Agenda Item No. II-11

City of Wichita
City Council Meeting
April 14, 2020

TO: Mayor and City Council

SUBJECT: VAC2020-00003 – City Vacation of a Portion of a Drainage Easement to Permit New Construction on Property Zoned LC Limited Commercial, Generally Located on the Southwest Corner of North Oliver Avenue and East 45th Street North (District I)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

MAPC Recommendation: The Metropolitan Area Planning Commission recommends approval of the vacation request (10-0).

Staff Recommendation: Staff recommends approval of the vacation request.
**Background:** The applicant is requesting the vacation of two platted drainage easements on property zoned LC Limited Commercial and generally located on the southwest corner of North Oliver Avenue and East 45th Street North. As seen on the site plan these platted, north/south easements are located between Lots 1 and 2 and between Lots 3 and 4. The purpose of this vacation is to facilitate future construction of duplexes. The site contains a platted 20-foot drainage easement along the south and west property lines. These easements will be retained. The applicant intends to dedicate a new 20-foot drainage easement in the middle of Lot 1 in lieu of vacating the two subject easements.

There are no public utilities located within the easements. Evergy has no facilities in the subject drainage easements being vacated, and they do not object as long as the 20-foot drainage and utility easement on the south side of the property is retained. This easement can be used to serve the duplexes. They do not request any additional easements at this time but may need to in the future depending on how the duplexes are to be served. The Eagles Landing at North Oliver 2nd Addition was recorded January 24, 2002.

**Analysis:** The Metropolitan Area Planning Commission (MAPC) voted (10-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC’s advertised public hearing or its Subdivision Committee meeting.

**Financial Considerations:** All improvements are to City standards and at the applicant’s expense.

**Legal Considerations:** The Law Department has reviewed and approved, as to form, the Vacation Order. The Law Department concurs that the approval of the Vacation Order is in accordance with City policy. The original Vacation Order will be recorded with the Sedgwick County Register of Deeds.

**Recommendation/Actions:** It is recommended that the City Council follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order (simple majority of four votes required) and authorize the necessary signatures.

**Attachments:**
- Vacation Order
- Drainage Easement
- MAPC Min Excerpt