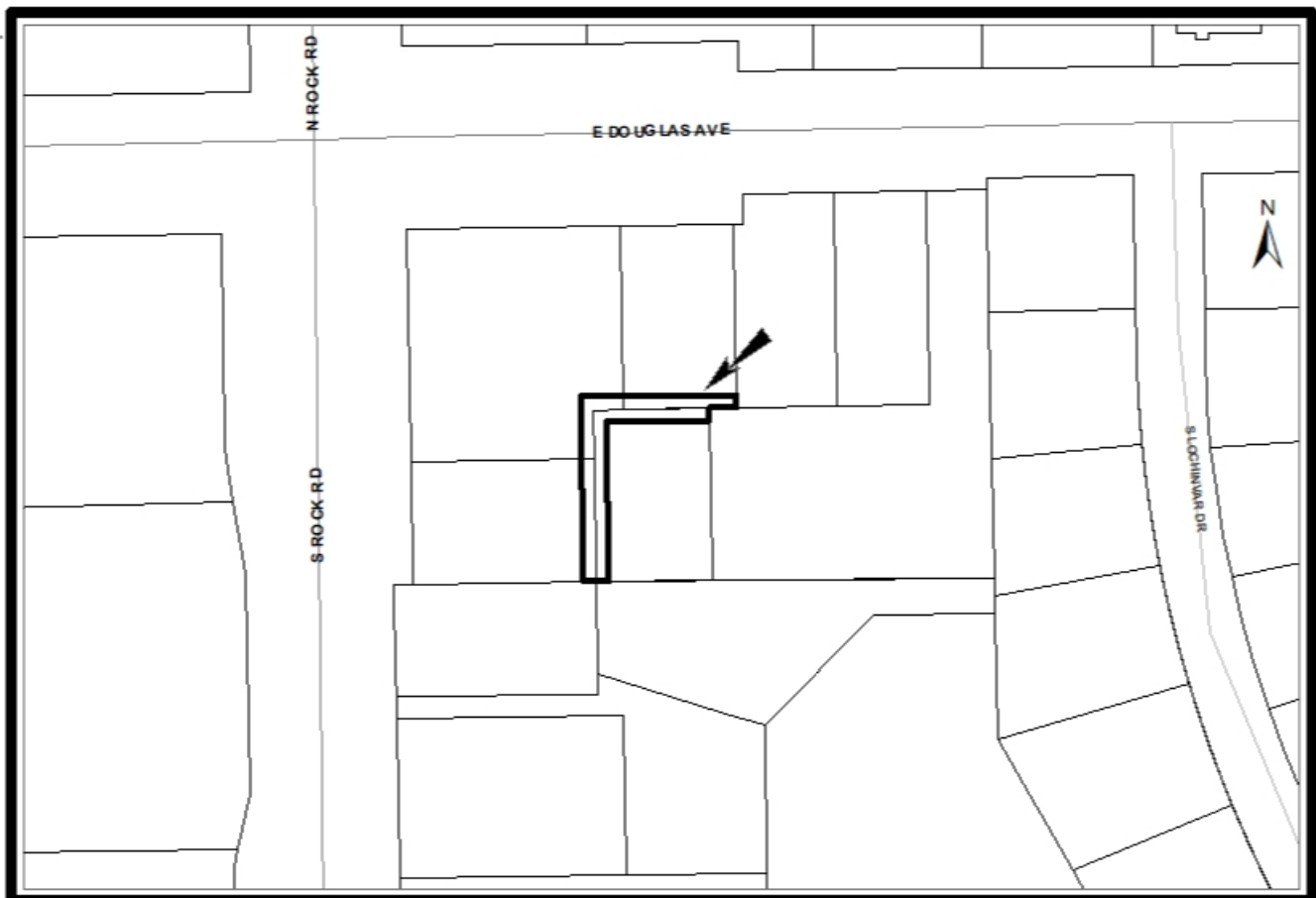


STAFF REPORT

- CASE NUMBER:** VAC2021-00056 – Request in the City to vacate portions of platted utility easements
- APPLICANTS:** Quick Trip West, c/o Jake Barron (applicant/owner) MKEC Engineering, Inc., c/o Brian Lindebak (agent)
- LEGAL DESCRIPTION:** Generally described as vacating the platted 10 foot wide utility easement located along the east, rear, lot line of Lot 2 & all of the platted 10-foot wide utility easement located along an east portion and southeast portion of the lot line of Lot 1, all in the Champlin Addition. Vacating the east 10 feet of the platted 20-foot wide utility easement located on a west and southwest portion of Lot 9 & the north 10feet of the platted 20-foot wide utility easement located along a south portion of Lot 6, all in the Bonnie Brae Second Addition, all in Wichita, Sedgwick County, Kansas
- LOCATION:** Generally located on the southeast corner of East Douglas Avenue and South Rock Road (District II)
- REASON FOR REQUEST:** Redevelopment of the site
- CURRENT ZONING:** The subject site and all abutting and adjacent properties are zoned LC Limited Commercial
- VICINITY MAP:**



The applicant proposes to vacate south – north and west – east, upside down L shaped platted utility easements on the LC Limited Commercial zoned subject site; see attached legal description. The LC zoned subject site is currently developed with a Quick Trip Convenience Store (built 1992). The applicant proposes to redevelop the subject site with a larger, newer generation Quick Trip. The subject site is located on the southeast corner of East Douglas Avenue and South Rock Road. The subject site consists of Lots 6 and 9, Bonnie Brae Second Addition and Lots 1 and 2, Champlin Addition. The Bonnie Brae Second Addition was recorded December 3, 1969. The Champlin Addition was recorded August 4, 1970.

The subject easements abut each other as located on the abutting Lots 1 and 2, Champlin Addition and Lots 6 and 9, Bonnie Brae Second Addition, making a 20-foot wide utility easement with the center line being the common lot lines. Those easements extend south and east of the proposed vacation. There is a sewer line located in the subject easements that extends south and east out of the subject easements. The applicant proposes to reroute the sewer line and dedicate easement to cover it. Public Works will need to approve the plans to reroute sewer. Current Subdivision standards for the width of a sewer easement is 20 feet. There is no Public Water of Storm Water lines or equipment located in the subject easements.

Evergy and Cox have equipment in the area of the easements that serve multiple customers to the south and the east. The applicant will need to contact Abby Brungardt, Evergy Design Representative at 316-508-2715 or Shane Price Evergy Design Supervisor at 316-261-6315 for this request. The applicant and these utilities are working on plans to relocate those utilizes. Provide approved projects to Planning prior to proceeding to City Council for final action. Conditions #2, #3, #4 and #5 cover all utilities. Vehicular traffic, pedestrian traffic and public safety will not be impacted by this vacation request.

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 south – north and west – east, 20-foot wide platted utility easements.

- 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 January 13, 2022, 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 utility easements, 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 with an approved legal description of the vacated portion of the platted 20-foot sewer on a Word document that can be copied and used on the Vacation Order.
- (2) Dedicate a 20-foot wide sewer easement by separate instrument, with original signatures. This 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) Provide Public Works with a project plan for relocation of the sewer line for review and approval. Relocation of the sewer line will be the responsibility and at the expense of the applicant and to City standards. The approved project number must be provided to Planning prior to the case goes to City Council for final approval.

- (4) As needed provide all utilities with any needed project plans and easements 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) or public easements to Planning prior to the case going to City Council for final action.
- (5) All improvements shall be according to City Standards and at the applicants' expense.
- (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.

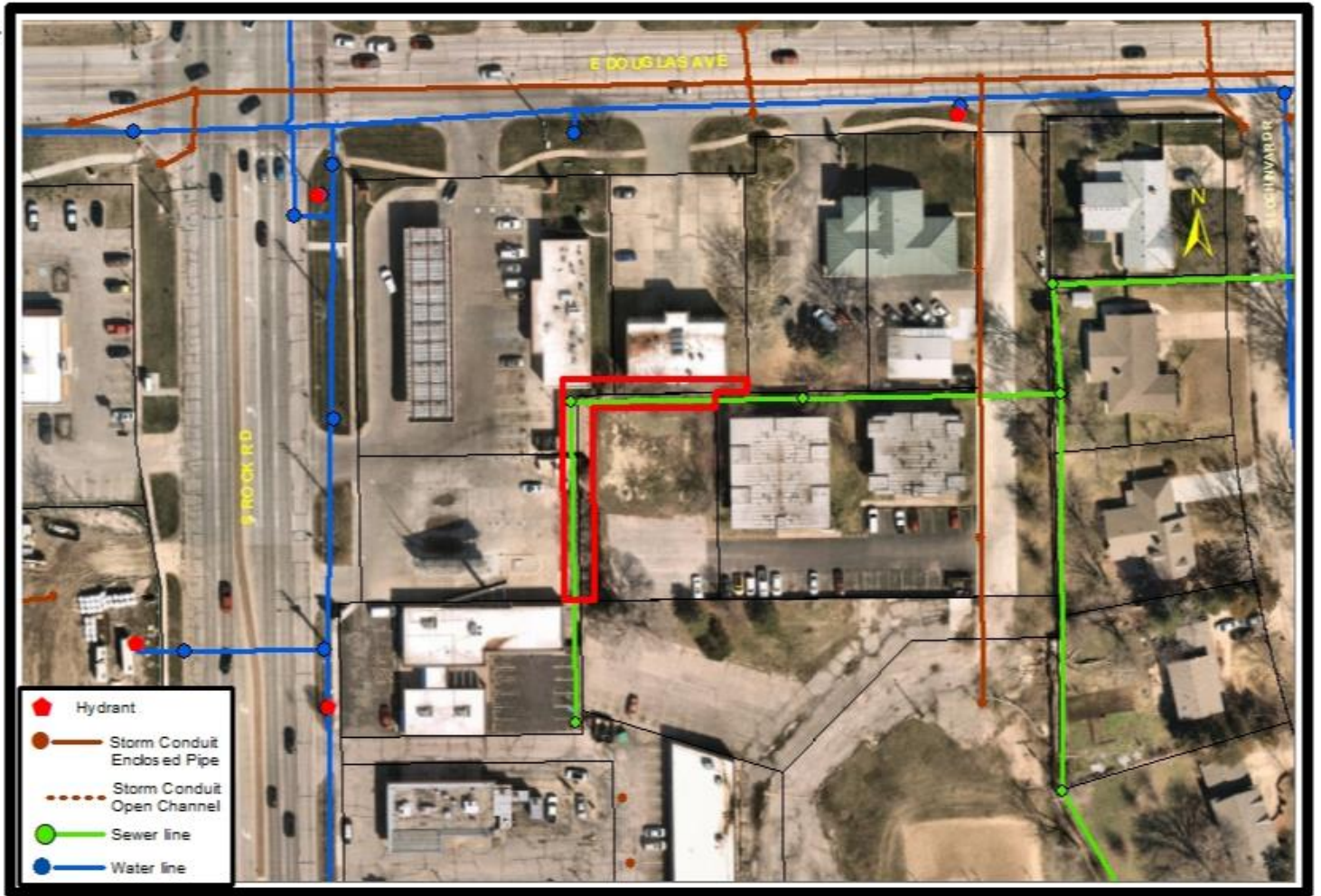
Attachments:

- Aerial showing water, sewer, storm water & location of proposed vacated utility easement
- Agent's exhibits of the Bonnie Brae Second Addition's & the Champlin Addition's vacated easements
- Legal description
- Site Plan
- Utility plan

VAC2021-00056 – Request in the City to vacate portions of platted utility easements on LC Limited Commercial zoned property generally located on the southeast corner of East Douglas Avenue & South Rock Road (District II)

February 3, 2022

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CHAMPLIN ADDITION

TO WICHITA, KANSAS

Know all men by these presents that we Champlin Petroleum Company, a corporation by W. E. Bissinger and B. E. Thompson have caused the land described in the surveys and plat to be platted into lots to be known as "CHAMPLIN ADDITION" in Wichita, Kansas. Easements are hereby granted as indicated for construction and maintenance of all public utilities. All easement rights of access to and from Rock Road over and across the west line of lots 1 and 2 and to and from Douglas Avenue over and across the north line of Lot 1, is hereby granted to the City of Wichita provided however that Lot 1 shall have access to Douglas Avenue at any point east of the west 40 foot strip, as that is determined by the City Engineer of the City of Wichita, Kansas, provided also that Lot 1 and the N. 1/2 of Lot 2 shall have access to Rock Road at all points on all but the north 40 foot of said Lot 1. The remainder of Lot 2 shall have access to Rock Road at all points, all points to be determined by the City Engineer of the City of Wichita, Kansas.

Champlin Petroleum Company
W. E. Bissinger
 President
B. E. Thompson
 Secretary

State of Texas } S.S. Be it remembered that on this 2nd day of August 1920 before me a notary public in and for said county and state came W. E. Bissinger and B. E. Thompson of Champlin Petroleum Company & as known to me the same persons who executed the foregoing instrument of writing and duly acknowledged the execution of the same. In testimony whereof I have hereunto set my hand and affixed my notarial seal the day and year above written.

Shelby Thalhoffer Notary Public
 My Commission Expires 6-11-21

This plat of CHAMPLIN ADDITION to Wichita, Kansas, has been submitted to and approved by the Wichita Sedgewick County Metropolitan Area Planning Commission, Wichita, Kansas. Dated this 22nd day of June 1920 with Sedgewick County Metropolitan Area Planning Commission.

Arthur J. Johnson Chairman
Robert A. Johnson Secretary

This plat approved by the Board of Commissioners of the City of Wichita, Kansas, this 22nd day of June 1920.

Ralph E. Miller City Clerk

This plat approved by the Board of Commissioners, Sedgewick County, Kansas, this 22nd day of June 1920.

Earl B. Smith Chairman
W. E. Bissinger Commissioner
B. E. Thompson Commissioner
Thos. Warden County Clerk

State of Kansas } S.S. We, Baughman Company, Surveyors in Sedgewick County and State do hereby certify that we have surveyed and platted "CHAMPLIN ADDITION" to Wichita, Kansas, and that the accompanying plat is a true and correct exhibit of the property surveyed, and being a record of lots 1 and 2, Block One Grand Addition, to Wichita, Kansas.

Baughman Company
William R. Baughman Surveyor

record this 2nd day of August 1920
Thos. Warden County Clerk

State of Kansas } S.S. This is to certify that this plat was filed for record in the office of the Register of Deeds this 22nd day of June 1920 at _____ o'clock in the P.M., and is duly recorded.

John C. Smith Register of Deeds
Paul W. Smith Deputy

**DESCRIPTION OF
QuikTrip 353
VAC2021-000__**

All of the platted 10-foot utility easement on the east line of Lot 1 and all of the platted easement on the east line of Lot 2, Champlin Addition, to Wichita, Kansas, comprising all platted 10-foot utility easements in said addition.

TOGETHER WITH,

That portion of a platted 20-foot utility easement lying within Lots 6 and 9, Bonnie Brae Second Addition, to Wichita, Kansas, said portion of said easement being more particularly described as follow:

BEGINNING at the southeast corner of said Lot 6, thence along the south line of said Lot 6, on a Kansas coordinate system of 1983 south zone grid bearing of S89°14'10"W, 21.79 feet; thence S00°57'52"E, 10.00 feet to the south line of said platted 20-foot utility easement; thence along the perimeter of said platted 20-foot utility easement for the next two course S89°15'13"W, 85.07 feet; thence S00°59'46"E, 129.98 feet; thence S89°10'42"W, 10.00 feet to the southwest corner of Lot 4, said Bonnie Brae Second Addition; thence along the west line of said Lot 9, N00°59'46"W, 139.99 feet to the north line of said Lot 9; thence along said north line, N89°15'13"E, 24.91 feet; thence N00°54'43"W, 10.00 feet to the north line of said easement; thence along said north line of said easement, N89°15'13"E, 91.97 feet to the east line of said Lot 6; thence along said west line, S00°50'10"E, 10.00 feet to the POINT OF BEGINNING.

