

The applicant has requested the vacation of a portion of the twenty-foot platted utility easement on property generally located 1/8 mile south of East 47th Street South and 1/4 mile west of South Hydraulic Avenue. The applicant owns the building that spans Lots 6-9 (inclusive) of the I-135 Turnpike Business Park Addition and would like to build on abutting Lot 12. The utility easement is platted along the rear lot line of Lot 12.

There is a sanitary sewer line located within the easement. The applicant intends to move the sewer line and private utilities as part of the project. Westar has existing facilities in the area, but have no objections to the vacation. LaDonna Vanderford is the area representative and can be contacted at 261-6290 for this case. The I-135 Turnpike Business Park Addition was recorded with the Register of Deed on April 6, 1981.

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 June 20, 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:

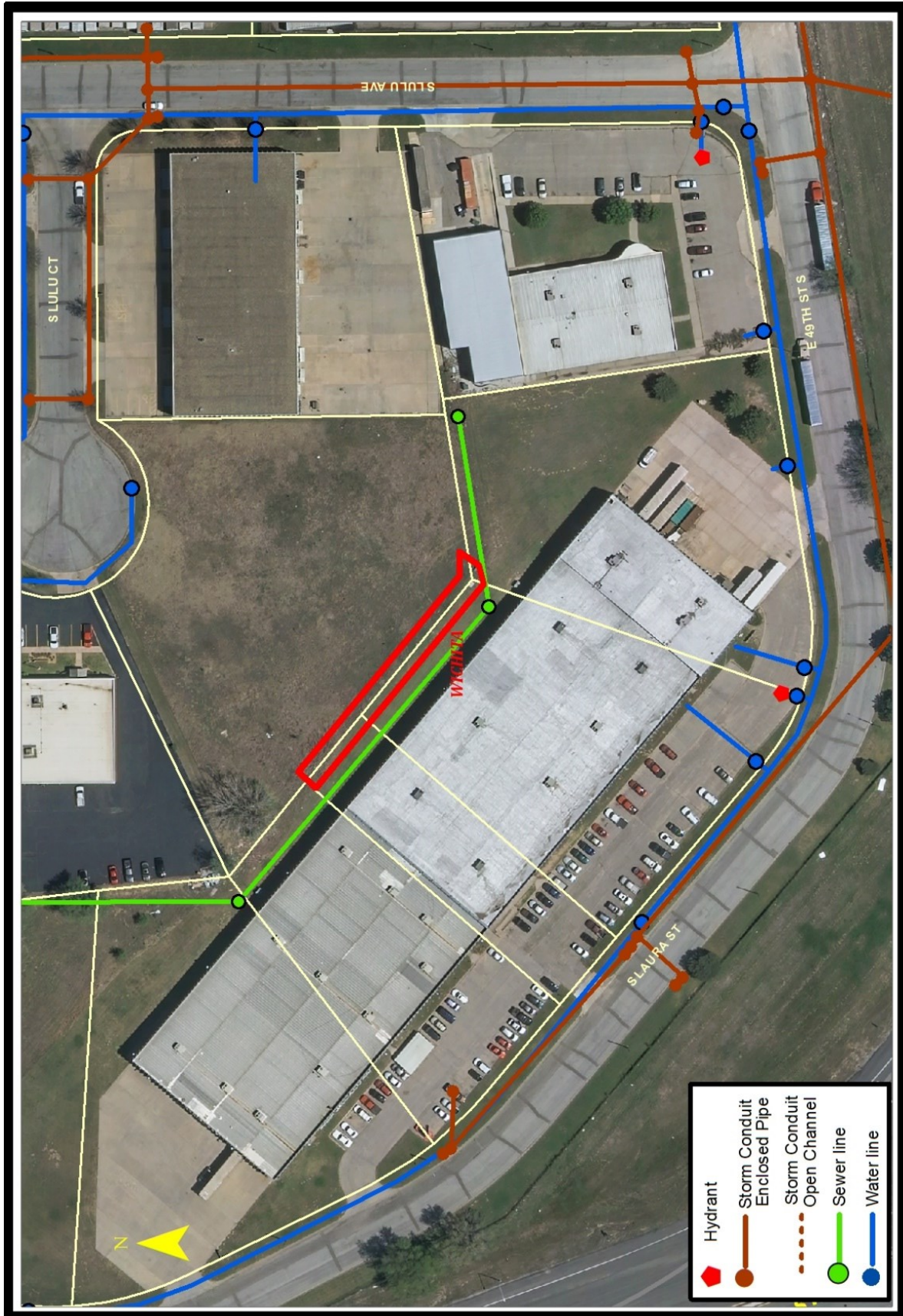
- (1) Utilities shall be relocated at the owner's expense, to City standards, and the applicant shall provide Planning with the dedication of a utility easement by separate instrument, with original signatures to go with the Vacation Order to be filed with the Register of Deeds. If relocation is not possible then this Vacation shall be rendered void as the current easement must remain in place.
- (2) The applicant shall submit a Private Project to Public Works for the relocated sanitary sewer line. The relocation shall be at the owner's expense, to City standards, and the applicant shall provide Planning with copy of the approved Private Project to go with the Vacation Order to be filed with the Register of Deeds.
- (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.

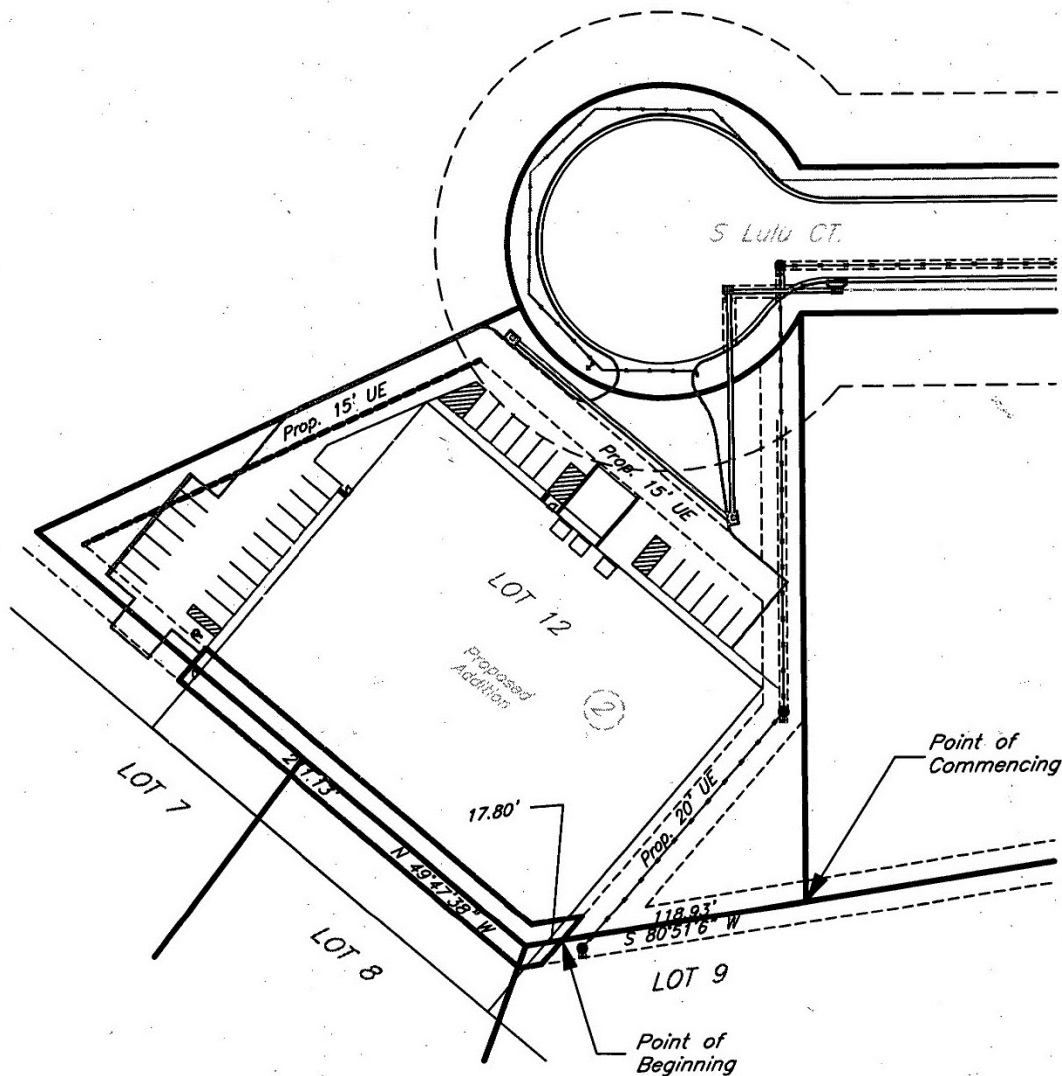
Attachments:

1. Areal Map
2. Site Plan submitted by applicant
3. Plat Exhibit



Vacation Easement Exhibit

Part of Lots 7, 8, 9 & 12, Block 2, I-135 Turnpike Business Park Addition
Wichita, Sedgwick County, Kansas



The centerline of a 20 foot Drainage Easement, being 10 feet each side of a line located in I-135 Turnpike Business Park Addition, Wichita, Sedgwick County, Kansas, being described as:

Commencing at the Southeast corner of Lot 12, Block 2, I-135 Turnpike Business Park Addition, Wichita, Sedgwick County, Kansas; thence S 80° 51' 6" W, a distance of 118.93 feet, to the Point of Beginning; thence S 80° 51' 6" W, a distance of 17.80 feet; thence N 49° 47' 38" W, a distance of 211.13 feet, to the end of said easement segment to be vacated.



1" = 80'



