

The applicant proposes to vacate a portion of a platted building setback located on the east side of Lot 14, Block 9, Pawnee Ranch Addition. The existing platted setback is 30 feet for both front and street side setbacks, and the applicant wants to reduce the street side setback by 20 feet to create 10 foot setbacks for a 30-foot section of the street side setback. See exhibit and legal descriptions. If approved the vacation will allow the owner to build a new wood deck and ramp to provide handicap access to the home. There are no public utilities in the subject portion of street side setback being vacated. Everyg has no objection to this request, and has no equipment in or near the side yard setback portion they want to vacate. Whitney Rusk, Design Representative, is the contact for this item and can be reached at 316-261-6237. Standard comments will apply, any removal and relocation of existing equipment for this vacation request will be at the applicant's expense. Cox has no objection to this vacate. Their lines are aerial. Any relocation will be at the expense of the applicant. The Pawnee Ranch Addition was recorded June 14, 1947.

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 May 13, 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 building setback 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 described portion of building setback on the east side of Lot 14, Block 9, Pawnee Ranch Addition, Wichita, Sedgwick County, Kansas.
- (5) Provide Planning with a legal description of the portion of vacated 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:

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Attachments:

1. Aerial Map
2. Site Plan



