

STAFF REPORT

CASE NUMBER: VAC2019-00001 - City Vacation of Platted Water Easement

APPLICANT/AGENT: Sedgwick County Attn: Tania Cole (Applicant)/ Baughman Company P.A. (Agent)

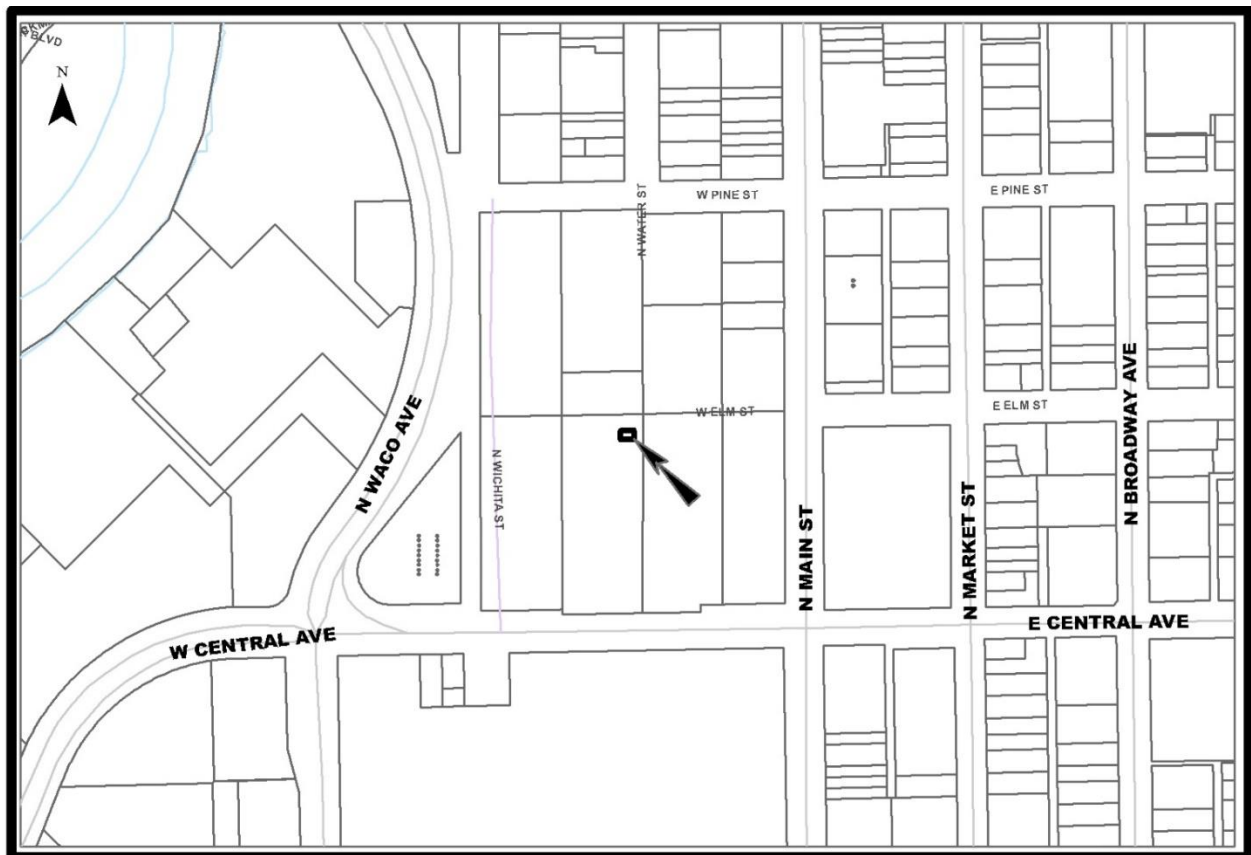
LEGAL DESCRIPTION: See Attached

LOCATION: Generally located southwest of West Elm Street and North Water Street (141 West Elm Street) (WCC #VI)

REASON FOR REQUEST: For an addition onto the building.

CURRENT ZONING: LI Limited Industrial

VICINITY MAP:



The applicant has requested the vacation of a 30-foot by 20-foot platted water easement on property addressed 141 West Elm Street. This easement is located on what is now the property of the Sedgwick County Adult Detention Facility. The applicant would like to vacate this easement to allow for an expansion onto the building entrance (see attached site plan).

There are no public utilities located within the easement. However, there are public utilities within the envelope of the building expansion. The applicant has indicated that they are already working to relocate those utilities. Westar has no existing facilities in the platted easement being vacated. Shane Price, Supervisor, Construction Services is the area representative and can be contacted at 261-6315 for this item. A portion of the easement resides on former Lot 27, Munger's Original Town, Sedgwick County, Kansas. The majority of the easement resides in the former Water Street right-of-way.

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 water 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) 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.

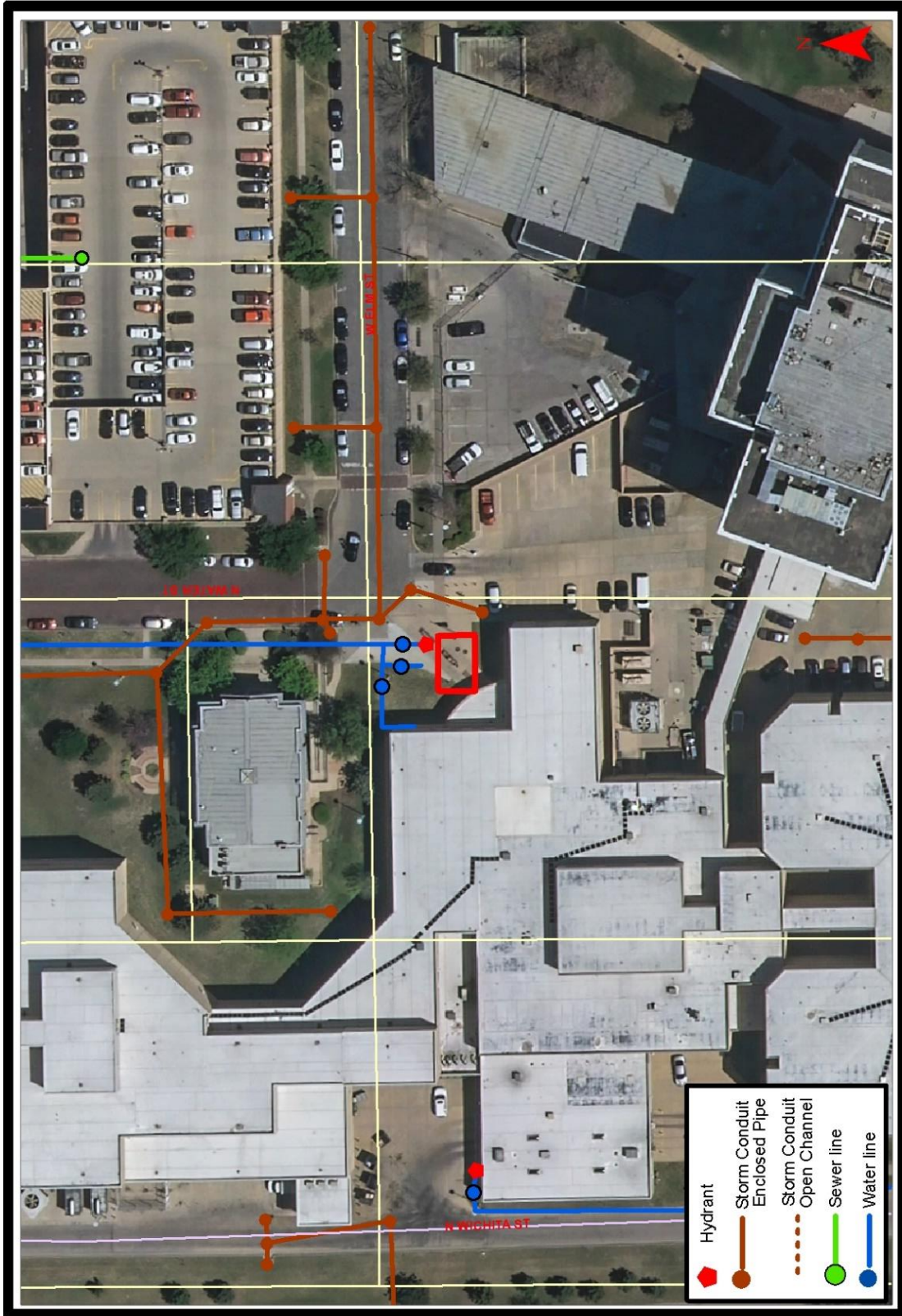
Attachments:

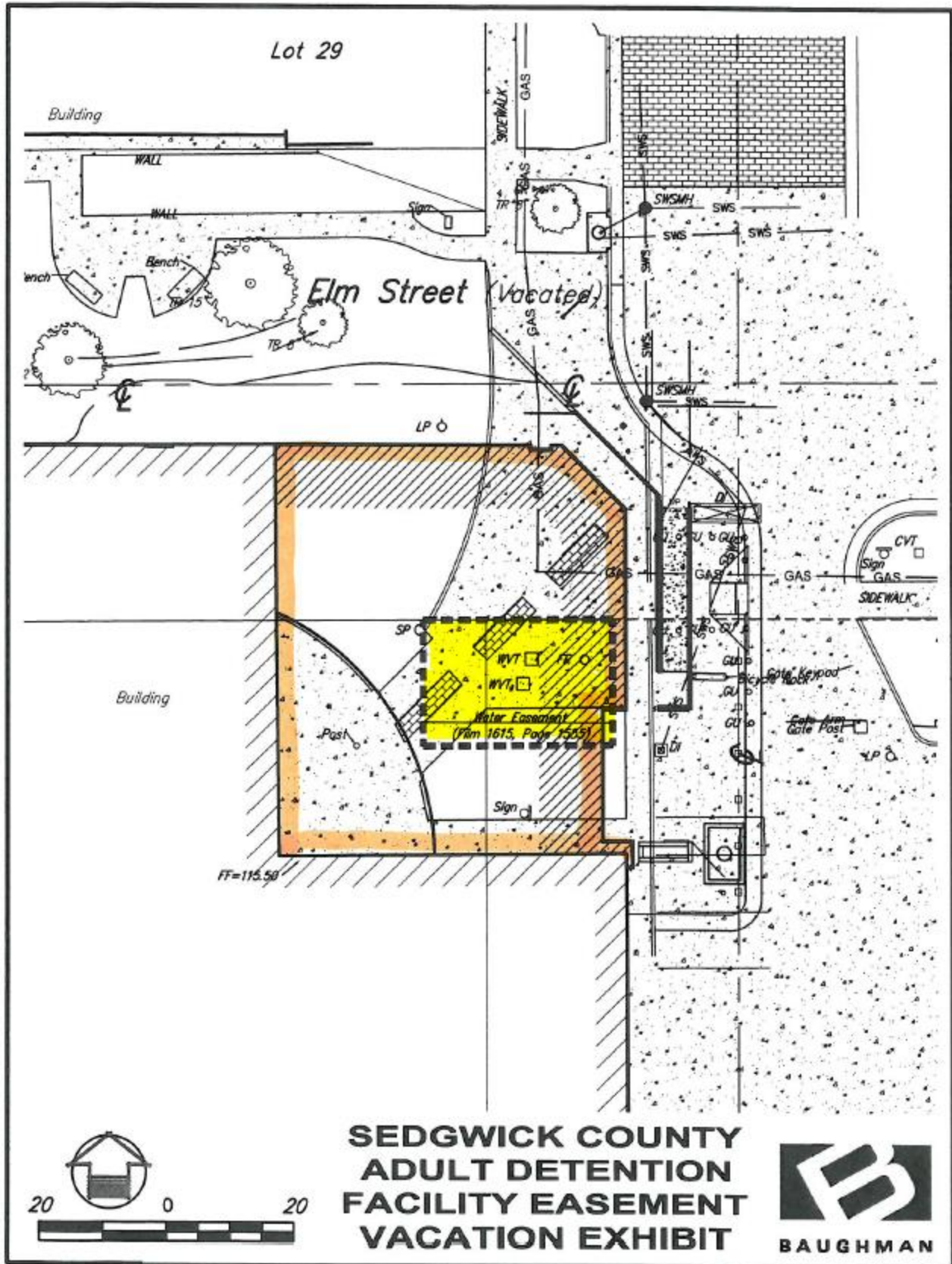
1. Utility Map
2. Zoning Map
3. Exhibit Submitted by Applicant
4. Legal Description

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April 18, 2019

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VACATION OF EASEMENT

LEGAL DESCRIPTION

Beginning at the northeast corner of Lot 27 on Church Street (now Water Street) as platted in Munger's Original Town, now the City of Wichita, Sedgwick County, Kansas; thence west along the north line of said Lot 27 a distance of 10.0 feet; thence south parallel with the east line of said Lot 27, a distance of 20.0 feet; thence east parallel with the north line of Lot 27 and the extended south line of Elm Street, a distance of 30.0 feet; thence north 20.0 feet; thence west 20.0 feet to the Point of Beginning.