Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30280408
Receipt #: 2407611
Pages Recorded: 2
Recording Fee: $0.00
Authorized By: Tonya Buckingham
Cashier: epage
Date Recorded: 12/12/2023 10:44:50 AM

BEFORE THE COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF A PORTION OF A PLATTED 15-FOOT STREET SIDE SETBACK	)	
LOCATED ONE-BLOCK WEST OF SOUTH 231ST STREET WEST AND WITHIN ONE-QUARTER MILE NORTH OF WEST 55TH STREET SOUTH	)	CASE NO. VAC2023-00041

VACATION ORDER

NOW on this 6th day of December 2023, at 9:00 o'clock A.M., comes the petition filed by Jeff Moses (owner); praying for the vacation of the following-described portion of a platted 15-foot street side setback, to-wit:

The Northwesterly 5 feet of the Southeasterly 15 feet of the Northeasterly 102.06 feet of the Southwesterly 132.06 feet of Lot 6, Block 4, Miles County Club Estates—Lake Waltanna, Miles Village Addition, Sedgwick County, Kansas.

WHEREUPON, it is shown that proper notice has been given by publication once at least 20 days prior to the date of hearing in the official county newspaper, the Ark Valley News, such publication having occurred on, October 5, 2023; and it is further shown that proper proof of such publication has been filed herein. The Board finds that such notice is in lawful form and that it conforms to K.S.A. 58-2613, and amendments thereto.

THEREAFTER, the Board, being duly advised in the premises, finds and determines that no private rights will be injured or endangered by such vacation; that the public will suffer no loss or inconvenience thereby; that no written objections hereto have been filed with the Sedgwick County Clerk; and that, in justice to the petitioner, the petition's prayer should be granted.

The Board further finds that the Metropolitan Area Planning Commission held a public hearing on the 26th day of October 2023, and recommended that the vacation petition herein be approved.

UNOFFICIAL COPY

THEREFORE, IT IS ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, that the portion of a platted 15-foot street side setback hereinabove described be the same and is hereby vacated. It is further ordered that County Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

Commissioners present and voting were:

PETER F. MEITZNER	Aye
SARAH LOPEZ	Aye
DAVID T. DENNIS	Aye
RYAN K. BATY	Aye
JAMES M. HOWELL	Aye

Dated this 6th day of December, 2023.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

KELLY B. ARNOLD, County Clerk

PETER F. MEITZNER, Chairman
Commissioner, First District

JAMES M. HOWELL, Chair Pro Tem
Commissioner, Fifth District

APPROVED AS TO FORM:

KIRK W. SPONSEL
Deputy County Counselor

SARAH LOPEZ
Commissioner, Second District

DAVID T. DENNIS
Commissioner, Third District

RYAN K. BATY
Commissioner, Fourth District

UNOFFICIAL COPY

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SARAH LOPEZ	Aye
DAVID T. DENNIS	Aye
RYAN K. BATY	Aye
JAMES M. HOWELL	Aye

Dated this 6th day of December, 2023.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

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KELLY B. ARNOLD, County Clerk

CLERK OF SEDGWICK COUNTY SEDGWICK COUNTY KANSAS KANSAS

PETER F. MEITZNER, Chairman
Commissioner, First District

JAMES M. HOWELL, Chair Pro Tem
Commissioner, Fifth District

APPROVED AS TO FORM:

KIRK W. SPONSEL
Deputy County Counselor

SARAH LOPEZ
Commissioner, Second District

DAVID T. DENNIS
Commissioner, Third District

RYAN K. BATY
Commissioner, Fourth District

Wichita-Sedgwick County Metropolitan Area Planning Department

December 12, 2023

Jeff Moses
2 S. Lakeview Court
Goddard, KS 67052

RE: VAC2023-00041: Request in the County to vacate 5 feet of the 15-foot platted side setback, zoned RR Rural Residential; generally located 465 meters northwest of the intersection of West 55th Street South and South 231st Street West (2 South Lakeview Court).

Dear Applicant;

At its regular meeting on **December 6, 2023,** the Board of County Commissioners considered the above captioned request. The action of the BoCC was to **APPROVE** the vacation request.

Sincerely,

Philip Zevenbergen, AICP
Current Plans
Division Manager

Public notice

(Published in The Ark Valley News on Oct. 5, 2023.)

MAPC October 26, 2022
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, October 26, 2023, no earlier than 1:30 p.m., the Wichita Sedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held in person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation is encouraged (see instructions below). Virtual participation is **not available. If you have any questions regarding the meeting or items on this notice, please call the Wichita Sedgwick County Metropolitan Area Planning Department at (316) 268 4421.**

DER2023-00012: Unified Zoning Code amendment to the Use Regulations table (Article III-D) to better clarify what uses are permitted by right and when they are a conditional use.

ZON2023-00057: Zone change request in the County from RR Rural Residential to GC General Commercial to expand manufacturing use on site; located on the northeast corner of North 143rd Street East and East 117th Street North (12048 N 143rd St E).

VAC2023-00041: Vacation request in the County to vacate 5 feet of the 15-foot platted side setback, on property zoned RR Rural Residential; generally located one-block west of South 231st Street West and within one-quarter mile north of West 55th Street South (2 W. South Lakeview Court).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor. As provided in Section V of the Wichita Sedgwick 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) Attend in-person at the Ronald Reagan Building

2) Submit comments ahead of time

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 (316-268 4464) 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) – 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. Planning Departments staff make efforts to share all comments, but may not be able to share those received after the deadlines below. Please be sure to provide ample time for delivery.

Written Comments

Written comments should be submitted by 5 pm the day before the meeting.

Video and Audio Comments

Comments in video or audio message (mp3, etc.) formats should be submitted at least 3 days prior to the MAPC meeting. The comments should indicate which item they pertain to and be less than three (3) minutes in duration.

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

Option to View Remotely (Not Participate)

The meeting will be streamed live and recorded. Virtual comment is not available. To view the live stream or recording, follow the link: https://www.wichita.gov/Planning.

WITNESS MY HAND on October 5, 2023

Scott Wadle, Secretary
Wichita Sedgwick County
Metropolitan Area Planning Commission

Affidavit of Publication

STATE OF KANSAS,
SEDGWICK COUNTY, ss.

Chris Strunk, being first duly sworn, deposes and says: That he is Publisher of The Ark Valley News, formerly The Valley Center Index, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Sedgwick County Kansas, with a general paid circulation on a yearly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Valley Center in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 5th day of October, 2023. with subsequent publications being made on the following dates:

_____, 2023 _____, 2023

_____, 2023 _____, 2023

_____, 2023 _____, 2023

Chris Strunk

Subscribed and sworn to before me this 5th day of October, 2023.

Notary Public

My commission expires _____.

Additional copies $_____

Printer's fee $_____

NOTARY PUBLIC
COMMISSION EXPIRES
4/24/24
State of Kansas

CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

FILE COPY

October 27, 2023

Jeff Moses
2 S. Lakeview Ct.
Goddard, KS 67052

Ref: VAC2023-00041: Vacation request in the County to vacate 5 feet of the 15 feet platted side setback, zoned Rural Residential, generally located 465 meters northwest of the intersection of West 55th Street S and South 231st Street West (2 W South Lake View Ct).

Mr. Moses,

At the **Thursday, October 26, 2023**, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

(1) Provide Planning Staff with legal descriptions of the approved vacated portions of the platted setbacks 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 the Board of County Commissioners 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. Provide Planning with any needed easements dedicated by separate instrument with original signatures. These conditions must be completed prior to the case going to the Board of County Commissioners for final action.

(3) All improvements shall be according to County Standards and at the applicant's expense.

(4) 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 Register of Deeds.

FILE COPY

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 **November 09, 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, AICP
Current Plans Division Manager

PZ:kw

METROPOLITAN AREA PLANNING COMMISSION

AGENDA REPORT NO. 3.2
October 26, 2023

STAFF REPORT

CASE NUMBER: **VAC2023-00041** - County Vacation of a portion of a platted 15-foot street-side setback.

APPLICANT Jeff Moses

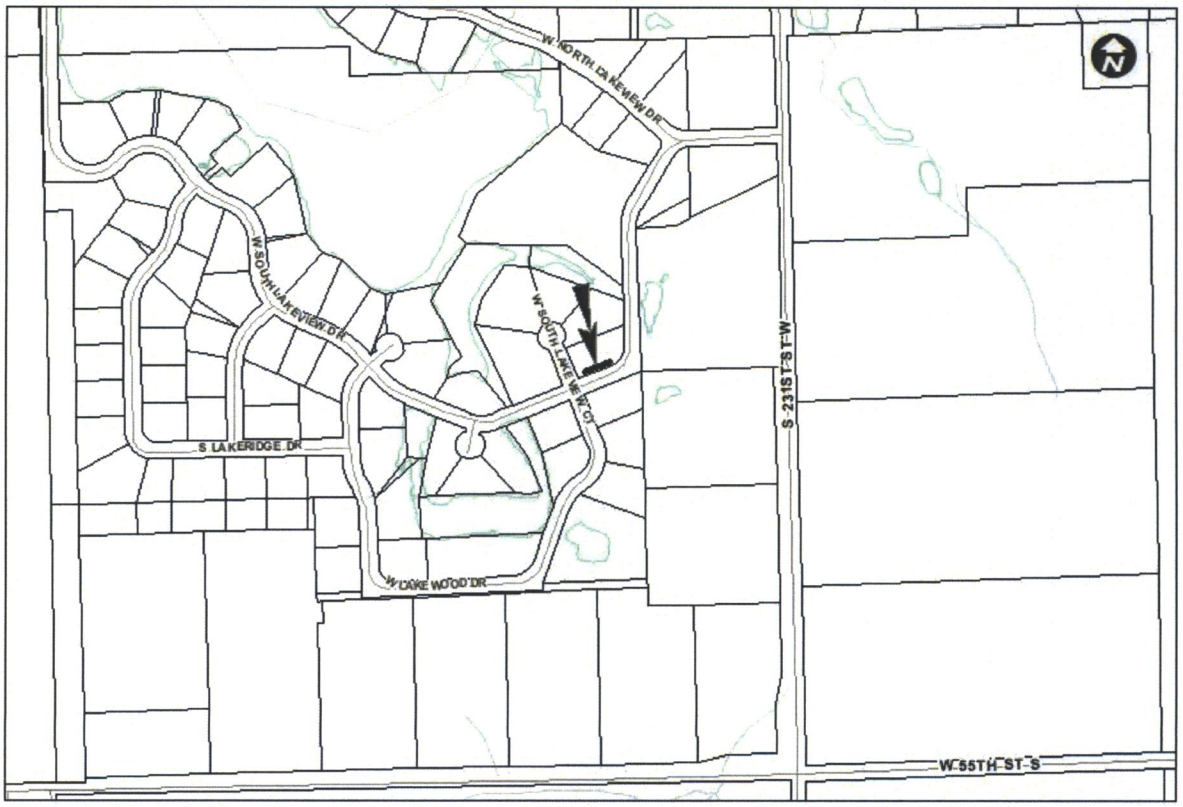
LEGAL DESCRIPTION: Generally described as vacating the Northwesterly 5 feet of the Southeasterly 15 feet of the Northeasterly 102.06 feet of the Southwesterly 132.06 feet of Lot 6, Block 4, Miles Country Club Estates-Lake Waltanna—Miles Village Addition, Sedgwick County, Kansas

LOCATION: Generally located one-block west of South 231st Street West and within one-quarter mile north of West 55th Street South (2 South Lakeview Court, Goddard).

REASON FOR REQUEST: Construct a detached garage.

CURRENT ZONING: Site and adjacent properties are zoned RR Rural Residential District and developed with single-family dwellings.

VICINITY MAP



The applicant proposes to vacate the Northwesterly 5 feet of the Southeasterly 15 feet of the Northeasterly 102.06 feet of the Southwesterly 132.06 feet of Lot 6, Block 4, Miles Country Club Estates-Lake Waltanna—Miles Village Addition. The property is addressed 2 South Lakeview Court, Goddard, and it is generally located one-block west of South 231st Street West and within one-quarter mile north of West 55th Street South. The purpose of this vacation is to construct a 30-foot by 50-foot detached garage along an existing diagonal concrete driveway that traverses the southwesterly portion of the subject site. The Lot is zoned RR Rural Residential District and developed with a single-family dwelling. If approved, the request would reduce the platted building setback to 10 feet. The Unified Zoning Code's (UZC) minimum side street setback is 20 feet. The RR district has a minimum lot size of 2 acres, and Lot 6 is a non-conforming lot in size with only 0.545 acres in area. The Lot was platted prior to current zoning standards. Due to the small size of the lot, the buildable area of the lot is further diminished due to the need to provide on-site sewer, upon which structures cannot be constructed.

There are no public utilities located in the proposed vacation areas. The request is outside of Evergy territory. The Miles County Club Estates—Lake Waltanna—Miles Village Addition was recorded with the Register of Deeds May 11, 1965.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from Public Works, Stormwater, 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 portion of platted building setback.

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 October 5, 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 street side yard setback 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 Planning Staff with legal descriptions of the approved vacated portions of the platted setbacks 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 the Board of County Commissioners 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. Provide Planning with any needed easements dedicated by separate instrument with original signatures. These conditions must be completed prior to the case going to the Board of County Commissioners for final action.

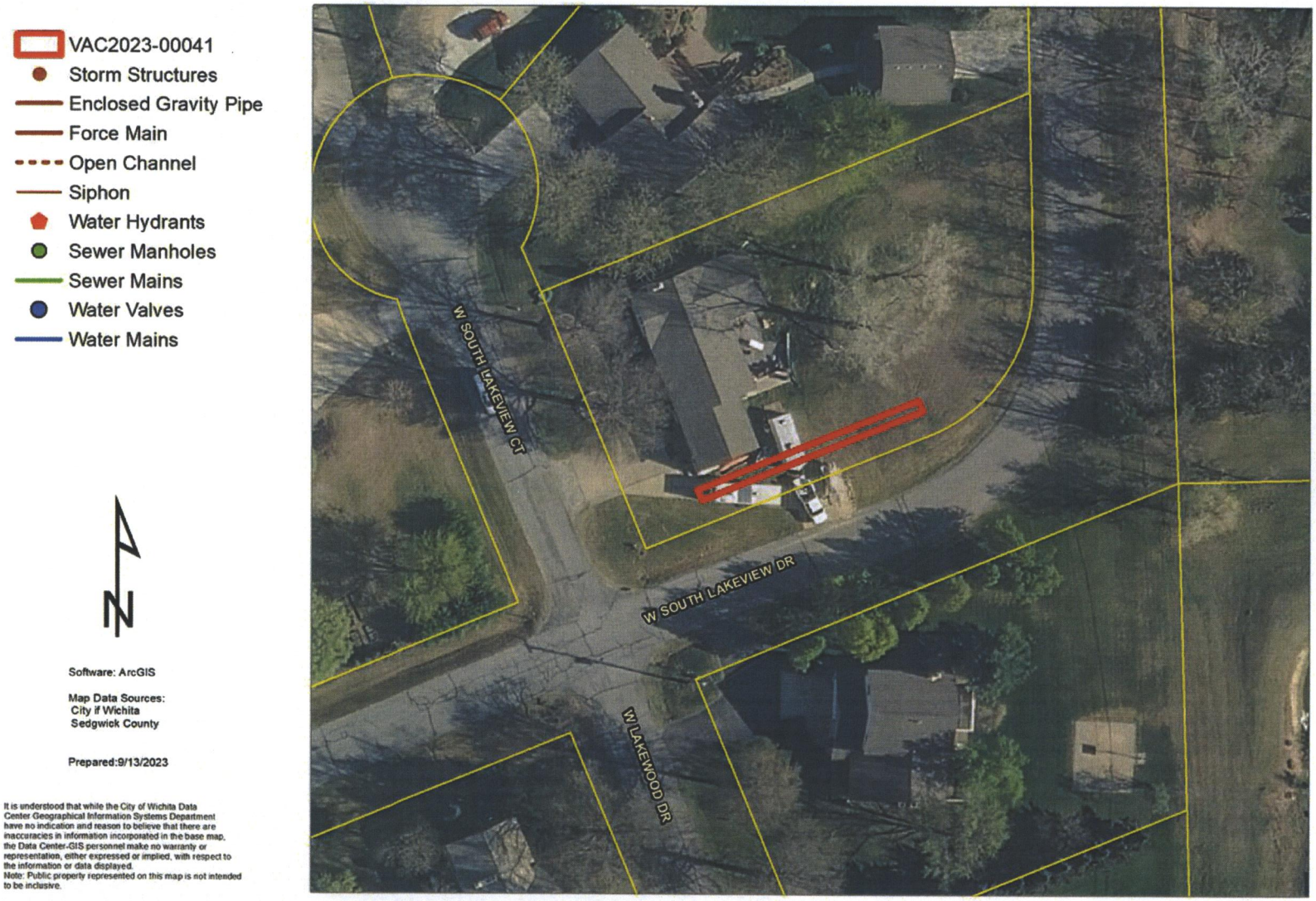
(3) All improvements shall be according to County Standards and at the applicant's expense.

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Attachments:
1. Aerial Map
2. Site plan

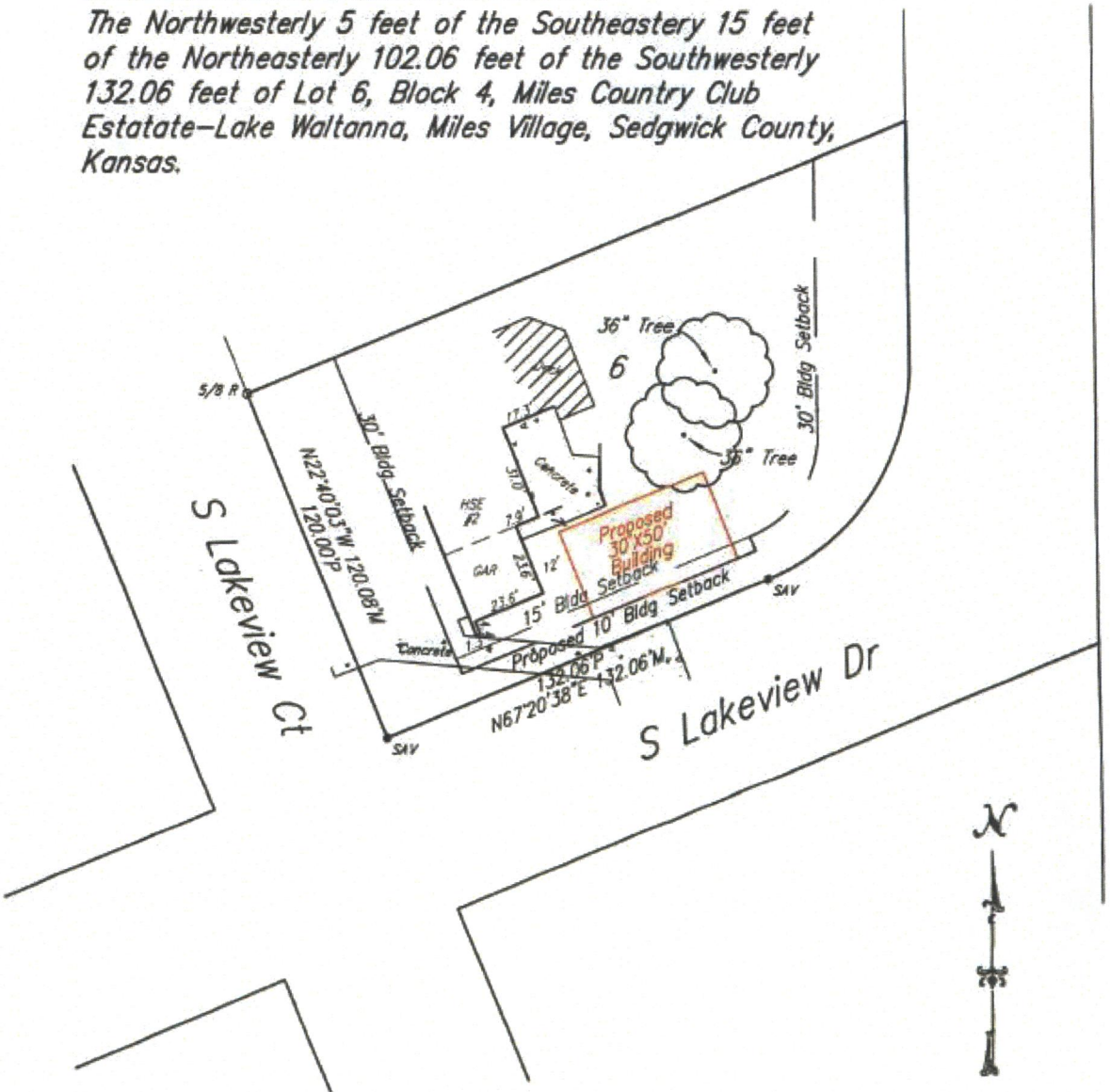
SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval per staff recommendations.


VAC2023-00041
Storm Structures
Enclosed Gravity Pipe
Force Main
Open Channel
Siphon
Water Hydrants
Sewer Manholes
Sewer Mains
Water Valves
Water Mains
W SOUTH LAKEVIEW CT
W SOUTH LAKEVIEW DR
W LAKEWOOD DR
N
Software: ArcGIS
Map Data Sources:
City if Wichita
Sedgwick County
Prepared:9/13/2023
It is understood that while the City of Wichita Data Center Geographical Information Systems Department have no indication and reason to believe that there are inaccuracies in information incoporated in the base map, the Data Center-GIS personnel make no warranty or representation, either expressed or implied, with respect to the information or data displayed.
Note: Public property represented on this map is not intended to be inclusive.

Building Setback Vacation Exhibit

The Northwesterly 5 feet of the Southeastery 15 feet of the Northeasterly 102.06 feet of the Southwesterly 132.06 feet of Lot 6, Block 4, Miles Country Club Estatate–Lake Waltanna, Miles Village, Sedgwick County, Kansas.



○ 5/8" R ..... 5/8" REBAR (FOUND ORIGIN UNKNOWN)
● SAV ..... 1/2" REBAR W/SAVOY CAP (SET)
● TRAV ..... 1/2" REBAR W/RED SAVOY TRAVERSE CAP (SET)

1" = 50'

LEGEND:

P = Platted
M = Measured

PROJECT NO. 23BB22499 BSR

316.265.0005

433 S Hydraulic