

STAFF REPORT

CASE NUMBER: VAC2021-00011 - City request to vacate a portion of a platted ingress-egress reserve and utility easement

APPLICANT/AGENT: JHB Properties LLC c/o Brock Boren (applicant/owner) KE Miller Engineering, PA c/o Michael Edwards

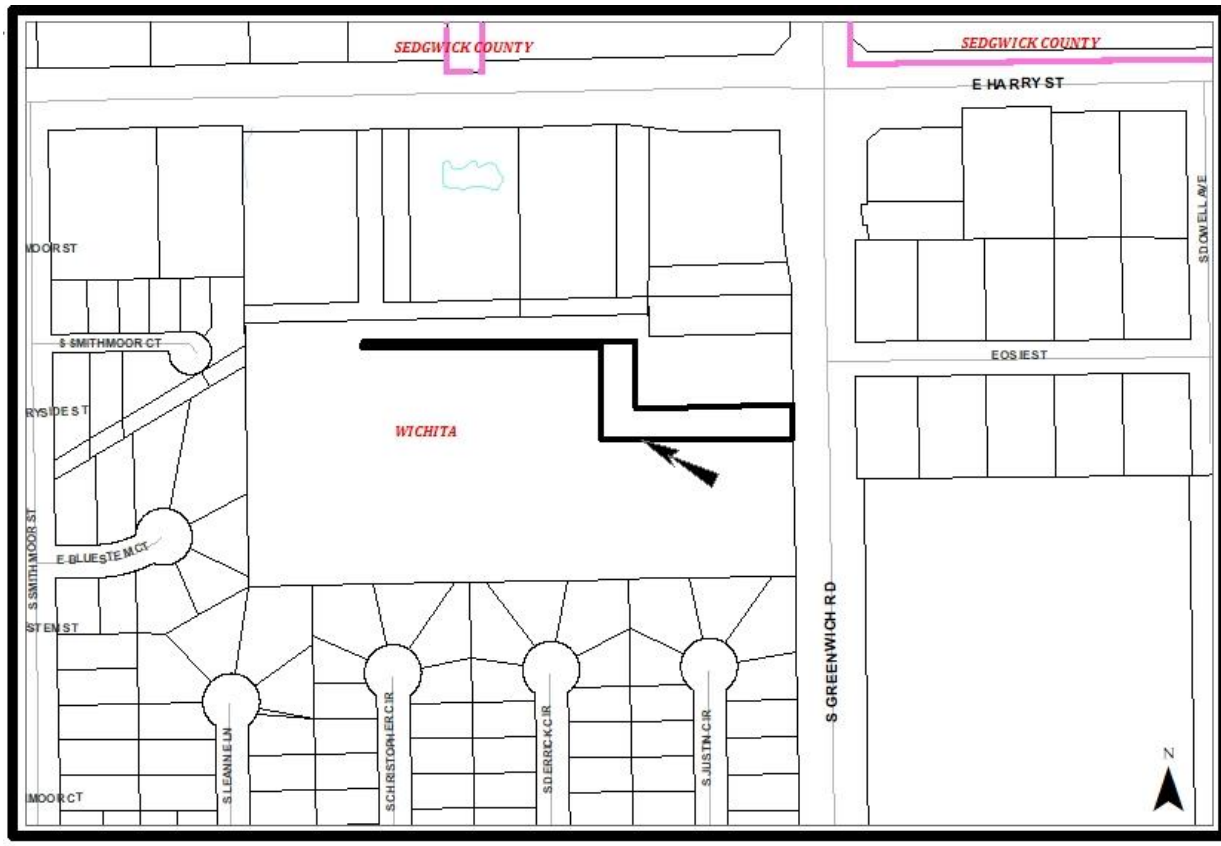
LEGAL DESCRIPTION: Generally described as vacating a portion of the platted ingress - egress reserve and utility easement running parallel to the north side of Lot, 3, the north and east sides of Lot 6, and the north side of Lot 9, all in Block A, the Smithmoor Commercial Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located on the southwest corner of East Harry Street and South Greenwich Road (1717 S Greenwich Road, WCC #II)

REASON FOR REQUEST: Future development

CURRENT ZONING: The site is zoned GC General Commercial and LC Limited Commercial with CUP DP-243 overlay. Abutting west properties are zoned GO General Office with CUP DP-243 overlay and SF-5 Single Family Residential. Abutting southern properties are zoned SF-5. Abutting and adjacent northern properties are zoned LC with CUP DP-243 overlaying abutting northern properties. Adjacent eastern properties are zoned LC and SF-5.

VICINITY MAP:



The applicant proposes to vacate a portion of a platted ingress – egress reserve and utility easement generally located running parallel to the north side of Lot 3, the north and east sides of Lot 6, and the north side of Lot 9, all in Block A, the Smithmoor Commercial Addition; see attached legal for a specific description. The property is located on the southwest corner of East Harry Street and South Greenwich Road. If approved the request will allow two additional storage buildings to be located east and north of existing storage buildings on the site. The platted ingress – egress reserve provides access to Harry Street and Greenwich Road as well as internal circulation.

Water and sewer are located in the area of the vacation request. The applicant proposes to relocate sewer and to make the water line private. Cox and Evergy do not have utilities in the described platted ingress – egress reserve and utility easement. The proposed replacement ingress – egress reserve will continue in that function at what appears to be at the same points of access onto Harry Street and Greenwich Road. The applicant proposes to dedicate new ingress – egress reserve and utility easement to serve the site in place of the described vacated portions of the current ingress – egress reserve and utility easement. The Smithmoor Commercial Addition was recorded with the Register of Deeds January 5, 2000.

Note: VAC2004-00004 and VAC2009-00039 previously vacated portions of the subject platted utility easement and the platted ingress – egress reserve.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from Public Works, Storm Water, Water and Sewer, Traffic, 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 a platted ingress – egress reserve and 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 March 18, 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 portions of the platted ingress – egress reserve and 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) Vacate those portions of the platted ingress – egress reserve and utility easement as described in an approved legal description. Provide Planning with the approved legal description on a Word document via E-mail for use on the Vacation Order. This must be completed prior to the case going to City Council for final action.

- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Approval of plans for the relocation of any and all utilities, specifically sewer, by Public Works and/or franchised utilities must be completed prior to the case going to City Council for final action. Provide Planning with letters or E-mails of approval from utilities. All improvements shall be according to City Standards and will be at the applicant's expense.
- (3) Provide Planning with a letter or E-mail of approval for making the existing public water line into a private line. Provide Planning with an approved document stating that portion of the public water line being an approved private line, this document will go with the Vacation Order to City Council for final action and filling with the Sedgwick County Register of Deeds.
- (4) Provide Planning with the required ingress – egress reserve and utility easement dedicated by separate instruments with original signatures for recording with the Register of Deeds. These original dedications will go with the Vacation Order to City Council for final action and filling with the Sedgwick County Register of Deeds.
- (5) Update CUP DP-243 to reflect the changes.
- (6) Per MAPC Policy Statement #7, all conditions shall 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 Sedgwick County Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following (but not limited to) conditions:

- (1) Vacate those portions of the platted ingress – egress reserve and utility easement as described in an approved legal description. Provide Planning with the approved legal description on a Word document via E-mail for use on the Vacation Order. This must be completed prior to the case going to City Council for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Approval of plans for the relocation of any and all utilities, specifically sewer, by Public Works and/or franchised utilities must be completed prior to the case going to City Council for final action. Provide Planning with letters or E-mails of approval from utilities. All improvements shall be according to City Standards and will be at the applicant's expense.
- (3) Provide Planning with a letter or E-mail of approval for making the existing public water line into a private line. Provide Planning with an approved document stating that portion of the public water line being an approved private line, this document will go with the Vacation Order to City Council for final action and filling with the Sedgwick County Register of Deeds.

VAC2021-00011 - City request to vacate a portion of a platted ingress-egress reserve and utility easement on property generally located on the southwest corner of East Harry Street and South Greenwich Road

April 8, 2021

Page 4

- (4) Provide Planning with the required ingress – egress reserve and utility easement dedicated by separate instruments with original signatures for recording with the Register of Deeds. These original dedications will go with the Vacation Order to City Council for final action and filing with the Sedgwick County Register of Deeds.
- (5) Update CUP DP-243 to reflect the changes.
- (6) Per MAPC Policy Statement #7, all conditions shall 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 Sedgwick County Register of Deeds.

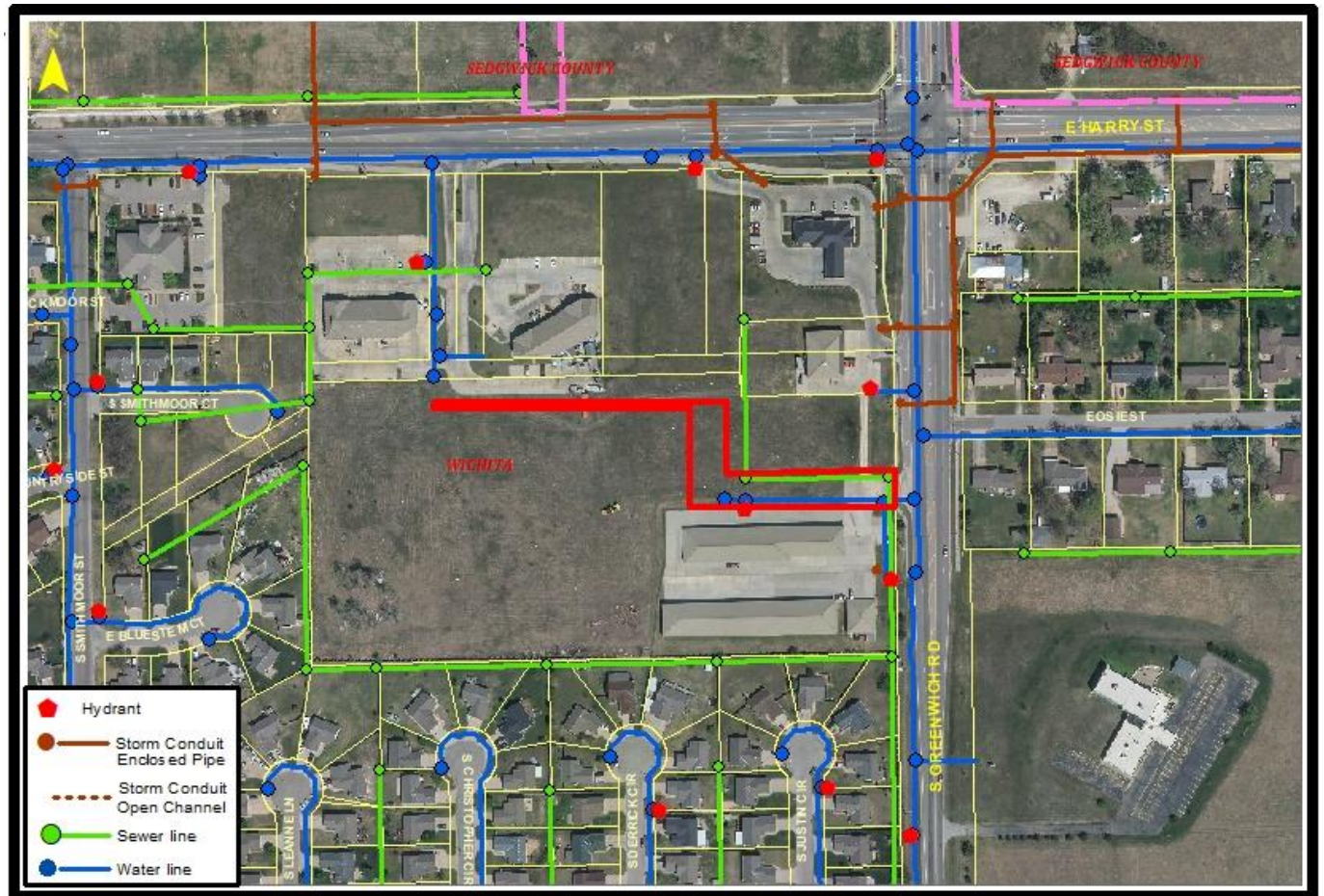
Attachments

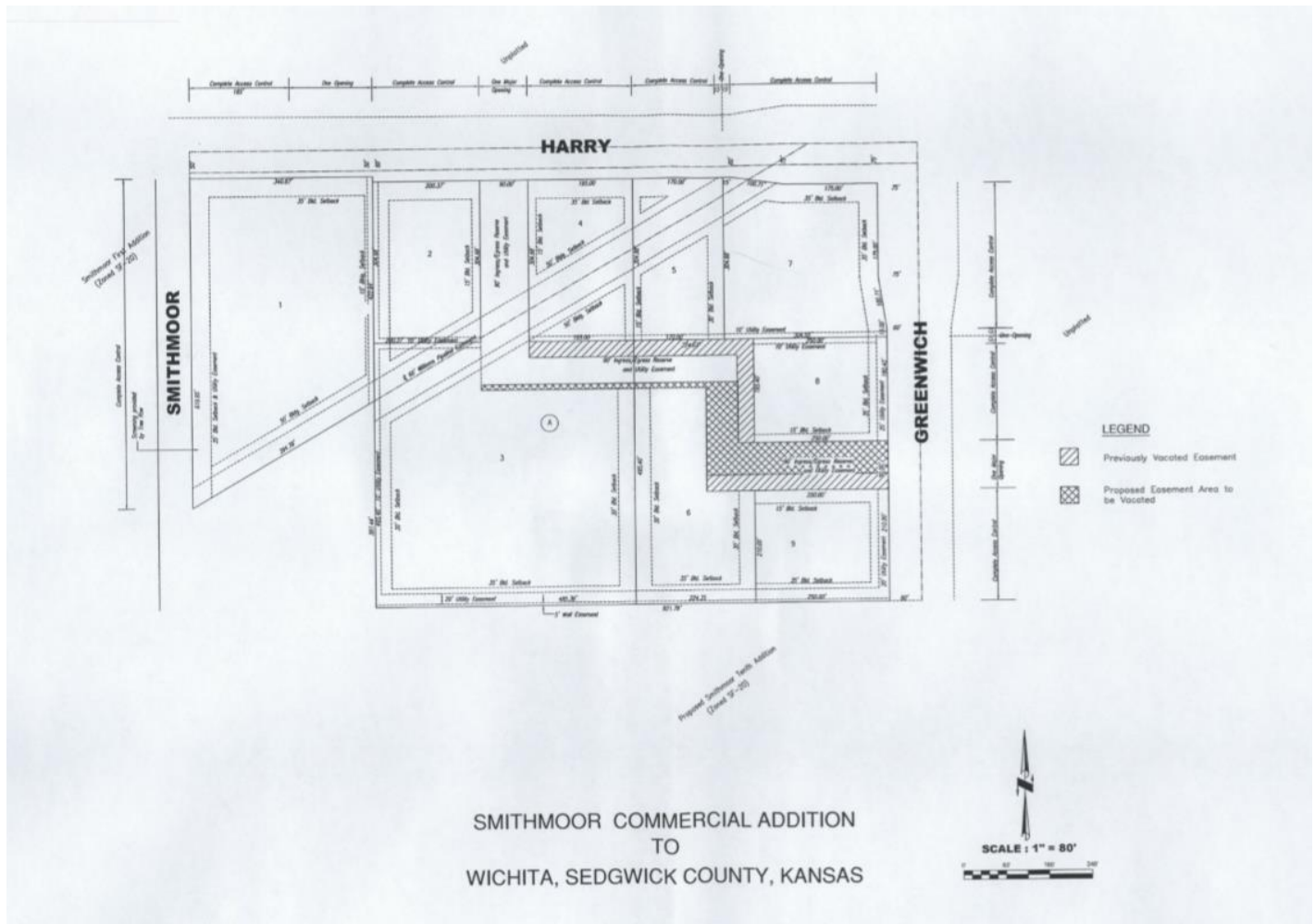
1. Aerial map
Site plan
Legal description
Plat

VAC2021-00011 - City request to vacate a portion of a plated ingress-egress reserve and utility easement on property generally located on the southwest corner of East Harry Street and South Greenwich Road

April 8, 2021

Page 5





Legal Description for portion of Ingress/Egress Reserve and Utility Easement to be Vacated:

Commencing at the SE corner of Lot 9, Block A, Smithmoor Commercial Addition, Wichita, Sedgwick County, Kansas; thence N 00°01'25" E, on the East line of said Lot, a distance of 240.00 feet, to the Point of Beginning; thence S 89°41'28" W, a distance of 340.00 feet; thence N 00°01'25" E, a distance of 165.00 feet; thence S 89°41'28" W, a distance of 419.67 feet; thence N 00°01'25" E, a distance of 10.00 feet; thence N 89°41'28" E, a distance of 479.67 feet; thence S 00°01'25" W, a distance of 115.00 feet; thence N 89°41'28" E, a distance of 280.00 feet; thence S 00°01'25" W, a distance of 60.00 feet, to the Point of Beginning.

