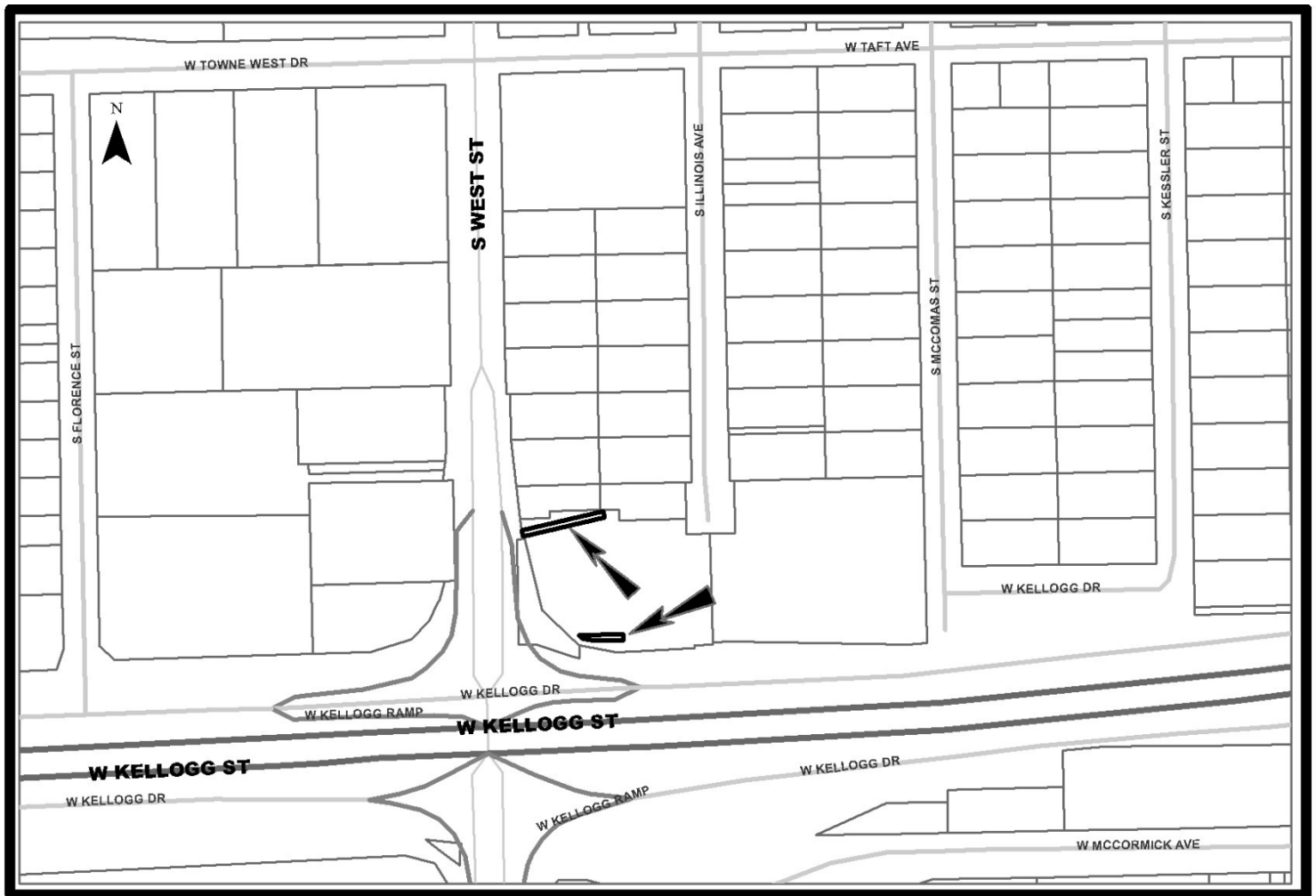


STAFF REPORT

- CASE NUMBER:** VAC2019-00004 - City Vacation of Platted Utility Easements
- APPLICANT/AGENT:** Kellogg and West, LLC (Applicant) Professional Engineering Consultants (Agent)
- LEGAL DESCRIPTION:** See Attached
- LOCATION:** Generally located northeast of South West Street and West Kellogg Drive.
(656 South West Street) (WCC#IV)
- REASON FOR REQUEST:** To allow for site improvements associated with a new convenience store.
- CURRENT ZONING:** LI Limited Industrial CUP DP-332
- VICINITY MAP:**



The applicant has requested the vacation of two, 10-foot platted utility easements on property located on the northeast corner of South West Street and West Kellogg Drive. The applicant would like to make site improvements associated with the construction of a new convenience store and gas station. There are no public utilities located within either 10-foot public easement on the property. The applicant has worked with Westar to locate a replacement easement for their equipment in both current easements to be vacated. The north easement will be relocated to the north property line. Equipment in the south easement will be relocated in the West Kellogg right-of way and a use of right-of-way shall be obtained from Public Works.

Any existing lines or equipment needing removal due to the vacation request would need to be at the applicant's expense. Ennidh Garcia, Construction Service Supervisor, can be contacted regarding this case at 316-261-6359. Comments from other franchised utilities have not been received and are needed to determine if they have utilities located within the subject area. The Kellogg Illinois Addition was recorded February 14, 2019

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 March 28, 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 easements 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. The easement shall be provided to Planning prior to VAC2019-00004 being scheduled for Wichita City Council.
- (2) A "use of right-of-way" permit shall be obtained from Public Works. Verification of this permit shall be provided to Planning prior to VAC2019-00004 being scheduled for Wichita City Council.
- (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.

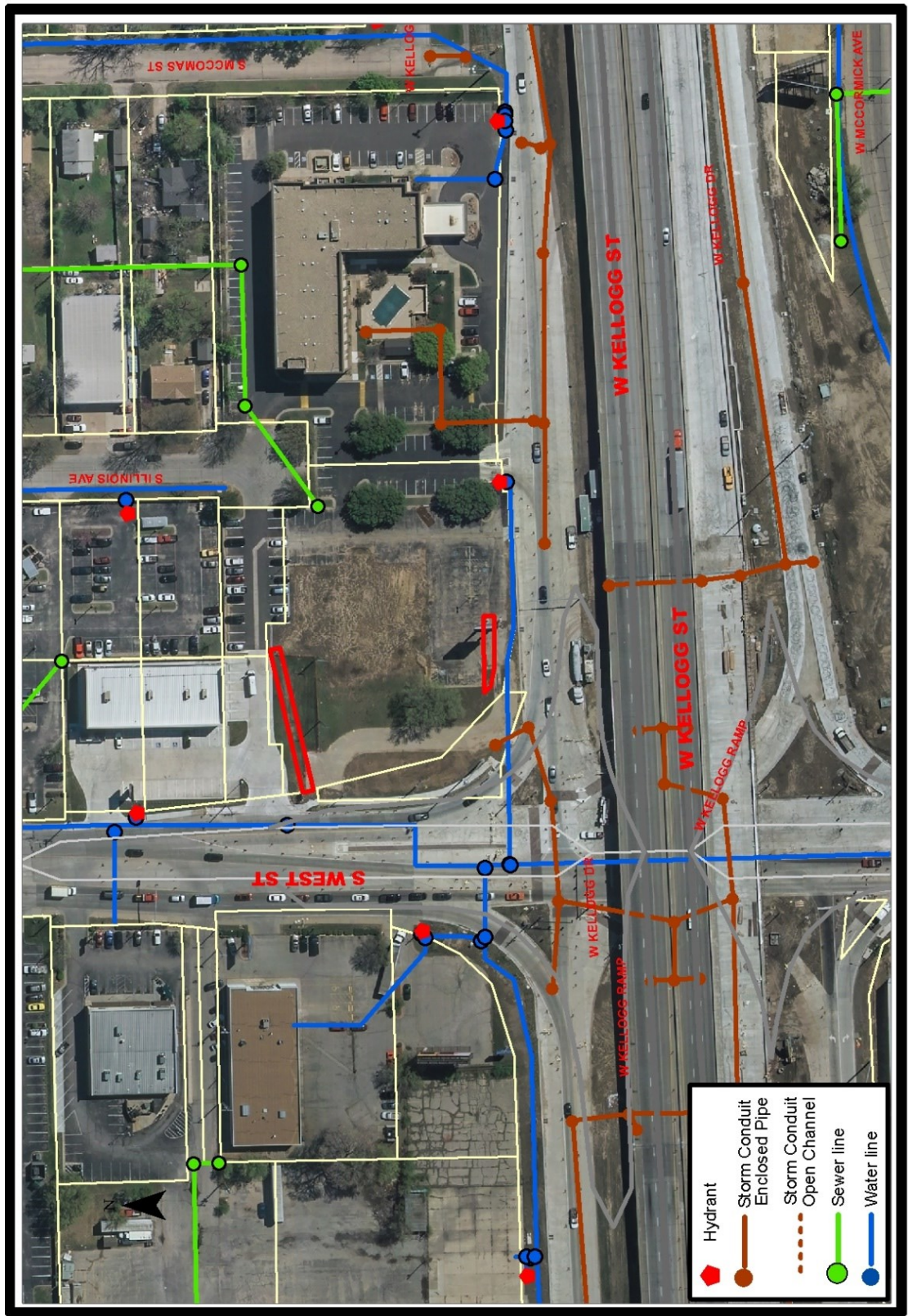
SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

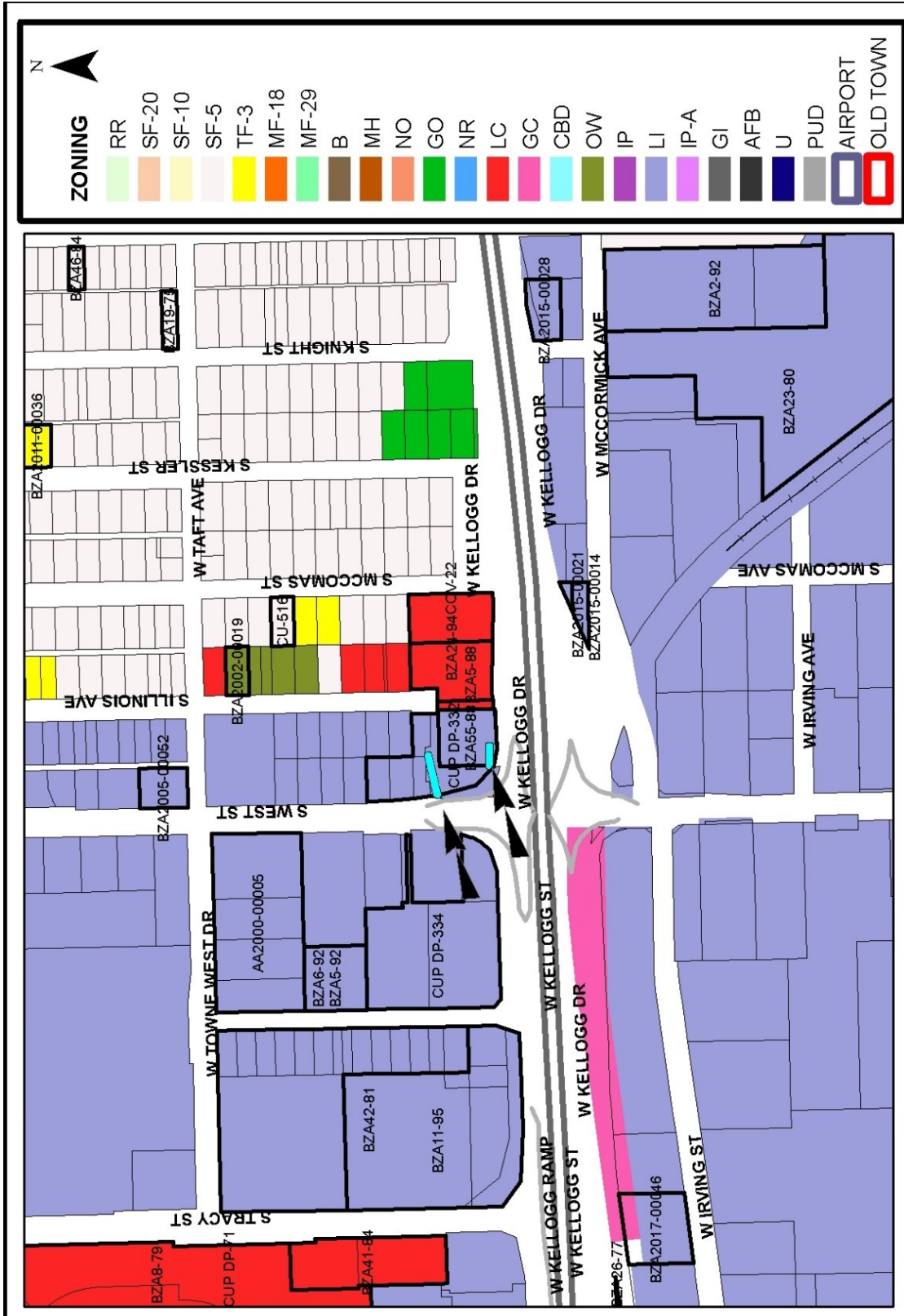
The Subdivision Committee recommends approval per staff recommendations.

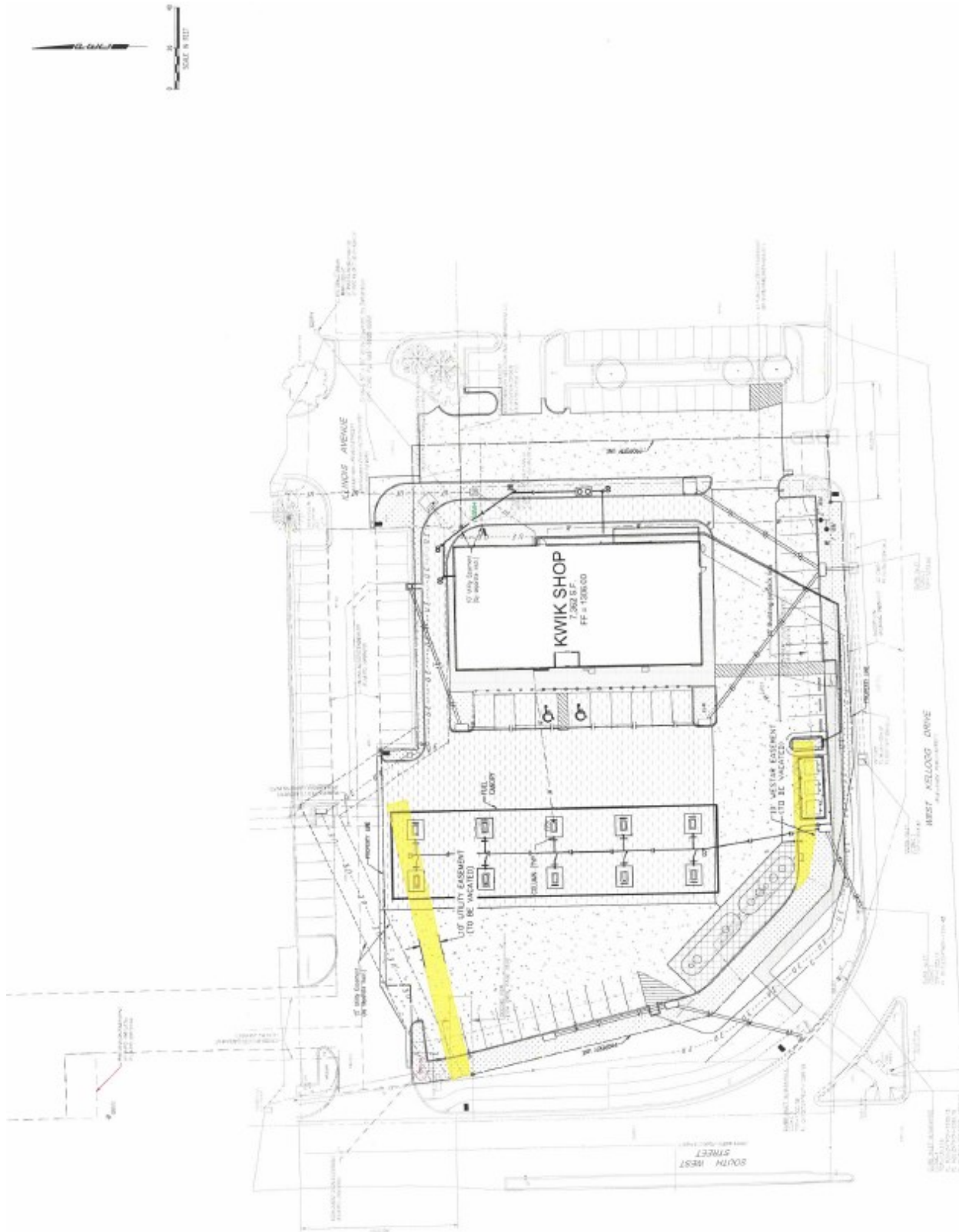
VAC2019-00004 – City Vacation of Platted Utility Easements

July 25, 2019

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The following easements are to be vacated:

Vacate the platted **10' UTILITY EASEMENT** described as follows:

BEGINNING at a P.I. in the West boundary of Lot 1 in Kellogg Illinois Addition, Wichita, Sedgwick County, Kansas that is 18.94 feet on a bearing of S07°25'57"E from the most westerly northwest corner of said Lot 1; Thence bearing N76°47'31"E, a distance of 137.64 feet; thence bearing S13°12'29"E, a distance of 10.00 feet; thence bearing S76°47'31"W, a distance of 137.80 feet to a point on the West boundary of said Lot 1; thence bearing N12°16'00"W to the **POINT OF BEGINNING**.

and also

Vacate the platted **10' WESTAR EASEMENT** described as follows:

BEGINNING at a P.I. in the southwesterly boundary of Lot 1 in Kellogg Illinois Addition, Wichita, Sedgwick County, Kansas that is at the southeasterly end of a line labeled on the recorded plat of said Kellogg Illinois Addition as "EAST R/W LINE OF WEST STREET"; thence bearing N26°59'05"E, a distance of 12.50 feet; thence bearing N46°44'34"W, a distance of 8.31 feet; thence bearing N88°49'49"E, a distance of 72.37 feet; thence bearing S01°10'11"E, a distance of 10.00 feet; thence bearing S88°49'49"W, a distance of 46.56 feet; thence bearing N79°17'15"W, a distance of 20.31 feet to the **POINT OF BEGINNING**.