

STAFF REPORT

CASE NUMBER: VAC2021-00036 - City request to vacate a portion of a platted utility easement

APPLICANTS: Joseph Kevin Bell (applicant/owner)

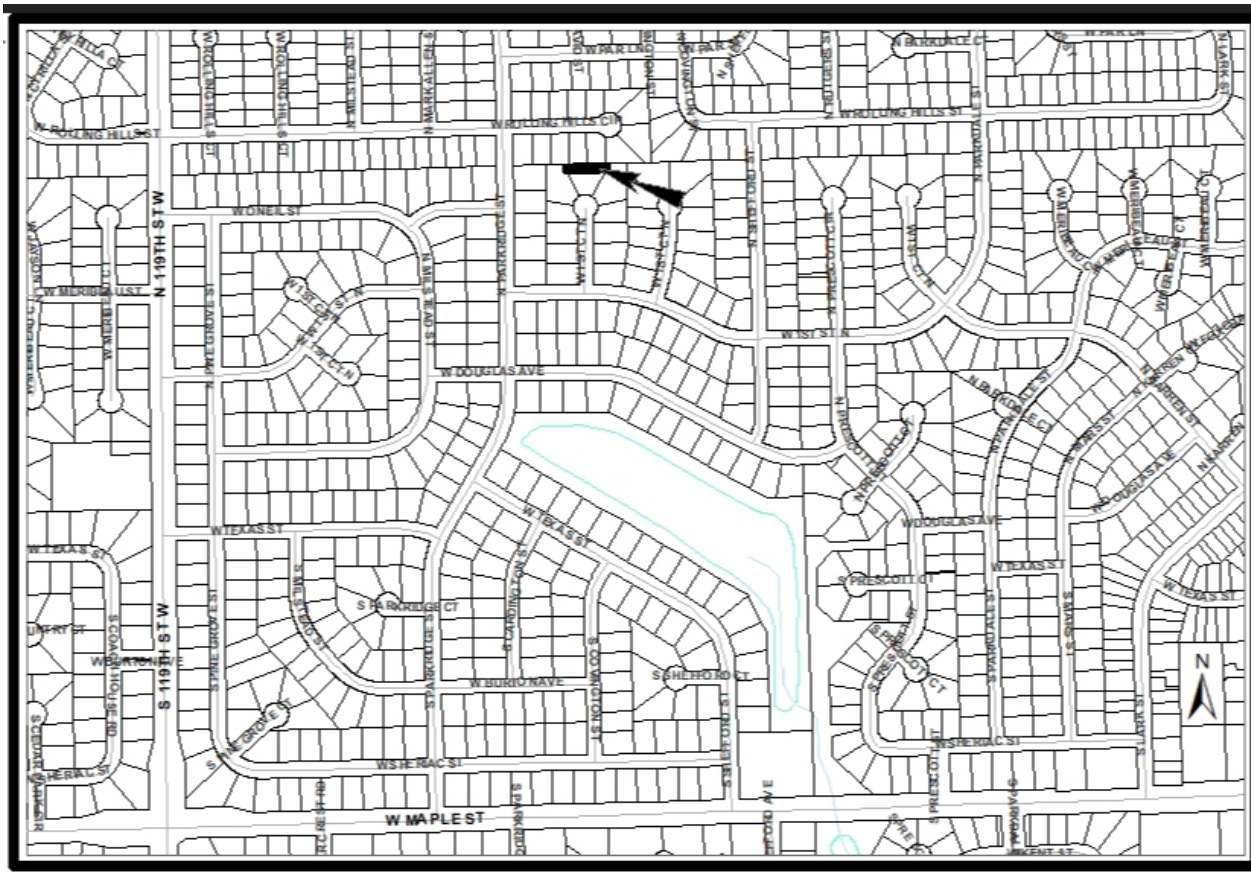
LEGAL DESCRIPTION: Generally described as vacating the south 20 feet of the platted 30-foot wide utility easement located on the north, rear yard side of Lot 11, Block 19, Westlink Village 18th Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located a half-mile north of West Maple Street, a third of a mile east of South 119th Street West, on the north side of West 1st Court North (11534 West 1st Court North, District V)

REASON FOR REQUEST: Applicant proposes to build a detached accessory structure

CURRENT ZONING: The subject site and all abutting and adjacent properties are zoned SF-5 Single-Family Residential.

VICINITY MAP:



The applicant is requesting the vacation of the of the south 20 feet of the east – west platted 30-foot wide utility easement located in and running parallel to the rear yard’s property line of the SF-5 Single-Family Residential zoned subject property; Lot 11, Block 19, Westlink Village 18th Addition. The Westlink Village 18th Addition was recorded November 16, 1978. The applicant proposes to build a detached 30-foot by 40-foot accessory structure that will encroach 20 feet into the platted 30-foot wide utility easement. The abutting and adjacent east and west SF-5 zoned single-family lots have the same easement.

The north abutting SF-5 zoned single-family lots all have east – west platted 30-foot wide utility easements located and running parallel to their south rear yards’ property lines; Lots 3, 4, 5 and 6, Westlink 19th Addition. These lots abut the subject site’s rear yard and the subject 30-foot wide utility easement creating a 60-foot wide utility easement that runs the length of the block, between Shefford and Parkridge streets, where the subject site is located. There is a sewer line and manholes located in a portion of the two abutting 30-foot wide utility easements. Everygy has service lines and equipment near the area of the proposed vacation. The applicant will need to obtain locations and/or survey of those services to verify if their location is in the subject easement or the abutting 30-foot wide platted utility easement. No structures can be built over Everygy lines. Everygy equipment and lines service the applicant’s site as well as abutting east, west and north properties; relocation may not be an option and retention of 20 feet of the subject 30-foot wide easement. Richard Aitkens is the Design Representative for this area; 316-261-6334. Water and gas lines are located in the West 1st Court North right-of-way running parallel to the subject site’s front yard. Storm Water needs to comment on the request. Conditions #2, #3 and #4 cover all utilities.

West 1st Court North is a residential cul-de-sac street with the subject site located at the top of the cul-de-sac. The subject site is triangular in shape with the wide portion of it being the back yard.

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 portion of the east – west platted 30-foot wide utility easement.

- (1) Provide an approved legal description of the vacated portion of the platted 30-foot utility easement on a Word document that can be copied and used on the Vacation Order.
- (2) Dedicated any other needed easement(s) to cover utilities located in the subject site. These must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (3) As needed provide utilities with any needed project plans for the relocation of utilities for review and approval. Any relocation/reconstruction of utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number(s) to Planning prior to the case going to City Council for final action.
- (4) All improvements shall be according to City Standards and at the applicants’ expense.
- (5) 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 (but not limited to) conditions :

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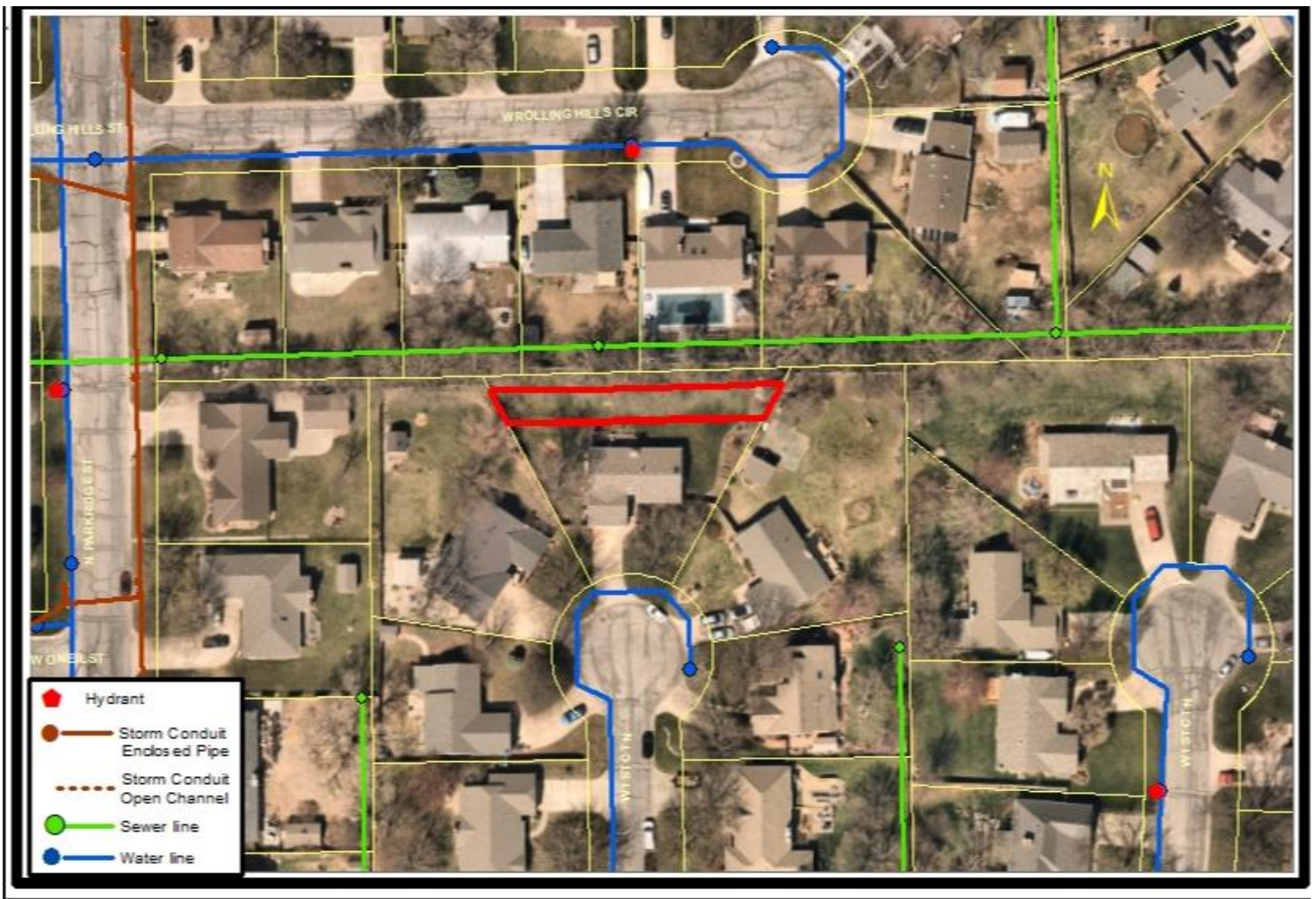
Attachments:

- Aerial showing water, sewer, storm water & location of proposed vacated utility easement
- Exhibit of property as is
- Site Plan
- Gas lines
- Evergy equipment
- Subject site, Lot 11, Block 19, Westlink Village 18th Addition

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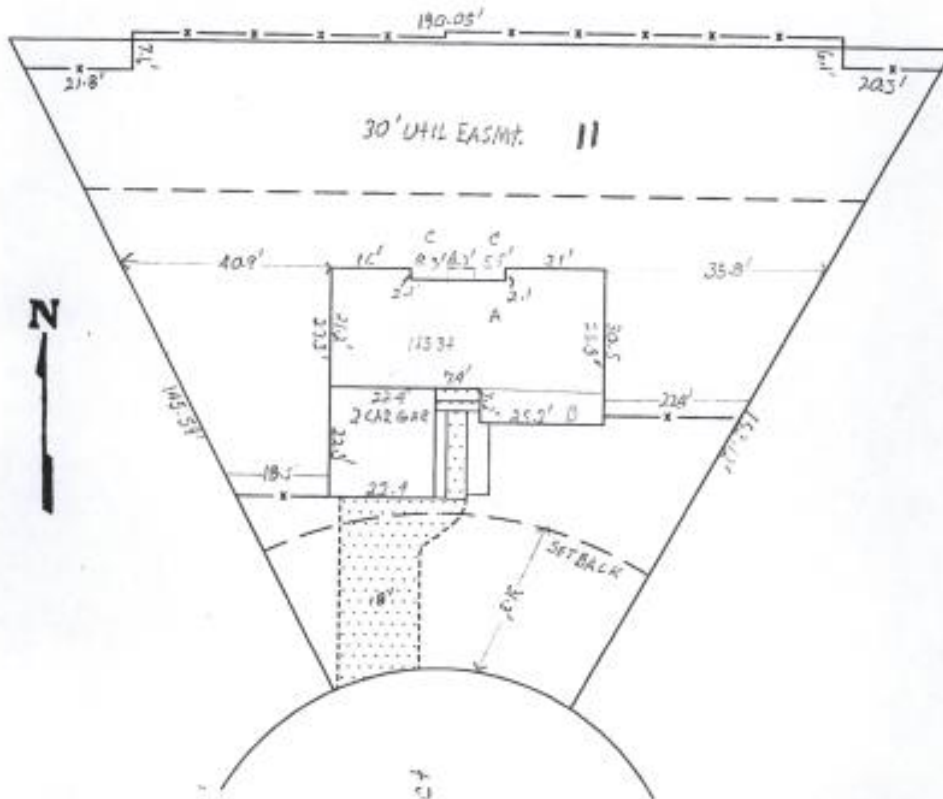


WILLIAM J. KOSER, L.S.
 H. BRENT WOOTEN, P.E.



BAUGHMAN COMPANY, P.A.
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 315/262-7271 • 315 ELLIS • WICHITA, KANSAS 67211

MORTGAGE TITLE INSPECTION
 (This Does Not Constitute A Boundary Survey)



$$A = 55.3' \times 23.3' = 1293.15'$$

$$B = 25.1' \times 9.7' = 181.44'$$

$$C = 33.6' \times 24' = 28.70'$$

Agreed No. 81-07-0337 F: Total Living Area = A+B+C = 1443.61 sq ft
 FEMA FIRM
 200320 0080 B
 Map 4, 1986
 Zone C
 11534 W 1st Ct N
 Wichita, KS 67212
 Lot 4, Block 19, WestLink Village 1946 Add.

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