

STAFF REPORT

CASE NUMBER: VAC2020-00015 - City Vacation of a portion of a platted utility easement

OWNER/APPLICANT: First Church of God of Wichita, Kansas, Inc. c/o Justin Mohr (Applicant)
Baughman Company, c/o Phil Meyer (Agent)

LEGAL DESCRIPTION: See Attached

LOCATION: Generally located north of West Maple Street and 1,800 feet east of South Ridge Road. (WCC V)

REASON FOR REQUEST: To allow for development on the property

CURRENT ZONING: PUD Planned Unit Development (PUD-57)

VICINITY MAP:



The applicant has requested the vacation of a portion of a twenty-foot platted utility easement on property generally located on the north side of West Maple Street and 1,800 feet east of South Ridge Road. The property is zoned PUD Planned Unit Development (PUD-57) and is owned by the First Church of God of Wichita. The church is vacating this 250-foot portion of the platted easement in order to facilitate future development on the site. Any development on the site must adhere to the provisions outlined in the PUD-57 document. There are no public utilities located within the easement. Evergy has worked with the applicant and has no objection to this vacation request. Heide Bryan, Residential Subdivision Representative is the contact for this case and can be reached at 316-261-6354 with any questions. The Central Community Church Addition was recorded February 22, 2018.

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 May 28, 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:

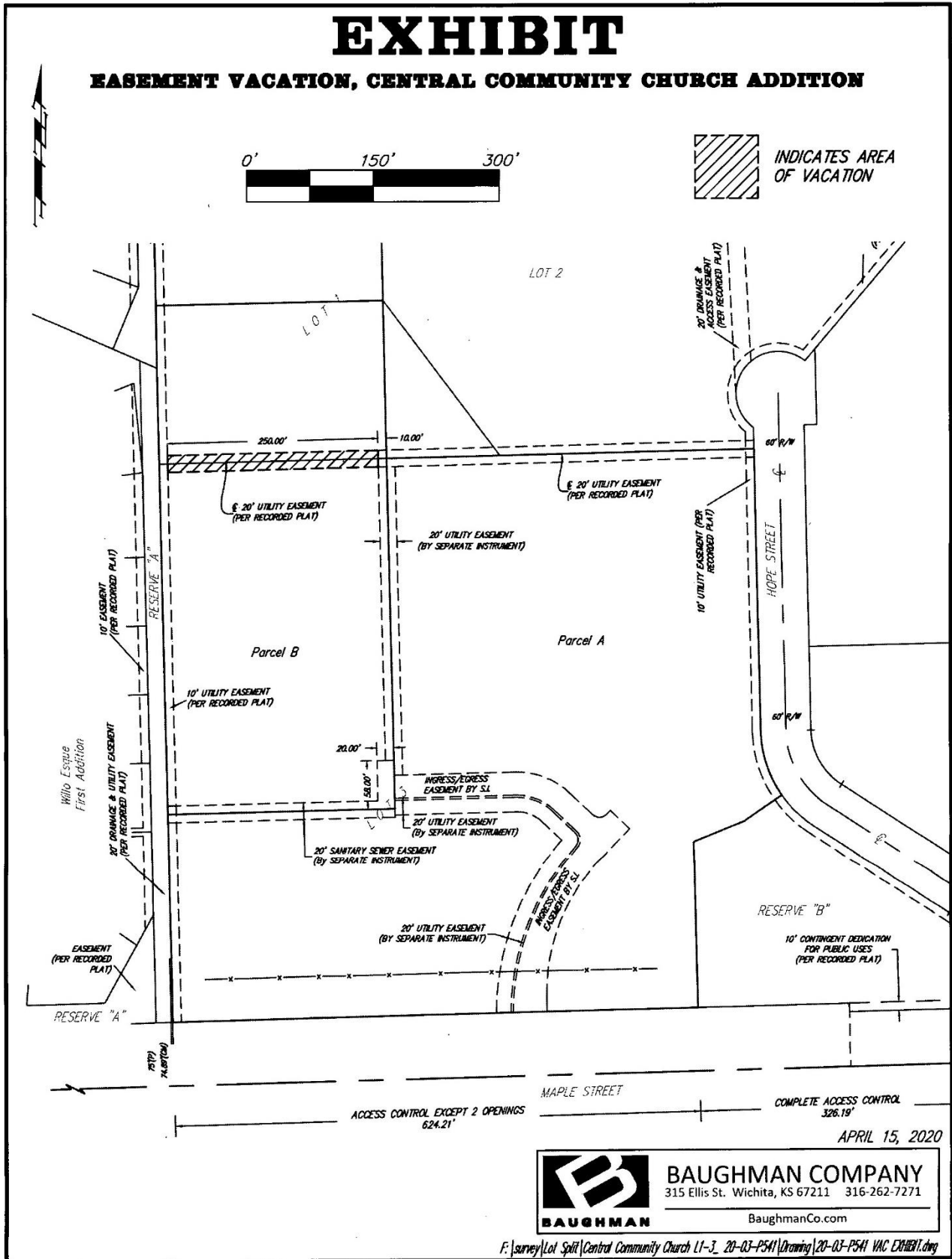
- (1) An updated site plan that reflects the legal description of the area to be vacated shall be submitted to Planning prior to this case being schedule for City Council for final approval.
- (2) If any utility services are found to be located within the area of the proposed Vacation, these services 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. Site Plan, 3. Legal Description



Platted Utility Easement Vacation

Legal Description

A portion of the 20 foot Utility Easement lying within Lot 1 and Lot 3, Block 1, Central Community Church, an Addition to Wichita, Sedgwick County, Kansas, more particularly described as commencing at the northwest corner of Lot 3 in said Block 1, said point also being the southwest corner of Lot 1 in said Block 1; thence N89°39'09"E coincident with the common Lot line between Lot 1 and Lot 3 in said Block 1, 10.00 feet to a point in the east line of a 10 foot Utility Easement as platted in Lot 1 and Lot 3 in said Block 1 and for a point of beginning; thence N01°15'36"W coincident with the east line of said 10 foot Utility Easement lying within Lot 1 in said Block 1, 10.00 feet to a point in the north line of a 20 foot Utility Easement as platted in Lot 1 in said Block 1; thence N88°39'09"E, coincident with the north line of a 20 foot Utility Easement as platted in Lot 1 in said Block 1, 250.00 feet; thence S01°15'36"E, parallel with the west line of Lot 1 and Lot 3 in said Block 1, 20.00 feet to a point in the south line of a 20 foot Utility Easement as platted in Lot 3 in said Block 1; thence S88°39'09"W, coincident with the south line of a 20 foot Utility Easement as platted in Lot 3 in said Block 1, 250.00 feet to a point in the east line of a 10 foot Utility Easement as platted in Lot 3 in said Block 1; thence N01°15'36"W coincident with the east line of a 10 foot Utility Easement as platted in Lot 3 in said Block 1, 10.00 feet to the point of beginning.