

Planning Agenda # _____

City of Wichita
City Council Meeting
October 7, 2003

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: VAC2002-00044 - REQUEST TO VACATE A PORTION OF A PLATTED SEWER EASEMENT LOCATED EAST OF OLIVER STREET AND BETWEEN 2ND & 3RD STREETS (District II)

INITIATED BY: Metropolitan Area Planning Department *JUS*

AGENDA ACTION: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Background: The applicant proposes to vacate a portion of a platted sewer as dedicated on the Robinson Junior High Addition, which was recorded with the Register of Deeds 04-14-1978.

Analysis: USD 259, as part of an expansion and improvement project to Robinson Middle School, proposes to build a school building on what is now part of the schoolyard. The building will encroach over a portion of the platted 20-foot sewer easement, as shown on the exhibit. There is sewer in the easement.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Financial Considerations: Relocation of the sewer and any other utilities will be at the expense of the applicant

Legal Considerations: A certified copy of the Vacation Order, dedication by separate instruments for Sanitary Sewer Easements, and a Contingent Dedication for Sidewalks and utilities will be recorded with the Register of Deeds.



Wichita-Sedgwick County Metropolitan Area Planning Department

October 8, 2003

USD 259
3950 N. Hydraulic
Wichita, KS 67219

Re: VAC2002-00044 - Request to vacate easement generally located east of Oliver Street and between 2nd & 3rd Streets.

Dear Sirs:

At its regular meeting on Tuesday, October 7, 2003, the Wichita City Council considered request. The action of the City Council was to APPROVE subject to the recommendation by the MAPC.

If you have any questions about this matter, please call 268-4494.

Sincerely,


Bill Longnecker
Senior Planner

BL:le

cc: Neil Cable, City Engineer, Public Works Department, Mail Stop 1-71
Paul Gunzelman/Carla Jones, Public Works Engineering, Mail Stop 1-71
MKEC Engineering Consultants, Inc., c/o Jeff Cartwright, 411 N. Webb Rd, Wichita, KS 67206
MKEC Engineering Consultants, Inc., c/o Brian Lindebak, 411 N. Webb Rd, Wichita, KS 67206
Board of Education, c/o Unified School District 259, 201 N. Water, Wichita, KS 67202

STAFF REPORT

CASE NUMBER: VAC2002-00044: Request to vacate a portion of a platted sewer easement.

OWNER/APPLICANT: USD 259 c/o Joe Hoover

AGENT: MKEC Engineering Consultants, Inc c/o Jeff Cartwright
Brian Lindebak

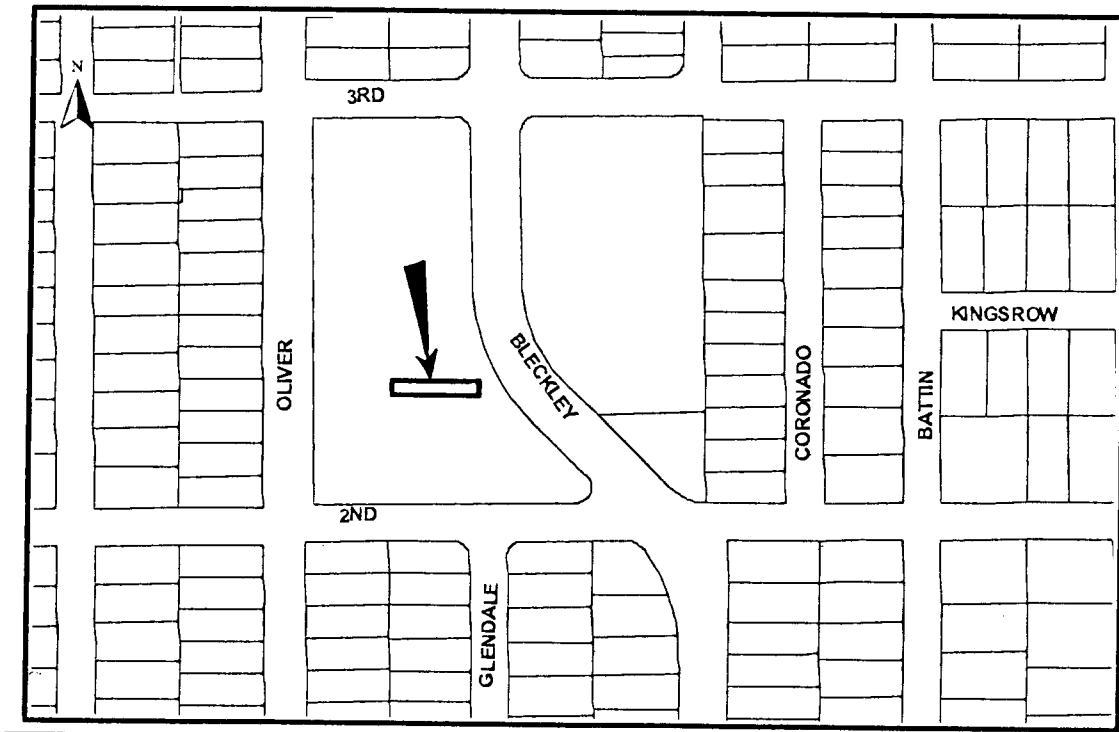
LEGAL DESCRIPTION: Portion of the platted easement

LOCATION: Generally located east of Oliver and between 2nd & 3rd Streets North, 328 N Oliver.

REASON FOR REQUEST: Expansion of school building.

CURRENT ZONING: Subject property and property to the south are zoned B Multifamily Residential and SF-5 Single Family Residential. Property to the east is zoned SF-5 Single Family Residential. Property to the west is zoned TF-3 Duplex Residential. Properties to the north are zoned MF-29 & B Multifamily Residential and TF-3 Duplex Residential.

VICINITY MAP:



USD 259, as part of an expansion and improvement project to Robinson Middle School, proposes to build a school building on what is now part of the schoolyard. The building will encroach over a

portion of the platted 20-foot sewer easement, as shown on the exhibit. The easement is shown on the Robinson Junior High Addition plat, which was recorded with the Register of Deeds 04-14-1978.

Staff recommends approval of the vacation request noting that any encroachment into the platted setbacks would require a vacation and reserving comment from the private and public utility representatives on the acceptability of this vacation and if any guarantees, substitute easements and/or dedications should be required.

- 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, by publication in the Wichita Eagle of notice of this vacation proceeding one time January 13, 2003, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by the vacation of the above-described platted easements and the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.
- B. Therefore, the vacation of the platted floodway described in the petition should be approved subject to the following conditions:
1. Guarantee that the existing sewer line in the vacated easement be abandoned.
 2. The platted easement will remain in effect as a temporary easement until the sewer line is abandoned.
 3. Dedicate an additional 10-feet to the platted 10-foot easement that is located on the north side of the lot and runs parallel to 3rd Street North.
 4. Dedicate a contingent 10-foot utility and sidewalk easement to run on the west side of the lot and parallel to Oliver.
 5. Dedicate a 20-foot easement be to protect any relocated or new sewer lines.
 6. Verify the existing sewer line and manholes running beneath the existing school buildings is a private line.

7. Any storm drainage or other City utilities in the vacated ease must be covered by a dedicated easement or relocated at the applicant's expense and protected with a dedicated easement.
8. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
9. All improvements shall be according to City Standards.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

1. Guarantee that the existing sewer line in the vacated easement be abandoned.
2. The platted easement will remain in effect as a temporary easement until the sewer line is abandoned.
3. Dedicate an additional 10-feet to the platted 10-foot easement that is located on the north side of the lot and runs parallel to 3rd Street North.
4. Dedicate a contingent 10-foot utility and sidewalk easement to run on the west side of the lot and parallel to Oliver.
5. Dedicate a 20-foot easement be to protect any relocated or new sewer lines
6. Verify the existing sewer line and manholes running beneath the existing school buildings is a private line
7. Any storm drainage or other City utilities in the vacated ease must be covered by a dedicated easement or relocated at the applicant's expense and protected with a dedicated easement.
8. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
9. All improvements shall be according to City Standards.