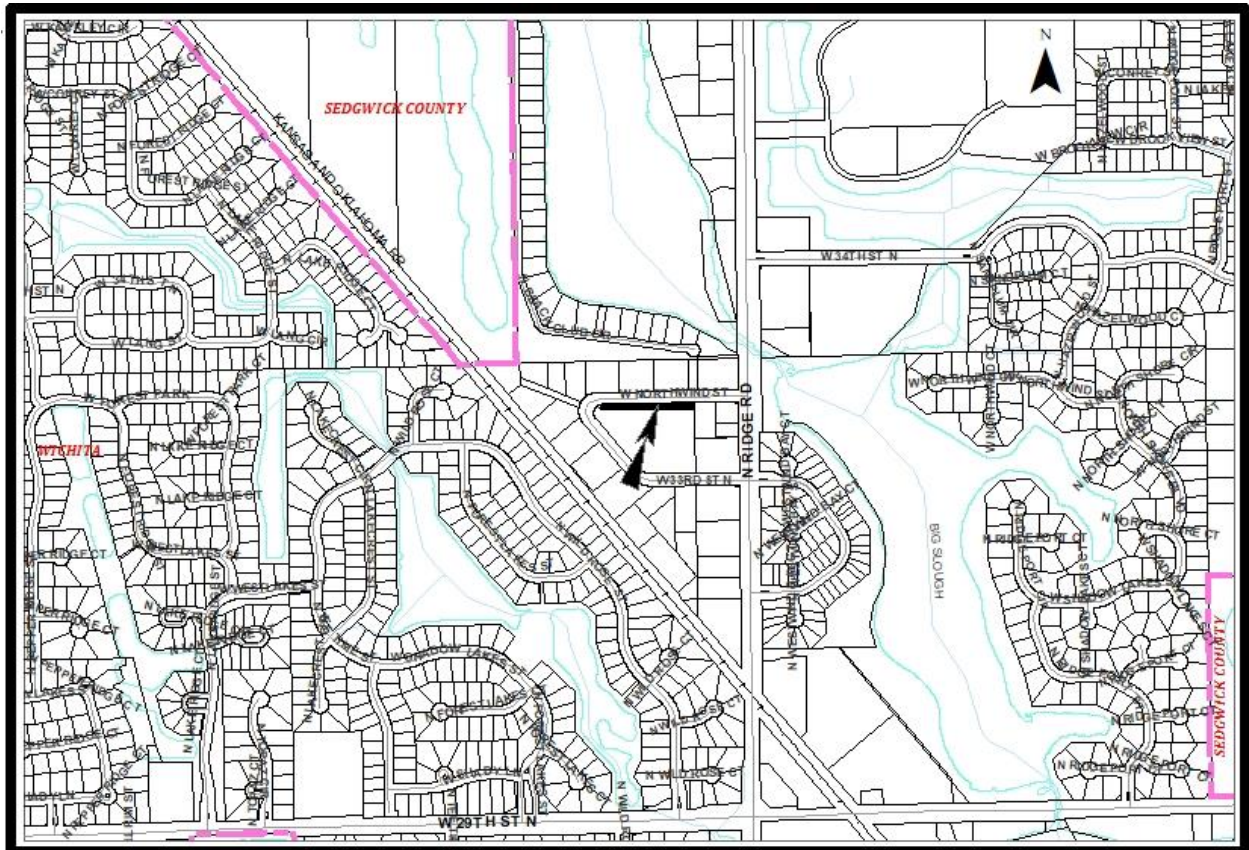


STAFF REPORT

- CASE NUMBER:** VAC2021-00006 - Request to vacate portions of a platted utility easement and a portion of a building setback.
- OWNER/APPLICANT:** Kansas Business Condos, LLC (applicant), K.E. Miller Engineering, PA (Kirk Miller) (agent)
- LEGAL DESCRIPTION:** Generally described as vacating portions of platted utility easement and a portion of a platted building setback located on Lots 3, Block B, Ridge Port Commercial Park Addition, Wichita, Sedgwick County, Kansas
- LOCATION:** Generally located 400 feet west of North Ridge Road and within one half mile north of West 29th Street North (7330 W. 33rd St. N.). (WCC #V)
- REASON FOR REQUEST:** In order to build two additional building on the site.
- CURRENT ZONING:** The site is zoned LI Limited Industrial. All surrounding properties are also zoned LI Limited Industrial

VICINITY MAP:



The applicant proposes to vacate portions of a platted utility easement and a portion of a platted building setback located on the north side of Lots 3, Block B, Ridge Port Commercial Park Addition. See exhibit and legal descriptions. If approved the vacation will allow the owner to build two additional buildings on the property and allow necessary paved space to maneuver vehicles with trailers between them, which they see as a safety issue. There are no public utilities in the subject easements being vacated. Every states that they do not object to the vacation and have no equipment in the vacate area. Standard language will apply if equipment needs to be moved and will be at the owner's expense. Richard Aitken, Area Representative, will be the contact for this item and he can be reached at 261-6334. Cox has no objection to this vacate. They do have underground facilities close to the East end of the vacation area. Any relocation will be at the applicant's expense. Comments from other franchised utilities have not been received and are needed to determine if they have utilities located within the subject easement. The Ridge Port Commercial Park Addition was recorded June 21, 2002.

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 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 February 11, 2021, 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 portion of building setback on the north side of lot 3 of the site. Also, per the approval of Public

Works, vacate the portion of the platted utility easement located on the north side of Lot 3, Block B, Ridge Port Commercial Park Addition, Wichita, Sedgwick County, Kansas.

- (5) Provide Planning with a legal description of the portion of vacated platted utility easement and the portion of the platted 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 portion of building setback on the north side of lot 3 of the site. Also, per the approval of Public Works, vacate the portion of the platted utility easement located on the north side of Lot 3, Block B, Ridge Port Commercial Park Addition, Wichita, Sedgwick County, Kansas.
- (5) Provide Planning with a legal description of the portion of vacated platted utility easement and the portion of the platted 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.

