

**EXCERPT MINUTES OF FEBRUARY 23, 2017 WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION MEETING**

VAC2017-00001: County Request to vacate a portion of easement for drainage and floodway reserve agreement, generally located west of South Oliver Street and north of East 47th Street South.

- APPLICANT/AGENT:** Spirit AeroSystems, Inc. (applicant/owner), Professional Engineering Consultants, P.A., Charlie Brown (agent)
- LEGAL DESCRIPTION:** Generally described as vacating a portion of “Easement for Drainage” (Film 400, Page 1080) and “Floodway Reserve Agreement” (Film 400, Page 1083) located on an unplatted parcel at 4401 South Oliver, Sedgwick County, Kansas
- LOCATION:** Generally Located West of South Oliver Street and North of East 47th Street South (WCC #VI)
- REASON FOR REQUEST:** To allow for expansion of an existing building
- CURRENT ZONING:** Site is zoned LI Limited Industrial as are all adjoining and abutting lots.

The applicant proposes to vacate a portion of “Easement for Drainage” (Film 400, Page 1080) and “Floodway Reserve Agreement” (Film 400, Page 1083) to allow for a building expansion that will encroach slightly into the aforementioned area. The rest of the area being vacated is to allow for appropriate grading to the building. There are no public utilities in the area being vacated. County Public Works was consulted on the project, and they have no problem with this vacation. Westar has no existing facilities within the easement. The project area is in an unplatted area of Sedgwick County.

NOTE: Because the site is located in Sedgwick County, but within the City of Wichita’s Three-Mile Subdivision Jurisdiction, both consideration and recommendation by the Wichita City Council, and consideration and final action by the Sedgwick County Board of County Commissioners are required.

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 February 2, 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) Provide a legal description of the vacated portion of the “Easement for Drainage” and modified Floodway Reserve Agreement on a Word document via E-mail for the Vacation Order. This must be provided prior to VAC2017-00001 proceeding to City Council for action and subsequent forwarding to the Sedgwick County Board of County Commissioners for final action and recording of the Vacation Order at the Sedgwick County Register of Deeds.
- (2) As needed provide easements for utilities. As needed provide letters from franchised utility representatives stating that their utilities are protected by the appropriate easements. These must be provided to Planning prior to the case going to the City Council for action and subsequent forwarding to the Sedgwick County Board of County Commissioners 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 City 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 City Council for action and subsequent forwarding to the Sedgwick County Board of County Commissioners for final action.
- (4) All improvements shall be according to City 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, **WARREN** seconded the motion, and it carried (11-0).