

STAFF REPORT

CASE NUMBER: VAC2019-00047 - City Vacation of a portion of a platted utility easement

APPLICANT/AGENT: RJ and Melinda Hock (Applicant) Tim Binyon. (Agent)

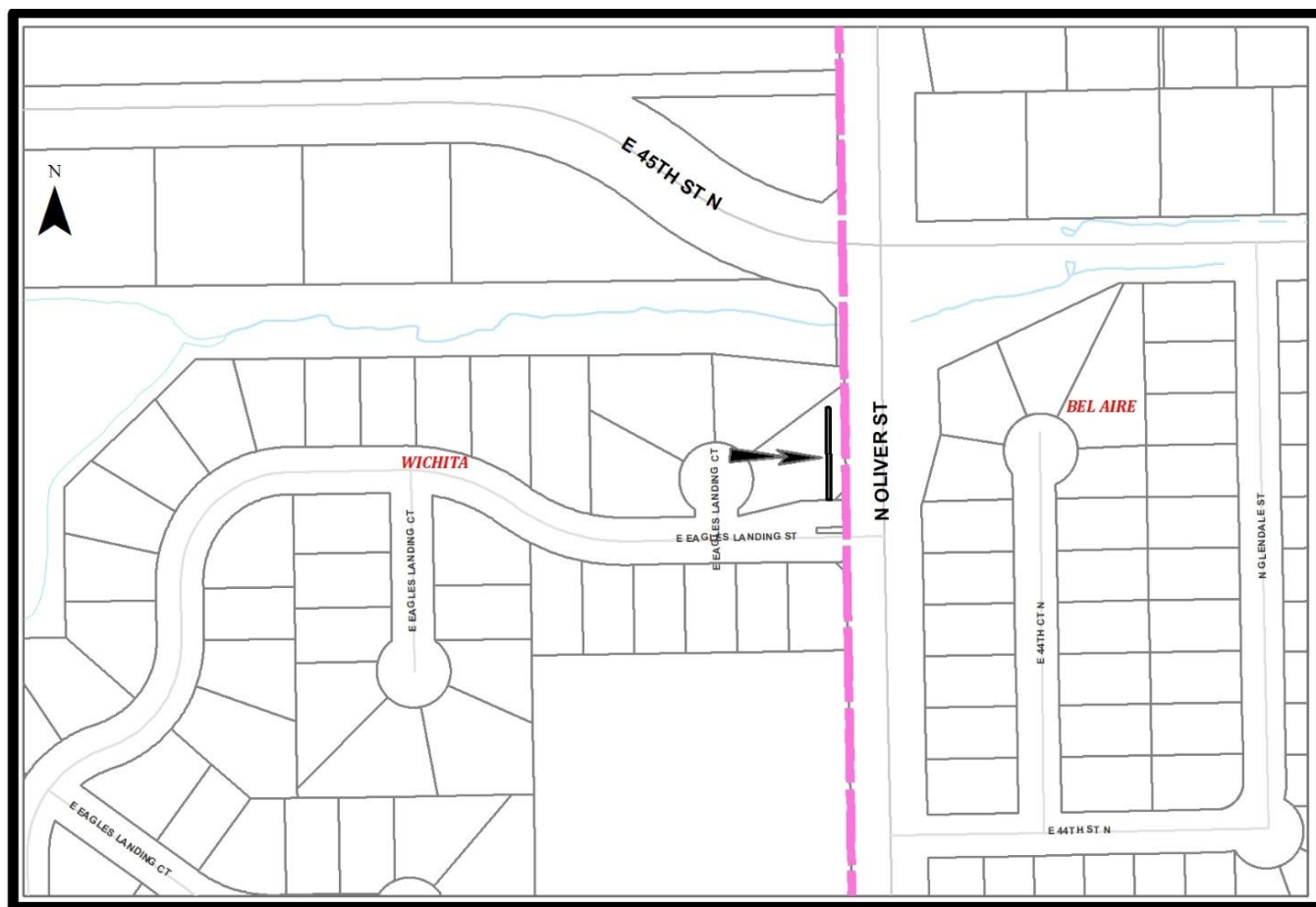
LEGAL DESCRIPTION: Generally described as vacating the west 5 feet of the south 125 feet of the 25-foot platted utility easement located on Lot 1, Block D, Eagles Landing at North Oliver 2nd Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located on the west side of North Oliver Avenue and one-block south of East 45th Street North (4714 E Eagles Landing Ct.).

REASON FOR REQUEST: To allow for the construction of an in-ground pool

CURRENT ZONING: SF-5 Single Family Residential.

VICINITY MAP:



The applicant has requested the vacation of a portion of a 25-foot platted utility easement on property addressed 4714 East Eagles Landing Ct. This property is zoned SF-5 Single Family Residential and is generally located on the west side of North Oliver Avenue and one-block south of East 45th Street North. The purpose of this request is to permit the construction of an in-ground pool.

The easement contains public sewer and water lines. As seen on the site plan, this request is to vacate only the west 5 feet of the south 125 feet of the easement. The applicant has worked with City Public Works and received permission to vacate the west 5 feet. This section only pertains to the dead-end sewer line that serves the applicant's house. The remainder of the easement shall be retained as it pertains to a water line that continues both north and south from the applicant's property and relocation is not an option. The applicant will be responsible to maintain the portion of the sewer line in the vacated area of the easement. They will also be responsible for relocating the southern-most man hole to a new location on their property to allow City Public Works to access the portion of the sewer line that will remain publicly owned.

Everygy does not object to this vacation. Everygy will need the applicant to have locates called for the underground service line that serves their home in relation to the location of the proposed pool. The underground service line runs across the applicant's yard from the secondary pedestal in the easement in the northeast corner to the meter on their home. Proper distance shall be maintained from the pool to this underground service line in addition to the overhead lines that run behind the property along North Oliver. The underground service line can be relocated if necessary at the applicant's expense. Becky Thompson is the Area Construction Representative for this case and can be contacted at 316-261-6320 with any questions. The Eagles Landing at North Oliver 2nd Addition was recorded January 24, 2002.

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 January 2, 2020, 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:

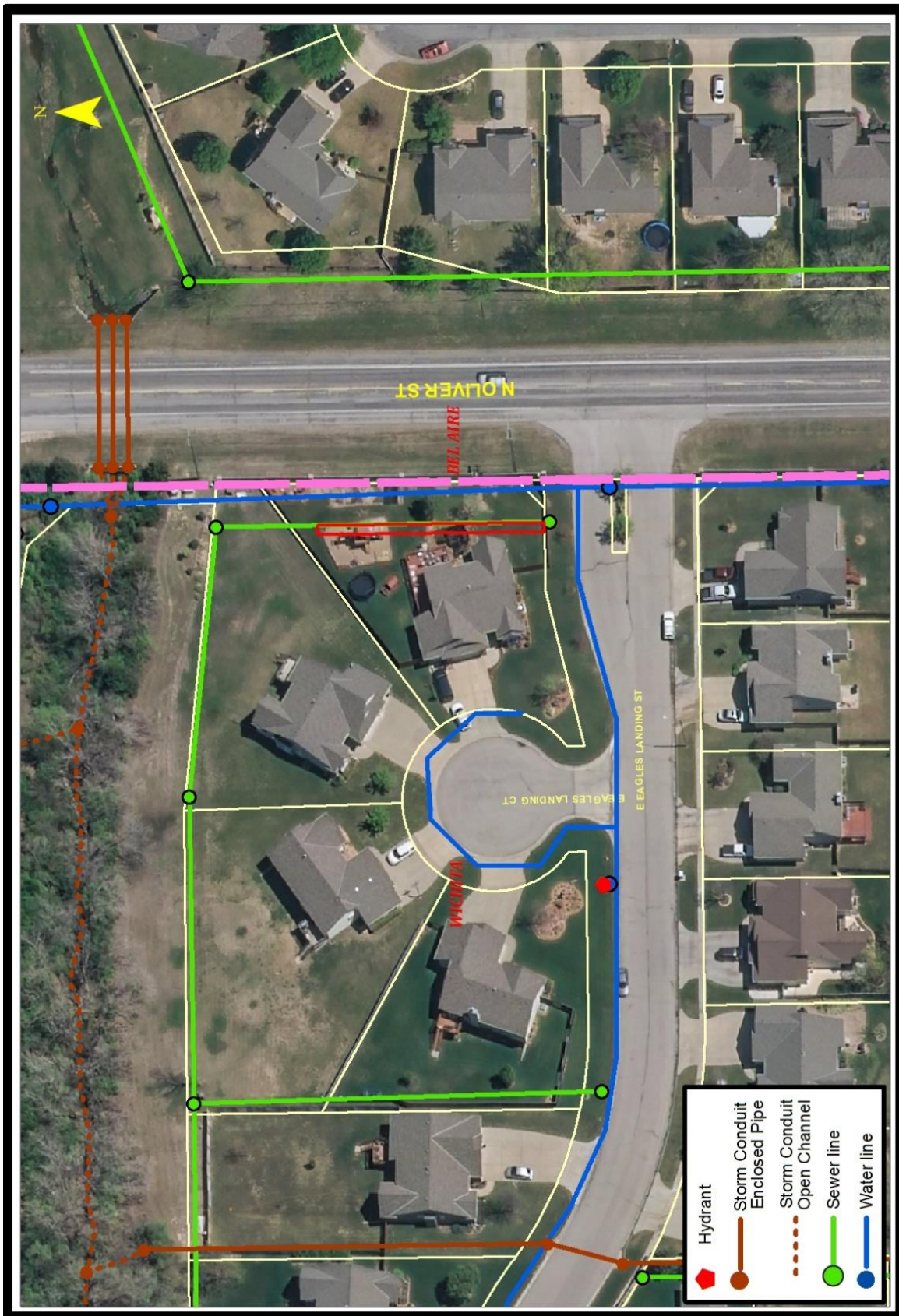
- (1) If any utility services are found to be located within the area of the proposed Vacation, these services shall be relocated at the owner's expense, to city standards, and the applicant shall provide Planning with the dedication of utility easements by separate instruments to go with the Vacation 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) Provide Public Works with a Private Project for the sewer line located in the current 25-foot platted utility easement. This must be provided to Public Works prior to the case going to City Council for final action and subsequent recording with the Vacation Order at 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.

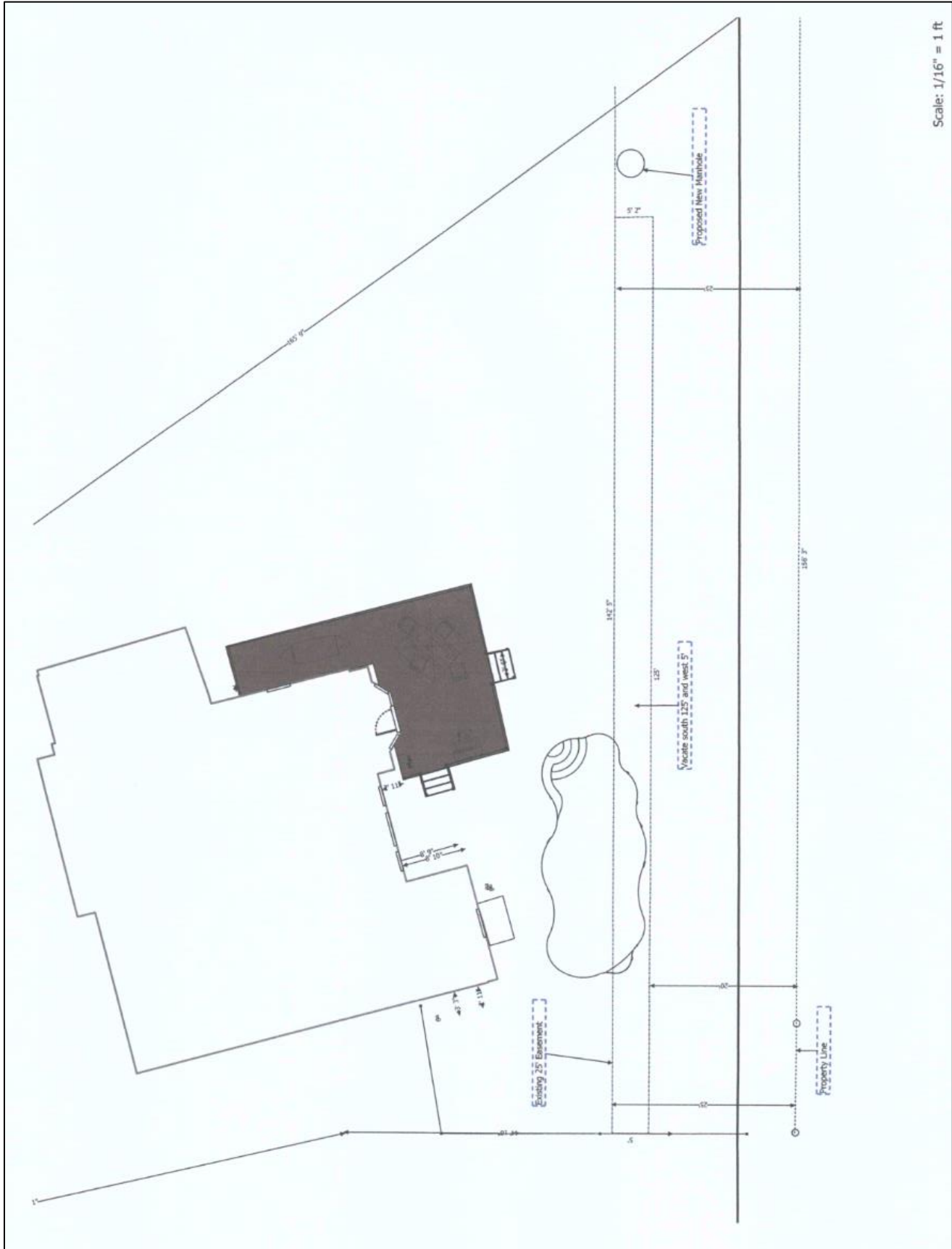
SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval per staff recommendations.

Attachments:

1. Aerial Map
2. Site Plan
3. Evergy Water Service Standards



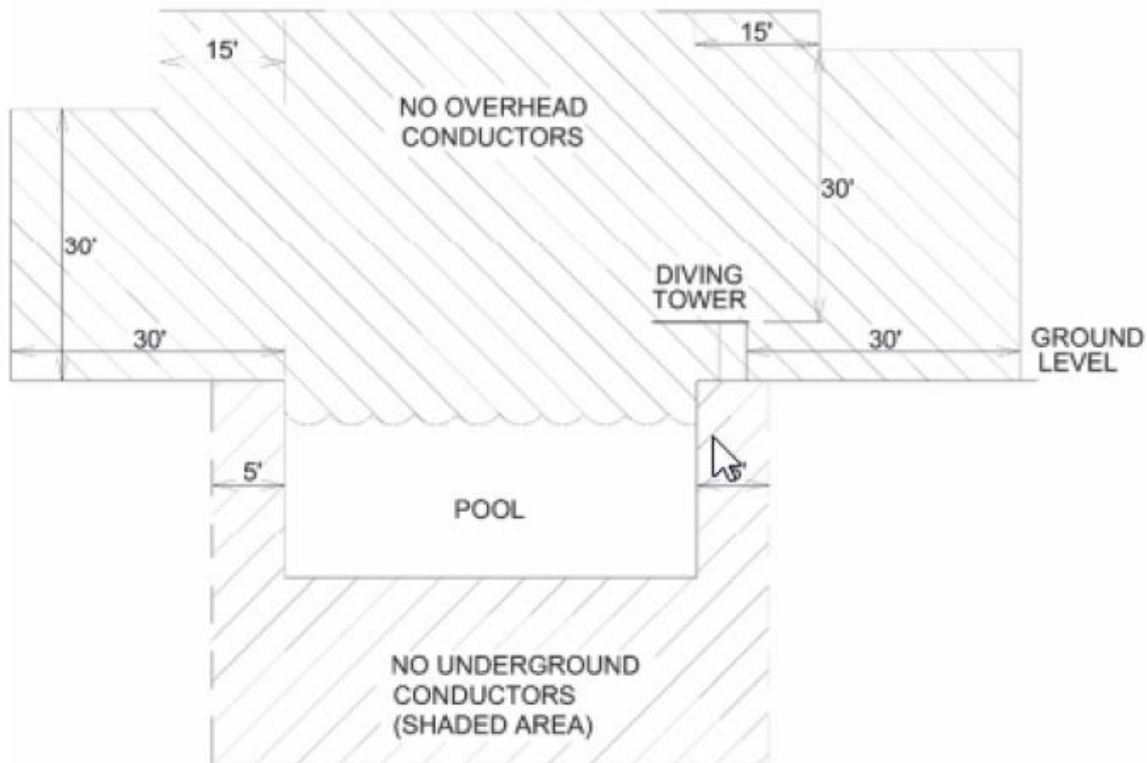


Scale: 1/16" = 1 ft.



10.25 – Clearances to Bodies of Water

The following rules apply to in-ground pools, spas, and hot tubs, as well as hydro-massage bath tubs, decorative fountains, reflection pools, above ground pools, storable swimming or wading pools, or any other water surface.



1. If any overhead wires are within clearances specified in the drawing above, contact the Company's local service center to see that it is allowed/not allowed per NEC and NESC code.
2. Underground services and underground supply conductors shall not be permitted under a pool or within the area extending 5 feet horizontally from the inside wall of the pool. NEC 680.10
3. If any water surface (above ground pools, in-ground pools, spas, hot tubs, etc.) is being installed over or under existing service, the service shall be moved and relocated at customer's expense.