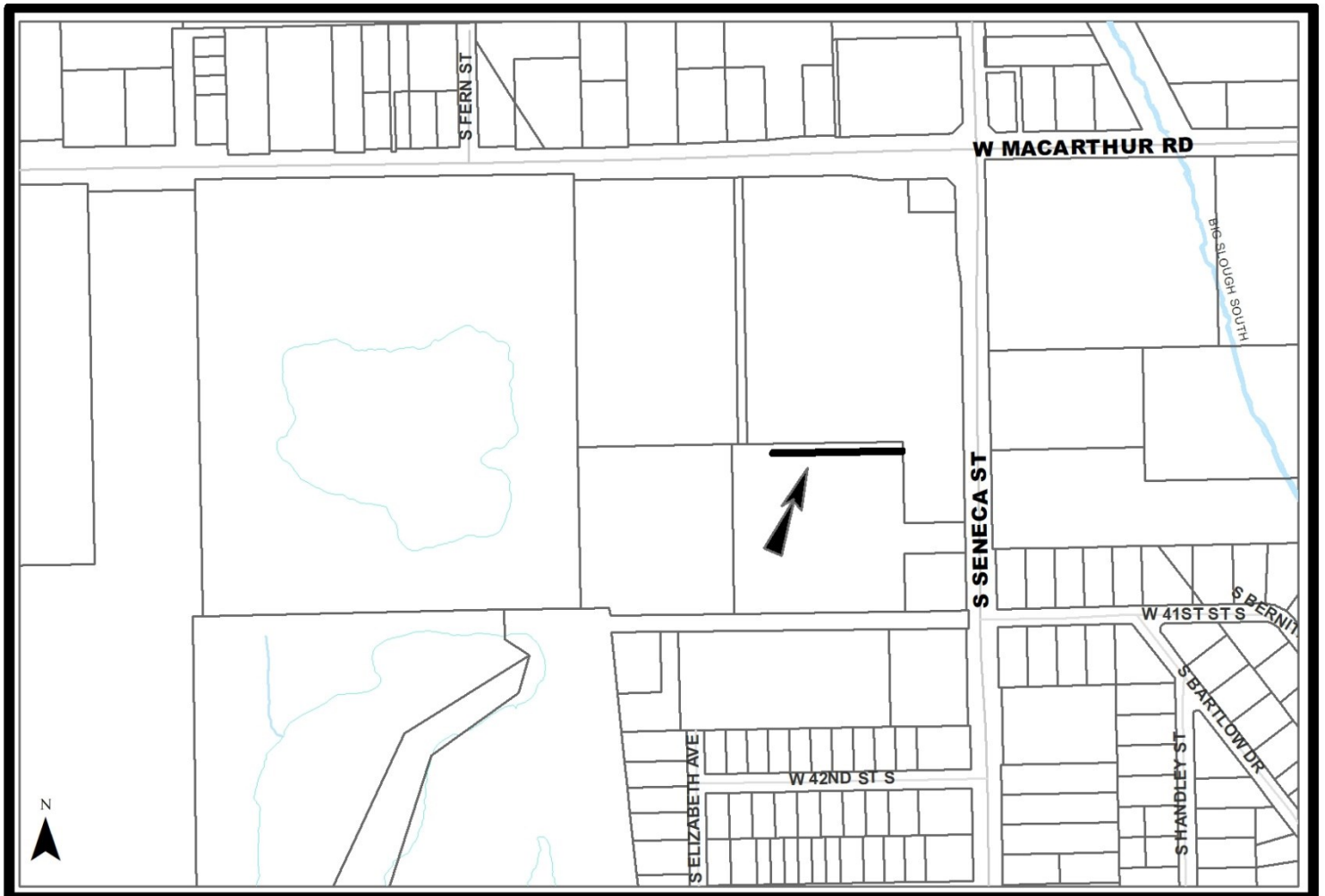


**STAFF REPORT**

- CASE NUMBER:** VAC2019-00021 - City Vacation of platted utility easement
- OWNER/APPLICANT:** Ih1, LLC (Applicant) Baughman Company c/o Phil Meyer. (Agent)
- LEGAL DESCRIPTION:** See Attached
- LOCATION:** Generally located on the south side of West MacArthur Road and on the west side of South Seneca Street (1315 W MacArthur Rd). (WCC IV)
- REASON FOR REQUEST:** To allow for building expansion
- CURRENT ZONING:** PUD Planned Unit Development (PUD-46)
- VICINITY MAP:**



The applicant has requested the vacation of a portion of the ten-foot platted utility easement on property addressed 1315 West MacArthur Road. The applicant would like to expand the existing structure requiring the vacation of a portion of the easement (see attached site plan).

There is a storm/drainage line located within the easement that is privately owned and maintained. It will be up to the applicant on whether or not this line is relocated. There is also a sewer line that runs north-south in a 20-foot easement that was dedicated by separate instrument crossing this subject easement to be vacated. Twenty feet of easement at the point of crossing will need to be retained for the sanitary sewer line. Kansas Gas Service has a service line and main located in the proposed expansion area. Westar also has a line in the easement being vacated. Relocation of utilities will be at the owner's expense and an easement by separate instrument will need to be dedicated. Ennidh Garcia is the area representative for Westar and can be contacted at 261-6357. The Cross Gate Addition was recorded April 19, 2016.

- 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 18 2019, 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.

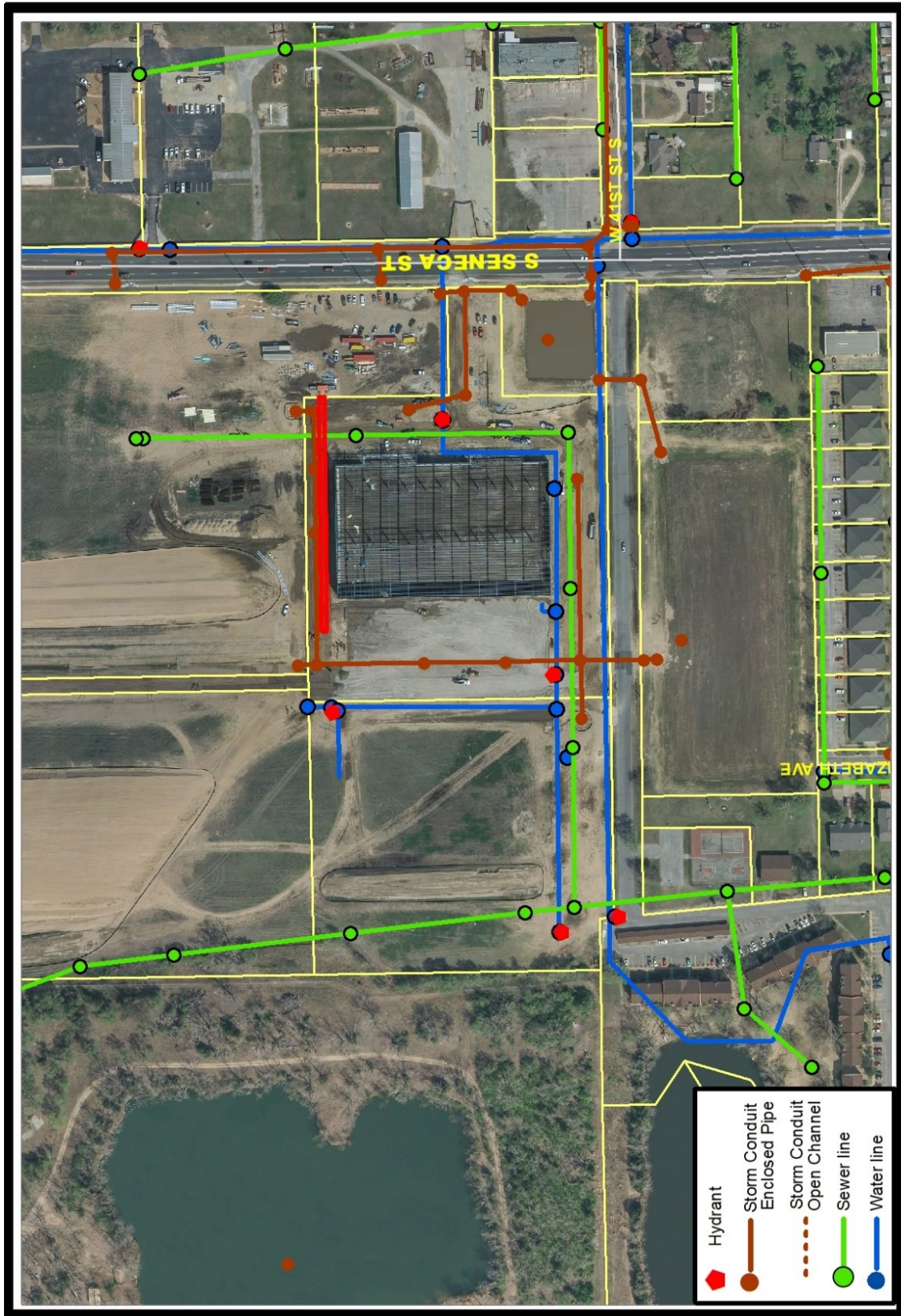
Conditions (but not limited to) associated with the request:

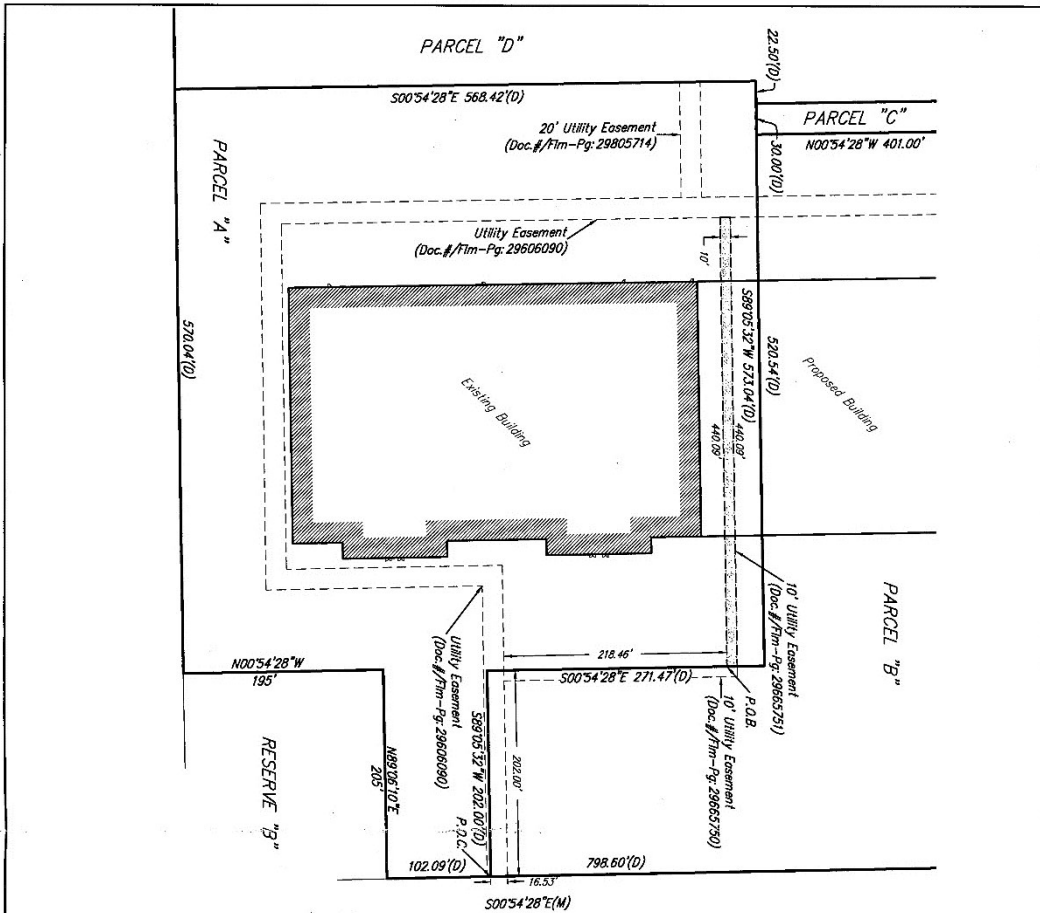
Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Stormwater, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of the platted utility easement.

- (1) If any utility services are found to be located within the area of the proposed Vacation, these services shall 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.
- (2) 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.





SENECA AVENUE

**Cross Gate Utility Easement Location in Parcel "A"**

A 10.00 foot wide tract of land in Parcel "A" as designated in the Lot Split of Lot 1, Block A, Cross Gate Addition, Wichita, Sedgwick County, Kansas recorded in DOC #/FLM-PG: 29639140, said 10.00 foot wide tract of land being described as follows: Commencing at the southeast corner of Parcel "B" in said Lot Split; thence N00°54'28"W along the east line of said Parcel "B" 16.53 feet to the intersection with a line of the utility easement granted in the document entitled Utility Easement recorded in DOC #/FLM-PG: 29606090; thence S89°05'32"W along a line of said utility easement, 202.00 feet to the intersection with the most northerly segment of the east line of said Parcel "A"; thence N00°54'28"W along the most northerly segment of the east line of said Parcel "A" 218.46 feet to a point 36.50 feet south of the most northerly northeast corner of said Parcel "A"; and 10' a point of beginning; thence S89°05'32"W parallel with the north line of said Parcel "A", 440.09 feet to a point on a line of said utility easement; thence N00°54'28"W along said line of said utility easement, 10.00 feet; thence N89°05'32"E parallel with the north line of said Parcel "A", 440.09 feet to a point on the most northerly segment of the east line of said Parcel "A"; thence S00°54'28"E along the most northerly segment of the east line of said Parcel "A", 10.00 feet to the point of beginning.

Easement to be reserved



Drawn: CAM Approved: PAS Scale: 1"=100' Date: 07.01.2019	<b>EXHIBIT</b> Parcel A Cross Gate Wichita, Sedgwick County, Kansas	<b>BAUGHMAN COMPANY</b> 315 ERG St. Wichita, KS 67211 316-262-7271 BaughmanCo.com	REVISIONS:
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File: F:\urves\Lot Split\Cross Gate 1905-P451\Drawing\19-05-P451 - Exh1 Vac.dwg Printed On: 19-05-P451 - Exh1 Vac

**Vacation of Utility Easement**

(Doc/Film #29665751)

A 10.00 foot wide tract of land in Parcel "A" as designated in the Lot Split of Lot 1, Block A, Cross Gate Addition, Wichita, Sedgwick County, Kansas recorded in DOC./FLM-PG: 29639140, said 10.00 foot wide tract of land being described as follows: Commencing at the southeast corner of Parcel "B" in said Lot Split; thence N00°54'28"W along the east line of said Parcel "B", 16.53 feet to the intersection with a line of the utility easement granted in the document entitled Utility Easement recorded in DOC./FLM-PG: 29606090; thence S89°05'10"W along a line of said utility easement, 202.00 feet to the intersection with the most northerly segment of the east line of said Parcel "A"; thence N00°54'28"W along the most northerly segment of the east line of said Parcel "A", 218.46 feet to a point 36.50 feet south of the most northerly northeast corner of said Parcel "A", and for a point of beginning; thence S89°05'32"W parallel with the north line of said Parcel "A", 440.09 feet to a point on a line of said utility easement; thence N00°53'36"W along said line of said utility easement, 10.00 feet; thence N89°05'32"E parallel with the north line of said Parcel "A", 440.09 feet to a point on the most northerly segment of the east line of said Parcel "A"; thence S00°54'28"E along the most northerly segment of the east line of said Parcel "A", 10.00 feet to the point of beginning.