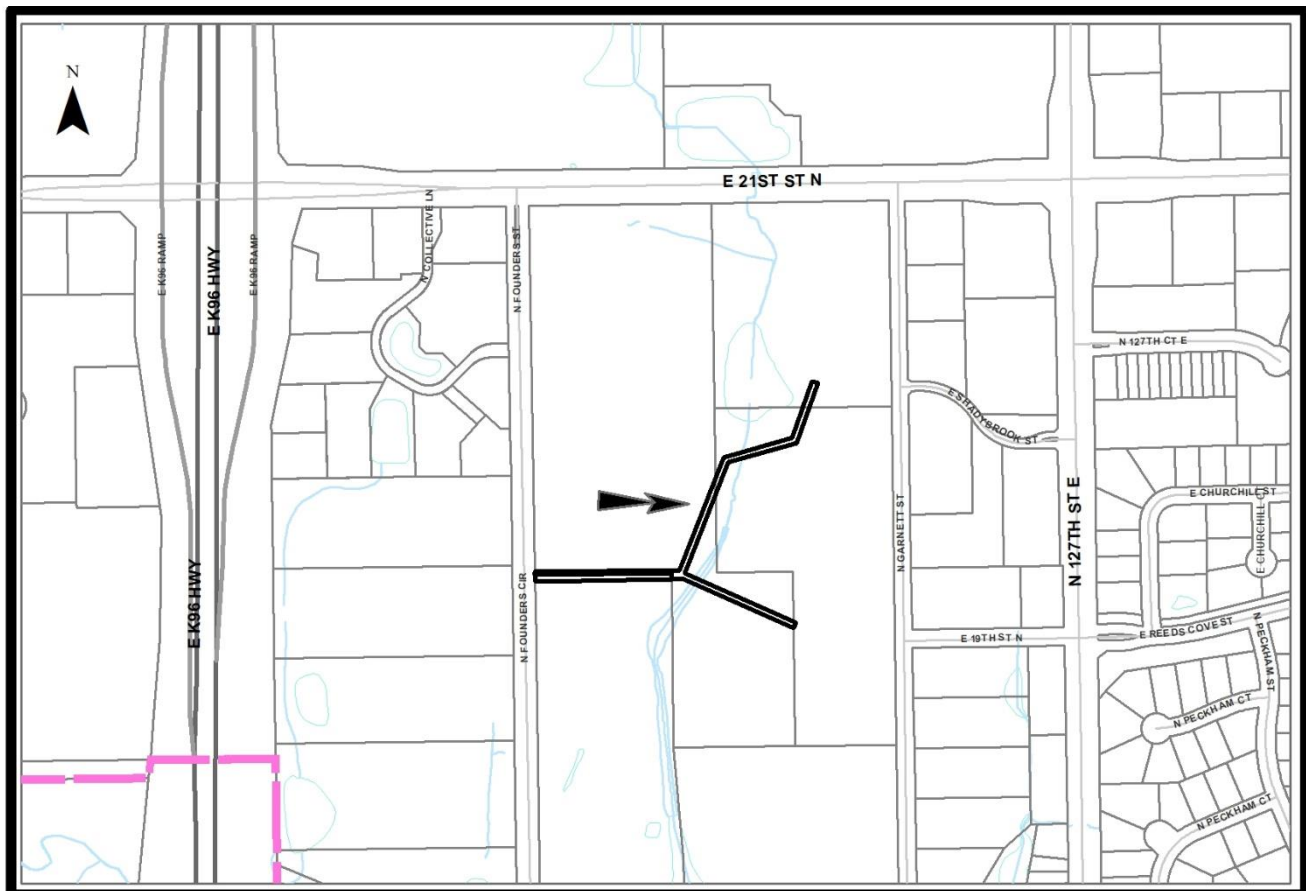


STAFF REPORT

- CASE NUMBER:** VAC2019-00042 - City Vacation of a portion of a 20-foot utility easement dedicated by separate instrument.
- APPLICANT/AGENT:** Trinity Academy c/o Dr. Kneeland Brown (Applicant) MKEC Engineering, Inc. c/o Brian Lindebak (Agent)
- LEGAL DESCRIPTION:** See Attached
- LOCATION:** Generally located on the south side of East 21st Street north and ¼ mile west of north 127th Street East (12345 E 21st Street North).
- REASON FOR REQUEST:** To allow for the for future construction
- CURRENT ZONING:** The property as well as property to the north and south are zoned SF -5 Single Family Residential. Property to east and west are zoned LC Limited Commercial, GO General Office, and SF-5 Single Family Residential.

VICINITY MAP:



The applicant has requested the vacation of a portion of the twenty-foot utility easement dedicated by separate instrument on property addressed 12345 East 21st Street North. The property is part of the Trinity Academy Addition and is generally located on the south side of East 21st Street North and ¼ mile west of North 127th Street East. The applicant is requesting this vacation in order to accommodate future construction. The applicant already installed a small portion of sewer line on the property in anticipation of future construction. However, this line is not connected into the City system. A portion of the easement requesting to be vacated connects this sewer line to the City system running under North Founders Circle to the west. The applicant has already dedicated a different easement by separate instrument in a different location in order to maintain the ability to make the connection to City facilities. City Public Works has approved the location of this new easement.

The partial sewer line is within the easement being vacated. However, the new easement that has been dedicated overlaps this portion of the vacated easement in order to cover the existing sewer line.. Every has no objection. However they have lines near the vacation area. Becky Thompson is the area Construction Representative and can be contacted at 316-261-6320 regarding this case. The Trinity Academy Addition was recorded August 20, 1999.

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:

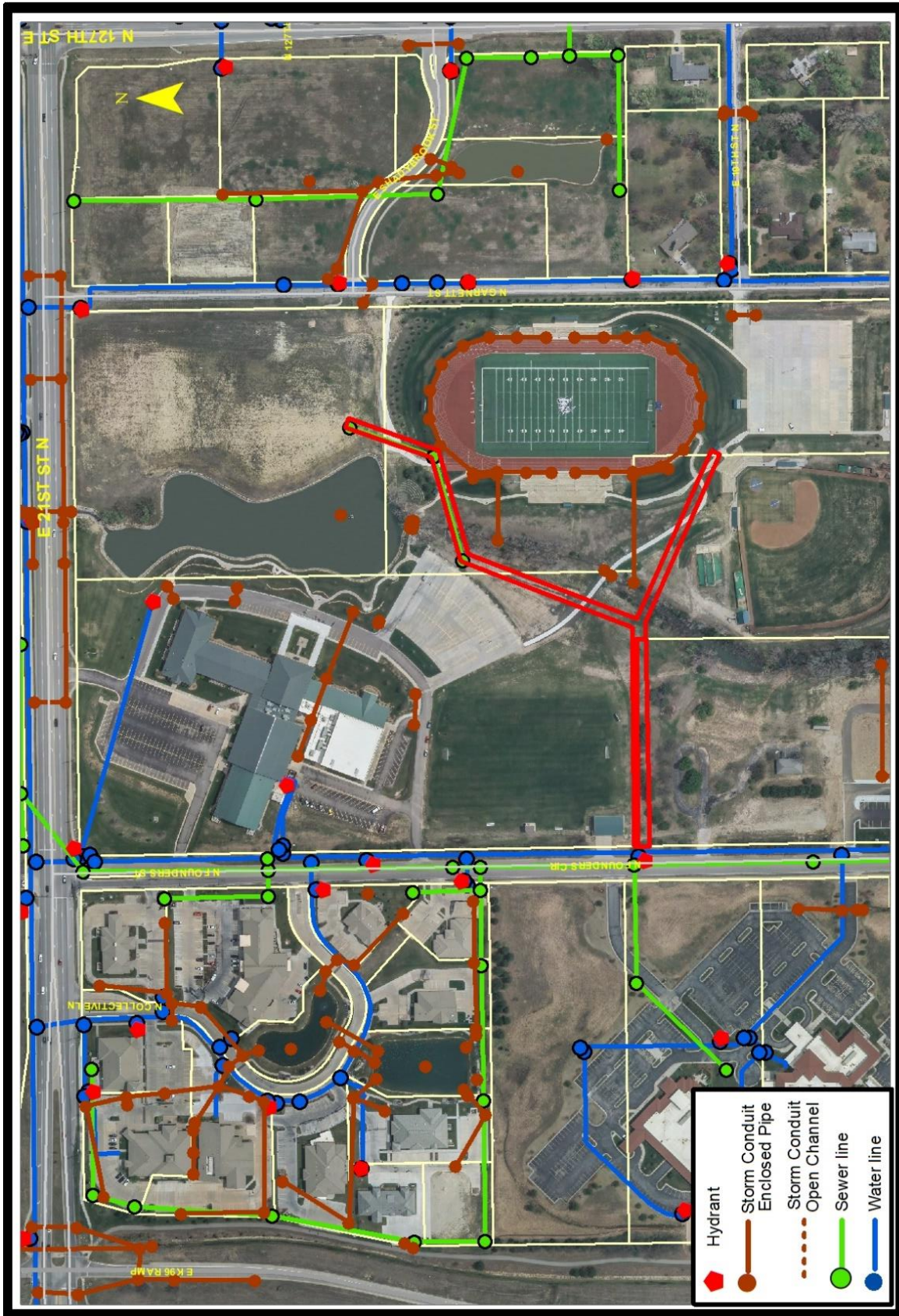
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time December 19, 2019, which was at least 20 days prior to this public hearing.
2. That no private rights will be injured or endangered by vacating the described portion of the 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 easement dedicated by separate instrument, with original signatures shall be submitted to Planning prior to this case going before 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.





 - Sanitary Sewer Easement (Doc.#/Fim-Pg: 29392553) to be vacated

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PROPOSED VACATED SANITARY SEWER EASEMENT TRINITY ACADEMY 3RD ADDITION		
PROJECT NO. 1901010167	DATE NOVEMBER 2019	SHEET NO.
DRAWN BY: JGD	DESIGNED BY: BDL	APPROVED BY: BDL
		1 OF 1

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**DESCRIPTION OF
Proposed Vacated Sanitary Sewer Easement
By separate instrument (Doc.#/Flm-Pg: 29392553)
VAC2019-000##**

Parcel 1

That part of Lot 1, Trinity Academy, an Addition to Sedgwick County, Kansas, described as commencing at the N.W. Corner of said Lot 1; thence S00°56'07"E, along the West line of said Lot 1, 1200 feet to a point 10 North of the Northerly most S.W. Corner of said Lot 1 for a POINT OF BEGINNING; thence continuing S00°56'07"E, along the West line of said Lot 1, 10 feet to the Northerly most S.W. Corner of said Lot 1; thence N89°04'23"E, along the Northerly most South line of said Lot 1, 450 feet to a Corner of said Lot 1; thence S00°56'07"E, along the Easterly most West line of said Lot 1, 19.93 feet; thence N89°03'53"E, 39.22 feet; thence S66°05'51"E, 394.80 feet; thence N23°54'09"E, 20 feet; thence N66°05'51"W, 399.37 feet; thence N21°12'03"E, 391.08 feet; thence N74°00'39"E, 234.13 feet; thence N19°23'01"E, 207.79 feet; thence N70°36'59"W, 20 feet; thence S19°23'01"W, 197.46 feet; thence S74°00'39"W, 233.73 feet; thence S21°12'03"W, 398.42 feet; thence S89°03'53"W, 475.92 feet to the POINT OF BEGINNING.

Parcel 2

That part of the NE1/4 of Sec. 10, Twp. 27-S, R-2-E of the 6th P.M., Sedgwick County, Kansas, described as BEGINNING at the Northerly most S.W. Corner of Lot 1, Trinity Academy, an Addition to Sedgwick County, Kansas; thence N89°04'23"E, along the Northerly most South line of said Lot 1, 450 feet to a Corner of said Lot 1; thence S00°56'07"E, along the Easterly most West line of said Lot 1, 19.93 feet; thence S89°03'53"W, 450 feet to a point being S00°56'07"E, 20 feet from the Point of Beginning; thence N00°56'07"W, 20 feet to the POINT OF BEGINNING.