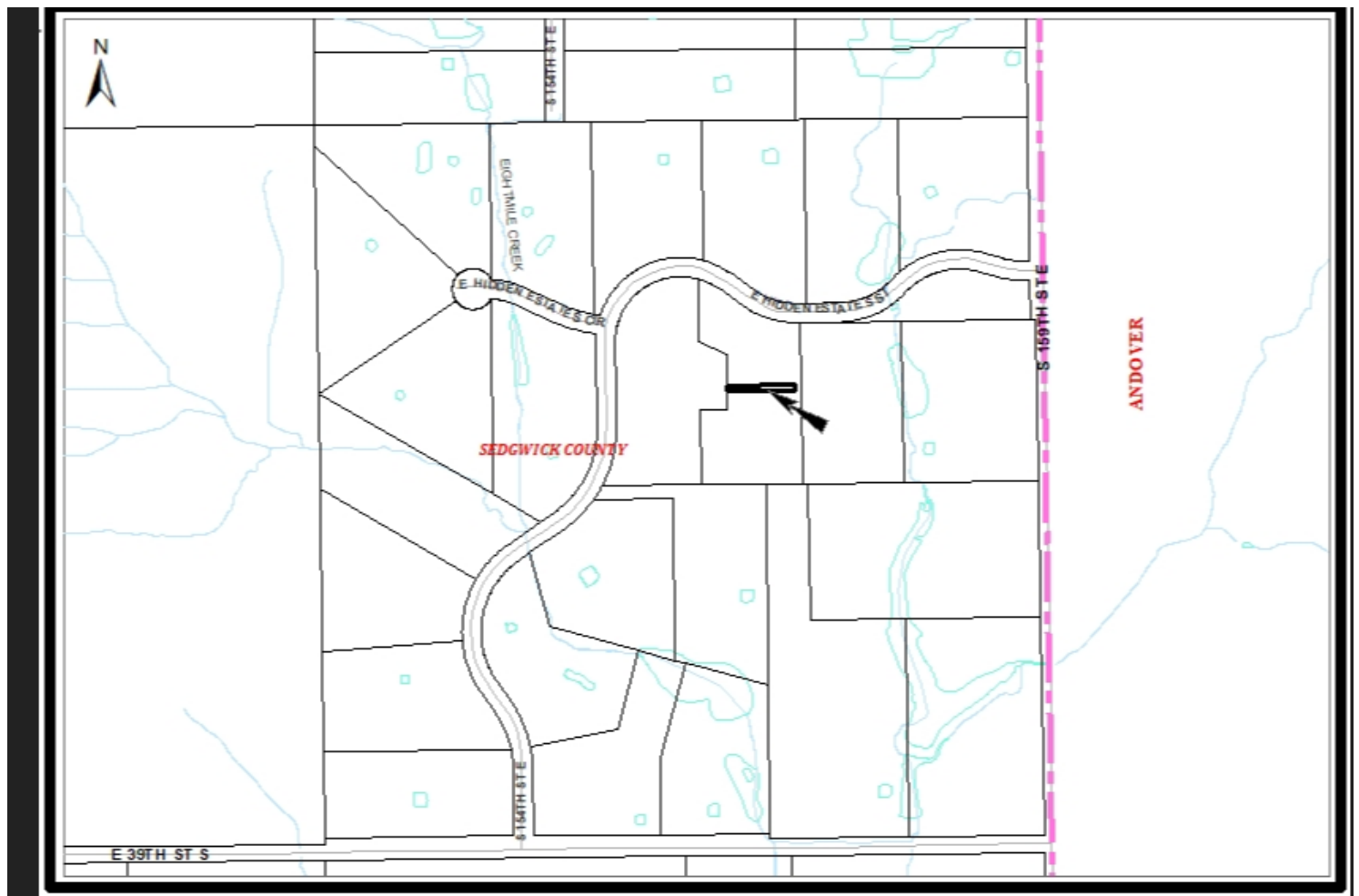


STAFF REPORT

- CASE NUMBER:** VAC2021-00032 – County request to vacate a portion of a platted utility easement
- APPLICANT:** Dwight Steven & Amber E. McColpin (owner/applicant)
- LEGAL DESCRIPTION:** Generally described as vacating all of the east-west platted 20-foot wide utility easement located on the common lot line of a portion of Lot 6 and Lot 7 (one property), Block 2, Hidden Estates Addition, Sedgwick County, Kansas
- LOCATION:** Generally located a quarter-mile west of South 159th Street East, a half-mile north of East 39th Street South on the south side of East Hidden Estates Street (City of Wichita’s Three-Mile Subdivision Jurisdiction. BoCC 5)
- REASON FOR REQUEST:** No utilities located in easement
- CURRENT ZONING:** The site and all abutting and adjacent properties are zoned RR Rural Residential.
- VICINITY MAP:**



VAC2021-00032 – County request to vacate a portion of a platted utility easement located on RR Rural Residential zoned property generally located a quarter-mile west of South 159th Street East, a half-mile north of East 39th Street South on the south side of East Hidden Estates Street (City of Wichita’s Three-Mile Ring Subdivision Jurisdiction, BoCC # 5)

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The applicant propose to vacate all of the platted 20-foot wide utility easement that runs east-west on both sides of the common lot line of the east portions of Lots 6 and Lot 7, Block 2, Hidden Estates Addition. The applicant owns those portions of Lots 6 and 7 as described in the attached legal description of the property; 15615 East Hidden Estates Street. The platted 20-foot wide utility easement continues onto the west portions of Lots 6 and 7 (different owner) intersecting with South 154th Street East and a platted 10-foot wide utility easement.

The applicant’s property also contains the north 10 feet of an east-west platted 20-foot wide utility easement located along their south property line, a north-south platted 20-foot utility easement located along their east property line and a platted 10-foot wide utility easement located along their north property line which runs parallel to East Hidden Estates Street. The Hidden Estates Addition was recorded with the Register of Deeds October 3, 2002.

There are no utilities located in the area of the proposed vacation. The site is located within the Butler County Rural Water District #5. Sewer service is provided on site. Butler Rural Electric Cooperative Association has provided a letter stating that they have no equipment in the subject easement, has no future plans to use the subject easement and has no objection to the vacation request. Conditions #2 and #3 cover all utilities.

NOTE: Because the subject site is located within the City of Wichita’s Three-Mile Subdivision Jurisdiction the Wichita City Council will review and make a recommendation on VAC2021-00032 before final action on VAC2021-00032 by the Sedgwick County Board of County Commissioners.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from County/City Traffic, Public Works/Water & Sewer/Storm water, 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 20-foot wide 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 Derby Informer, of notice of this vacation proceeding one time July 28, 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 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) Provide Planning staff with an approved legal descriptions of the vacated portion of the platted 20-foot wide utility easement on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to the City Council and the County Commission 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. All improvements shall be according to County Standards and will be at the applicant’s expense. Approval of plans for the relocation of any and all utilities by Public Works and/or franchised utilities must be completed prior to the case going to the City Council and the County Commission for final action. Provide Planning with letters of approval or E-mails of approval.

VAC2021-00032 – County request to vacate a portion of a platted utility easement located on RR Rural Residential zoned property generally located a quarter-mile west of South 159th Street East, a half-mile north of East 39th Street South on the south side of East Hidden Estates Street (City of Wichita’s Three-Mile Ring Subdivision Jurisdiction, BoCC # 5)

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- (3) Provide Planning with any required easement(s) dedicated by separate instrument(s) with original signatures for recording with the Register of Deeds. All original dedications will go with the Vacation Order to the City Council and the County Commission for final action and filing with the Sedgwick County Register of Deeds.
- (4) 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 and 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 (but not limited to) conditions :

- (1) Provide Planning staff with an approved legal descriptions of the vacated portion of the platted 20-foot wide utility easement on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to the City Council and the County Commission 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. All improvements shall be according to County Standards and will be at the applicant’s expense. Approval of plans for the relocation of any and all utilities by Public Works and/or franchised utilities must be completed prior to the case going to the City Council and the County Commission for final action. Provide Planning with letters of approval or E-mails of approval.
- (3) Provide Planning with any required easement(s) dedicated by separate instrument(s) with original signatures for recording with the Register of Deeds. All original dedications will go with the Vacation Order to the City Council and the County Commission for final action and filing with the Sedgwick County Register of Deeds.
- (4) 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 and 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.

Attachments:

- Aerial with public utilities & area of vacation
- Site plan
- Butler County Rural Electric letter
- Legal descriptions of utility easement to be vacated
- Legal descriptions of property
- Portion of Hidden Estates Addition containing subject property

VAC2021-00032 – County request to vacate a portion of a platted utility easement located on RR Rural Residential zoned property generally located a quarter-mile west of South 159th Street East, a half-mile north of East 39th Street South on the south side of East Hidden Estates Street (City of Wichita’s Three-Mile Ring Subdivision Jurisdiction, BoCC # 5)

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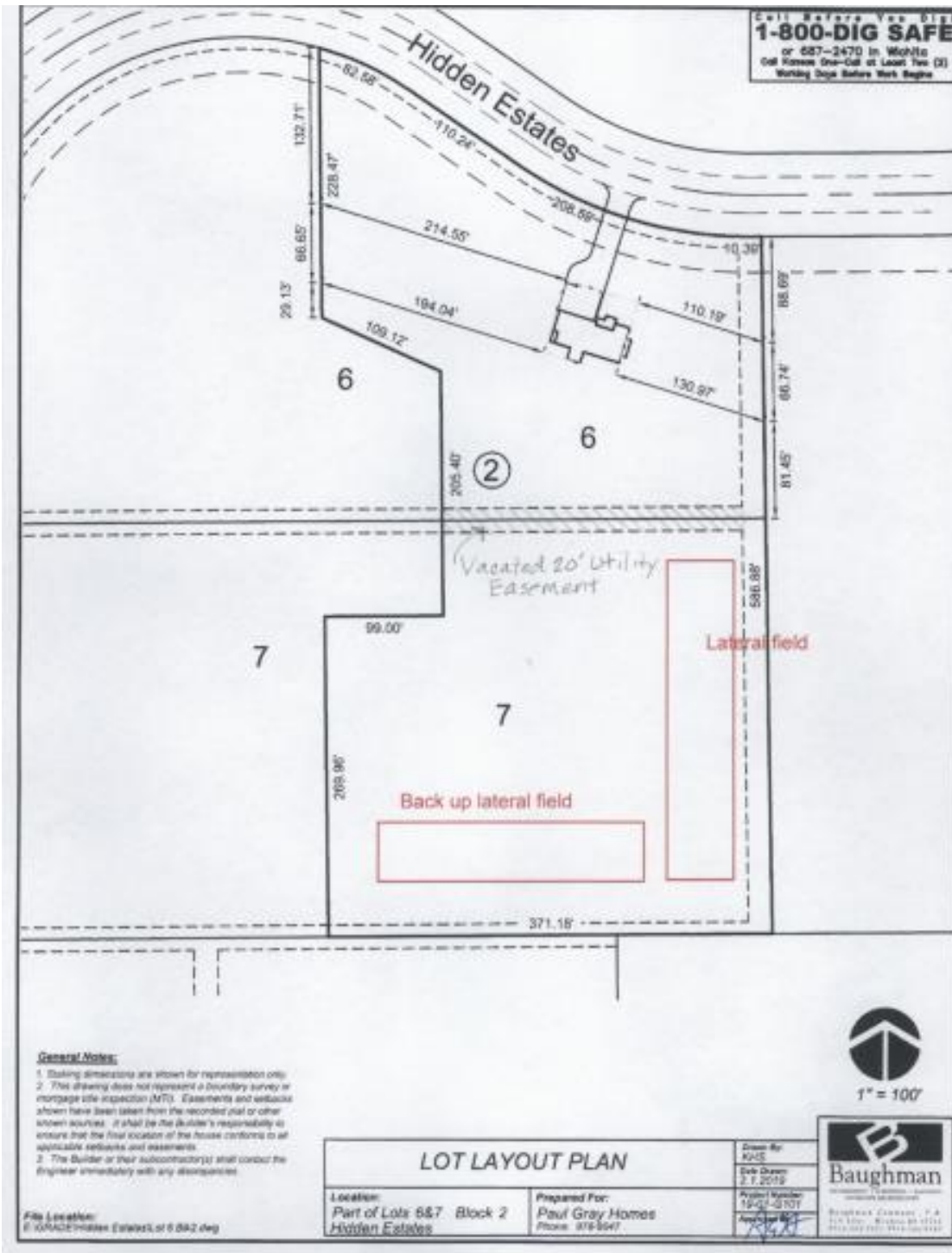
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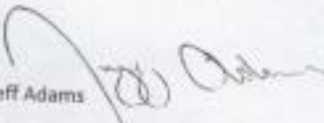
Butler REC

216-218 S. Vine
P.O. Box 1242
El Dorado, KS 67042
(316) 321-9600

5/24/2021

To whom it may concern:

Butler Rural Electric Cooperative Assn., Inc. has no future plans to utilize the utility easement that is situated at PT LOTS 6-7 BEG SE COR LOT 6 BLOCK 2 TH W 371.18 FT N 269.96 FT E 99 FT N 205.4 FT NWLY 109.12 FT N 228.47 FT TO CUR SELY ALG CUR 82.17 FT SELY 110.24 FT SELY 205.23 FT E 10.39 FT S 587.09 FT TO BEG BLOCK 2 HIDDEN ESTATES ADDITION, also known by the address of 15615 Hidden Estates St. in Sedgwick County, KS. Butler Rural Electric Cooperative Assn., Inc. hereby approves of the vacation of said easement.


Jeff Adams
Vice President of Operations
Butler Rural Electric Cooperative

VAC2021-00032 – County request to vacate a portion of a platted utility easement located on RR Rural Residential zoned property generally located a quarter-mile west of South 159th Street East, a half-mile north of East 39th Street South on the south side of East Hidden Estates Street (City of Wichita’s Three-Mile Ring Subdivision Jurisdiction, BoCC # 5)

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**Legal Description of Area to be Vacated at
15615 E. Hidden Estates St., Wichita, KS 67232**

Vacate the platted 20-foot utility easement with a center line on the boundary between Lots 6 and 7, Block 2, Hidden Estates Addition. Vacate only that portion that lies on a parcel described as Beginning at the southeast corner of Lot 6, Block 2, thence West 371.18 feet, thence North 269.96 feet, thence east 99 feet, thence North 205.4 feet, thence northwesterly 109.12 feet, thence north 228.47 feet to curve, thence southeasterly along curve 82.17 feet, thence southeasterly 110.24 feet, thence southeasterly 205.23 feet, thence East 10.39 feet, thence south 587.09 feet to the point of beginning.

**Section 2 Item 1 Legal Description of the Property at
15615 E. Hidden Estates St., Wichita, KS 67232**

PT LOTS 6-7 BEG SE COR LOT 6 BLOCK 2 TH W 371.18 FT N 269.96 FT E 99 FT N 205.4 FT NWLY 109.12 FT N 228.47 FT TO CUR SELY ALG CUR 82.17 FT SELY 110.24 FT SELY 205.23 FT E 10.39 FT S 587.09 FT TO BEG BLOCK 2 HIDDEN ESTATES ADDITION

VAC2021-00032 – County request to vacate a portion of a platted utility easement located on RR Rural Residential zoned property generally located a quarter-mile west of South 159th Street East, a half-mile north of East 39th Street South on the south side of East Hidden Estates Street (City of Wichita’s Three-Mile Ring Subdivision Jurisdiction, BoCC # 5)

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