

The applicant has requested the vacation of a portion of the 20-foot platted fire lane easement on property generally located on the northwest corner of East Kellogg Avenue and South Webb Road (417 S Webb Road). The applicant would like to construct a sign on the property requiring the vacation of a portion of the easement. A significant portion of the platted 20-foot fire lane easement has already been vacated in 2015 (VAC2015-00056) in order to redevelop the site. A hotel is now constructed. Wichita Fire Department approves the vacation of the platted fire lane easement.

There are drainage and sewer facilities near the fire lane easement. Those easements shall be retained. Westar and Cox have no objection to this vacation. Westar has lines near the vacation area and recommends working closely with the area representative on the exact location of the sign with the location of their lines. LaDonna Vanderford is the area representative and can be contacted at 261-6290. The FNIC Addition was recorded May 22, 1973.

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.

- 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 August 1, 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 fire lane 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:

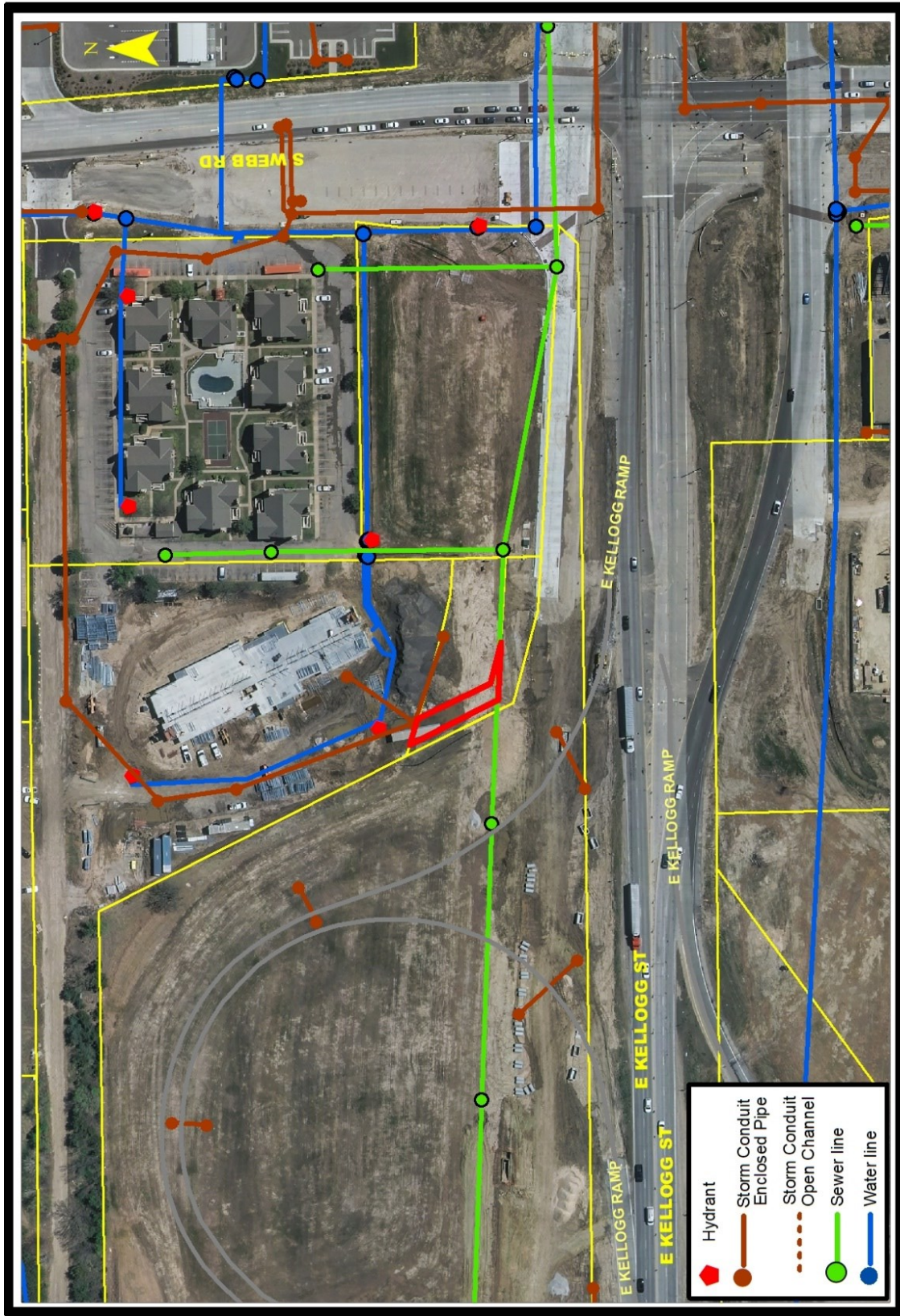
- (1) If any utility services are found to be located within the area of the proposed Vacation, these services shall be relocated at the owner's expense, to city standards, and the applicant shall provide Planning with the dedication of utility easements by separate instruments to go with the Vacation 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

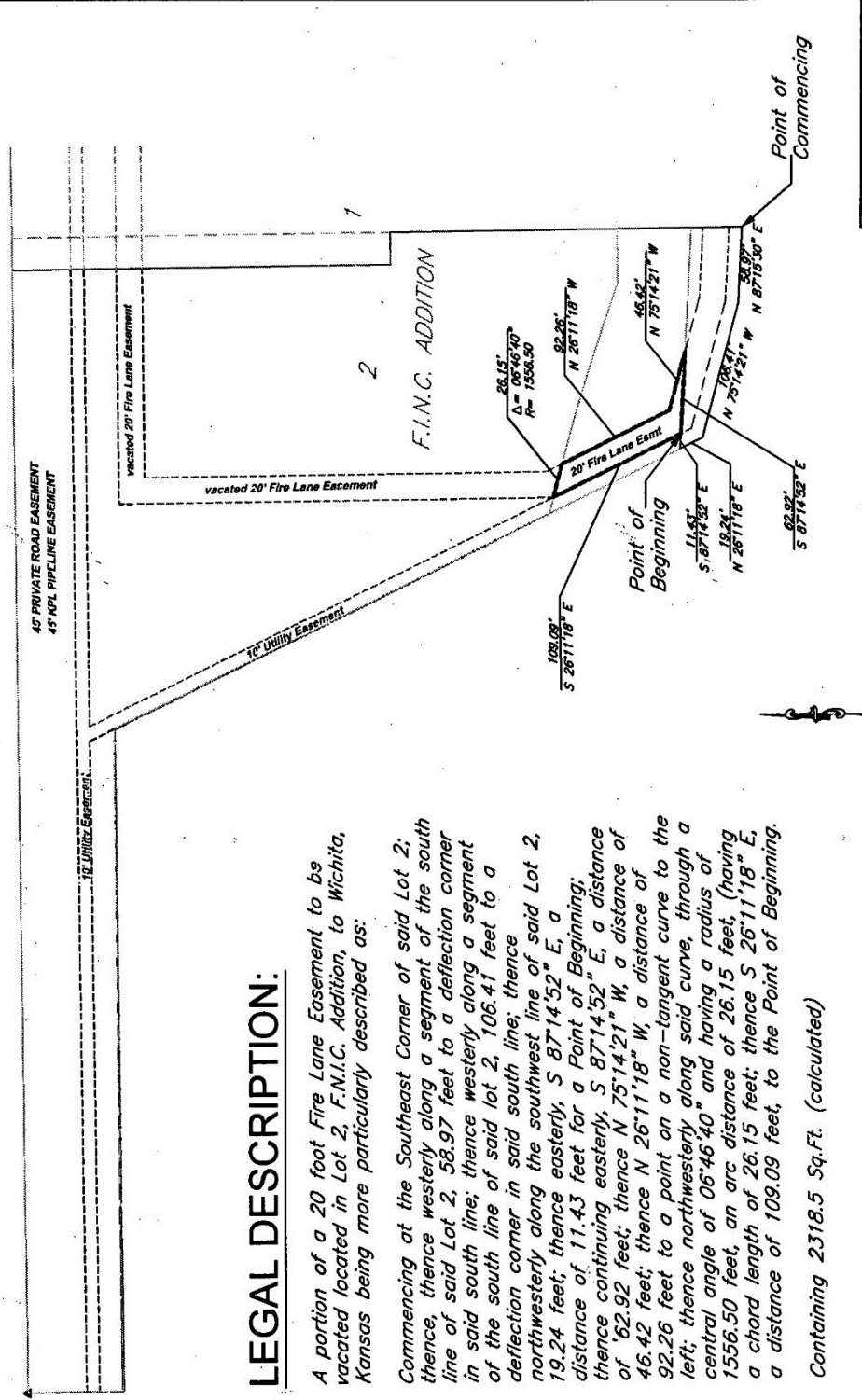
The Subdivision Committee recommends approval per staff recommendations.

Attachments:

1. Area Map
2. Vacation exhibit and Legal Description submitted by agent.



Vacation Easement Exhibit
 Part of Lot 2, F.N.I.C. Addition
 Wichita, Sedgwick County, Kansas



LEGAL DESCRIPTION:

A portion of a 20 foot Fire Lane Easement to be vacated located in Lot 2, F.N.I.C. Addition, to Wichita, Kansas being more particularly described as:

Commencing at the Southeast Corner of said Lot 2; thence, thence westerly along a segment of the south line of said Lot 2, 58.97 feet to a deflection corner in said south line; thence westerly along a segment of the south line of said lot 2, 106.41 feet to a deflection corner in said south line; thence northwesterly along the southwest line of said Lot 2, 19.24 feet; thence easterly, S 87°14'52" E, a distance of 11.43 feet for a Point of Beginning; thence continuing easterly, S 87°14'52" E, a distance of 62.92 feet; thence N 75°14'21" W, a distance of 46.42 feet; thence N 26°11'18" W, a distance of 92.26 feet to a point on a non-tangent curve to the left; thence northwesterly along said curve, through a central angle of 06°46'40" and having a radius of 1556.50 feet, an arc distance of 26.15 feet, (having a chord length of 26.15 feet; thence S 26°11'18" E, a distance of 109.09 feet, to the Point of Beginning.

Containing 2318.5 Sq.Ft. (calculated)

1" = 120'