

STAFF REPORT

- CASE NUMBER:** VAC2018-00016 - City Vacation of platted drainage and utility easement
- OWNER/APPLICANT:** Michaelis Real Estate, LLC (Applicants) Baughman Company, P.A. (Agent)
- LEGAL DESCRIPTION:** See Attached
- LOCATION:** Generally located southwest of East 35th Street North and North Webb Road (8909 East 35th Street North)
- REASON FOR REQUEST:** To allow for the expansion of the building located at 8909 East 35th Street North
- CURRENT ZONING:** LI Limited Industrial
- VICINITY MAP:**



The applicant has requested the vacation of a portion of the twenty-foot platted drainage and utility easement and a portion of the forty-foot platted drainage and utility easement on property addressed 8909 East 35th Street North. The applicants would like to expand a building on the property requiring the vacation of these easements.

There are no public utilities located within the easements. Stormwater has no objection to the vacation. Westar and Cox have no objection to the vacation. The Comotara Industrial Park Fourth Addition was recorded October 16, 1978. The Comotara Industrial Park Fifth Addition was recorded December 21, 1947.

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 drainage and utility easement.

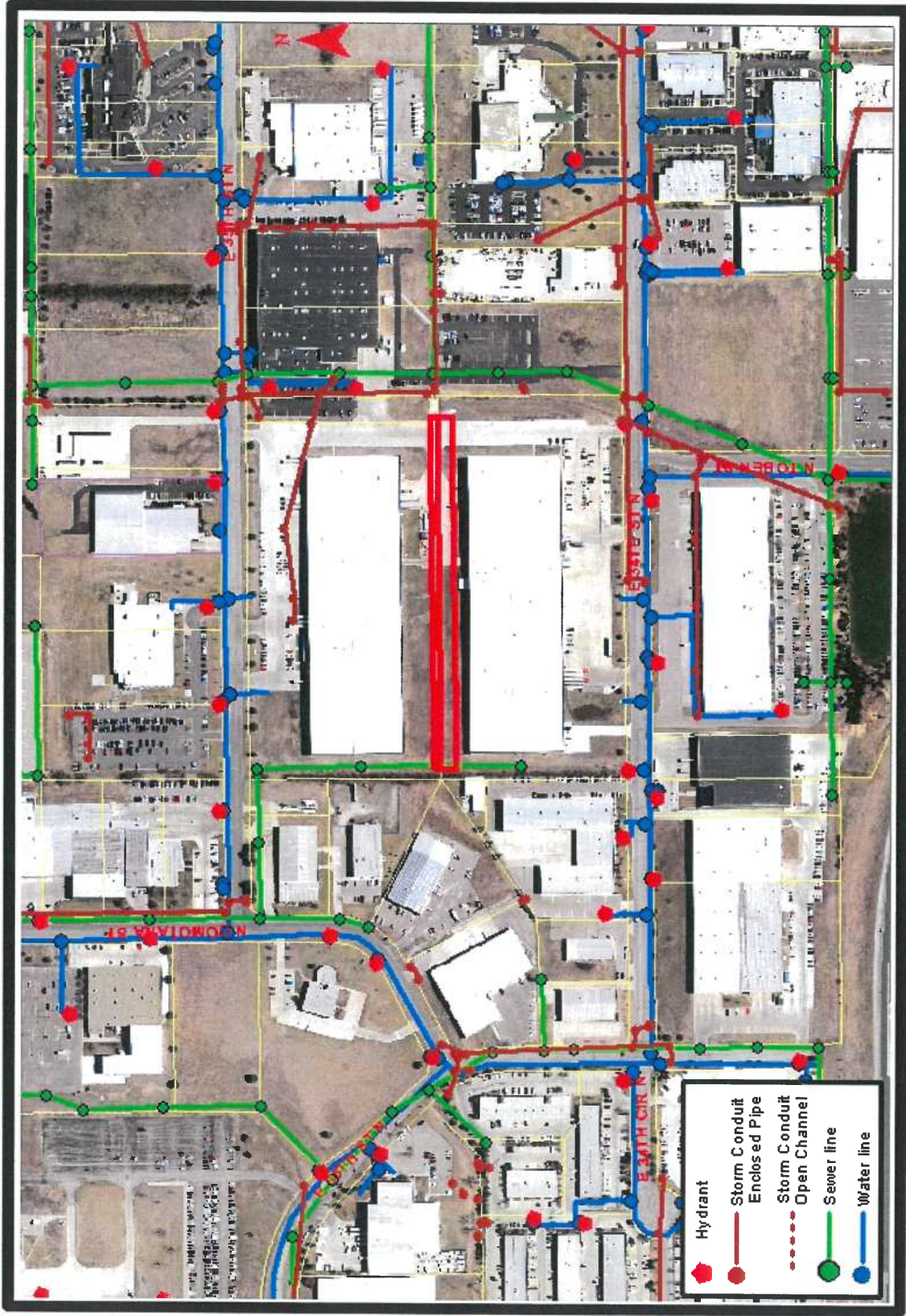
- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time July 5, 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 platted drainage and 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.

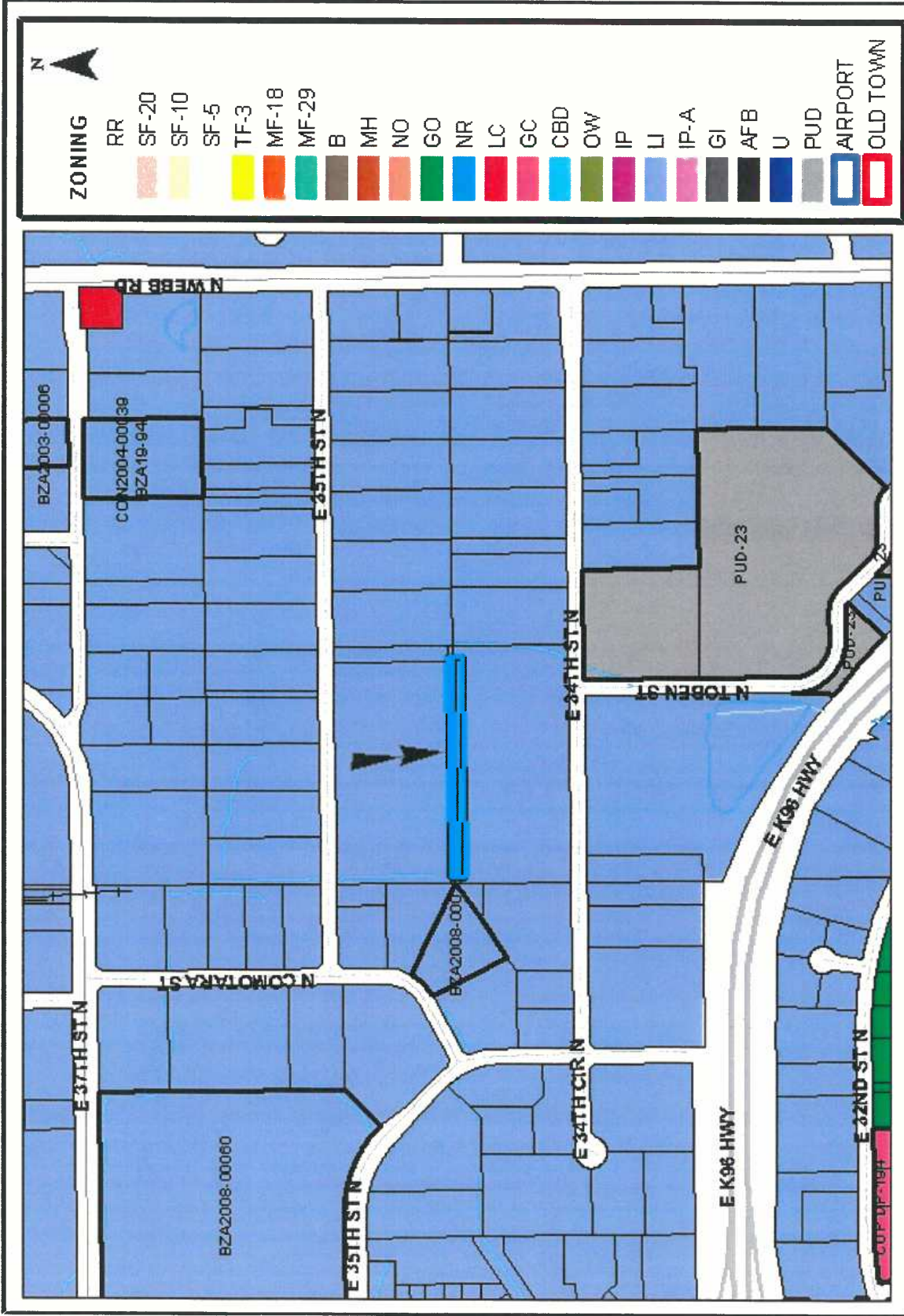
Conditions (but not limited to) associated with the request:

- (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.

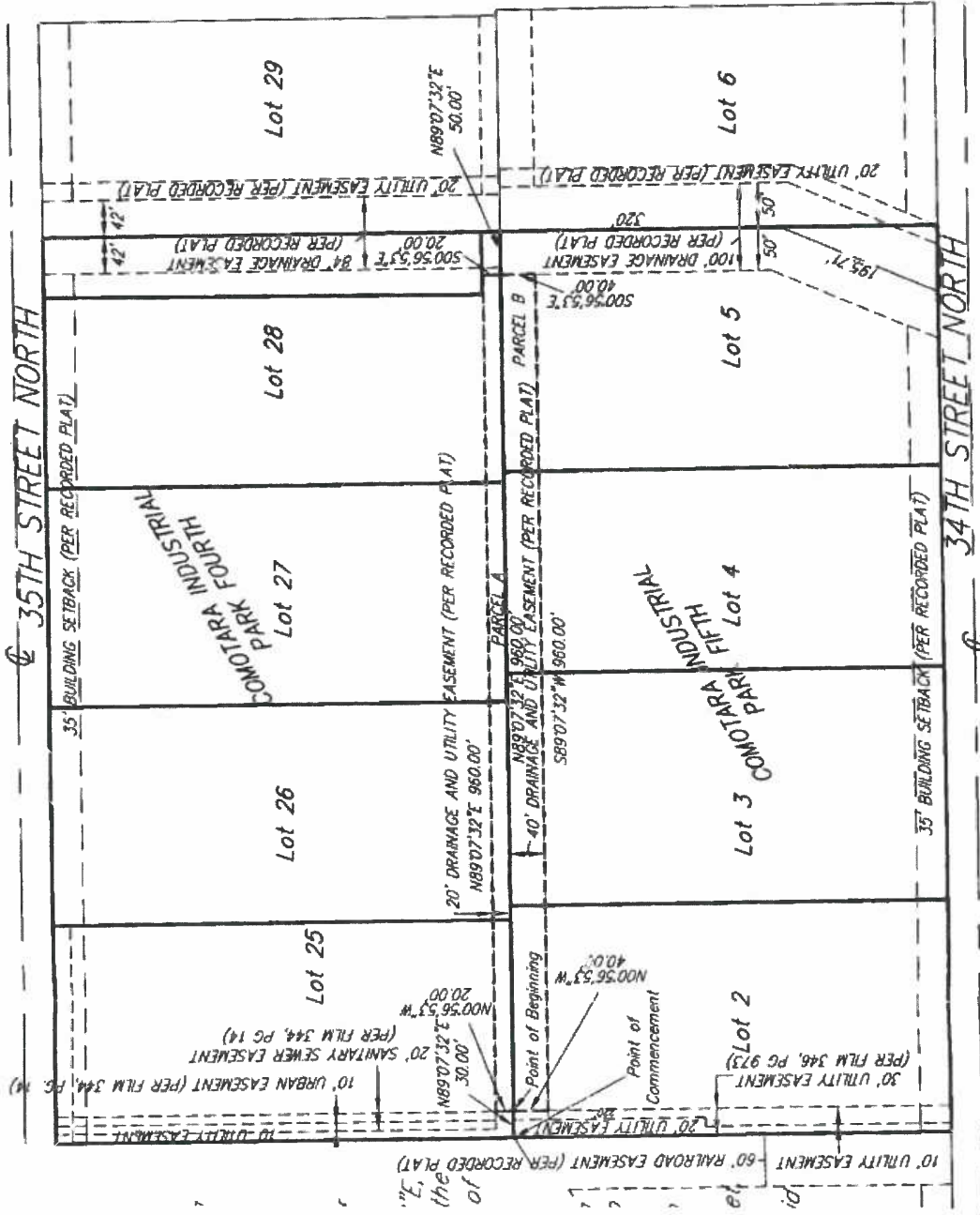
SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval per staff recommendations.





VAC2018 16





BAUGHMAN
BETTER BY [DESIGN]

June 6, 2018

LEGAL DESCRIPTION
DRAINAGE AND UTILITY EASEMENT VACATION

PARCEL A:

A portion of the platted 20 foot Drainage and Utility easement lying within Lots 25, 26, 27 and 28, Comotara Industrial Park Fourth Addition to Wichita, Sedgwick County, Kansas, described as commencing at the southwest corner of said Lot 25; thence N89°07'32"E along the south line of said Lot 25, 30.00 feet to the point of beginning; thence N00°56'53"E parallel with the west line of said Lot 25, 20.00 feet; thence N89°07'32"E, parallel with the south line of said Lots 25, 26, 27 and 28, 960.00 feet; thence S00°56'53"E, parallel with the east line of said Lot 28, 20.00 feet to a point in the south line of said Lot 28; thence S89°07'32"W along the south line of said Lots 25, 26, 27 and 28, 960.00 feet to the point of beginning.

PARCEL B:

A portion of the platted 40 foot Drainage and Utility easement lying within Lots 2, 3, 4 and 5, Comotara Industrial Park Fifth Addition to Wichita, Sedgwick County, Kansas, described as commencing at the northwest corner of said Lot 2; thence N89°07'32"E along the south line of said Lot 25, 30.00 feet to the point of beginning; thence continue along the north line of said Lots 2, 3, 4 and 5, 960.00 feet, to a point in the west line of a 100.00 foot Drainage Easement as platted in said Lot 5; thence S00°56'53"E along the west line of said 100.00 foot Drainage Easement, 40.00 feet; thence S89°07'32"W parallel with the north line of said Lots 2, 3, 4 and 5, 960.00 feet; thence N00°56'53"W, 40.00 feet to the point of beginning.