Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30270869
Receipt #: 2401258
Pages Recorded: 2
Recording Fee: $0.00
Cashier: vbunch
Authorized By: Tonya Buckingham
Date Recorded: 10/19/2023 02:10:52 PM

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

IN THE MATTER OF THE VACATION OF A PLATTED UTILITY EASEMENT

GENERALLY LOCATED ON THE SOUTH SIDE OF EAST KELLOGG DRIVE, WITHIN ONE-HALF MILE WEST OF SOUTH WEBB ROAD

VAC2023-00030

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 17th day of October 2023, comes on for hearing the petition for vacation filed by Steven Enterprises, L.L.C. (owner) praying for the vacation of a platted utility easement, to wit:

A portion of Lot 1, Circuit City Addition, Wichita, Sedgwick County, Kansas, as prepared by Baughman Co. P.A. Professional Surveyors, CLS 58, in aforesaid County and State, being more particularly described as follows: BEGINNING at the Southwest corner of said Lot 1; THENCE N00°59'44"W, coincident with the west boundary of said Lot 1, a distance of 16.86 feet; THENCE N61°49'44"E, parallel to and 15.00 feet normally distant north of the south boundary of said Lot 1, a distance of 289.50 feet, to a point on the east line of said Lot 1; THENCE S01°02'28"E, coincident with the east boundary of said Lot 1, a distance of 16.86 feet; THENCE S61°40'04"W, coincident with the south boundary of said Lot 1, a distance of 289.50 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 August 24, 2023, which was at least 20 days prior to the public hearing.

UNOFFICIAL COPY

2. No private rights will be injured or endangered by the vacation of the described platted 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 platted utility easement should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 17th day of October 2023, ordered that the above-described platted 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

UNOFFICIAL COPY

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

IN THE MATTER OF THE VACATION OF A PLATTED UTILITY EASEMENT	)	
GENERALLY LOCATED ON THE SOUTH SIDE OF EAST KELLOGG DRIVE, WITHIN ONE-HALF MILE WEST OF SOUTH WEBB ROAD	)	**VAC2023-00030**

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2. No private rights will be injured or endangered by the vacation of the described platted 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 platted utility easement should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 17th day of October 2023, ordered that the above-described platted 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



Wichita-Sedgwick County Metropolitan Area Planning Department

October 18, 2023

Terry West
Steven Enterprises, LLC
8801 East Kellogg
Wichita, KS 67207

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

RE: VAC2023-00030: Request in the City to vacate a portion of a platted utility easement on property zoned LC limite Commercial; generally located on the south side of East Kellogg and within one-half mile west of South Webb Road.

Dear Applicant;

At its regular meeting on **October 17, 2023,** the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the vacation request.

Sincerely,

Philip Zevenbergen, AICP
Current Plans
Division Manager

CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

FILE COPY

September 14, 2023

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

Ref: VAC2023-00030: Vacation request in the City to vacate a 15-foot platted utility easement on property zoned LC Limited Commercial; generally located on the south side of East Kellogg Drive and within one-half mile east of South Rock Road (southeast corner of East Kellogg Dr. and South Eastern Ave).

Phil,

At the **Thursday, September 14, 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 described portion of platted 15-foot utility easement located on Lot 1, Circuit City 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

FILE COPY

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 **September 28, 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: Steven Enterprises LLC, Terry West, 8801 E Kellogg St, Wichita KS 67207
Steven Enterprises LLC, 6100 E Central Ave, Wichita KS 67208

McClatchy

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	457830	Print Legal Ad-IPL01362800 - IPL0136280		$227.06	3	90 L

Attention: MANDY HEBERT

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

MHEBERT@wichita.gov

OCA 150004
Published in The Wichita Eagle on August 24, 2023
(One Time Only)
MAPC/BZA September 14, 2023
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, September 14, 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 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 Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421.

BZA2023-00045: Request for Variance in the City to have zero setback on a through street and to increase height of off-site sign to 54.14 feet on a property zoned GI General Industrial; generally located on the west side of North Hydraulic Avenue and East of I-135.

CON2023-00036: Conditional Use in the City to amend CON2022-00010 and expand Vehicle and Equipment Sales, Outdoor for the entire property in accordance to the revised site plan; generally located on the northeast corner of West Central Avenue and North Hoover Road (5534 West Central Avenue).

CON2023-00038: Conditional Use request in the City to permit live music and entertainment (defined as Nightclub in the City) as an accessory use to hotels and restaurants; generally located on the northeast corner of North Webb Road and Waterfront Pkwy (1720 North Webb Road).

CON2023-00039: Conditional Use request in the City for accessory apartment on property zoned SF-5 Single-Family Residential; generally located 400 feet north of West 25th Street West and 660 feet west of North Meridian Avenue (2642 North Edwards Street).

CUP2023-00027: CUP Amendment in the City to DP-218 to develop a Warehouse Self-Storage facility on property zoned LC Limited Commercial; located approximately 225 feet north of West 21st Street North and on the east side of North 119th Street West.

DER2023-00004: Unified Zoning Code amendment to the Old Town Overlay to allow Tattoo and Body Piercing Facility as a permitted use within the Old Town Overlay District, located between North Santa Fe Avenue and North Washington Avenue, and between East Douglas Avenue and East 3rd Street North.

VAC2023-00029: Vacation request in the City to vacate a portion of a sanitary easement by separate instrument on property zoned PUD Planned Unit Development and located at the southwest corner of South Seneca St. and West MacArthur Rd.

VAC2023-00030: Vacation request in the City to vacate a 15-foot platted utility easement on property zoned LC Limited Commercial; generally located on the south side of East Kellogg Drive and within one-half mile east of South Rock Road (southeast corner of East Kellogg Dr. and South Eastern Ave).

VAC2023-00031: Vacation request in the City to vacate access control of right in and right out movements on Towne East Mall Drive on property zoned LC Limited Commercial District; generally located north of Kellogg Drive and Towne East Mall Drive.

VAC2023-00032: Vacation request in the City to vacate the north 126 feet of an existing 30-foot driveway easement on property zoned LC Limited Commercial District; generally located north of East 21st Street North and West of Pinecrest Avenue (5110 East 21st 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 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) 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=a0k3bW0ySlBNbFJQTDFyV0xPVDBXUT09
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/u/kc65codfb1

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). 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 August 24, 2023
Scott Wadle, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission
IPL0136280
Aug 24 2023

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

1 insertion(s) published on:
08/24/23

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 08/24/2023 to 08/24/2023.

H. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 08/24/2023

Stephanie Hatcher

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

STEPHANIE HATCHER
My Notary ID # 133534406
Expires January 14, 2026

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

METROPOLITAN AREA PLANNING COMMISSION

AGENDA REPORT NO. 3.2
September 14, 2023

STAFF REPORT

CASE NUMBER: **VAC2023-00030 -** Request to vacate a portion of a platted utility easement.

OWNER/APPLICANT: Steven Enterprises, LLC (Applicant)/ Baughman Company, P.A. (Agent)

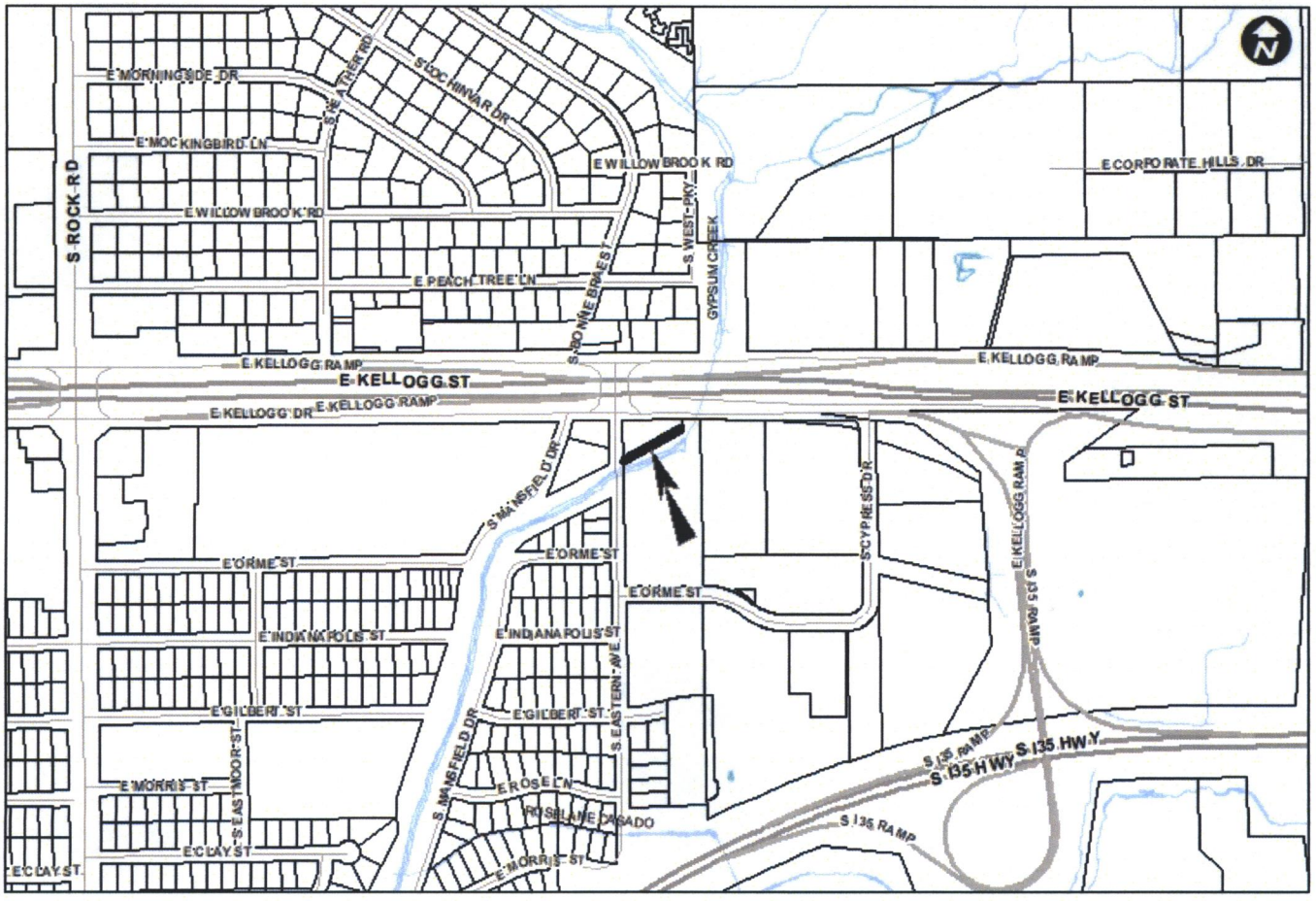
LEGAL DESCRIPTION: Generally described as vacating a portion of a platted 15-foot utility easement (see attached legal description) along the southeast property line.

LOCATION: Generally located on the south side of East Kellogg Drive, within one-half mile west of South Webb Road. Southeast corner of East Kellogg Drive and South Eastern Avenue. (WCC II)

REASON FOR REQUEST: New development on the property.

CURRENT ZONING: The subject site and properties to the south and west are zoned LC Limited Commercial District. Properties to the west and south are developed with commercial uses. Property to the east is zoned GC General Commercial District and is developed with a vehicle sales lot. Property to the north is the East Kellogg/US-54/400 right-of-way.

VICINITY MAP:



The applicant proposes to vacate a portion of a platted 15-foot utility easement located on the southeast side of Lot 1, Circuit City 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 located within the easement. Currently, the site does not have access to sewer. They can extend sewer from the north but will need to dedicate an easement on-site for said sewer extension.

Evergy has no objection to this vacation request but does have equipment and lines near the easement they are requesting to vacate for development. Conditions 1-3 covers Evergy. Standard language will apply. Any relocation or removal of existing Evergy equipment will be at the applicant's expense. Abby Brungardt, Area Design Representative for this area will be the contact for this item and can be contacted at (785) 508-2715 for this vacation request and any project related to it. The Circuit City Addition was recorded on October 10, 1996.

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 August 24, 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 described portion of platted 15-foot utility easement located on Lot 1, Circuit City Addition, Wichita, Sedgwick County, Kansas.

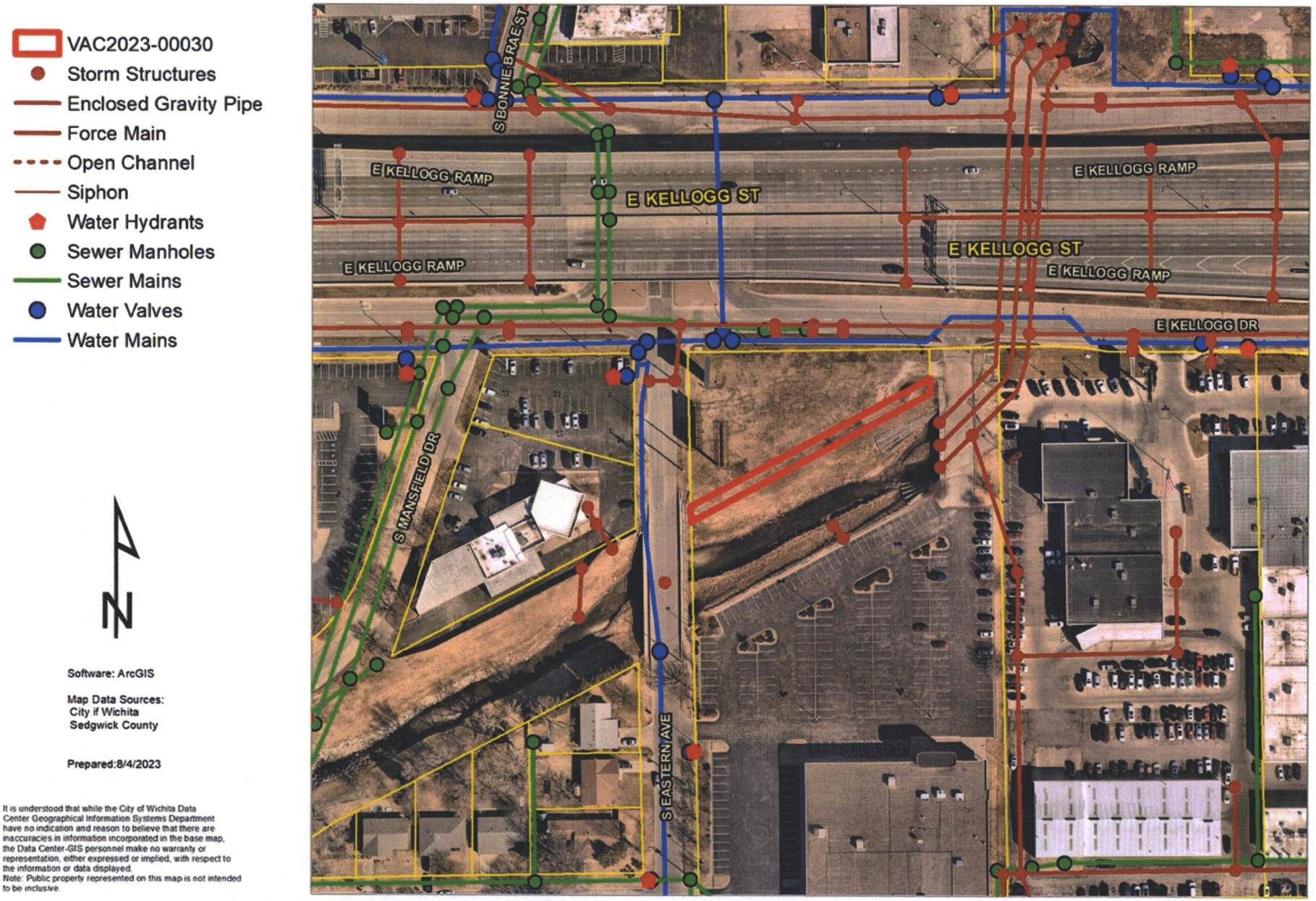
(5) Provide Planning with a legal description of the vacated portion of the platted utility easement on a Word document via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Council for final action.

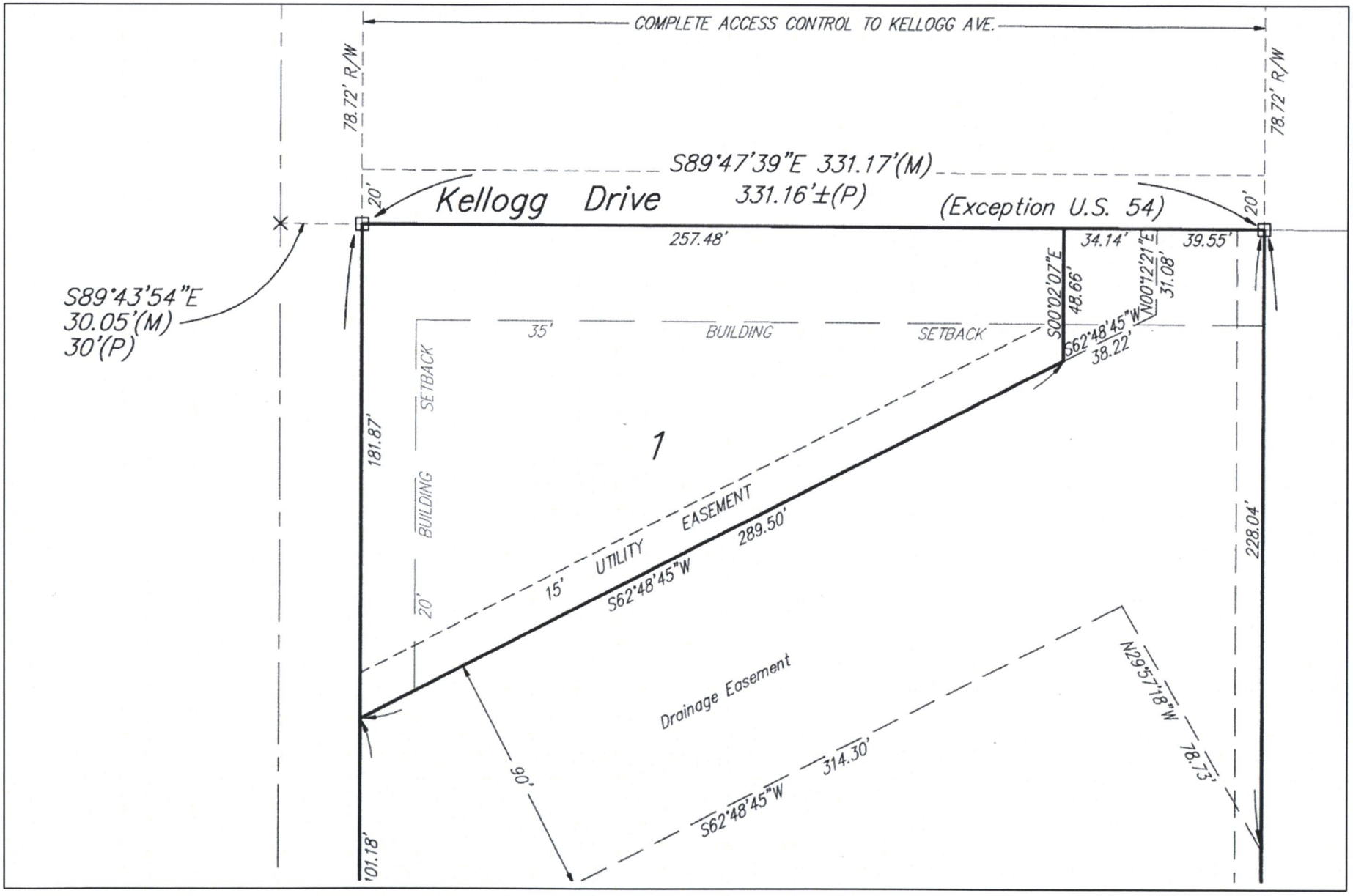
(6) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken 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.

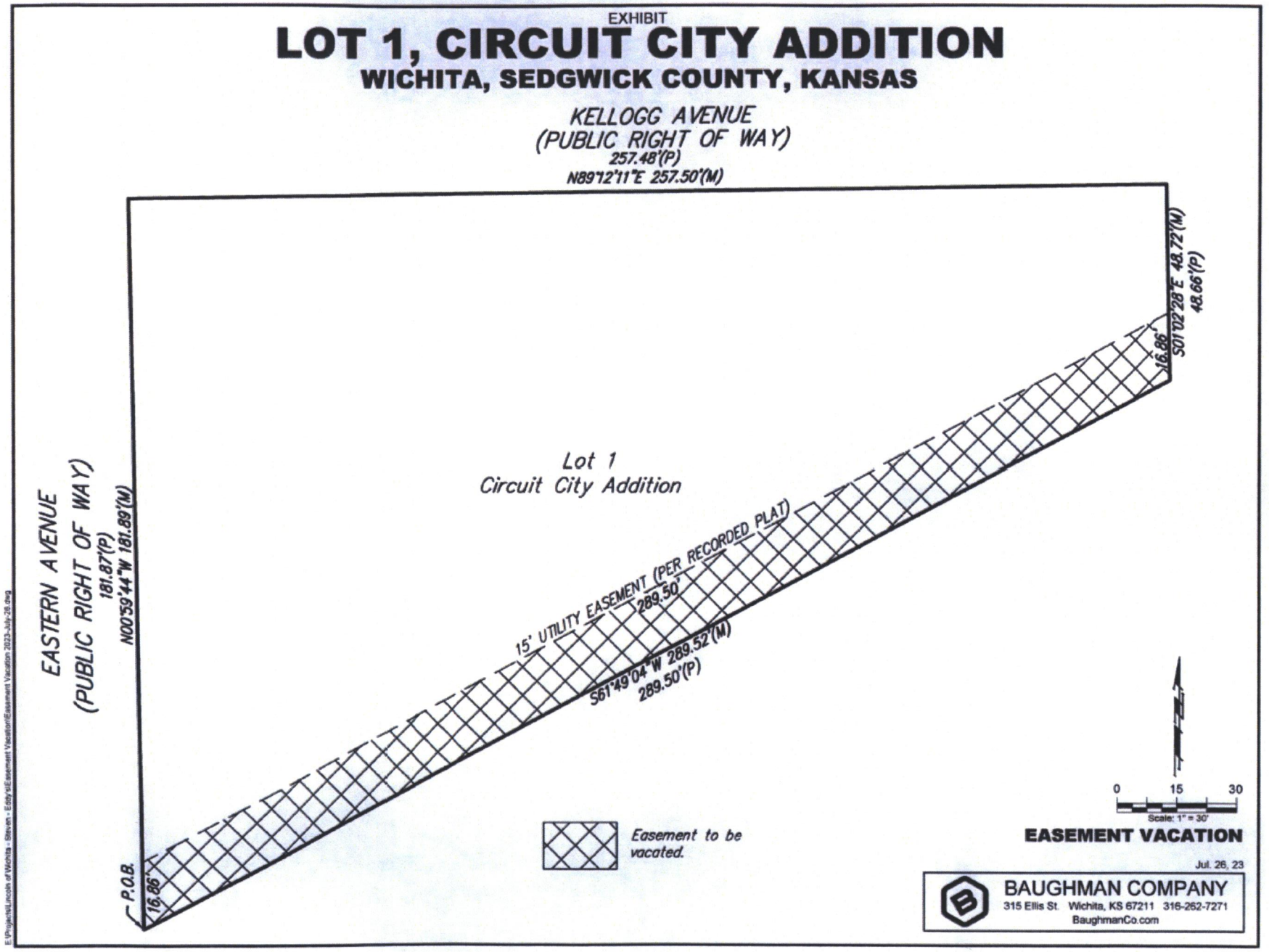
Attachments: Aerial Map, Plat Excerpt, Easement Exhibit, Legal Description

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval per staff recommendations.


VAC2023-00030
Storm Structures
Enclosed Gravity Pipe
Force Main
Open Channel
Siphon
Water Hydrants
Sewer Manholes
Sewer Mains
Water Valves
Water Mains
S BONNIE BRAE ST
E KELLOGG RAMP
E KELLOGG ST
E KELLOGG RAMP
E KELLOGG ST
E KELLOGG RAMP
E KELLOGG RAMP
E KELLOGG DR
S MANSFIELD DR
S EASTERN AVE
N
Software: ArcGIS
Map Data Sources:
City if Wichita
Sedgwick County
Prepared:8/4/2023
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 incorporated 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.


COMPLETE ACCESS CONTROL TO KELLOGG AVE.
78.72' R/W
78.72' R/W
S89°47'39"E 331.17'(M)
331.16'±(P)
Kellogg Drive
(Exception U.S. 54)
20'
20'
257.48'
34.14'
39.55'
S89°43'54"E
30.05'(M)
30'(P)
S00°02'07"E
48.66'
N00°12'21"E
31.08'
S62°48'45"W
38.22'
35'
BUILDING
SETBACK
SETBACK
181.87'
1
BUILDING
20'
15'
UTILITY
EASEMENT
289.50'
S62°48'45"W
228.04'
Drainage Easement
90'
N29°57'18"W
78.73'
S62°48'45"W
314.30'
101.18'


EXHIBIT
LOT 1, CIRCUIT CITY ADDITION
WICHITA, SEDGWICK COUNTY, KANSAS
KELLOGG AVENUE
(PUBLIC RIGHT OF WAY)
257.48'(P)
N89°12'11"E 257.50'(M)
EASTERN AVENUE
(PUBLIC RIGHT OF WAY)
181.87'(P)
N00°59'44"W 181.89'(M)
Lot 1
Circuit City Addition
15' UTILITY EASEMENT (PER RECORDED PLAT)
289.50'
S61°49'04"W 289.52'(M)
289.50'(P)
S01°02'28"E 48.72'(M)
48.66'(P)
16.86'
P.O.B.
16.86'
Easement to be vacated.
0
15
30
Scale: 1" = 30'
EASEMENT VACATION
Jul. 26, 23
BAUGHMAN COMPANY
315 Ellis St. Wichita, KS 67211 316-262-7271
BaughmanCo.com
E:\Projects\Lincoln of Wichita - Steven - Eddy\Easement Vacation\Easement Vacation 2023-July-26.dwg

LEGAL DESCRIPTION OF EASEMENT AREA TO BE VACATED

A portion of Lot 1, Circuit City Addition, Wichita, Sedgwick County, Kansas, as prepared by Baughman Co. P.A. Professional Surveyors, CLS 58, in aforesaid County and State, being more particularly described as follows: BEGINNING at the Southwest corner of said Lot 1; THENCE North 00°59'44" West, coincident with the west boundary of said Lot 1, a distance of 16.86 feet; THENCE North 61°49'04" East, parallel to and 15.00 feet normally distance north of the south boundary of said Lot 1, a distance of 289.50 feet, to a point on the east line of said Lot 1; THENCE South 01°02'28" East, coincident with the east boundary of said Lot 1, a distance of 16.86 feet; THENCE South 61°49'04" West, coincident with the south boundary of said Lot 1, a distance of 289.50 feet to the Point of Beginning.