

The applicant has requested the vacation of a portion of the ten-foot utility easement on the west side of a property addressed 1937 N Saddle Creek Court. The property is part of the Wilson Estates Residential Community Unit Plan DP-201 and is generally located on the 1/3 mile south of East 21st Street North and ¼ mile east of North Rock Road. The applicant is requesting this vacation in order vacate this easement from their property. The property owner purchased some of the land which was originally platted as Lot 19, and this easement separates their original Lot from the new property. By vacating this easement, the owner will increase the buildable area on this property.

There are no public utilities located within the easement that is being vacated. There are franchise utilities in the easement. These utilities are being relocated as part of the neighboring Wilson Farms 5th Addition. The applicant will need to work with Evergy and Cox on the relocation. Becky Thompson is the area Construction Representative and can be contacted at 316-261-6320 regarding this case. The Wilson Farms Addition was recorded July 15, 1997.

- 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:

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.

- (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.

**DESCRIPTION OF
Proposed Vacated Portion of Platted 10' Utility Easement
VAC2019-000##**

A tract of land located in portions of Lot 15, Block 1, and vacated Reserve D, Wilson Farms Addition, an addition to Wichita, Sedgwick County, Kansas; said tract being more particularly described as follows:

COMMENCING at the southwest corner of said Lot 15; thence along the west line of said Lot 15 on a platted bearing of $N00^{\circ}33'40''W$, 30.07 feet to the POINT OF BEGINNING; thence continuing along said west line, $N00^{\circ}33'40''W$, 174.73 feet; thence $N89^{\circ}26'20''E$, 10.00 feet to a point on an east line of a platted 10 foot Utility Easement; thence along said east line, $S00^{\circ}33'40''E$, 174.73 feet; thence $S89^{\circ}26'20''W$, 10.00 feet to the POINT OF BEGINNING.