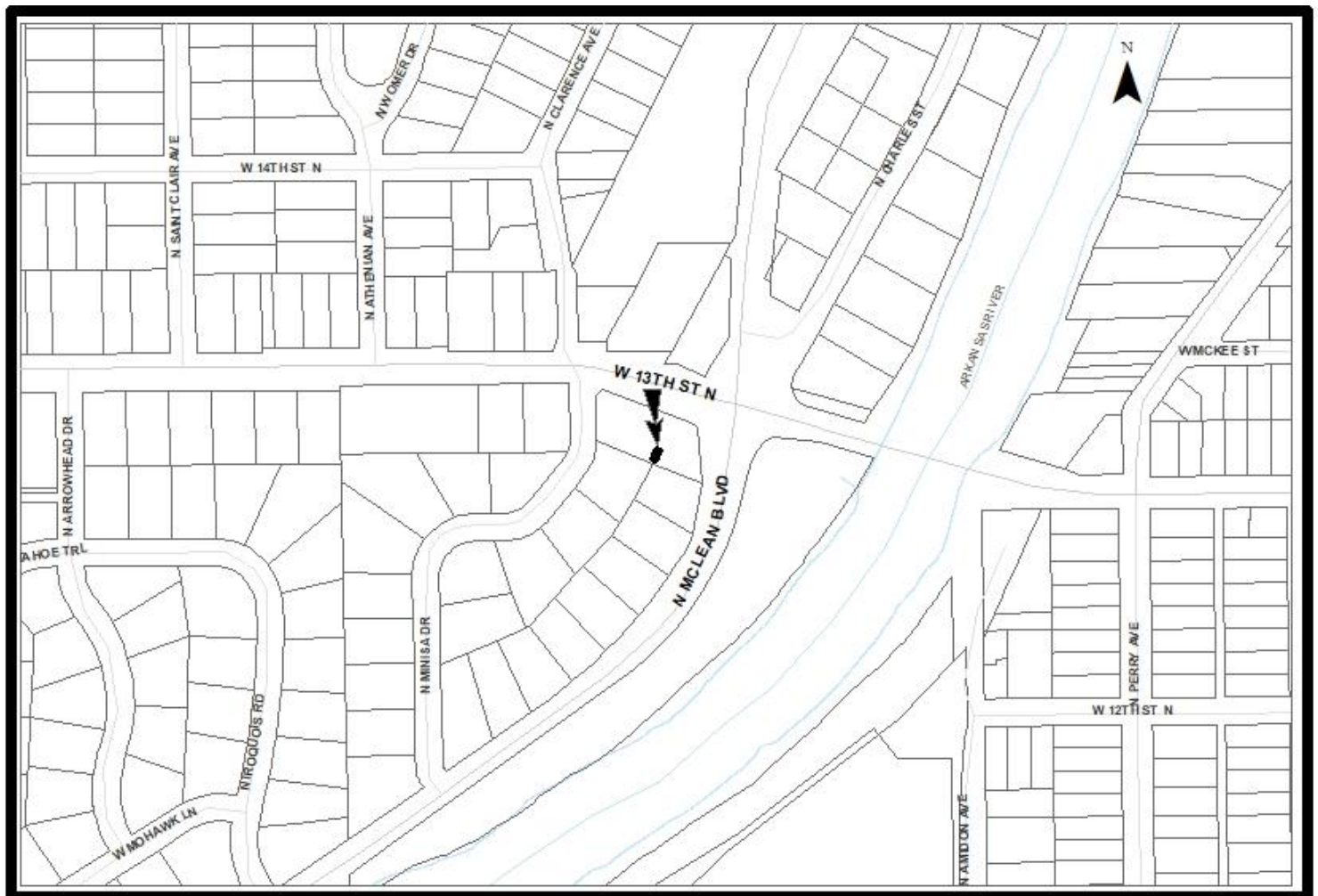


STAFF REPORT

- CASE NUMBER:** VAC2020-00043 - City Vacation of platted utility easement
- APPLICANT/AGENT:** JJB Properties, LLC (Applicant) K.E. Miller Engineering, P. A. (Agent)
- LEGAL DESCRIPTION:** See Attached
- LOCATION:** Generally located on the south side of West 13th Street North and on the West side of North McLean Blvd.
- REASON FOR REQUEST:** To allow for the construction of duplexes
- CURRENT ZONING:** GO General Office
- VICINITY MAP:**



The applicant has requested the vacation of ten-foot by 25-foot portion of a platted utility easement on property zoned GO General Office and generally located on the south side of West 13th Street North and on the west side of North McLean Boulevard. The purpose of this vacation is to permit the construction of duplexes parallel with the south property line. This property is platted as Reserve A but also known as Lot 2, Indian Hills Addition. There is a 16-foot platted utility easement on-center with the rear property lines of the lots to the south of the subject property. The area to be vacated is an extension of that easement into the subject property. However, the sewer line was not installed into this area. It ends south of the shared property line with Lots 3 and 15.

There are no public utilities located within the described portion of the easement. Everygy has a pole, a guy wire, and lines in this easement. In order for Everygy to agree with the vacation, the applicant will have to work with Heidi Bryan, Subdivision Representative regarding possible relocation the equipment. The Indian Hills Addition was recorded September 4, 1951.

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 October 29, 20120, 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:

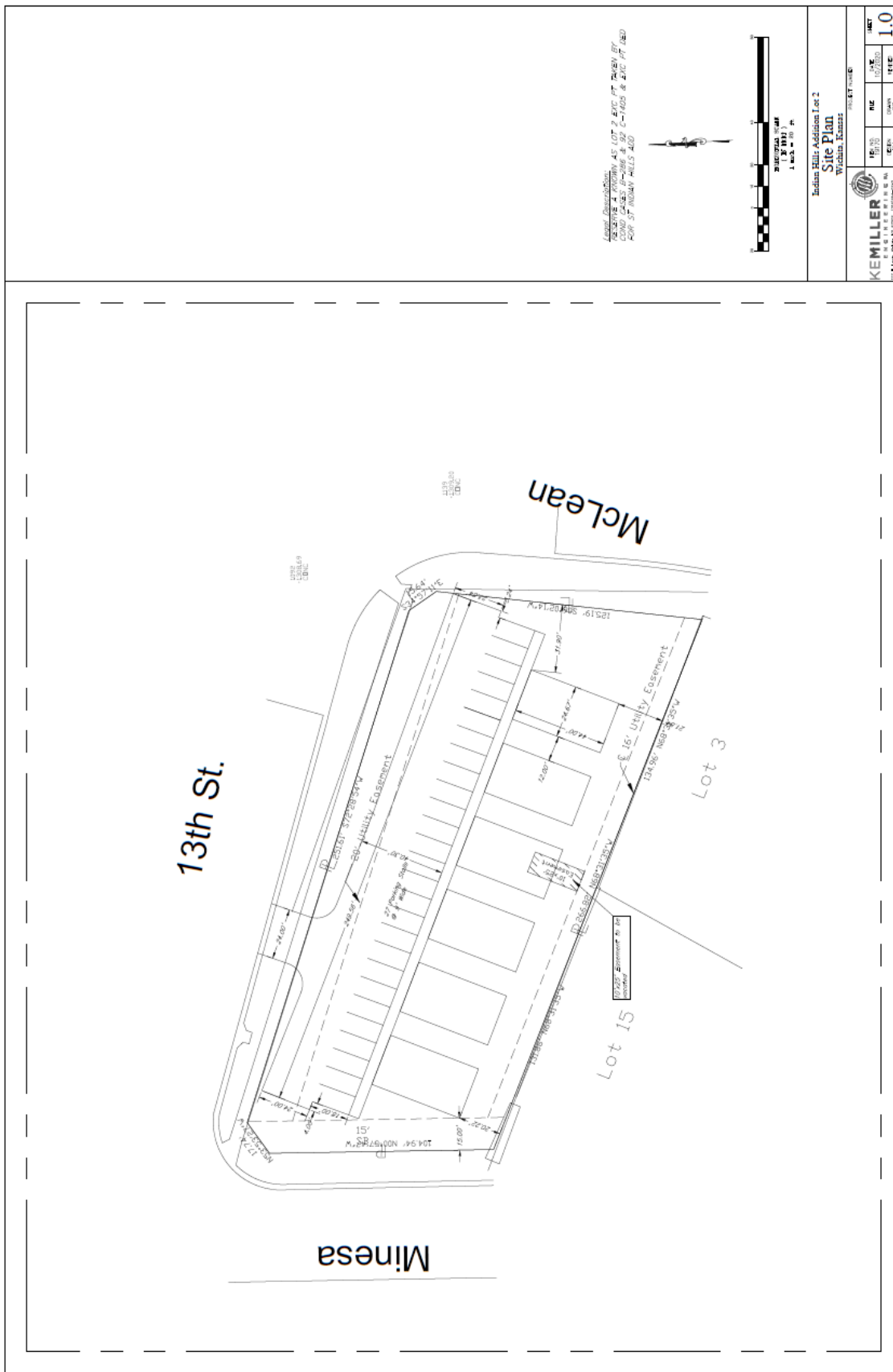
- (1) If any utility services are found to be located within the area of the proposed Vacation, these services shall be relocated at the owner's expense, to city standards, and the applicant shall provide Planning with the dedication of utility easements by separate instruments to go with the Vacation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



As per the plat of Indian Hill Addition, AS LOT 2, BEING PT. TRACTS BY CONDO. CASES 8-286 & 82, C-1403 & 216, PT. A&D, R20R ST. INDIAN HILLS ADD.



Indian Hill Addition Lot 2
Site Plan
Wichita, Kansas

KEMILLER ENGINEERS & ARCHITECTS	
1515 W. 10th St.	Wichita, KS 67202
Phone: 316.261.1111	Fax: 316.261.1112
www.kemiller.com	
DATE: 11/19/20	SCALE: 1" = 100'
DRAWN BY: JLD	CHECKED BY: JLD
PROJECT NO: 2020-00043	DATE: 11/19/20

Legal Description

Commencing at the Southwest corner of Reserve “A,” Indian Hills Addition, Wichita, Sedgwick County, Kansas; thence S68°31’35”E, along the South property line of said Reserve “A,” a distance of 128.2 feet; thence N21°28’25”E, a distance of 8.0 feet to a Point of Beginning; thence continuing N21°28’25”E, a distance of 25.0 feet; thence S68°31’35”E, a distance of 10.0 feet; thence S21°28’25”W, a distance of 25.0 feet; thence N68°31’35”W, a distance of 10.0 feet, to the Point of Beginning.