



Wichita-Sedgwick County Metropolitan Area Planning Department

September 5, 2023

AIM Holdings, LLC
10333 East 21st Street North
Wichita, KS 67226

Baughman Company, P.A.
Attn: Phil Meyer
315 Ellis St.
Wichita, KS 67211

RE: VAC2023-00024: Vacation request in the city to allow vacation of a portion of a platted utility easement, generally located south of W 37th Street N and 518 ft. west of North Ridge Road (Lot 7, Block A, Hoskinson 2nd Addition).

Dear Applicant;

At its regular meeting on **September 5, 2023**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the vacation request.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Philip Zevenbergen', written over a horizontal line.

Philip Zevenbergen, AICP
Current Plans
Division Manager



FILE COPY

**Wichita-Sedgwick County
Metropolitan Area
Planning Department**

July 14, 2023

Baughman Company, P.A.
Attn: Phil Meyer
315 Ellis
Wichita, KS 67211

Ref: VAC2023-00024: Vacation request in the city to allow vacation of a portion of a platted utility easement, generally located south of W 37th Street N and 518 ft. west of North Ridge Road (Lot 7, Block A, Hoskinson 2nd Addition).

Phil,

At the Thursday, July 13, 2023, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

- (1) Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the described portion of a utility easement shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) As needed provide Planning with dedication of easements by separate instruments with original signatures to go with the Vacation Order to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (3) All improvements shall be according to City Standards and at the applicants' expense.
- (4) Per the approval of Public Works, vacate the portion of platted 15-foot utility easement located on Lots 7, Block 1, Hoskinson 2nd Addition, Wichita, Sedgwick County, Kansas.
- (5) Provide Planning with a legal description of the vacated portion of the platted utility easement on a Word document via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Council for final action.
- (6) 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

VAC2023-00024: Vacation request in the city to allow vacation of a portion of a platted utility easement, generally located south of W 37th Street N and 518 ft. west of North Ridge Road (Lot 7, Block A, Hoskinson 2nd Addition).

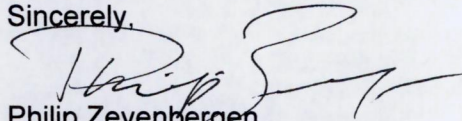
July 14, 2023

Page 2

franchised utilities and the necessary documents have been recorded with the 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 **July 27, 2023**, (end of the two-week protest period). This letter also serves as a reminder that the vacation notification signs should now be removed from the property. If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,



Philip Zevenbergen
Current Plans Division Manager

PZ:kw

cc: AIM Holdings LLC, John Arnold, 10333 E 21st St N, Wichita KS 67226
Pier 37 Homeowners Association, PO Box 75337, Wichita KS 67275



Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30262955

Receipt #: 2396000
Pages Recorded: 2

Recording Fee: \$0.00

Cashier: ephillip
Date Recorded: 09/08/2023 02:25:59 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 15-FOOT UTILITY EASEMENT**

**GENERALLY LOCATED ON THE SOUTH SIDE OF
WEST 37TH STREET NORTH, WITHIN ONE-QUARTER
MILE WEST OF NORTH RIDGE ROAD**

VAC2023-00024

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 5th day of September 2023, comes on for hearing the petition for vacation filed by AIM Holdings, LLC (owner), praying for the vacation of the described portion of a platted 15-foot utility easement, to wit:

A tract of land lying within Lot 7, Block 1, Hoskinson 2nd Addition, Sedgwick County, Kansas as prepared by Baughman Company, P.A., CLS 58, State of Kansas, County of Sedgwick, more particularly described as beginning at the southeast corner of Lot 7 in said Block 1; thence S89°29'08"W coincident with the south line of Lot 7 in said Block 1, 42.44 feet to a point in the northeasterly line of a 10.00 foot wide Utility Easement as platted in said Hoskinson 2nd Addition; thence N36°34'54"W coincident with the northeast line of said 10.00 foot wide Utility Easement, 18.56 feet to a deflection point in the north line of said 10.00 foot wide Utility Easement; thence N89°29'08"E coincident with the easterly extension of the north line of said 10.00 foot wide Utility Easement, 53.54 feet to a point in the east line of Lot 7 in said Block 1; thence S00°07'35"W coincident with the east line of Lot 7 in said Block 1, 15.00 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 June 22, 2023, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the described

portion of a platted 15-foot utility easement, and the public will suffer no loss or inconvenience thereby.

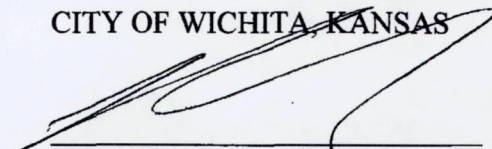
3. In justice to the petitioner(s), the prayer of the petition ought to be granted.

4. 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.

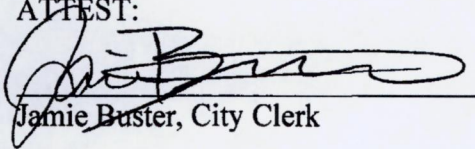
5. The vacation of the described portion of a platted 15-foot utility easement, should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 5th day of September 2023, ordered that the described portion of a platted 15-foot 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.

CITY OF WICHITA, KANSAS

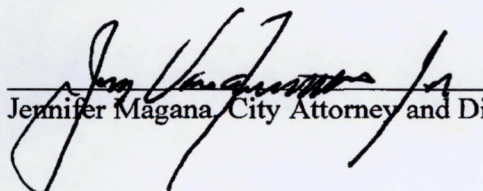

Brandon J. Whipple, Mayor

ATTEST:


Jamie Buster, City Clerk



Approved as to Form:


Jennifer Magana, City Attorney and Director of Law

MAPC
July 13, 2023

C	2-1. <u>SUB2023-00013: Final Plat – FALCON FALLS 7TH ADDITION;</u> located one-quarter mile north of East 45th Street North, one-half mile east of North Hydraulic Avenue. MOTION BY <u>Aldrich</u> SECOND BY <u>Miles</u>	Approve 10-0
C	2-2. <u>SUB2023-00016: Final Plat – GRASS VALLEY ESTATES ADDITION</u> (formerly Baalmann Acres); located on the east side of South 295th Street West, one-quarter mile north of West 39th Street South (COUNTY). MOTION BY <u>Aldrich</u> SECOND BY <u>Miles</u>	Approve 10-0
C	2-3. <u>SUB2023-00024: One-Step Final Plat – JACKSON HEIGHTS TOWNHOMES 2ND ADDITION;</u> located 700 feet north of East Douglas Avenue, one-quarter mile west of North 127th Street East. MOTION BY <u>Aldrich</u> SECOND BY <u>Miles</u>	Approve 10-0
C	2-4. <u>SUB2023-00030: One-Step Final Plat – RAYMOND ADDITION;</u> located on the north side of West 29th Street North, one-quarter mile east of North 135th Street West (COUNTY 3-MILE RING). MOTION BY <u>Aldrich</u> SECOND BY <u>Miles</u>	Approve 10-0
H C	3-1. <u>VAC2023-00023: Request in the City to vacate a portion of a platted utility easement and a waterline easement dedicated by separate instrument for building expansion;</u> generally located north of East 34th Street North and approximately 700 feet west of North Webb Road (9400 E. 34th St. N). MOTION BY <u>Foster</u> SECOND BY <u>McKay</u>	Approve 10-0
C	3-2. <u>VAC2023-00024: Vacation request in the city to allow vacation of a portion of a platted utility easement,</u> generally located south of W 37th Street N and 518 ft. west of North Ridge Road (Lot 7, Block A, Hoskinson 2nd Addition). MOTION BY <u>Foster</u> SECOND BY <u>McKay</u>	Approve 10-0

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

**IN THE MATTER OF THE VACATION OF A PORTION)
OF A PLATTED 15-FOOT UTILITY EASEMENT)**

**GENERALLY LOCATED ON THE SOUTH SIDE OF)
WEST 37TH STREET NORTH, WITHIN ONE-QUARTER)
MILE WEST OF NORTH RIDGE ROAD)**

VAC2023-00024

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 5th day of September 2023, comes on for hearing the petition for vacation filed by AIM Holdings, LLC (owner), praying for the vacation of the described portion of a platted 15-foot utility easement, to wit:

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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:

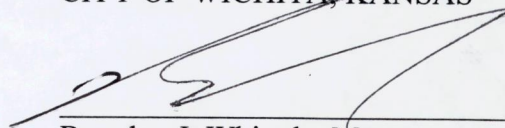
1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on June 22, 2023, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the described

portion of a platted 15-foot utility easement, and the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner(s), the prayer of the petition ought to be granted.
4. 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.
5. The vacation of the described portion of a platted 15-foot utility easement, should be approved.

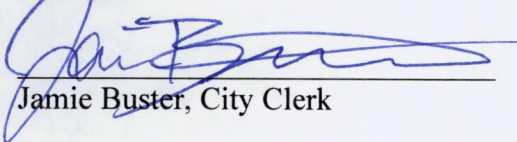
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 5th day of September 2023, ordered that the described portion of a platted 15-foot utility easement, is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Register of Deeds of Sedgwick County.

CITY OF WICHITA, KANSAS

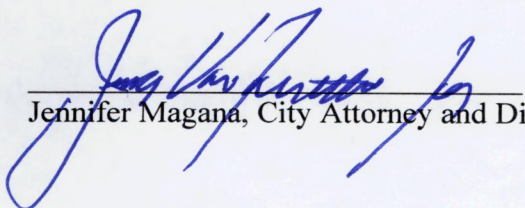


Brandon J. Whipple, Mayor

ATTEST:


Jamie Buster, City Clerk

Approved as to Form:


Jennifer Magana, City Attorney and Director of Law



Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Brantford 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 - Miami
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	435823	Print Legal Ad-IPL01281040 - IPL0128104		\$167.79	2	100 L

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

kgonzalez@wichita.gov

LEGAL PUBLICATION

OCA 160004
Published in The Wichita Eagle on June 22, 2023
(One Time Only)
MAPC/EZA July 13, 2023

NOTICE IS HEREBY GIVEN that on Thursday, July 13, 2023, no earlier than 1:30 p.m., the WichitaSedgwick County Metropolitan Area Planning Commission/ Board Zoning Appeals will consider the following applications. The meeting will be held at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation may also occur through virtual methods (specified at the end of this notice). If you have any questions regarding the meeting or items on this notice, please call the WichitaSedgwick County Metropolitan Area Planning Department at (316) 2684421.

CON2023-00026: Conditional Use request in the City to allow multi-family density on property zoned TF-3 Two-Family; generally located west of N Erie Street and 68 feet north of E 3rd Street N (405 N Erie St).
CUP2023-00020: CUP Amendment in the City to CUP DP-155 to allow Vehicle and Equipment Sales for car rentals; generally located on the east side of North Woodlawn, within one-quarter mile south of East 37th Street North (3550 North Woodlawn).

VAC2023-00023: Request in the City to vacate a portion of a platted utility easement and a waterline easement dedicated by separate instrument for building expansion; generally located north of East 34th Street North and approximately 700 feet west of North Webb Road (9400 E. 34th St. N).

VAC2023-00024: Vacation request in the City to vacate a portion of an unused, platted utility easement; generally located south of W 37th Street N and 518 ft. west of North Ridge Road (Lot 7, Block A, Hoskinson 2nd Addition).

ZON2023-00036: Zone change in the City from SF-5 Single-Family Residential to TF-3 Two-Family Residential and LC Limited Commercial; generally located at the southeast corner of East Pawnee Road and South 127th Street East.

ZON2023-00037: Zone change request in the City from LC Limited Commercial and GC General Commercial to CBD Central Business District for redevelopment in a manner like nearby properties; located on the south side of W. Douglas and on the west side of S. Handley (905 W Douglas, 115, 119, 121 S Handley).

ZON2023-00038: Zone change request in the City from LC Limited Commercial and SF-5 Single-Family Residential to MF-16 Multi-Family Residential (17.7 acres) and TF-3 Two-Family Residential (61.6 acres); generally located on the east side of South Webb Road, within one-half mile south of East Pawnee Road.

ZON2023-00039: Zone change request in the City from NO Neighborhood Office and LC Limited Commercial to GC General Commercial to increase buildable area; generally located on the east side of North Broadway within one-quarter mile south of East 13th Street North (1150 North 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 WichitaSedgwick County Unified Zoning Code, the same will then 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.

Options to participate (see below):

- 1) Participate virtually
- 2) Attend in-person at the Ronald Reagan Building
- 3) Submit comments ahead of time

Participate Virtually

Join Zoom Meeting

<https://us06web.zoom.us/j/4089866967?pwd=ek03bW9ySjRlbnRfQjQ0dFVvOXB-VjR0UT09>

Meeting ID: 408 986 6967

Passcode: 094136

One tap mobile

+16098006833, 4089866967#...094136# US (San Jose)

+17193594580, 4089866967#...094136# US

Meeting ID: 408 986 6967

Passcode: 094136

Find your local number: <https://us06web.zoom.us/j/kc65codt01>

Attend In-Person

You may also participate in the hearing in-person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202. The in-person option is primarily 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 (316-2684464) by 5pm, 3 days prior to the meeting.

Submit Comments Ahead of Time

You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgwick 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: Planning@wichita.gov

Mailing Address: Wichita-Sedgwick County Metropolitan Area Planning Department

Attn: Scott Wadle

271 W. 3rd Street - Suite 201

Wichita, KS 67202

Phone 316.268.4421

Fax 316.856.7764

WITNESS MY HAND on June 22, 2023

Scott Wadle, Secretary

WichitaSedgwick County

Metropolitan Area Planning Commission

IPL0128104

Jun 22 2023

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

1 insertion(s) published on:

06/22/23

STATE OF KANSAS)

SS

County of Sedgwick)

Hayley Martin, of lawful age, being first duly sworn, deposeth 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 06/22/2023 to 06/22/2023.

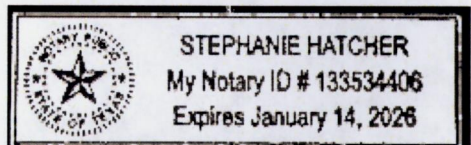
M. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

DATED: 06/22/2023

Stephanie Hatcher

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!

STAFF REPORT

CASE NUMBER: VAC2022-00024 - Request to vacate a portion of a platted utility easement.

OWNER/APPLICANT: AIM Holdings, LLC (Applicant)/ Baughman Company, P.A. (Agent)

LEGAL DESCRIPTION: Generally described as vacating a portion of a platted 15-foot utility easement located on Lot 7, Block 1, Hoskinson 2nd Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located on the south side of West 37th Street North, within one-quarter mile west of North Ridge Road. (WCC V)

REASON FOR REQUEST: New development on the property.

CURRENT ZONING: The site is zoned LC Limited Commercial and is part of CUP DP-253 Ridge Centre Community Unit Plan. Properties to the east and west are zoned LC within CUP DP-253 and are undeveloped and developed with office uses respectively. Property to the north is zoned LC within CUP DP-250 and is developed with multi-family uses and undeveloped pad sites along West 37th Street. Property to the south is zoned SF-5 and is a platted reserve and private late.

VICINITY MAP:



The applicant proposes to vacate a portion of an unused 15-foot utility easement located on Lots 7, Block 1, Hoskinson 2nd Addition, see legal description and exhibits. If approved the vacation will allow the owners to develop the property over top of the subject easement location. There are no public utilities in the subject easement being vacated. A portion of the utility easement, including a wall easement, will remain on the western portion of Lot 7 and continue west onto Lot 8 and southeast onto Lot 5, both Lots in the same Addition.

Evergy has no existing facilities in the platted easement being vacated. Any relocation or removal of existing Evergy equipment will be at the applicant's expense. Brandon Chadd, Design Representative, will be the contact for this vacation request and any project associated with it. He can be reached at (785) 508-2700. The Hoskinson 2nd Addition was recorded on April 19, 2000.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Stormwater, 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 portion of 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 June 22, 2023, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the described portion of the platted utility easement 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) Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the described portion of a utility easement shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) As needed provide Planning with dedication of easements by separate instruments with original signatures to go with the Vacation Order to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (3) All improvements shall be according to City Standards and at the applicants' expense.
- (4) Per the approval of Public Works, vacate the portion of platted 15-foot utility easement located on Lots 7, Block 1, Hoskinson 2nd Addition, Wichita, Sedgwick County, Kansas.

- (5) Provide Planning with a legal description of the vacated portion of the platted utility easement on a Word document via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Council for final action.
- (6) 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.

Attachments:

1. Aerial Map
2. Site Plan
3. Plat Excerpt
4. Easement Exhibit
5. Legal Description