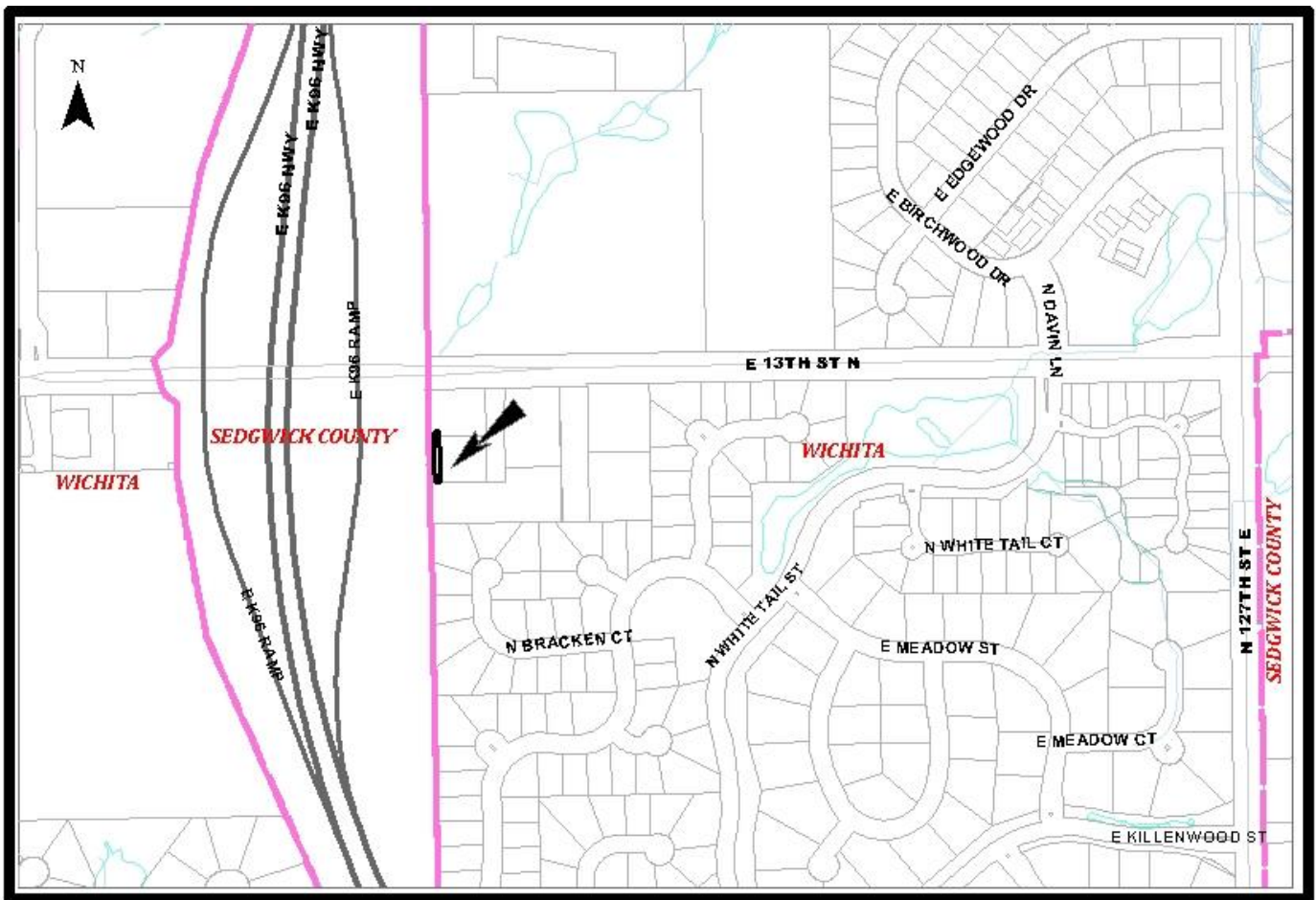


**STAFF REPORT**

- CASE NUMBER:** VAC2018-00018 - City Vacation of sanitary sewer easement
- OWNER/APPLICANT:** BDW, LLC (Applicant) Baughman Company (Agent)
- LEGAL DESCRIPTION:** See Attached
- LOCATION:** Generally located on the southeast corner of K-96 and East 13<sup>th</sup> Street North
- REASON FOR REQUEST:** To allow construction of a building on the site
- CURRENT ZONING:** LC Limited Commercial
- VICINITY MAP:**



The applicant has requested the vacation of a portion of a twenty-foot utility easement, deeded by separate instrument, on property located on the southeast corner of K-96 and East 13<sup>th</sup> Street North. There is a sewer in the subject portion of the easement that will need to be relocated at the applicant's expense and to city standards.

No franchised utilities objected to the vacation. The Executive at White Tail 2nd Addition was recorded December 16<sup>th</sup>, 2005.

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 portion of utility easement, deeded by separate instrument.

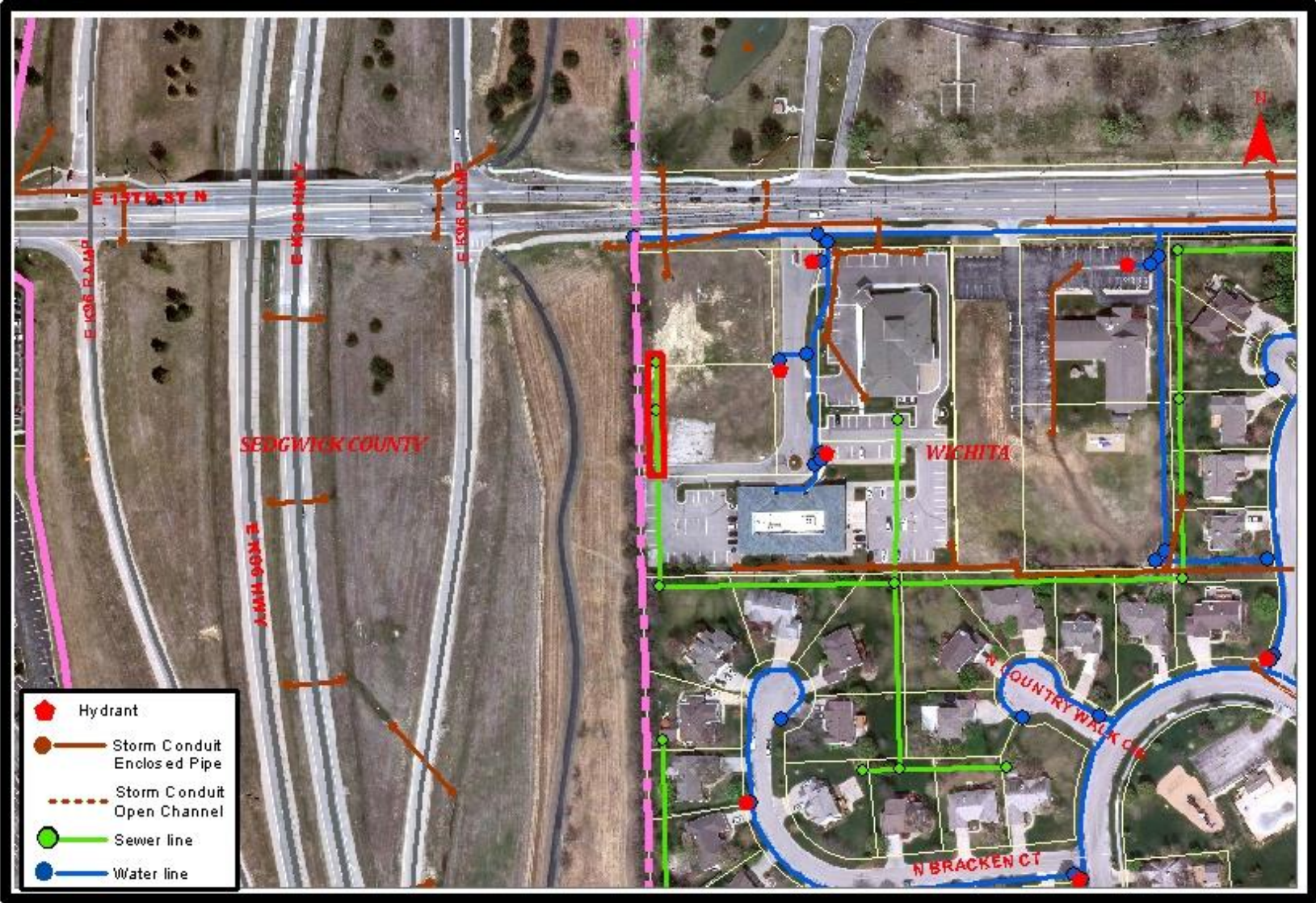
- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time July 19, 2018, 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 sanitary sewer 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:

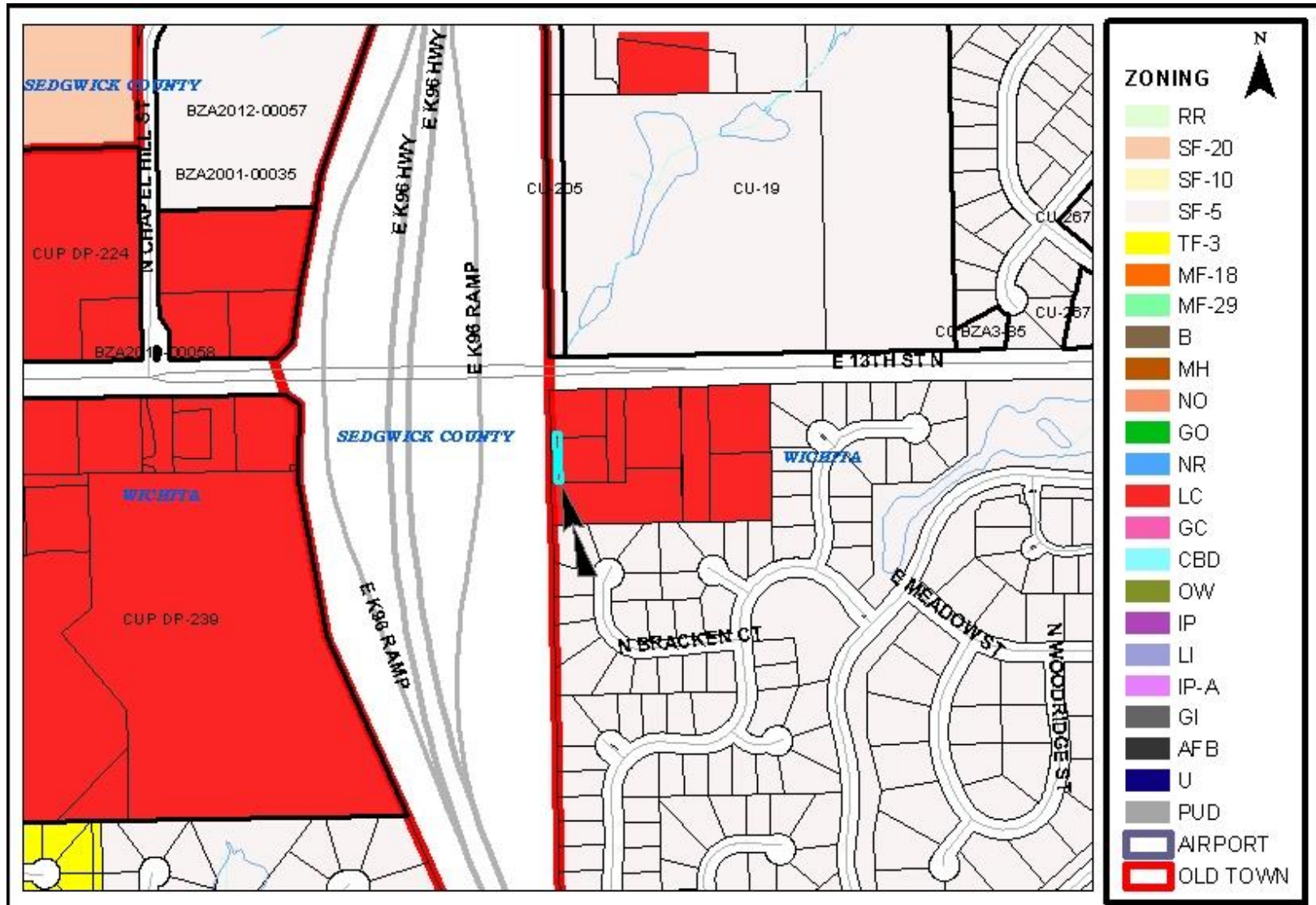
- (1) The sewer line located within the area of the proposed Vacation shall be relocated at the owner's expense, to city standards, the applicant shall provide Public Works with a Private Project, and the applicant shall provide Planning with the dedication of any necessary utility easements by separate instruments to go with the Vacation Order to be filed with the Register of Deeds. If relocation is not possible then this Vacation shall be rendered void as the current easement must remain in place. And submit private project to public works
- (2) If any other utility services are found to be located within the area of the proposed Vacation, these services shall also be relocated at the owner's expense, to city standards, and the applicant shall provide Planning with the dedication of utility easements by separate instruments to go with the Vacation Order to be filed with the Register of Deeds. If relocation is not possible then this Vacation shall be rendered void as the current easement must remain in place. And submit private project to public works
- (3) 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 per staff recommendations.

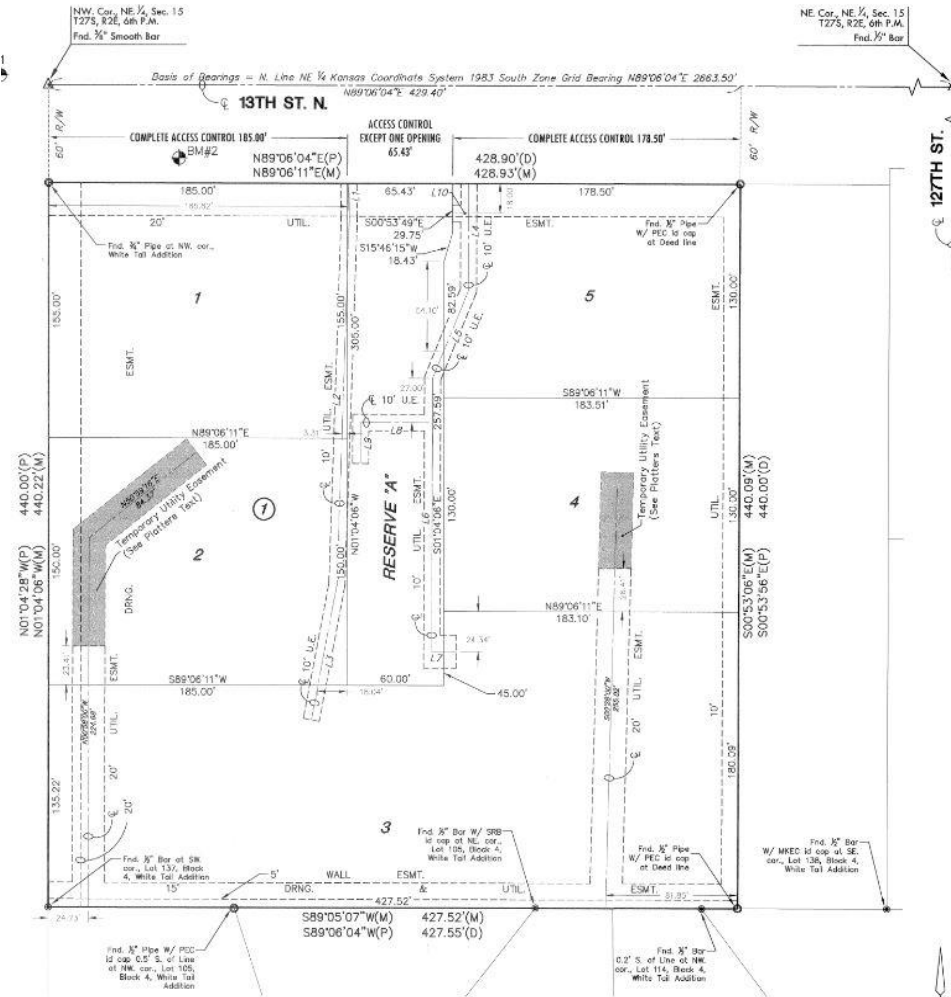


VAC2018-00018



# THE EXECUTIVE AT WHITE TAIL 2ND ADDITION

## AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS



We, MKEC Engineering Consultants, Inc., a Registered Corporate Land Surveyor in Kansas, do hereby certify that we have been in personal charge of surveying and plotting of "THE EXECUTIVE AT WHITE TAIL 2ND ADDITION" an addition to Wichita, Sedgwick County, Kansas, into Lots, a Block, and a Reserve, the same being accurately set forth in the accompanying plat and described herein.

A Replot of:  
All of The Executive at White Tail Addition, an Addition to Wichita, Sedgwick County, Kansas.

All reserves, streets, utility easements, building setbacks, access control; together with, a utility easement recorded on Doc.#/Plat-Pg. 2848S: together with any and all other public dedications within the above described property are hereby vacated and replotted by virtue of K.S. 12-512(b).

I hereby certify that the details of this plat are correct to the best of my knowledge and belief this 19<sup>th</sup> day of October, 2005.



Gregory J. Allison, PE, LS #1257  
MKEC Engineering Consultants, Inc.  
411 North Webb Road  
Wichita, Kansas 67206

Know all men by these presents that the undersigned property owners of the land above set forth in the Registered Land Surveyor's Certificate, have caused the same to be surveyed and plotted into Lots, a Block, and a Reserve the same to be known as "THE EXECUTIVE AT WHITE TAIL 2ND ADDITION," an addition to Wichita, Sedgwick County, Kansas.

Easements for the construction and maintenance of public utilities and drainage, as indicated on the accompanying plat are hereby granted the public. There shall be zero (0) foot building setback for all interior lot lines.

All abutters right to access to or from 13th Street North over and across the North line of "THE EXECUTIVE AT WHITE TAIL 2ND ADDITION," hereby granted to the appropriate governing body, provided one location having full turning movements as indicated hereon.

A drainage plan has been developed for this plat and all drainage easements, right-of-way, or reserves shall remain at established grades as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of storm water.

Reserve "A" is platted for lot access, utilities in designated areas, landscaping, irrigation, open space, parking, drainage, and monuments. The Reserve shall be owned and maintained by the Lot Owner Association.

The 5' Wall Easement along South line of addition, as shown, is hereby platted for the construction and maintenance of a private wall. Utility may cross the wall easement.

The two temporary 20 foot utility easements shown hereon, located within Lots 2, and 4, Block 1, are presently being utilized by "public utility to operate and maintain their facilities. The two aforesaid temporary 20 foot utility easements shall expire upon the cessation of usage and removal of those facilities within the indicated areas.

DINNING-BEARD INVESTMENT GROUP, LLC, a Kansas limited liability company

*Mona Stein*, Vice President, CFO  
Mona Stein, Vice President, CFO

STATE OF KANSAS, SEDGWICK COUNTY) ss:

This instrument was acknowledged before me on 19<sup>th</sup> day of October, 2005, by Mona Stein, Vice President, CFO, Dinning-Beard Investment Group, LLC, a Kansas limited liability company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.



*Cynthia A. Womack*, Notary Public  
Notary Public

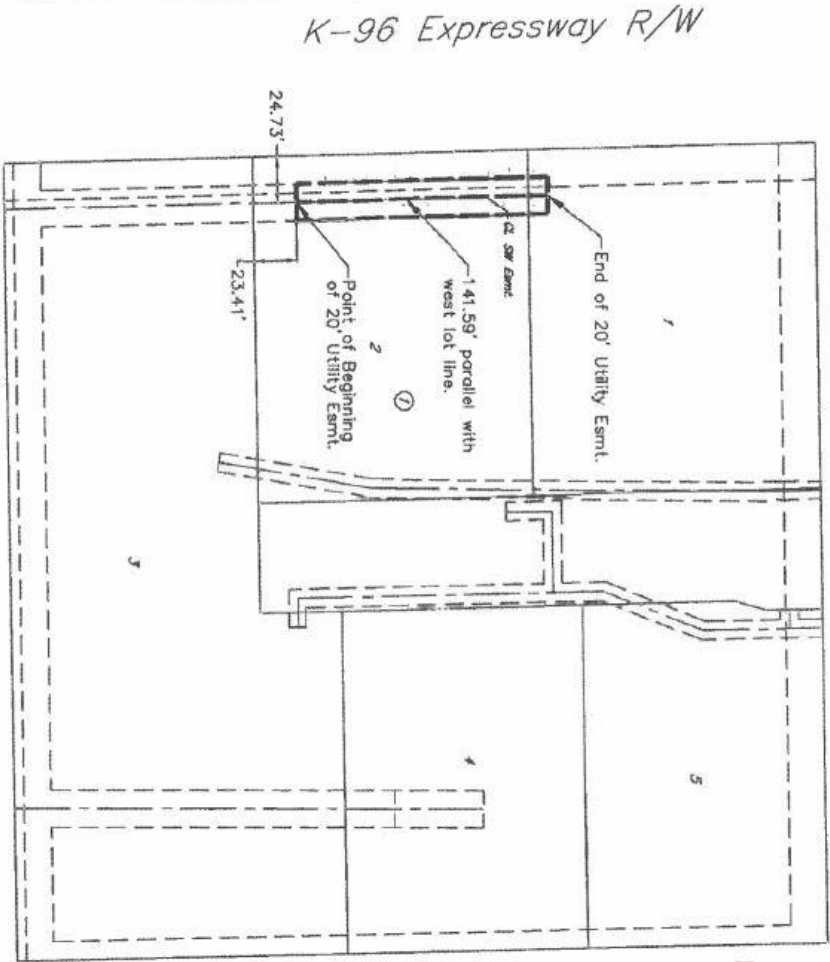
My Term Expires 2-7-2009

We EMPIRE Bank, holders of a mortgage on the above described property, do hereby consent to the plat of "THE EXECUTIVE AT WHITE TAIL 2ND ADDITION."

EMPIRE BANK

**Sanitary Sewer Easement Exhibit**  
**The Executive at White Tail 2nd Addition**  
Wichita, Sedgwick County, Kansas

13th Street North



The centerline of a 20 foot utility easement being 10 feet both sides of a line being more particularly described as:  
Beginning at a point 24.73 feet East and 23.41 feet North of the Southwest corner of Lot 2, Block 1, The Executive at White Tail 2nd Addition, to Wichita, Sedgwick County, Kansas; thence North parallel with the West line of said Lot 2, a distance of 141.59 feet, to a point 15 feet North and 24.73 feet East of the Southwest corner of Lot 1. Said point being the end of the 20 foot easement.

Not To Scale

July 2, 2018

SANITARY SEWER EASEMENT VACATION CASE

LEGAL DESCRIPTION

The centerline of a 20 foot sanitary sewer easement being 10 feet both sides of a line being more particularly described as:

Beginning at a point 24.73 feet east and 23.41 feet north of the southwest corner of Lot 2, Block 1, The Executive at White Tail 2<sup>nd</sup> Addition, to Wichita, Sedgwick County, Kansas; thence north, parallel with the west line of said Lot 2, a distance of 141.59 feet, to a point 15 feet north and 24.73 feet east of the southwest corner of Lot 1; said point being the end of the 20 foot easement.