



Wichita-Sedgwick County Metropolitan Area Planning Department

September 7, 2022

JHB Properties, LLC
c/o Brock Boren
PO BOX 726
Andover, Kansas, 67002

RE: VAC2021-00011: Request in the City to vacate a portion of a platted ingress-egress reserve and utility easement on GC General Commercial and LC Limited Commercial zoned property generally located on the southwest corner of East Harry Street and South Greenwich Road.

Mr. Boren

At its regular meeting on Tuesday September 6, 2022, the Wichita City Council approved VAC2021-00011 subject to the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission. A copy of the recorded Vacation Order will be sent to you when the MAPD receives it. Should you have any questions, please feel free to call me at 268-4490

Sincerely,

Bill Longnecker
Senior Planner

A handwritten signature in blue ink, appearing to read 'Bill Longnecker', written over the typed name.

BL/kw



Wichita-Sedgwick County Metropolitan Area Planning Department

April 8, 2021

K.E. Miller Engineering PA
Attn: Michael Edwards
117 East Lewis Street
Wichita, KS, 67202

Ref: VAC2021-00011: City request to vacate a portion of a platted ingress-egress reserve and utility easement on property generally located on the southwest corner of East Harry Street and South Greenwich Road (1717 S Greenwich Road, WCC #II)

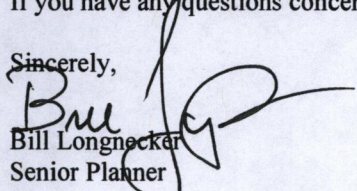
Mr. Edwards

At the Thursday, April 8, 2021 meeting of the Wichita – Sedgwick County Metropolitan Area Planning Commission (MAPC), the above referenced vacation request was approved subject to the following conditions:

- (1) Vacate those portions of the platted ingress – egress reserve and utility easement as described in an approved legal description. Provide Planning with the approved legal description on a Word document via E-mail for use on the Vacation Order. This must be completed prior to the case going to City Council for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Approval of plans for the relocation of any and all utilities, specifically sewer, by Public Works and/or franchised utilities must be completed prior to the case going to City Council for final action. Provide Planning with letters or E-mails of approval from utilities. All improvements shall be according to City Standards and will be at the applicant's expense.
- (3) Provide Planning with a letter or E-mail of approval for making the existing public water line into a private line. Provide Planning with an approved document/plan for a vault and backflow preventer on that line which will distinguish it between public and private water line. Provide an approved legal description on a Word document via E-mail for use on the Vacation Order of that portion of the public water line being an approved private line, prior to the Vacation request goes to City Council for final action and filling with the Sedgwick County Register of Deeds.
- (4) Provide Planning with the required ingress – egress reserve and utility easement dedicated by separate instruments with original signatures for recording with the Register of Deeds. These original dedications will go with the Vacation Order to City Council for final action and filling with the Sedgwick County Register of Deeds.
- (5) Update CUP DP-243 to reflect the changes.
- (6) Per MAPC Policy Statement #7, all conditions shall 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 Sedgwick County Register of Deeds.

When all of the above conditions have been completed and there are no other documents requested, this case will be scheduled for final action by the Wichita City Council at the first appropriate date after April 22, 2021, the end of the two-week protest period. This letter serves as a reminder that the vacation signs should now be removed from the property. If you have any questions concerning this case, please call me at 268-4490.

Sincerely,


Bill Longnecker
Senior Planner

BL:kw



Sedgwick County
Register Deeds - Tonya Buckingham
Doc./Film-Pg: 30191459

Receipt #: 2344000
Pages Recorded: 2

Recording Fee: \$0.00

Cashier: ghunt
Date Recorded: 09/09/2022 03:50:07 PM

Authorized By: Tonya Buckingham



**BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS**

**IN THE MATTER OF THE VACATION OF A PORTION)
OF A PLATTED INGREGS-EGRESS RESERVE AND)
UTILITY EASEMENT)**

**GENERALLY LOCATED SOUTHWEST OF THE EAST)
HARRY STREET - SOUTH GREENWICH ROAD)
INTERSECTION)**

VAC2021-00011

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 6th day of September, 2022, comes on for hearing the petition for vacation filed by JHB Properties LLC, c/o Brock Boren (owner) praying for the vacation of portion of a platted Egress-Ingress Reserve and Utility Easement, to wit:

Legal Description for portion of Ingress/Egress Reserve and Utility Easement to be Vacated:

Commencing at the SE corner of Lot 9, Block A, Smithmoor Commercial Addition, Wichita, Sedgwick County, Kansas; thence N 00°01'25" E, on the East line of said Lot, a distance of 240.00 feet, to the Point of Beginning; thence S 89°41'28" W, a distance of 340.00 feet; thence N 00°01'25" E, a distance of 165.00 feet; thence S 89°41'28" W, a distance of 419.67 feet; thence N 00°01'25" E, a distance of 10.00 feet; thence N 89°41'28" E, a distance of 479.67 feet; thence S 00°01'25" W, a distance of 115.00 feet; thence N 89°41'28" E, a distance of 280.00 feet; thence S 00°01'25" W, a distance of 60.00 feet, to the Point of Beginning.

The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on March 18, 2021, which was at least 20 days prior to the public hearing.

September 6, 2022
VAC2021-00011

2. No private rights will be injured or endangered by the vacation of the described portion of the platted Egress-Ingress Reserve and Utility Easement and the public will suffer no loss or inconvenience thereby.

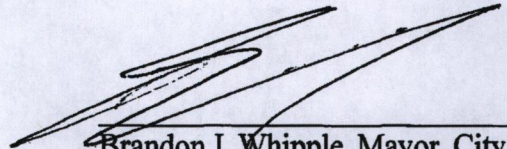
3. A Dedication of an Egress-Ingress Reserve and Utility Easement has been filed and recorded at the Sedgwick County Register of Deeds; Doc.#/Flm-Pg 30122109, recorded December 8, 2021.

4. In justice to the petitioner(s), the prayer of the petition ought to be granted.

5. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

6. The vacation of the described portion of the platted Egress-Ingress Reserve and Utility Easement should be approved.

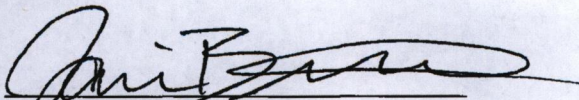
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 6th day of September, 2022, ordered that the above-described portion of the platted Egress-Ingress Reserve and Utility Easement is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Register of Deeds of Sedgwick County for recording.



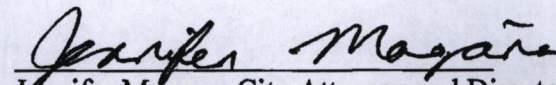
Brandon J. Whipple, Mayor, City of
Wichita



ATTEST:


Jamie Buster, City Clerk

Approved as to Form:


Jennifer Magana, City Attorney and Director of Law

September 6, 2022
VAC2021-00011



Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Fim-Pg: 30122109

Receipt #: 2283203
Pages Recorded: 4
Cashier: spage

Recording Fee: \$72.00

Authorized By: *Tonya Buckingham*

Date Recorded: 12/08/2021 03:29:59 PM

Please do not remove this cover page, it has become part of this document.

Grantor: JHB Properties, LLC

Grantee: City of Wichita

Type of Document: Easement

Recording Fees: \$ 72.00

Mtg Reg Tax: \$ 0.00

Total Amount: \$ 72.00

Return Address: K.E. Miller Engineering, P.A.
117 E. Lewis Street
Wichita, Kansas 67202

INGRESS-EGRESS & UTILITY EASEMENT

THIS EASEMENT made this 21 day of October, 2021.

by and between JHB PROPERTIES LLC, A KANSAS LIMITED LIABILITY COMPANY

BROCK BERAN, MANAGING MEMBER

(Property Owner(s) and/or Company)

Grantor and the City of Wichita, Kansas, a municipal corporation, Grantee.

WITNESSETH: That the Grantor, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey unto the Grantee or the franchised utility entity a perpetual easement for the purpose of constructing, operating, maintaining, and repairing all public and/or franchised utilities, and any appurtenances thereto, over, along and under the following described real estate situated in Sedgwick, County, Kansas to wit:

'Exhibit A'

And said Grantee and/or agents of the franchised utilities are hereby granted the right to enter upon said premises at any time for the purpose of constructing, operating, maintaining, and repairing such utility, and any appurtenances thereto.

IN WITNESS WHEREOF: The said Grantor has signed this document the day and year first written.

JHB PROPERTIES, LLC


BROCK BERAN, MANAGING MEMBER

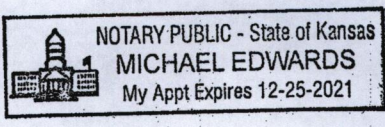
State of KANSAS
County of SEDGWICK ss. }

This instrument was acknowledged before me on October 21, 2021

by Brock Beran

as Managing Member of JHR Properties, LLC

(seal)



[Signature]

Notary Public
My Commission expires: 12-25-2021

Reviewed and approved by the City Engineer:

[Signature]
Gary Janzen, PE



Belleville News-Democrat
 Bellingham Herald
 Bradenton Herald
 Centre Daily Times
 Charlotte Observer
 Columbus Ledger-Enquirer
 Fresno Bee

The Herald - Rock Hill
 Herald Sun - Durham
 Idaho Statesman
 Island Packet
 Kansas City Star
 Lexington Herald-Leader
 Merced Sun-Star

Miami Herald/el Nuevo Herald
 Modesto Bee
 Raleigh News & Observer
 The Olympian
 Sacramento Bee
 Fort Worth Star Telegram
 The State - Columbia

Sun Herald - Biloxi
 Sun News - Myrtle Beach
 The News Tribune - Tacoma
 The Telegraph - Macon
 San Luis Obispo Tribune
 Tri-City Herald
 Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	26119	(default) -	OCA 150004 MAPC/BZA A	\$240.00	1	12.00

Attention: Betsy Pagán
 CITY OF WICHITA/PLANNING DEPT
 271 WEST THIRD ST., 2ND FL, SU 203
 WICHITA, KS 67202

Copy of ad content
 is on the next page

In The STATE OF KANSAS
 In and for the County of Sedgwick

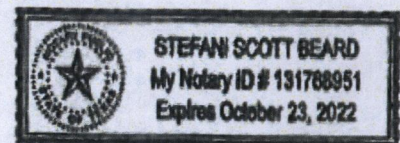
No. of Insertions: 1
 Beginning Issue of: 03/16/2021
 Ending Issue of: 03/16/2021

STATE OF KANSAS)
 SS
 County of Sedgwick)

Hayley Martin, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 03/16/2021 to 03/16/2021.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
 DATED: 04/15/2021

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
 Legal document please do not destroy!

LEGAL PUBLICATION

OCA 150004

PUBLISHED IN THE WICHITA EAGLE
ON MARCH 18, 2021 (56323)
(ONE TIME ONLY)

MAPC/BZA April 8, 2021
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, April 8, 2021 no earlier than 1:00 p.m., the Wichita-Sedgewick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held virtually, public participation is available in multiple ways, those without technology options can participate by going to Century II - Room 101B - 225 West Douglas Avenue, Wichita, Kansas 67202 (specified at the bottom of this notice). If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgewick County Metropolitan Area Planning Department at (316) 268-4421.

BZA2021-0010 City Variance to allow a 4-foot masonry screening wall for a utility, main; located approximately 1200 feet east of the intersection of W. 13th St. N. and N. Ridge Road associated with CON2021-0011.

CON2021-0004 City Conditional Use to allow Wrecking/Salvage Yard on property zoned GC General Commercial and G1 General Industrial; generally located south of East 29th Street North on the west side of North Market Avenue (2929 North Market); associated with ZON2021-0003.

CON2021-0010 City of Wichita located approximately 400 feet south of W. 41st St. N. on Fairfield Ave. at 4121 N. Fairfield Ave. Applicant is requesting a Conditional Use for an Accessory Apartment within an existing garage/storage building.

CON2021-0011 City Conditional Use for a utility, main; located approximately 1200 feet east of the intersection of W. 13th St. N. and N. Ridge Road, associated with BZA21-0010.

PUD2021-0002 City zone change to create PUD Buffalo Grove PUD #83; generally located on the east side of S. 127th St. E. and north of E. Pawnee Rd. at the northeast corner of S. 127th St. and E. Pawnee Rd.

VAC2021-0010 City Vacation of a portion of a platted setback to permit porch addition on property zoned SF-5 Single Family Residential, generally located on the north side of West Pawnee Avenue and two blocks east of South Meridian Avenue (2124 W. Pawnee).

VAC2021-0011 City Vacation of ingress/egress reserve located approximately 740 feet south of E. Harry St. on the west side of S. Greenwich Rd.

VAC2021-0012 City Vacation of stalled utility easement; generally located approximately one-quarter mile south of Kellogg on the west side of Ridge Rd.

ZON2021-0002 City zone change from GC General Commercial to G1 General Industrial in association with CON2021-0009 for a conditional use for wrecking/salvage; generally located south of E. 29th Street North between North Park Place and North Market Street, Lots 27 through 34, Manrose Park Addition (2929 N. Market).

ZON2021-0004 City Zone Change from SF-5 Single-Family Residential to MF-29 Multi-Family Residential to build apartments. Generally located 400 feet south of East Harry Street and within one-quarter mile West of South Webb Road (2920 E. Orix).

ZON2021-0009 City zone change from LC Limited Commercial and SF-5 Single-Family Residential to GC General Commercial to allow construction sales and services; generally located north of East 15th Street South on the east side of South Broadway Avenue (5325 South Broadway).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the Wichita-Sedgewick County Unified Zoning Code, the same will hang and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

PLEASE NOTE THIS MEETING IS CONSIDERED AN EMERGENCY MEETING OF THE WICHITA-SEDEGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION DUE TO COVID-19, WHICH WILL IMPOSE SPECIAL PROCEDURES TO PARTICIPATE IN THE PUBLIC HEARING. THESE ARE AS FOLLOWS:

The meeting will be conducted "virtually" using Go-To-Meeting. You have multiple options to participate: 1) submit comments ahead of time, 2) participate remotely, or 3) attend a virtual connection site in-person (see below).

Submit Comments Ahead of Time

You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgewick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 5pm, 3 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email, letter, video, and audio message (mp3, etc.). The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department staff using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting.

Email	BPagan@wichita.gov
Mailing Address	Wichita-Sedgewick County Metropolitan Area Planning Department Attn: Scott Wadle 271 W. 3rd Street - Suite 201 Wichita, KS 67202
Phone	316.268.4421
Fax	316.8587764

Participate Remotely

Please join my meeting from your computer, tablet or smartphone. <https://global.ottomotel.com/join/651544141>

You can also dial in using your phone.

United States: +1 (571) 312-3112

Access Code: 651-544-141

Join from a video-conferencing room or system.

Dial in or type: 67.217.95.2 or inroomlink.goto.com

Meeting ID: 651 544 141

Or dial directly: +61544141047 217 95.2 or 47 217 95 294651544141

How to Go To Meeting? Get the app now and be ready when your first meeting starts.

<https://global.ottomotel.com/install/651544141>

Attend a Virtual Connection Site In-Person

You may also participate in the hearing by going to meeting room 101B at Century II (225 West Douglas) to participate in the Planning Commission meeting by "virtual" connection. Planning Department staff members will be available to assist in your participation at this location. This option is intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (2684464) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on March 15, 2021

Scott Wadle, Secretary
Wichita-Sedgewick County
Metropolitan Area Planning Commission