

**EXCERPT MINUTES OF FEBRUARY 9, 2017 WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION MEETING**

VAC2016-00062: County request to vacate a platted utility easement on property,
located on the southeast corner South 119th Street West and West 103rd Street South (in
Clearwater Urban Area of Influence).

APPLICANT/AGENT: James Charles (applicant/owner)

LEGAL DESCRIPTION: Generally described as vacating the 10 foot utility easements located on the south side of Lot 1 and the north side of Lot 2, Willard Parker's 1st Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located on the southeast corner South 119th Street West and West 103rd Street South (in Clearwater Urban Area of Influence)

REASON FOR REQUEST: To allow for building over the property line

CURRENT ZONING: Site is zoned LI Limited Industrial. All abutting and adjacent properties are zoned RR Rural Residential.

The applicant proposes to vacate both 10 foot utility easements located on the south side of Lot 1 and the north side of Lot 2, Willard Parker's 1st Addition. There is no public water, sewer, or stormwater equipment in the described easements. Westar has existing equipment near the area that service the customers on these lots but has no objection. Condition #3 will cover Westar. Ennidh Garcia is the area Construction Service Representative and can be reached at 316-261-6859. Willard Parker's 1st Addition was recorded with the Register of Deeds October 2, 1992.

Because the site is located within the City of Clearwater's Area of Zoning Influence, consideration and recommendation by their planning commission is required. This request will be considered Clearwater Planning Commission at their February 7, 2017, Tuesday night meeting at 7:00 pm. in the Clearwater Council Chambers of City Hall.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from Public Works, Storm Water, Water and Sewer, Traffic, 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 portions of the platted drainage and utility easement and 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 January 19, 2017, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the platted utility easements 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) Vacate the platted 10 foot platted utility easements located along the common lot line of Lots 1 & 2, Willard Parker's 1st Addition, Wichita, Sedgwick County, Kansas
- (2) Provide an approved legal description of the vacated 10 foot platted utility easements on a Word document via E-mail. Provide to Planning for the Vacation Order, prior to the case going to the County Commission for final action.
- (3) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to County Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to the County Commission for final action.
- (4) All improvements shall be according to County Standards and at the applicants' expense.
- (5) 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 (5-0).

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

GREENE moved, **DOOL** seconded the motion, and it carried (13-0).
