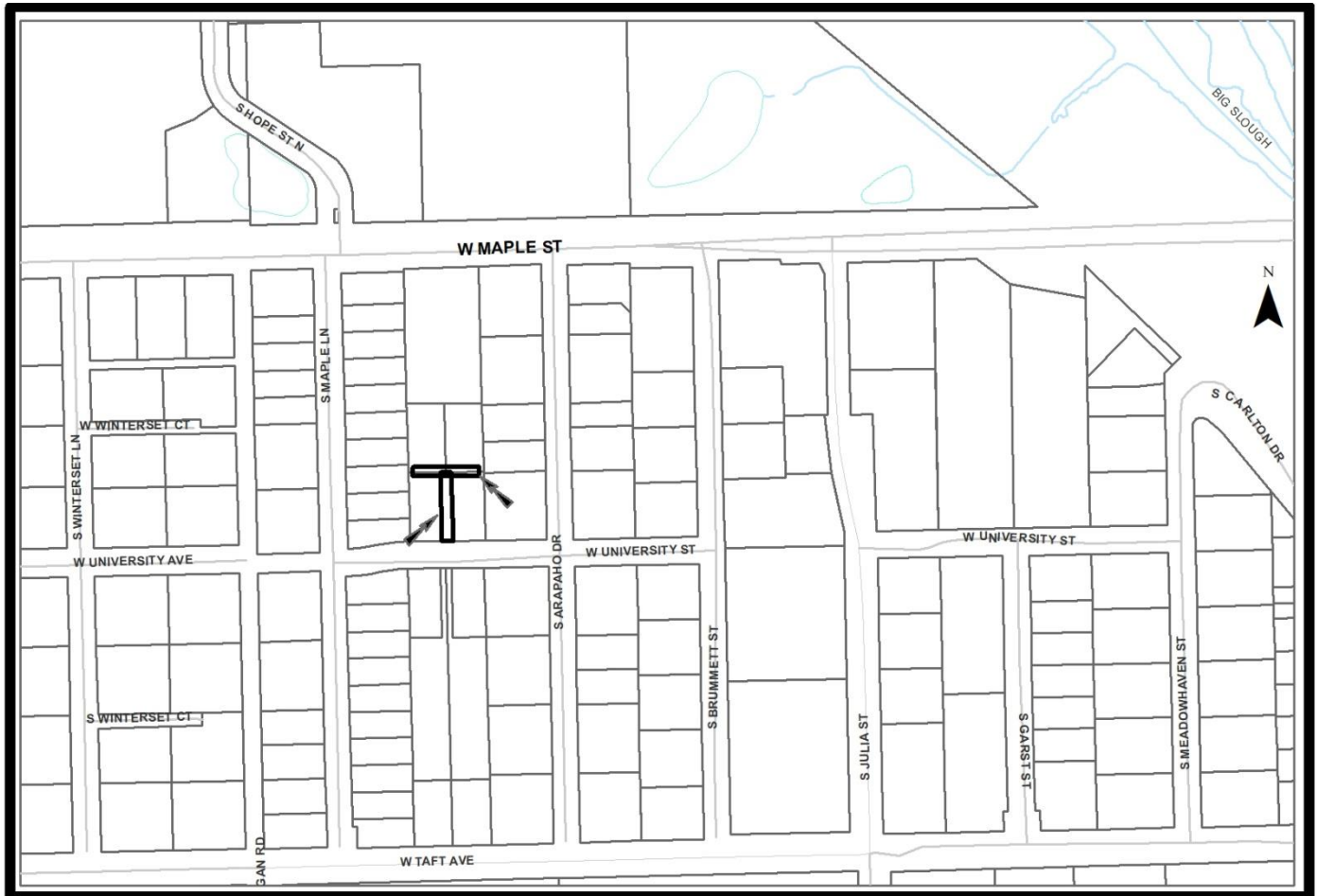
LEGAL DESCRIPTION: See Attached

LOCATION: Generally located one block south of West Maple Street between Maple Lane and Arapaho Drive (6210, 6220, 6230, and 6240 West University Street).

REASON FOR REQUEST: To allow site development

CURRENT ZONING: SF-5 Single Family Residential

VICINITY MAP:



The applicant is requesting the vacation of a platted drainage and utility easement in addition a vacation the plattor’s text for Reserve A on property generally located one block south of West Maple Street between Maple Lane and Arapaho Drive. The site is currently undeveloped, and the applicant is proposing to build group homes. The drainage and utility easement is platted on the site east to west. Reserve A is platted north to south. The plattor’s text for Reserve A states “Reserve A is hereby reserved for a private drive, drainage purposes, and utilities.” The applicant proposes to change the language to the following: “Reserve A is reserved for a private drive, drainage purposes, and residential structures.” There are no public utilities located within the easement or Reserve A. Evergy has no objection to this vacation. They have primary lines in the easement on the east side of the plat that they will not agree to vacate. Cox has equipment on Evergy’s poles. That easement is not part of this request. Ennidh Garcia, Area Construction Service Representative, will be the contact for this item and can be reached at 316-261-6359. The Kings Court Addition was recorded September 24, 2007.

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 drainage and utility easement and plattor’s text.

- 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 drainage and utility easement and plattor’s text 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.

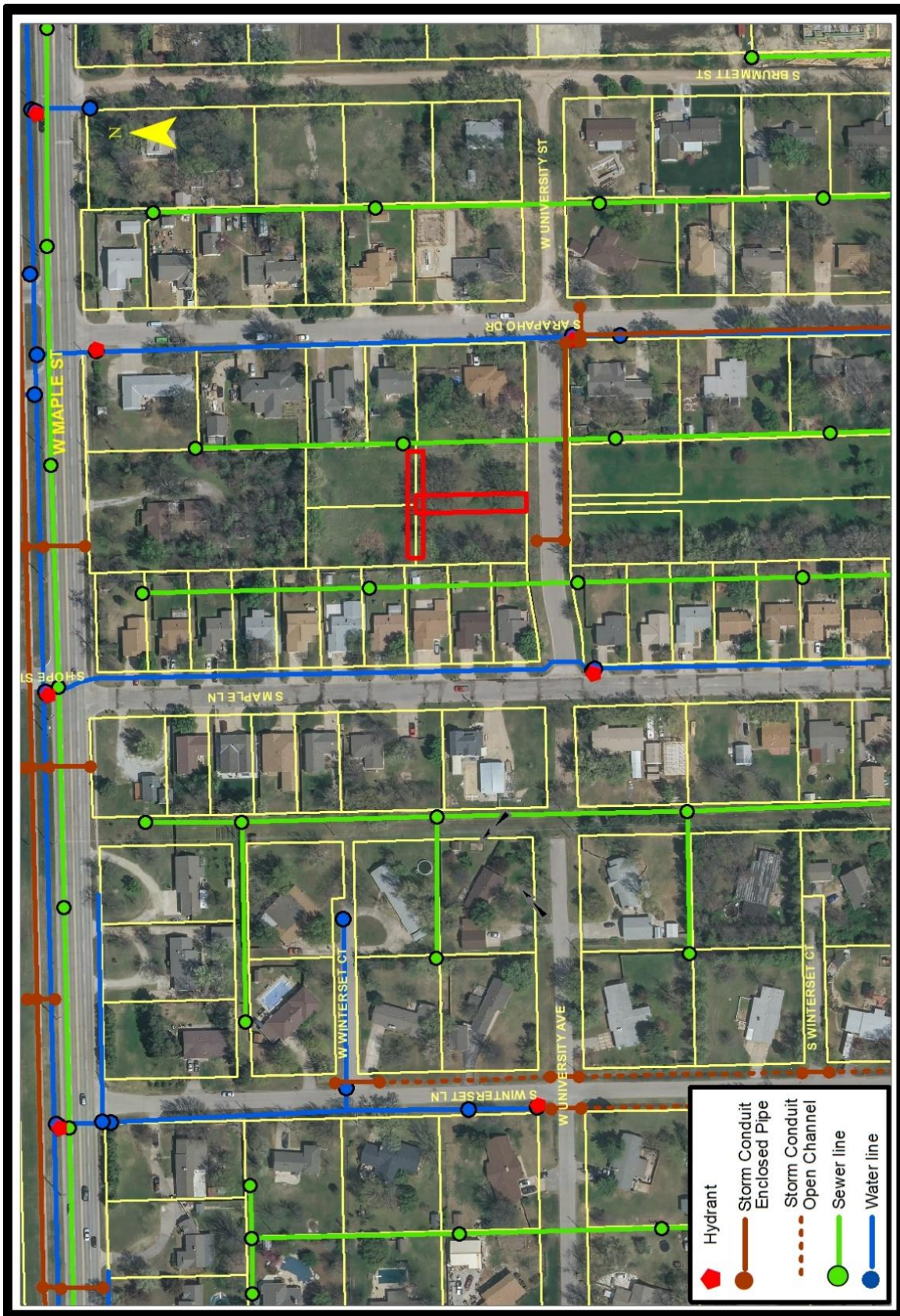
Conditions (but not limited to) associated with the request:

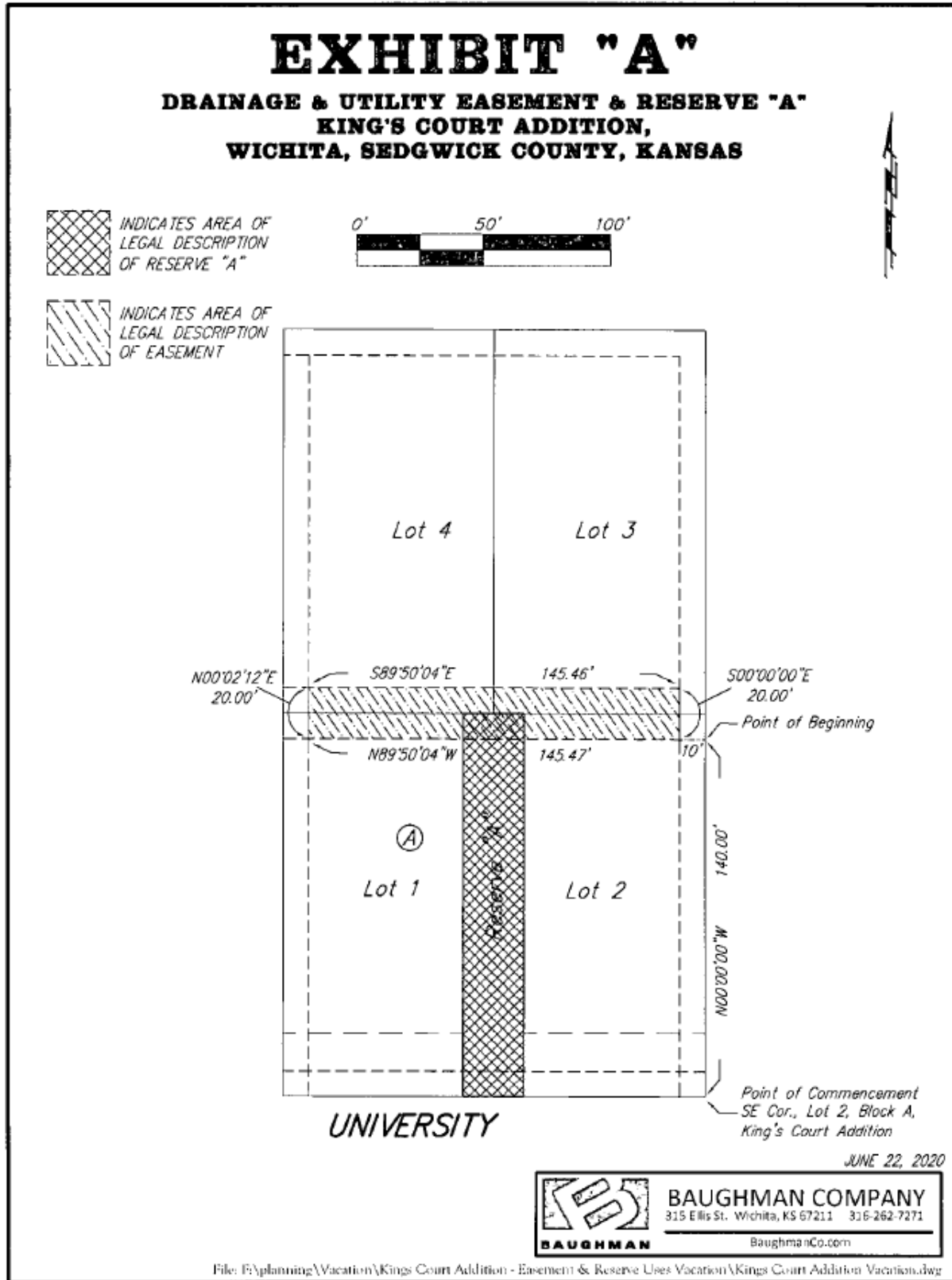
- (1) Vacate the plattor’s text to remove “utilities” as a use and permit “residential structures” as a use in the platted Reserve A, Kings Court Addition, while retaining that Reserve A will continue to be used for a private drive and drainage purposes.
- (2) If any utility services are found to be 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.

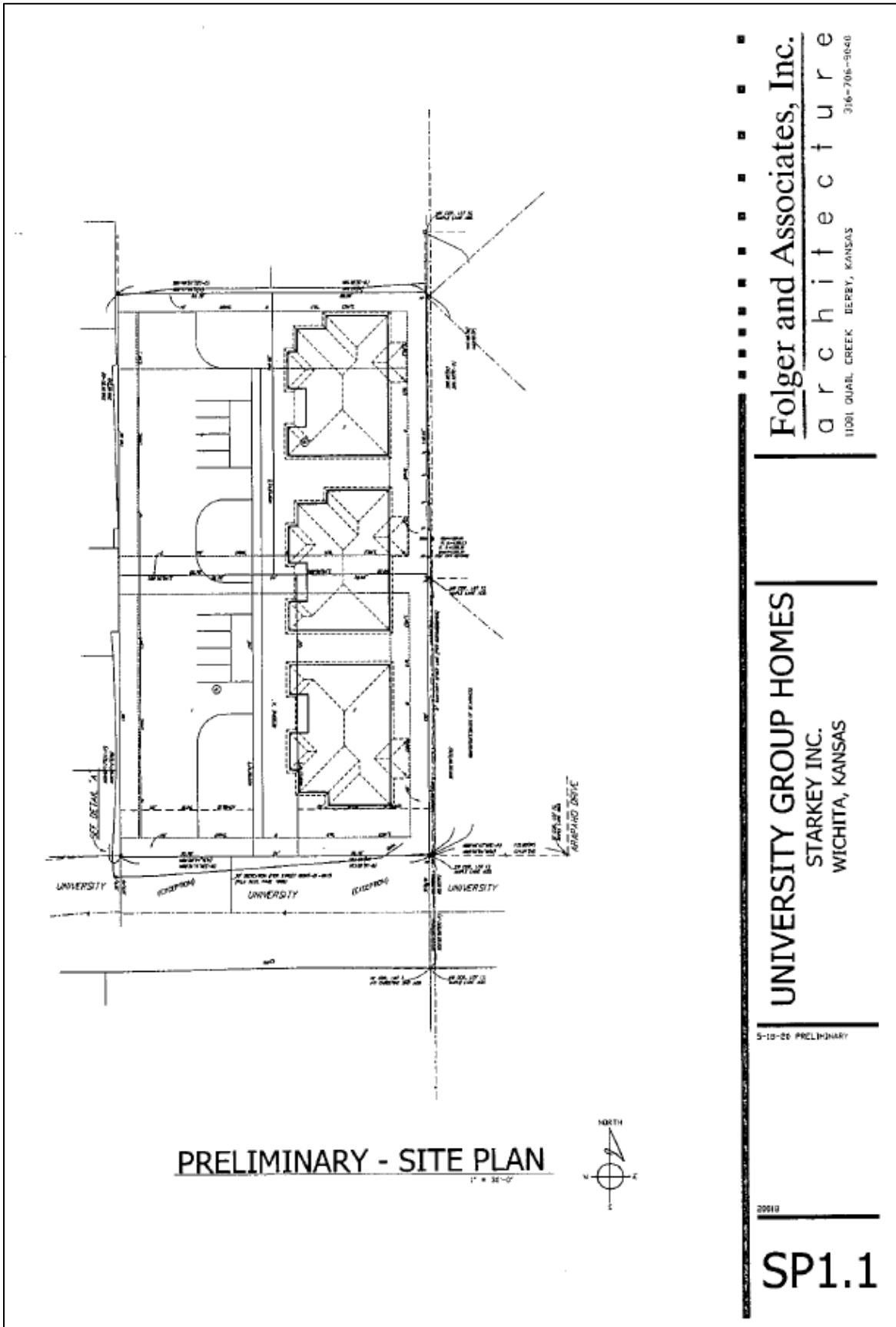
SUBDIVISION COMMITTEE’S RECOMMENDED ACTION

The Subdivision Committee recommends approval per staff recommendations.

Attachments: 1) Aerial Map, 2) Vacation Exhibit, 3) Site Plan, 4) Legal Description







Folger and Associates, Inc.
a r c h i t e c t u r e
1101 QUAIL CREEK BERREY, KANSAS 316-706-5040

UNIVERSITY GROUP HOMES
STARKEY INC.
WICHITA, KANSAS

5-10-20 PRELIMINARY

20010

SP1.1

Drainage and Utility Easement Vacation

A portion of the platted 20 foot Drainage and Utility easement lying within Lots 1, 2, 3, and 4, Block A, and Reserve "A", King's Court Addition, Wichita, Sedgwick County, Kansas, described as follows: Commencing at the Southeast Corner of said Lot 2; thence N00°00'00"W along the east line of said Lot 2 for a distance of 140.00 feet ; thence N89°50'04"W parallel with the north line of said Lot 2, for a distance of 10.00 feet to the point of beginning; thence N89°50'04"W for a distance of 145.47 feet; thence N00°02'12"E parallel with the west line of Lot 1 and Lot 4 for a distance of 20.00 feet; thence S89°50'04"E for a distance of 145.46 feet; thence S00°00'00"E for a distance of 20.00 feet to the point of beginning.