

The applicant has requested the vacation of a portion of the 30-foot platted utility easement in addition to the platlor’s text for Reserve A on property addressed 3925 North Lakecrest Circle generally located within one quarter mile west of North Ridge Road and north of West 37th Street North. The applicant would like to construct an attached garage addition.

The applicant received permission from City Public Works prior submitting the application to vacate the south 3 feet of the 30-foot utility easement adjacent to the applicant’s lot without being required to relocate the present sewer line or dedicate an additional 3 feet on the north side of the easement. In addition, the applicant also received permission from City Public Works to allow the eave of the new addition to overhang 12 inches into the remaining 27 feet of the easement without requiring a Use of Easement Permit.

The applicant has also purchased 50 feet of Reserve A from the Huntleigh Home Owners Association (HOA) to accommodate the garage addition. In addition to the vacation request for the utility easement, the applicant is requesting to vacate the platlor’s text for the described portion of Reserve A for which he has purchased. The platlor’s text for Reserve A states that the reserve is for “drainage purposes, landscaping, open space, berms, lakes, and utilities as confined to easements.” Additionally, Reserve A is to be owned and maintained by the HOA.

The garage addition will extend an additional 18 feet north of the exterior wall of the existing garage. In order to remain in compliance with the minimum side setback requirements for the SF-5 Single Family Residential zoning district, the applicant would have had to purchase at least 9 feet of Reserve A. This would allow for the minimum 6-foot side yard setback required by the Unified Zoning Code. By purchasing 50 feet of Reserve A, the applicant will have 42 feet from the exterior wall of the garage addition to the new north property line.

As stated before, there is a sewer line located in the 30-foot utility easement within the described portion of Reserve A. This easement shall be retained at the newly described size of 27 feet within the area being vacated. Westar and Cox have no objection to the vacation request. However, they both have facilities in the 30-foot drainage and utility easement that runs north/south along the west side of Lot 6 and Reserve A, and they do not agree to any vacation of that easement. Richard Aitken is Westar’s Area Representative and can be contacted at 316-261-6334 regarding this case. The Ridge Addition was recorded February 9, 2004.

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 15, 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 platlor’s text 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:

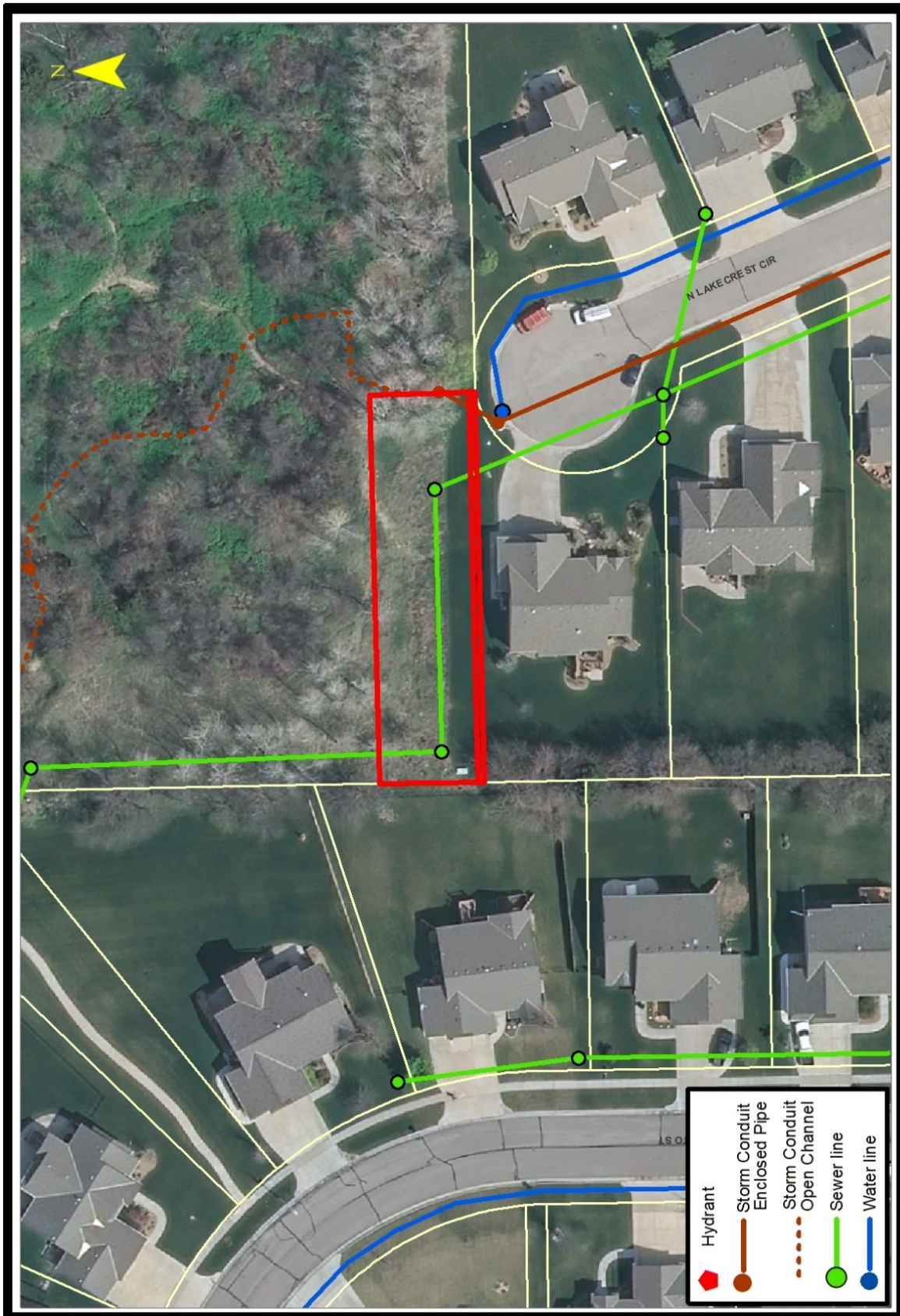
- (1) Dedicate a Restrictive Covenant, with original signatures, binding and tying the described vacated portion of Reserve A to Lot 6, Block B, Ridge Addition. This must be provided to Planning prior to VAC2019-00029 proceeding to City Council for final Action.
- (2) If any utility services are found 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.
- (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.

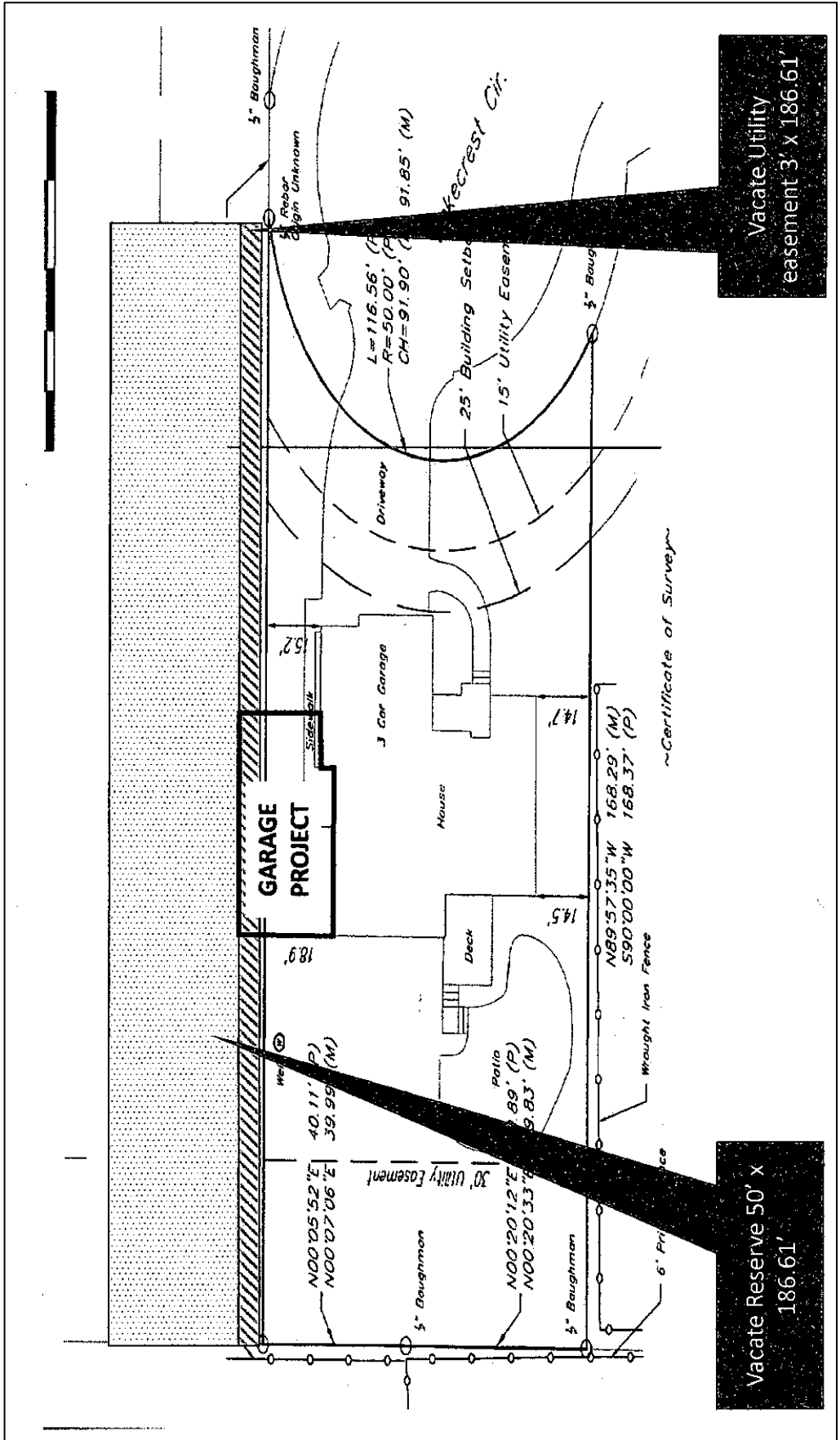
SUBDIVISION COMMITTEE’S RECOMMENDED ACTION

The Subdivision Committee recommends approval per staff recommendations.

Attachments:

1. Aerial Map
2. Vacation Exhibit submitted by applicant
3. Public Works Correspondence
4. Legal Description





GROTHUSEN Dallas (CNH Industrial)

From: Kallman, Julianne <JKallman@wichita.gov>
Sent: Tuesday, July 2, 2019 3:28 PM
To: GROTHUSEN Dallas (CNH Industrial)
Cc: Zewenbergen, Philip; Janzen, Gary
Subject: RE: Grothusen Garage Project - 3925 N. Lakecrest Cir.

Engineering will support vacating the south 3' of the utility easement adjacent to your lot and allowing the eave to overhang 12" into the remaining 27' of easement without requiring a use of easement permit.

You'll need to purchase at least 6' of the Reserve to comply with side yard setback requirements and also vacate the language on the plat that says the HOA will own and maintain the Reserve.

There will not be a need for the HOA to dedicate an additional 3' of easement on the north side of the easement because the sewer pipe is not being relocated.

Thanks,
Julianne

From: GROTHUSEN Dallas (CNH Industrial) [mailto:dallas.grothusen@cnhind.com]
Sent: Monday, July 01, 2019 1:20 PM
To: Janzen, Gary <GJanzen@wichita.gov>
Cc: Kallman, Julianne <JKallman@wichita.gov>
Subject: Re: Grothusen Garage Project - 3925 N. Lakecrest Cir.

Mr. Janzen,
I fully understand the shortened work week and staff vacations this time of year. Just having the response to my email is appreciated and provides estimate response timing.

Yes, we purchased the property knowing there was easement to north. 12 years ago this was the farthest thing from our minds, just making the monthly payment was our goal. Those times have passed and now we look to invest in our property. I believe the easement situation on our property is unique due to the reserve to the north, however I fully appreciate the OSHA trench requirements if excavation were required.

I look forward to your approval and appreciate your time



Legal Descriptions

Legal description for vacation of a portion of a 30' utility easement

The South 3 feet of the West 186.61 feet of Reserve "A" of Ridge Addition, Wichita, Sedgwick County, Kansas.

Legal description for property purchase

The South 50 feet of the West 186.61 feet of Reserve "A" of Ridge Addition, Wichita, Sedgwick County, Kansas.

I, Charles R. Robinson, a Professional Surveyor in the State of Kansas, do hereby certify that I have written the legal descriptions as described above.



Civil Engineers

Land Surveyors

Landscape Architects