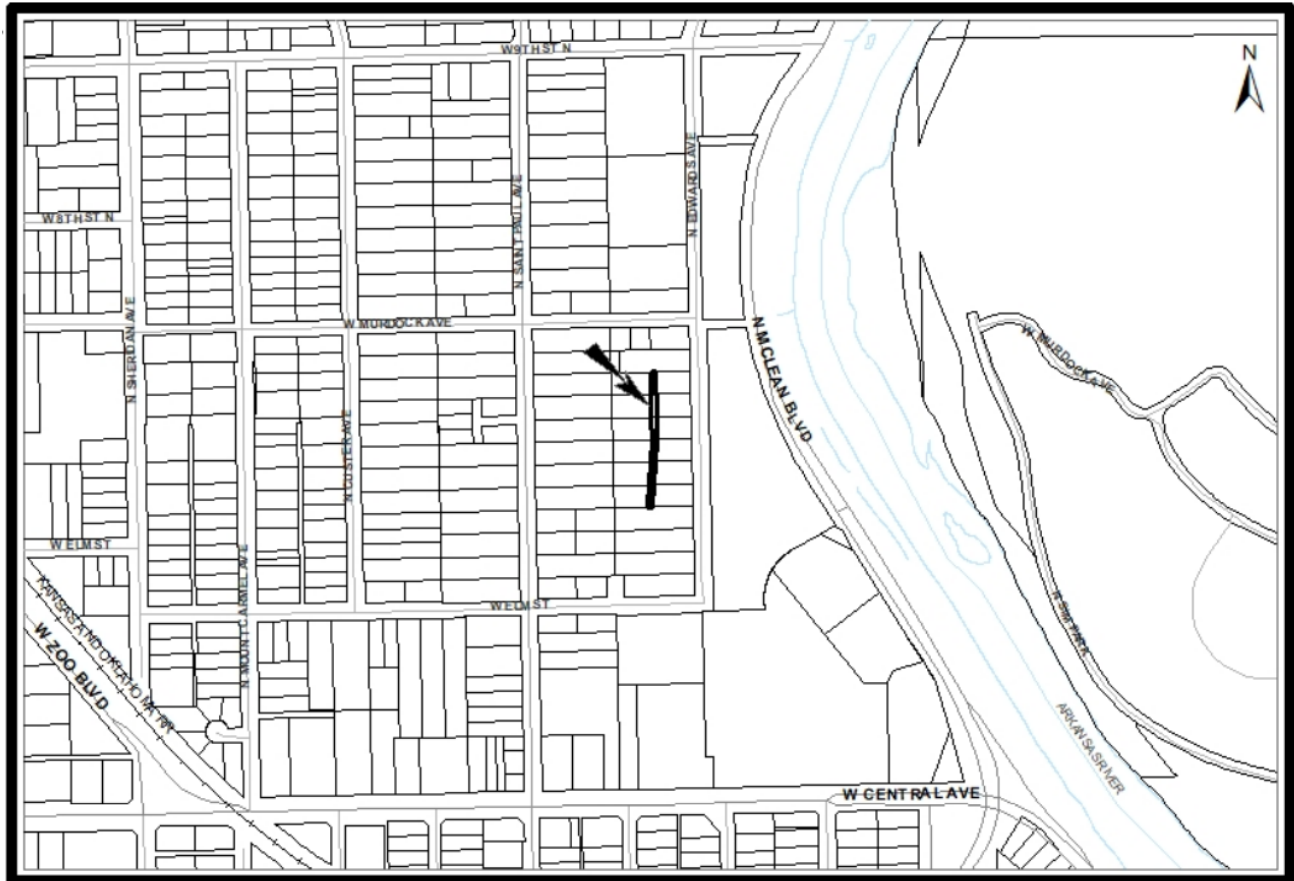


STAFF REPORT

- CASE NUMBER:** VAC2021-00057 – Request in the City to vacate a portion of a sewer easement dedicated by separate instrument
- APPLICANTS:** Via Christi Village McLean, Inc., c/o Ryan Endsley, Via Christi Healthcare Outreach Program for Elders, c/o Andrea Carpenter (applicants/owners) MKEC Engineering, Inc., c/o Brian Lindebak (agent)
- LEGAL DESCRIPTION:** Generally described as vacating that portion of the 16-foot wide sewer easement dedicated by separate instrument, running north – south through Lots 15, 16, 17, 18, 19, & 20, Sim Park Gardens Addition, Wichita, Sedgwick County, Kansas
- LOCATION:** Generally located north of West Murdock Avenue on the west side of North Edwards Avenue (District VI)
- REASON FOR REQUEST:** Redevelopment of the site
- CURRENT ZONING:** The subject site is zoned GO General Office with Protective Overlay PO #379. Property abutting the north side of the site and the adjacent east properties, across North Edwards Avenue, are zoned GO. Abutting west and south properties are zoned SF-5 Single-Family Residential.

VICINITY MAP:



The applicants are requesting the vacation of a portion of a 16-foot wide sewer easement dedicated by separate instrument; case A-67702, Misc. Book 415, Page 9. The easement runs north – south through the GO General Office zoned subject site, Lots 15, 16, 17, 18, 19, & 20, Sim Park Gardens Addition. The subject site is located south of West Murdock Avenue on the west side of North Edwards Avenue. The Sim Park Gardens Addition was recorded April 4, 1924. There were no easements shown or referenced on the Sim Park Gardens Addition at the time of its recording.

The applicant proposes to redevelop the recently zoned GO subject site as an expansion of a Senior Health Care complex located between West 9th Street North and West Elm Street and from North Mclean Boulevard to the west side of North Edwards Avenue; ZON2021-00043, PO #379, SF-5 Single-Family Residential to GO.

The easement dedicated by separate instrument extends north into the abutting Lot 14 and continues into Lot 13, all in the Sim Park Gardens Addition. The subject easement also extends south into the abutting Lot 20 and continues into Lots 21, 22, 23 and 24, all in the Sim Park Gardens Addition. There is a sewer line in all of the subject easement dedicated by separate instrument. 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. Public Water and Storm Water are located in the North Edwards Avenue right-of-way. Every power poles and lines are located in the area of the sewer easement: Every has no objection to the request as conditions #4 and #5 cover their equipment. Richard Aitken is the Every Design Representative for this area and can be contacted at 316-261-6334. 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 north-south 16-foot wide sewer easement dedicated by separate instrument.

- 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 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) Provide an approved legal description of the vacated portion of the 16-foot sewer easement dedicated by separate instrument 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. 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.

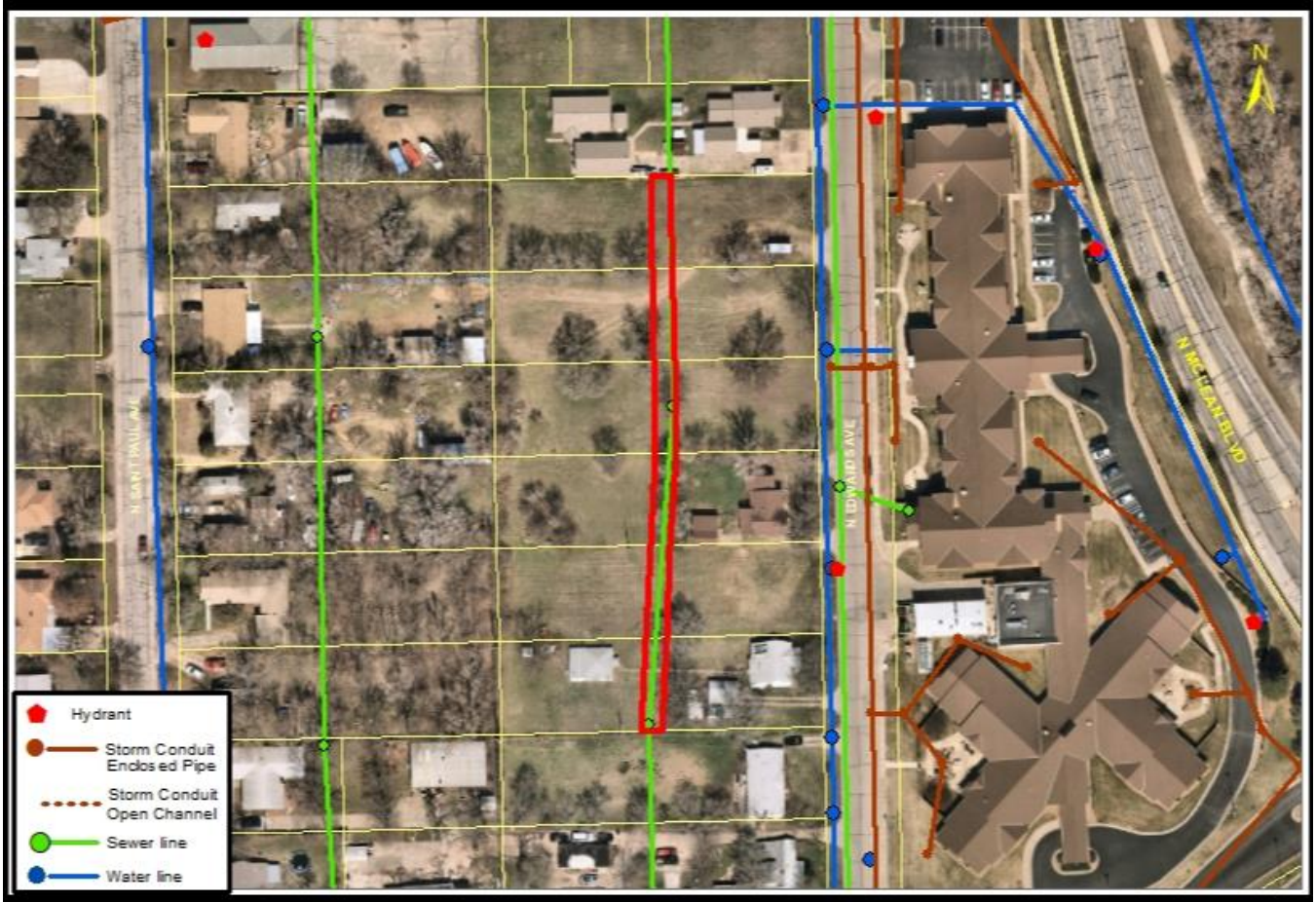
SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

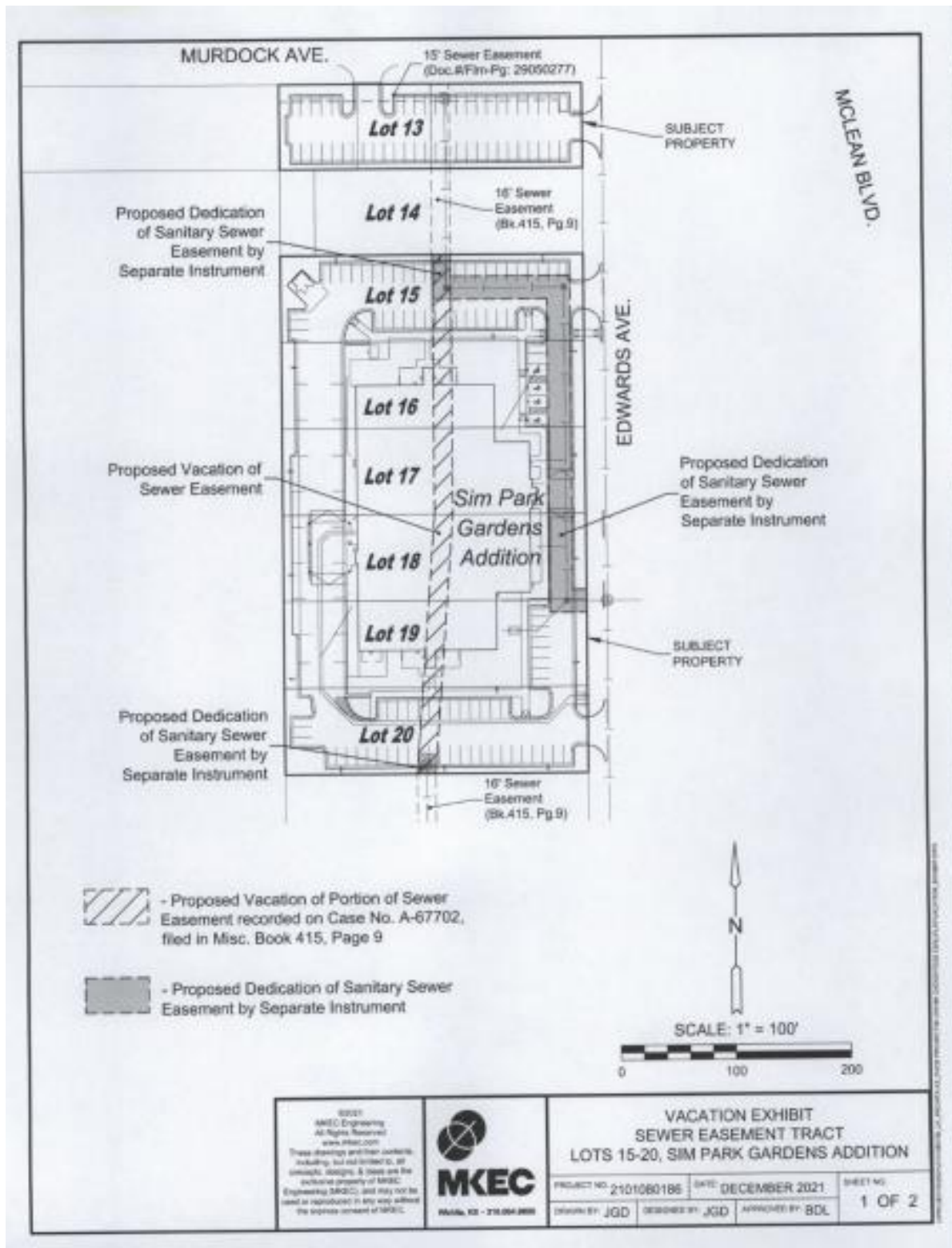
The Subdivision Committee recommends approval subject to the following (but not limited to) conditions:

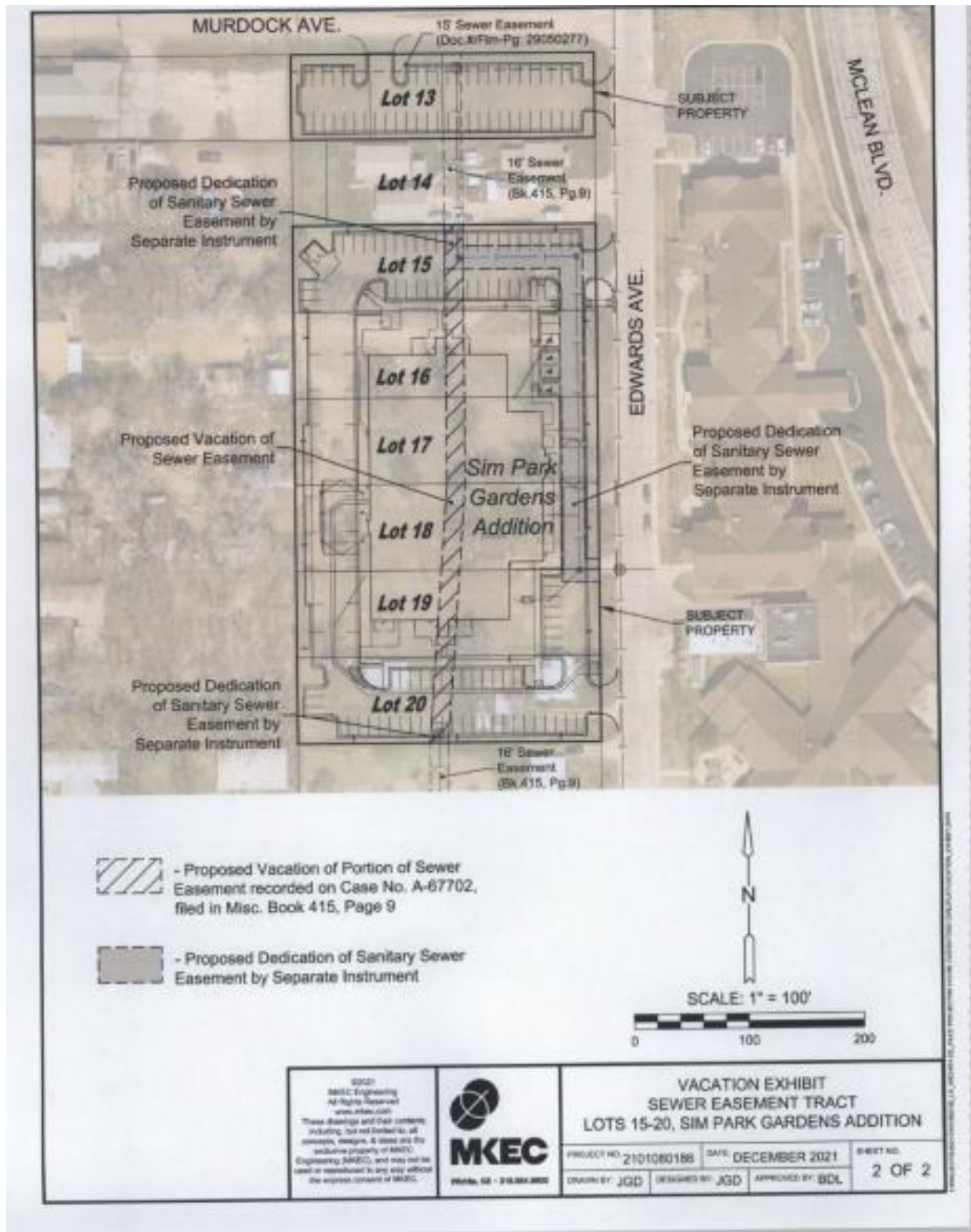
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- (4) As needed provide all utilities with any needed project plans and easements for the relocation of utilities for review and approval. Any relocation/reconstruction of utilities made necessary by this vacation shall be to City Standards and shall 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 Exhibit
- Agent's Exhibit
- Legal description







**DESCRIPTION OF
Proposed Vacated Portions of
a Sewer Easement by separate instrument
recorded on Case No. A-67702
filed in Misc. Book 415, Page 9
VAC2021-000##**

Parent Property

Lots 15, 16, 17, 18, 19, and 20, Sim Park Gardens Addition, Sedgwick County, Kansas.

Lot 15 (Tract No. 3)

The West Sixteen (16) feet of the east one hundred thirty-one and sixty-five hundredths (131.65) feet of Lot 15, Sim Park Gardens Addition, Sedgwick County, Kansas,

TOGETHER WITH,

Lot 16 (Tract No. 4)

The West Sixteen (16) feet of the east one hundred thirty-one and sixty-five hundredths (131.65) feet of Lot 16, Sim Park Gardens Addition, Sedgwick County, Kansas,

TOGETHER WITH,

Lot 17 (Tract No. 5)

The West Sixteen (16) feet of the east one hundred thirty-one and sixty-five hundredths (131.65) feet of Lot 17, Sim Park Gardens Addition, Sedgwick County, Kansas,

TOGETHER WITH,

Lot 18 (Tract No. 6)

A sanitary sewer easement over and across Lot 18, Sim Park Gardens Addition, Sedgwick County, Kansas, described as eight (8) feet on either side of a center line beginning on the north line of Lot 18 and one hundred twenty-three and sixty-five hundredths (123.65) feet west of the northeast corner of said Lot 18, thence southwesterly to the south line of Lot 18 and one hundred twenty-nine and thirty one hundredths (129.31) feet west of the southeast corner of Lot 18,

TOGETHER WITH,

Lot 19 (Tract No. 7)

A sanitary sewer easement over and across Lot 19, Sim Park Gardens Addition, Sedgwick County, Kansas, described as eight (8) feet on either side of a center line beginning on the north line of Lot 19 and one hundred twenty-nine and thirty-one hundredths (129.31) feet west of the northeast corner of said Lot 19, thence southwesterly to the south line of Lot 19 and one hundred thirty-four and ninety-eight hundredths (134.98) feet west of the southeast corner of Lot 19,

TOGETHER WITH,

Lot 20 (Tract No. 8)

A sanitary sewer easement over and across Lot 19, Sim Park Gardens Addition, Sedgwick County, Kansas, described as eight (8) feet on either side of a center line beginning on the north line of Lot 20 and one hundred thirty-four and ninety-eight hundredths (134.98) feet west of the northeast corner of said Lot 20, thence southwesterly to the south line of Lot 20 and one hundred forty and sixty-five hundredths (140.65) feet west of the southeast corner of Lot 20,