



Wichita-Sedgwick County Metropolitan Area Planning Department

November 6, 2008

Clear Creek Development Inc.,
P.O. Box 3081
Wichita, KS 67201

Re: VAC2008-00026 - City request to vacate a portion of a platted drainage and utility easement, Generally located between US-54 and Lincoln Street, west of 143rd Street East, more specifically on the southwest corner of Laguna and 143rd Street East.

Dear Ladies and Gentlemen:

At its regular meeting on Tuesday, November 4, 2008, the Wichita City Council considered the request. The action of the City Council was to APPROVE subject to the recommendation by the MAPC.

If you have any questions about this matter, please call 268-4494.

Sincerely,

Bill Longnecker
Senior Planner

BL:le

cc: Jim Armour, City Engineer, Public Works Department, Mail Stop 1-71
Paul Gunzelman/Carla Jones, Public Works Engineering, Mail Stop 1-71
Julianne Kallman, Public Works Engineering, Mailstop 1-71
Ruggles & Bohm, P.A., Attn: Chris Bohm, 924 N. Main, Wichita, KS 67203
Clear Creek Development, Inc., c/o Steve Miller, 527 N. Forestview, Wichita KS 67235

2. No private rights will be injured or endangered by the vacation of the above described portion of the platted drainage & utility easement, and the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner(s), the prayer of the petition ought to be granted.

4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

5. The vacation of the portion of the platted drainage & utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 4th day of November 2008 ordered that the above described portion of the platted drainage & utility easement is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary Rebenstorf, Director of Law

STAFF REPORT

CASE NUMBER: **VAC 2008-26:** Request to vacate a portion of a platted drainage/utility easement

OWNER/APPLICANT: Clear Creek Development, Inc.

AGENT: Ruggles and Bohm PA c/o Chris Bohm

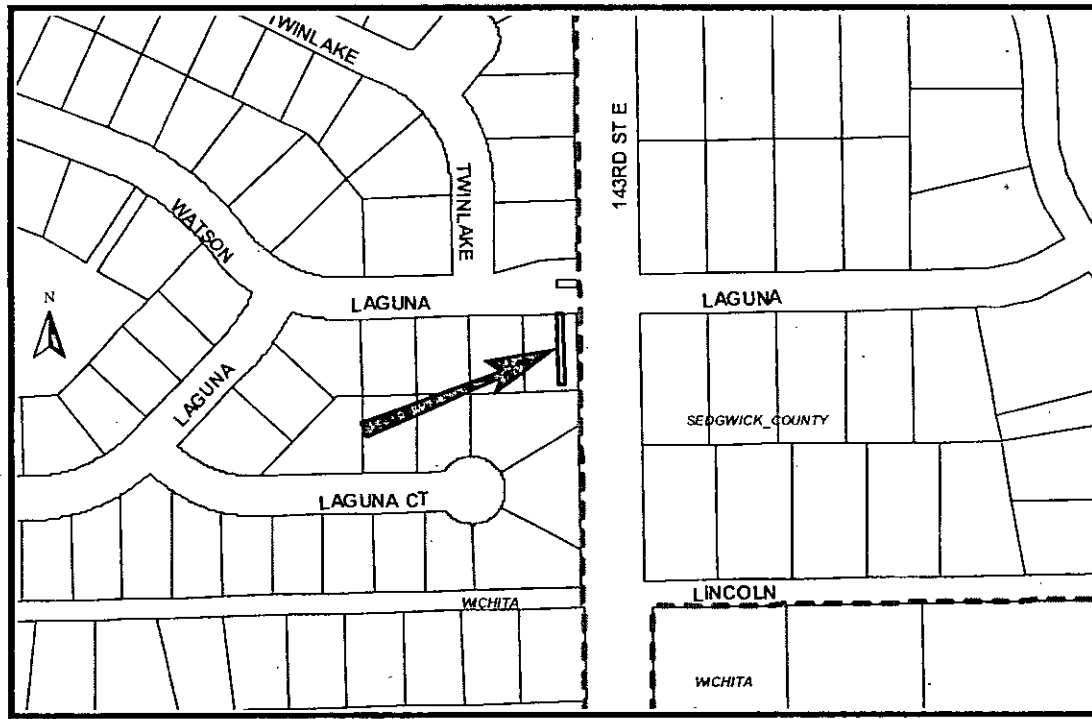
LEGAL DESCRIPTION: The west 10-feet of the east 30-feet, except the south 10-feet thereof, of Lot 23, Block 1, The Clear Creek Addition, as recorded Wichita, Sedgwick County, Kansas.

LOCATION: Generally located between US-54 and Lincoln Street, west of 143rd Street East, more specifically on the southwest corner of Laguna and 143rd Street East.

REASON FOR REQUEST: Allow larger house to go onto lot

CURRENT ZONING: Subject property and the northern, western and southern abutting properties are zoned "SF-5" Single-Family Residential. Property east of the subject property and across 143rd Street East is zoned "SF-20" Single-family Residential.

VICINITY MAP:



The applicant is requesting consideration for the vacation of the west 10-feet of the east 30-feet of Lot 23, Block 1, the Clear Creek Addition. Within the east 30-feet of Lot 23, west to east, there is a platted 20-foot drainage and utility easement, a platted 5-foot wall easement and a platted 5-foot utility easement. The applicant proposes vacation of the west 10-feet of the 20-foot drainage/utility easement to allow a larger house on the lot. There appears to be a portion of sewer and a manhole in the southern portion of the multiple platted easements; the applicant proposes to retain this portion of the easement. There is no water or sewer in the rest of the platted easements. The Clear Creek Addition was recorded with the Register of Deeds May 29, 2003.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate the portion of the platted drainage and utility easement as described in the legal description with the following conditions.

- 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 and the Derby Reporter, of notice of this vacation proceeding one time September 4, 2008, which was at least 20 days prior to this public hearing.
 - 2. That no private rights will be injured or endangered by the vacation of the above-described platted drainage and utility easement and the public will suffer no loss or inconvenience thereby.
 - 3. In justice to the petitioner, the prayer of the petition ought to be granted.

Therefore, the vacation of the platted drainage and utility described in the petition should be approved with conditions;

- (1) City Public Works needs to comment on the acceptability of this vacation and if any substitute easements and/or dedications should be required.
- (2) Storm Water Management needs to comment on the acceptability of this vacation with regards to the drainage plan of the area.
- (3) Provide Staff with any required replacement easements for utilities and/or drainage. Public Works/ Storm Water must approve dedications. Approved dedications, with original signatures, will be provided to Planning to be recorded with the Register of Deeds with the Vacation Order.
- (4) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. All improvements shall be according to City Standards and at the applicant's expense, including any new driveways from private property onto public ROW and closing of any existing drives. Provide Public Works with a guarantee to ensure that those improvements will be made, or the applicant may chose to provide staff with a drive approach certificate which will be recorded with the Sedgwick County Register of Deeds.
- (5) Per MAPC Policy Statement #7, all conditions 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.

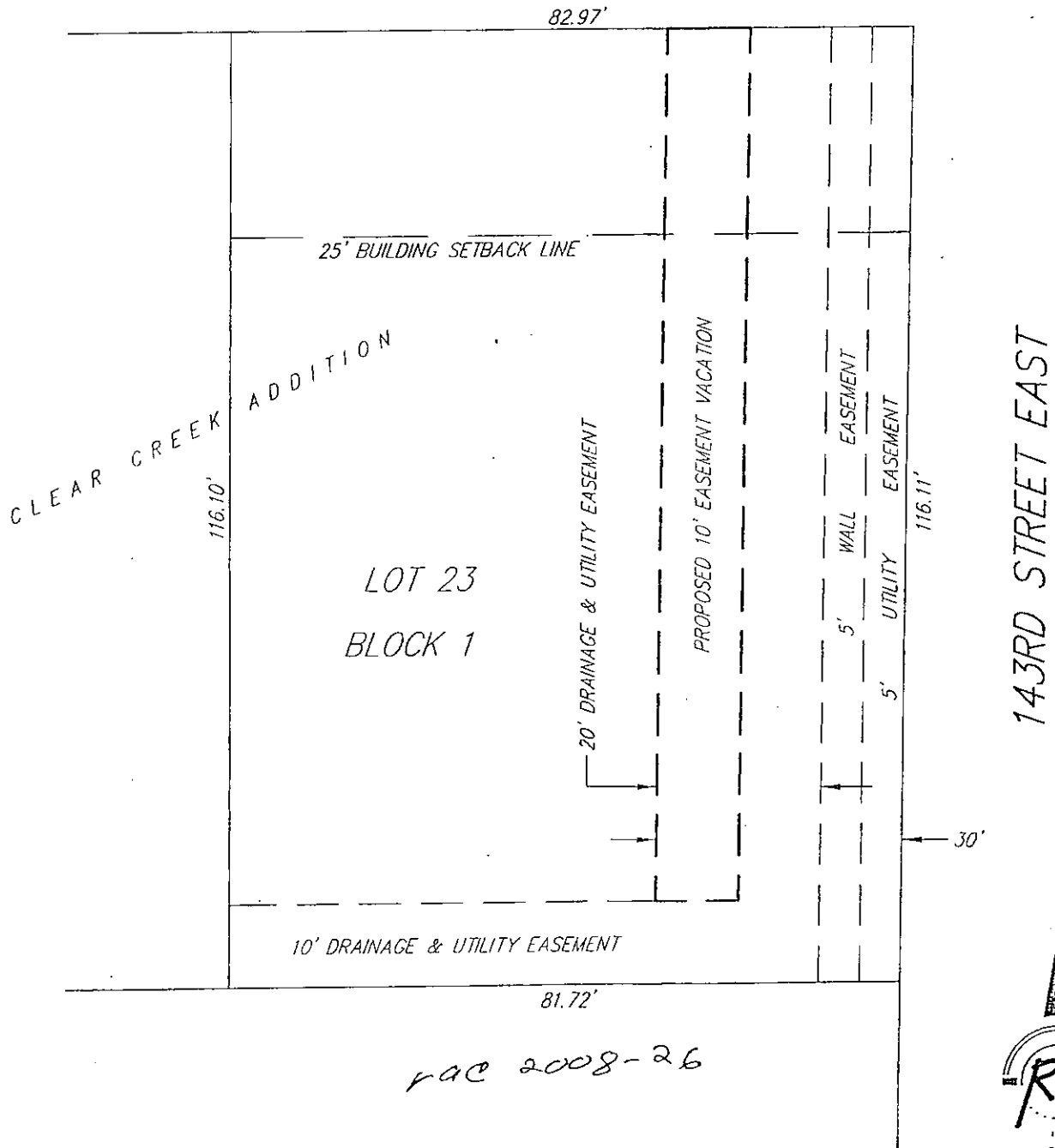
SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) City Public Works needs to comment on the acceptability of this vacation and if any substitute easements and/or dedications should be required.
- (2) Storm Water Management needs to comment on the acceptability of this vacation with regards to the drainage plan of the area.
- (3) Provide Staff with any required replacement easements for utilities and/or drainage. Public Works/ Storm Water must approve dedications. Approved dedications, with original signatures, will be provided to Planning to be recorded with the Register of Deeds with the Vacation Order.
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SITE PLAN

LAGUNA



rac 2008-26



1" = 20'