



Wichita-Sedgwick County Metropolitan Area Planning Department

February 24, 2023

James & Sarah Marcy
122 S. Country View Ct
Wichita, KS 67235

Ref: VAC2022-00035: Vacation request in the City to vacate the platted 20-foot drainage and utility easement along the east property line, generally located one-quarter mile north of West Maple and one-half mile east of South 151st Street West (122 South Country View Court)

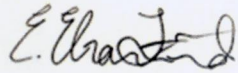
Mr. & Mrs. Marcy,

At the **Thursday, February 23, 2023**, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

1. Vacation of the platted 20-foot drainage and utility easement running parallel to the east property line of Lot 16, Block B, the Woods Addition, is contingent on approval by Public Works and Utilities.
2. Provide planning staff with legal descriptions of the approved vacated portion of the platted setback on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to Council for final action.
3. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide Planning with any needed easements dedicated by separate instrument with original signatures for recording with the Register of Deeds. All original dedications will go with the Vacation Order to City Council for final action and filling with the Sedgwick County Register of Deeds. These conditions must be completed prior to the case going to Council 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.

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 **March 9, 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,



Eryn Ebach-Freund
Associate Planner

EE:kw

cc: Ultra-Modern Pool & Patio (Attn: Ron), 8100 W. Kellogg, Wichita, KS 67209



Wichita-Sedgwick County Metropolitan Area Planning Department

November 8, 2023

James & Sarah Marcy
122 S. Country View Ct
Wichita, KS 67235

Ref: VAC2022-00035: Vacation request in the City to vacate the platted 20-foot drainage and utility easement along the east property line, generally located one-quarter mile north of West Maple and one-half mile east of South 151st Street West (122 South Country View Court)

Dear Applicant;

At its regular meeting on **November 7, 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'.

Philip Zevenbergen, AICP
Current Plans
Division Manager



Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30275228

Receipt #: 2404229
Pages Recorded: 2

Recording Fee: \$0.00

Cashier: a2emith

Authorized By: Tonya Buckingham

Date Recorded: 11/13/2023 02:16:11 PM



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

**IN THE MATTER OF THE VACATION OF A PLATTED
DRAINAGE AND UTILITY EASEMENT**

**GENERALLY LOCATED ONE-QUARTER MILE
NORTH OF WEST MAPLE STREET AND ONE-HALF
MILE EAST OF SOUTH 151ST STREET WEST**

VAC2022-00035

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 7th day of November 2023, comes on for hearing the petition for vacation filed by James and Sarah Marcy (owners) praying for the vacation of a platted drainage and utility easement, to wit:

That part of Lot 16, Block B, The Woods Addition, Wichita, Sedgwick County Kansas, described as BEGINNING at the Southeast corner thereof; thence N25°32'04"E along the Easterly line of said Lot 16, a distance of 20.63 feet; thence N04°05'23"E along the Easterly line of said Lot 16, a distance of 74.79 feet; thence N26°35'19"W along the Easterly line of said Lot 16, a distance of 47.67 feet; thence N63°27'30"W along the Northeasterly line of said Lot 16, a distance of 65.06 feet to a point 10 feet Southeasterly of the Northwesterly line of said Lot 16; thence S47°00'34"W parallel with said Northwesterly line, a distance of 21.35 feet; thence S63°27'30"E parallel with the Northwesterly line of said Lot 16, a distance of 65.85 feet; thence S26°35'19"E, parallel with the Easterly line of said Lot 16, a distance of 35.52 feet; thence S04°05'23"W parallel with the Easterly line of said Lot 16, a distance of 65.52 feet; thence S25°32'04"W parallel with the Easterly line of said Lot 16, a distance of 19.63 feet to the South line of said Lot 16; thence S72°02'43"E along said south line, a distance of 20.18 feet to the point of BEGINNING.

The City Council, after being duly and fully informed as to fully understand the true

November 7, 2023
VAC2022-00035

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 February 2, 2023, which was at least 20 days prior to the public hearing.

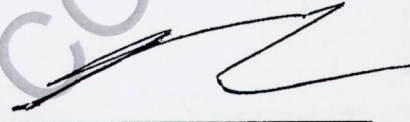
2. No private rights will be injured or endangered by the vacation of the described platted drainage and utility easement, and the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner, the prayer of the petitioner 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 drainage and utility easement should be approved.

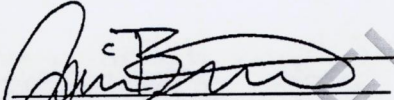
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 7th day of November 2023, ordered that the above-described drainage and utility easement is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Sedgwick County Register of Deeds for recording.



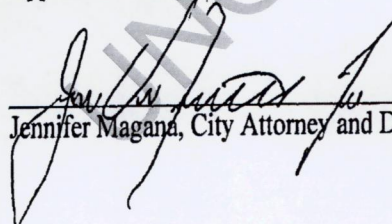
Brandon J. Whipple, Mayor, City of Wichita



ATTEST:


Jamie Buster, City Clerk

Approved as to Form:


Jennifer Magana, City Attorney and Director of Law

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

**IN THE MATTER OF THE VACATION OF A PLATTED
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The City Council, after being duly and fully informed as to fully understand the true

November 7, 2023
VAC2022-00035

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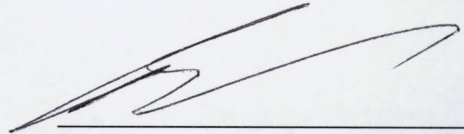
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November 7, 2023
VAC2022-00035

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 February 2, 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 platted drainage and utility easement, and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petitioner 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 drainage and utility easement should be approved.

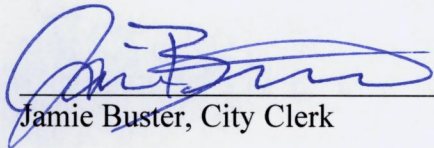
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 7th day of November 2023, ordered that the above-described drainage and utility easement is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Sedgwick County Register of Deeds for recording.



Brandon J. Whipple, Mayor, City of
Wichita

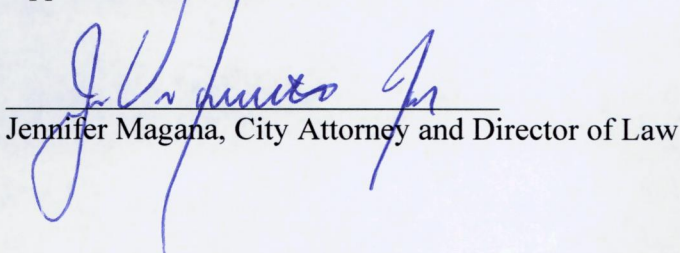


ATTEST:



Jamie Buster, City Clerk

Approved as to Form:



Jennifer Magana, City Attorney and Director of Law



Beaufort Gazette
 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 - 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	377139	Print Legal Ad-IPL01076660 - IPL0107666	OCA 150004	\$203.80	3	81 L

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

LEGAL PUBLICATION

OCA 150004

Published in The Wichita Eagle on February 2, 2023

(One Time Only)

MAPC/EZA February 23, 2023

OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, February 23, 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 in the City Council Chambers at City Hall, 455 N. Main Street, 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.

CON2023-00001: Conditional Use request in the City to allow an ancillary parking lot on property zoned TF-3 Two-Family Residential District; generally located on the west side of South Clifton Avenue and within one block south of East Douglas Avenue (123 & 125 South Clifton, 3344 East Oakland).

CUP2023-00002: CUP Amendment in the City to amend boundaries of the CUP #311 (with ZON2023-00003 to amend the boundaries of PO #234); generally located on the west side of North Meridian Avenue, within one-half mile of West 53rd Street North.

CUP2023-00003: CUP Amendment in the City to amend the parcel boundaries and provisions of CUP DP-323; generally located on the west side of North Meridian Avenue, within one-quarter mile north of Interstate 235 (4319 North Meridian Avenue).

VAC2022-00035: Vacation request in the City to vacate the platted 20-foot drainage and utility easement along the east property line, generally located one-quarter mile north of West Maple and one-half mile east of South 151st Street West (122 South Country View Court).

VAC2023-00001: Vacation request in the City to reduce a platted front setback from 30 feet to 20 feet for a building addition on property zoned SF-5 Single-Family Residential, located within one-block east of South Edgemoor Blvd and within one-quarter mile north of East Kellogg (267 S Brookside).

ZON2023-00001: Zone change request in the City from SF-5 Single-Family Residential District to MF-18 Multi-Family Residential District to convert existing structure into a triplex; generally located on the northwest corner of West 20th Street North and North Porter Avenue (1606 West 20th Street North).

ZON2023-00003: Zone change request in the City from NR and MF-18 to GO General Office District and amend PO boundaries (with CUP2023-00002 to amend CUP boundaries); generally located on the west side of North Meridian Avenue, within one-half mile south of West 53rd Street North.

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 in the City Council Chambers
- 3) Submit comments ahead of time

Participate Virtually

Topic: Wichita-Sedgwick County Metropolitan Planning Commission

Time: 1:30 PM

Join Zoom Meeting

<https://us06web.zoom.us/j/4089866967?pwd=a0k3bW0ySjBibGJQTDFvOxVpVDBkUT09>

Meeting ID: 408 986 6967

Passcode: 094136

One tap mobile

+16699006833,4089866967#...094136# US (San Jose)

+17193594580,4089866967#...094136# US

Meeting ID: 408 986 6967

Passcode: 094136

Find your local number: <https://us06web.zoom.us/j/4089866967>

Attend In-Person

You may also participate in the hearing in-person in the City Council Chambers at the City Building, 455 N. Main Street, 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 316.858.7764

WITNESS MY HAND on February 2, 2023

Scott Wadle, Secretary

WichitaSedgwick County

Metropolitan Area Planning Commission

IPL0107666

Feb 2 2023

In The STATE OF KANSAS
 In and for the County of Sedgwick
 1 insertion(s) published on:
 02/02/23

STATE OF KANSAS)

SS

County of Sedgwick)

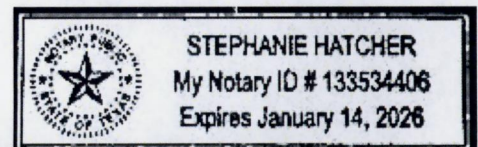
Hayley Martin, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has 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 02/02/2023 to 02/02/2023.

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

DATED: 02/02/2023

Stephanie Hatcher

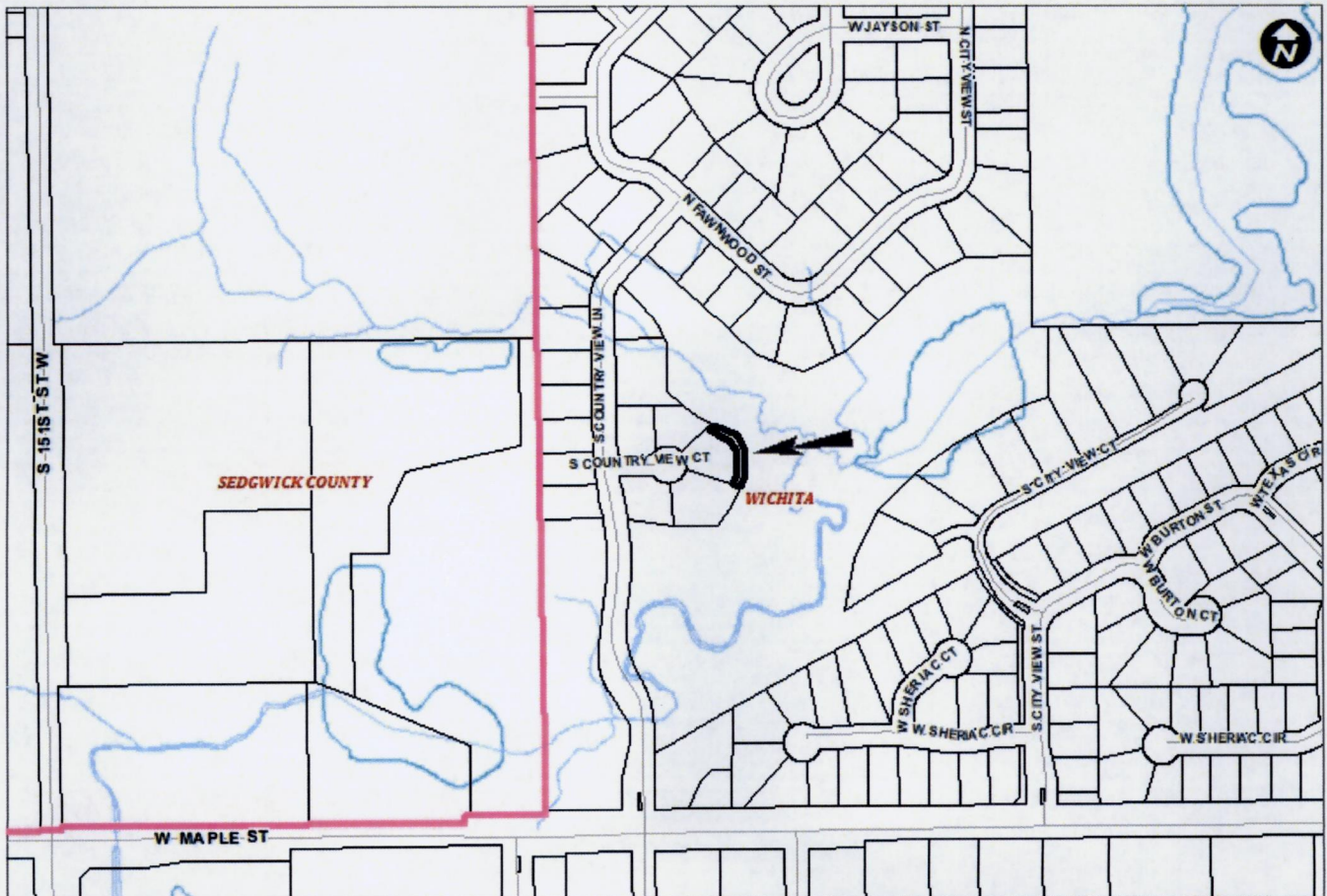
Notary Public in and for the state of Texas, residing in Dallas County



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

STAFF REPORT

- CASE NUMBER:** VAC2022-00035- Request in the City to vacate a plated 20-foot drainage and utility easement.
- APPLICANTS:** James and Sarah Marcy (applicant), Ultra Modern Pool and Patio/ Armstrong Land Survey (Agents)
- LEGAL DESCRIPTION:** Generally described as vacating the plated 20-foot drainage and utility easement, located parallel to the east lot line of Lot 16, Block B, The Woods Addition (see attached legal).
- LOCATION:** Generally located one-quarter mile north of West Maple and one-half mile east of South 151st Street West (122 South Country View Court)
- REASON FOR REQUEST:** To allow construction of a pool and decking
- CURRENT ZONING:** The subject site and abutting properties to the north, south, and west, are zoned SF-5 Single-Family Residential District and are developed with single-family residences. East of the subject property, is a reserve lot zoned SF-5 Single-Family Residential.



VAC2022-00035: Request in the City to vacate the platted 20-foot drainage and utility easement along the east property line, generally located one-quarter mile north of West Maple and one-half mile east of South 151st Street West (122 South Country View Court)
February 23, 2023

The applicant is requesting the vacation of a platted 20-foot drainage and utility easement running parallel to the east property line of Lot 16, Block B, the Woods Addition to Wichita, Sedgwick County, Kansas to construct a swimming pool, deck, and cabana. The subject property is developed with a single-family residence and is generally located one-quarter mile north of West Maple and one-half mile east of South 151st Street West (122 South Country View Court). The site and all abutting properties are zoned SF-5 Single-Family Residential District.

The subject easement is located in the rear yard along the east property line (See attachment 3, Applicant's Exhibit). Reserve C of the Woods Addition directly abuts the subject site and vacation area to the east. Accessory structures have a five-foot rear setback per Section III.D.7.e of the Unified Zoning Code.

In addition to the subject easement, a platted 25-foot utility easement runs parallel to the west lot line and a platted 20-foot centerline drainage easement runs along the north lot line. Both of these easements are being retained. City water is located in the South Country View Court right-of-way. Sanitary sewer is located in the South Country View Court right-of-way and in the 10-foot drainage and utility easement parallel to the north lot line. A storm water inlet located in the South Country View Court right-of-way drains to the subject easement and land to the north provides runoff into this area. The City will require a grading plan to ensure drainage can be maintained around the proposed swimming pool.

Comments from all franchised utilities have not been received and are needed to determine whether franchise equipment is located within the described easement. Conditions #1, #2, and #3 cover all utilities. Vehicular traffic, pedestrian traffic, and public safety should not be impacted by this vacation request if approved with the listed conditions.

On March 15, 2006, the subject site and all abutting properties were platted as the Woods Addition to Wichita, Sedgwick County, Kansas.

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 portions of the platted utility easements.

- 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, 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 platted 20-foot drainage and 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. Vacation of the platted 20-foot drainage and utility easement running parallel to the east property line of Lot 16, Block B, the Woods Addition, is contingent on approval by Public Works and Utilities.
2. Provide planning staff with legal descriptions of the approved vacated portion of the platted setback on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to Council for final action.

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February 23, 2023

3. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide Planning with any needed easements dedicated by separate instrument with original signatures for recording with the Register of Deeds. All original dedications will go with the Vacation Order to City Council for final action and filing with the Sedgwick County Register of Deeds. These conditions must be completed prior to the case going to Council 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 subject to the following conditions:

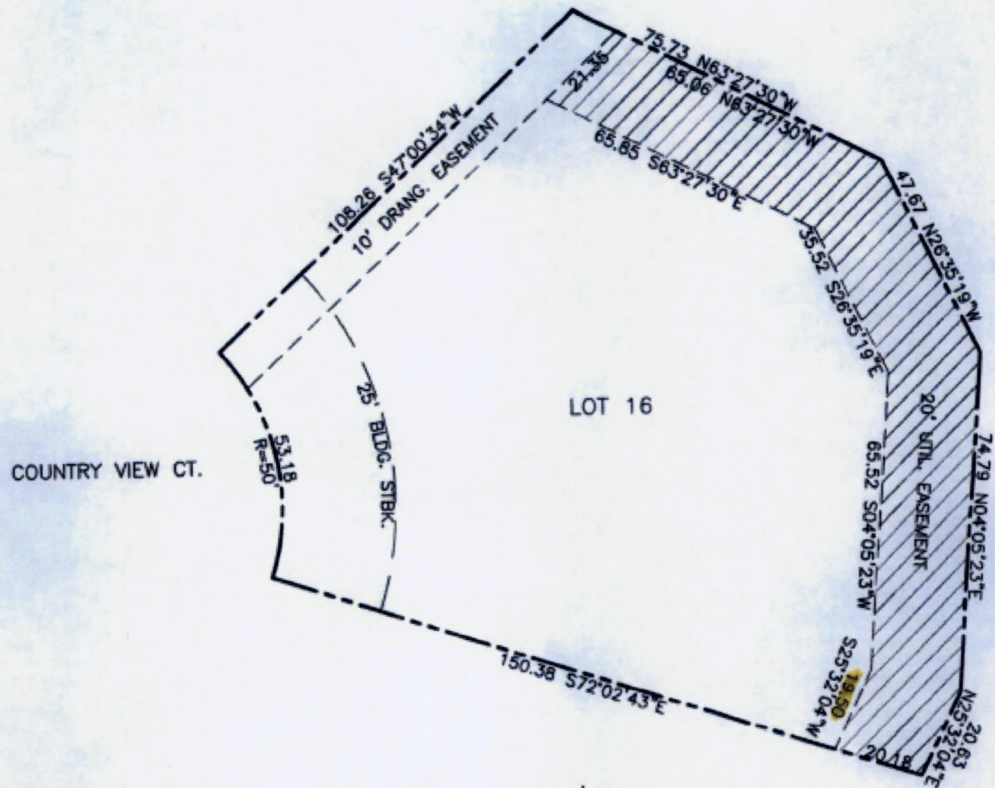
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Attachments:

1. Applicant's Exhibit: Area of Vacation
2. Aerial Map
3. Excerpt from The Woods Addition
4. Applicant's Exhibit: Swimming Pool Renderings
5. Site Photos
6. Legal Description

VAC2022-00035: Request in the City to vacate the platted 20-foot drainage and utility easement along the east property line, generally located one-quarter mile north of West Maple and one-half mile east of South 151st Street West (122 South Country View Court)
February 23, 2023

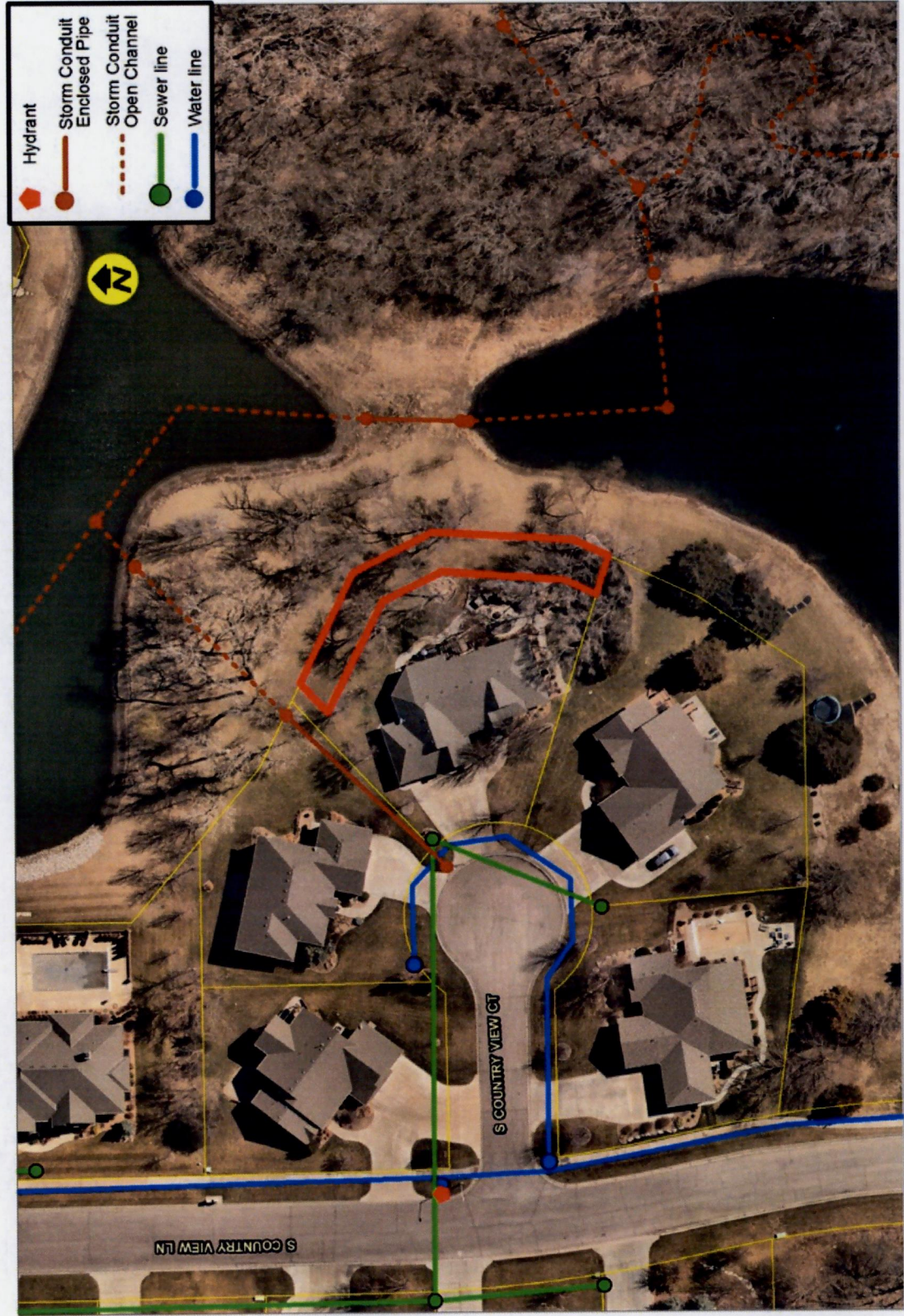
Attachment 1, Applicant's Exhibit: Area of Vacation



 **ARMSTRONG
LAND SURVEY, P.A.**
1801 E. HARRY
MONTA, KS 67211
PH (316) 263-0082
dorn@armstrongsurvey.com

VAC2022-00035: Request in the City to vacate the platted 20-foot drainage and utility easement along the east property line, generally located one-quarter mile north of West Maple and one-half mile east of South 151st Street West (122 South Country View Court)
February 23, 2023

Attachment 2, Aerial Map



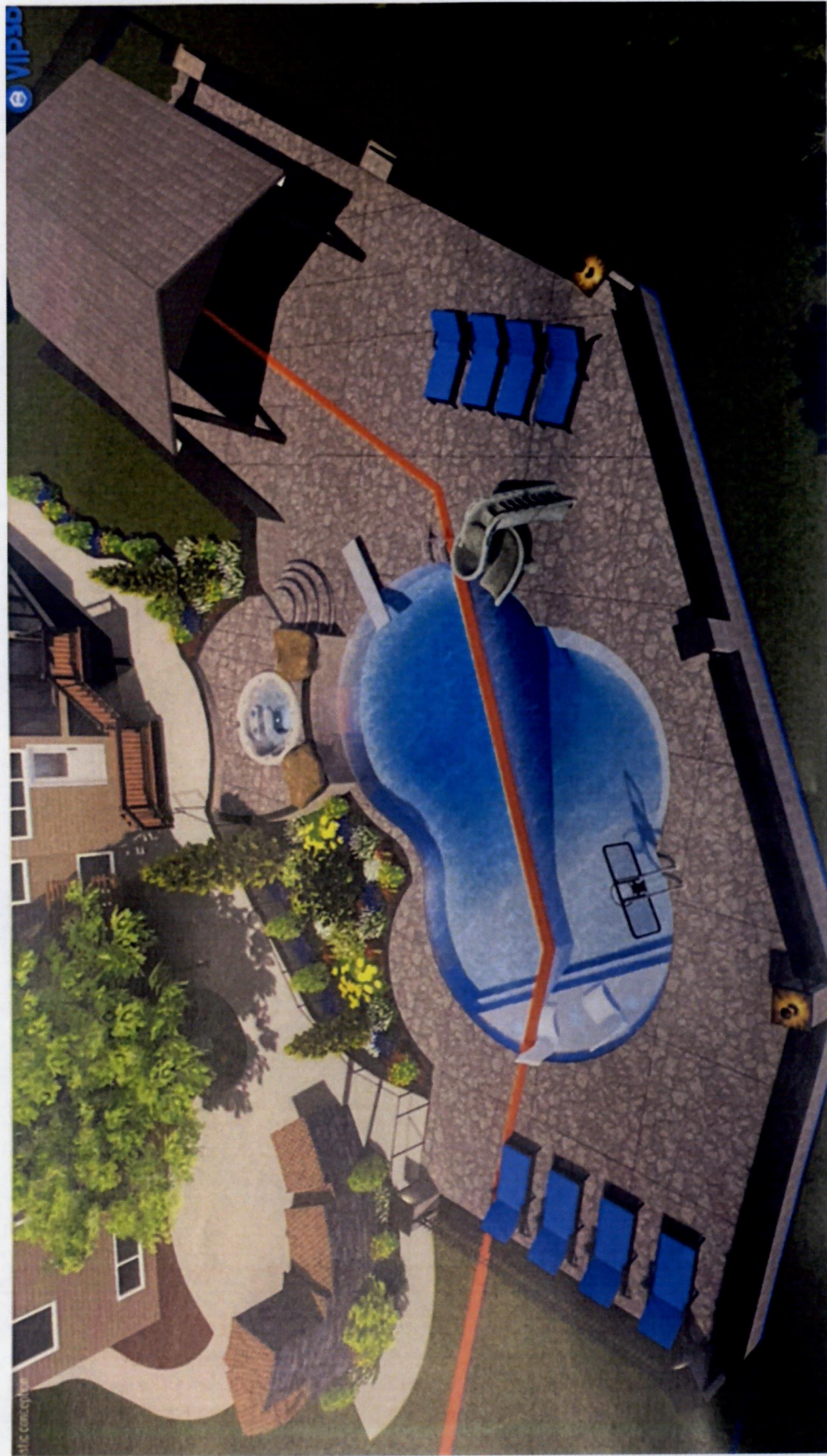
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Attachment 4, Applicant's Exhibit: Swimming Pool Renderings



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Attachment 4, Applicant's Exhibit: Swimming Pool Renderings



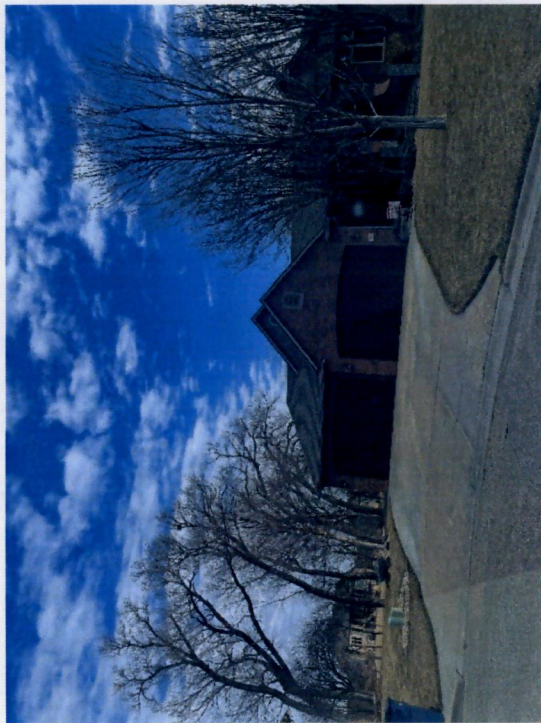
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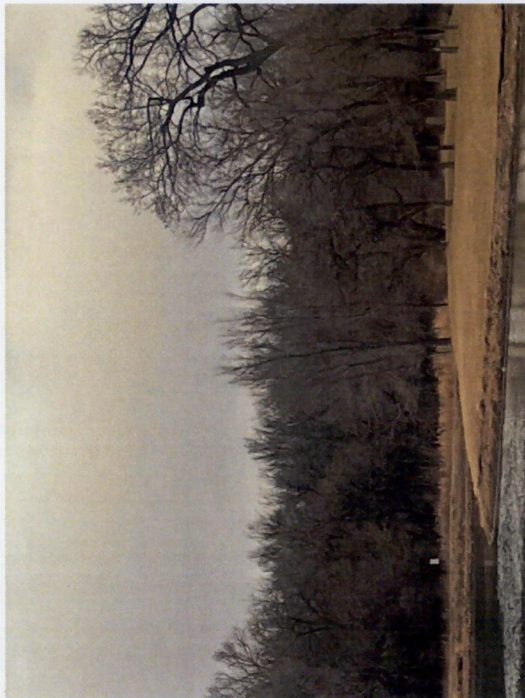


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February 23, 2023

Attachment 5, Site Photos



The subject site.



Reserve C abutting the site to the east and northeast.



Northwest of the subject site.



Southwest of the subject site.