



The applicant proposes to vacate portions of two platted utility easements and a portion of a platted street side yard building setback located on Lots 2- 5, Block 1, Indian Hills 2nd Addition. A 10 foot utility easement is located on the west side of lots 4 and 5 of the developed subject site, a second 16 foot utility easement is located in the middle of the site on the common line of lots 3 and 4; and the street side yard building setback is located on the east side of the site on lot 2. See exhibit and legal descriptions. If approved the vacation will allow the owner to redevelop the property. There are no public utilities in the subject easements being vacated. Comments from Evergy state: "Evergy has reviewed this request and we show we have equipment in these locations they are wanting to vacate and they would need to maintain as easement or they can they can remove or relocate at their expense , Standard comments will apply, any relocation or removal will be in the applicant's expense will apply. Richard Aitken, Area Construction Representative, will be the contact for this item and can be reached at 316-261-6334." Comments from Cox state: "Cox has aerial lines in the requested vacate area. Any relocation will be at the applicant's expense." The Indian Hills 2nd Addition was recorded August 1, 1952.

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 portions of the platted utility easements and side street building setback.

- 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 27, 2016, 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 sewer easement dedicated by separate instrument, 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) Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the described portion of the utility easement shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) As needed provide Planning with dedication of easements by separate instruments with original signatures to go with the Vacation Order to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds. All to be provided to the Planning Department prior to this case going to City Council for final action.

- (3) All improvements shall be according to City Standards and at the applicants' expense.
- (4) Vacate the 30 foot platted street side yard building setback on lot 2 of the site. Also, per the approval of Public Works, vacate the portion of the 10 foot utility easement located on the west side of lots 4 and 5 of the site, and the portion of the 16 foot utility easement located in the middle of the site on the common line of lots 3 and 4; within Block 1, Indian Hills 2nd Addition, Wichita, Sedgwick County, Kansas.
- (5) Provide Planning with a legal description of the portions of vacated platted utility easements and the portion of the 30 foot platted street side yard building setback on a Word document via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Council for final action.
- (6) 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 subject to the following conditions:

- (1) Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the described portion of the utility easement shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) As needed provide Planning with dedication of easements by separate instruments with original signatures to go with the Vacation Order to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (3) All improvements shall be according to City Standards and at the applicants' expense.
- (4) Vacate the 30 foot platted street side yard building setback on lot 2 of the site. Also, per the approval of Public Works, vacate the portion of the 10 foot utility easement located on the west side of lots 4 and 5 of the site, and the portion of the 16 foot utility easement located in the middle of the site on the common line of lots 3 and 4; within Block 1, Indian Hills 2nd Addition, Wichita, Sedgwick County, Kansas.
- (5) Provide Planning with a legal description of the portions of vacated platted utility easements and the portion of the 30 foot platted street side yard building setback on a Word document via E-mail that can be

used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Council for final action.

- (6) 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.



