



Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Film-Pg: 30275227

Receipt #: 2404229
Pages Recorded: 2

Recording Fee: \$0.00

Cashier: a2emith

Authorized By: Tonya Buckingham

Date Recorded: 11/13/2023 02:16:10 PM



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

IN THE MATTER OF THE VACATION OF A PLATTED
FLOODWAY AND 10-FOOT PLATTED UTILITY
EASEMENT

GENERALLY LOCATED ON THE EAST SIDE OF
SOUTH HOOVER STREET, WITHIN ONE-HALF MILE
NORTH OF K-42 HIGHWAY

VAC2023-00034

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 7th day of November 2023, comes on for hearing the petition for vacation filed by Rand Graphics (owner) praying for the vacation of a portion of a platted floodway and a portion of a 10-foot platted utility easement, to wit:

Floodway Legal Description:

The South 75.32 feet of the East 67.4 feet of the West 239.7 feet of Lot 1, Block 1, AMF Addition, Wichita, Sedgwick County, Kansas.

10-Foot Utility Easement Legal Description:

The East 155.0 feet of the West 175.0 feet of the south 10.0 feet of Lot 1, Block 1, AMF Addition, Wichita, Sedgwick County, Kansas.

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 September 7th, 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

November 7, 2023
VAC2023-00034

portion of a platted floodway and a portion of a 10-foot platted utility easement, and the public will suffer no loss or inconvenience thereby.

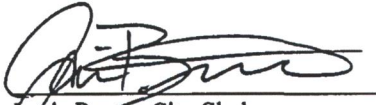
3. In justice to the petitioner, the prayer of the petitioner ought to be granted.

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 portion of a platted floodway and a portion of a 10-foot platted utility easement should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 7th day of November 2023, ordered that the above-described portion of a platted floodway and a portion of a 10-foot platted utility easement are 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.

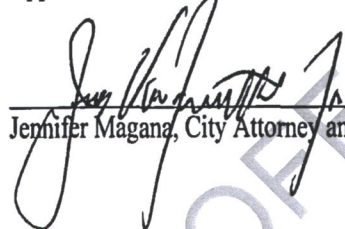
ATTEST:


Jamie Buster, City Clerk




Brandon J. Whipple, Mayor, City of
Wichita

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)
FLOODWAY AND 10-FOOT PLATTED UTILITY)
EASEMENT)
)
)
)**

**GENERALLY LOCATED ON THE EAST SIDE OF)
SOUTH HOOVER STREET, WITHIN ONE-HALF MILE)
NORTH OF K-42 HIGHWAY)
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)
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VAC2023-00034

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November 7, 2023
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3. In justice to the petitioner, the prayer of the petitioner ought to be granted.

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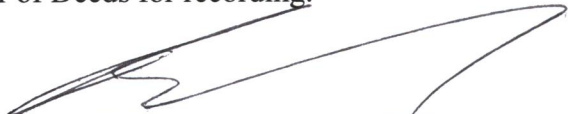
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ATTEST:

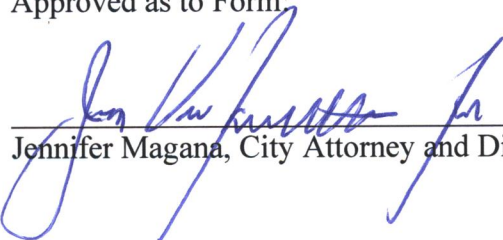


Jamie Buster, City Clerk



Brandon J. Whipple, Mayor, City of
Wichita

Approved as to Form:



Jennifer Magana, City Attorney and Director of Law



Wichita-Sedgwick County Metropolitan Area Planning Department

November 8, 2023

Rand Graphics
500 South Florence
Wichita, KS 67209

Kirk Miller
K.E. Miller Engineering, P.A.
117 East Lewis Street
Wichita, KS 67202

RE: VAC2023-00034: Request in the City to vacate a portion of the floodway and a platted 10-foot utility easement for expansion of the exiting warehouse, on a LI Limited Industrial zoned parcel generally located northeast of South Hoover Street and K-42 (2820 South Hoover Street).

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



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

September 29, 2023

K.E. Miller Engineering, P.A.
Attn: Kirk Miller
117 E. Lewis St
Wichita, KS 67202

Ref: VAC2023-00034: Vacation request in the city to vacate a portion of the floodway and a platted 10 ft utility easement for expansion of the existing warehouse, on a LI Limited Industrial zoned parcel generally located North-east of South Hoover Street and K-42 (2820 S Hoover Street).

Kirk,

At the **Thursday, September 28, 2023**, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

- (1) Vacate that portion of the platted floodway, as approved by City Public Works. Provide Planning Staff with a legal description of the approved vacated portion of the platted floodway on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. All Provide to Planning prior to the case going to the Wichita City Council for final action.
- (2) If any utility services are found to be located within the area of the proposed Vacation, these services shall be relocated at the owner's expense, to City standards, and the applicant shall provide Planning with the dedication of utility easements by separate instruments to go with the Vacation Order to be filed with the Register of Deeds. If relocation is not possible then this Vacation shall be rendered void as the current easement must remain in place.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
- (4) All improvements shall be according to City Standards and at the applicant's expense, including all required City plans, permits and inspections.
- (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.

VAC2023-00034: Vacation request in the city to vacate a portion of the floodway and a platted 10 ft utility easement for expansion of the existing warehouse, on a LI Limited Industrial zoned parcel generally located North-east of South Hoover Street and K-42 (2820 S Hoover Street).
September 29, 2023
Page 2

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 **October 12, 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

cc: Rand Graphics, 500 S Florence, Wichita KS 67209



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	462011	Print Legal Ad-IPL01378290 - IPL0137829		\$239.08	3	95 L

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

MHEBERT@wichita.gov

LEGAL PUBLICATION

OCA 150004

Published in The Wichita Eagle on September 7, 2023

(One Time Only)

MAPC/BZA September 28, 2023

OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, September 28, 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.

BZA2023-00028: Variance request in the City to reduce the side and the rear setback to bring carport into compliance and permit an addition on the rear, on property zoned SP-5 Single-Family; located within one-block north of West 1st Street North and one-quarter mile west of North Seneca (212 N Elizabeth).

BZA2023-00048: Variance request in the City to allow side setback reduction to 7.5 feet to allow carport; generally located on the southeast corner of North Volusia Avenue and East Mossman Avenue (2803 East Mossman Avenue).

CON2023-00042: Conditional Use request in the City to allow for Vehicle Sales on the front one-third of the lot fronting West 21st Street; located approximately 450 feet east of the intersection of North Tyler Road and West 29th Street North (1820 West 21st Street North).

CON2023-00043: Conditional Use request in the City for Vehicle and Equipment Sales, Outdoor on property zoned LC Limited Commercial District; generally located on the west side of North Hillside Avenue, within 500 feet south of East 13th Street North (1305 North Hillside Avenue).

CON2023-00044: Amendment to existing Conditional Use permitted through BZA 12-93 in the City, to increase number of cars that can be displayed at the site, in a property zoned LC Limited Commercial; generally located on the southwest corner of the East 19th Street North and North Delrose Avenue (4615 East 13th Street North).

CON2023-00045: Conditional Use request in the City to permit an Accessory Dwelling Unit, zoned TF-3 Two Family Residential; generally located to the east of South Belmont Avenue and 125 feet south of East Lewis Street (408 South Belmont Avenue).

CON2023-00047: Conditional Use request in the City for a Mobile Food Unit in the City (with ZON2023-00050 to LC); generally located on the west side of North Hillside Avenue, within 275 feet south of East 2nd Street North (233 North Hillside Avenue).

CLUP2023-00029: CLUP Minor Amendment in the City to CLUP DP-164 to allow Vehicle and Equipment Sales on Parcels 5A and 5B; generally located on the south side of West 21st Street North, within one-quarter mile east of North Tyler Road (8515 & 8535 West 21st Street North).

VAC2023-00033: Request in the City to vacate the East Boston Avenue right-of-way between Market and Broadway; generally located 360 feet north of East Harry Street.

VAC2023-00034: Request in the City to vacate a portion of a floodway easement and a platted 10-foot utility easement for expansion of the existing warehouse, on a LI Limited Industrial zoned parcel; generally located Northeast of South Hoover Road and K-42 (2820 S Hoover Road).

VAC2023-00035: Request in the City to vacate a portion of complete access control on property zoned GI General Industrial, generally located on the southeast corner of East 29th Street North and North Mead Street.

VAC2023-00036: Request in the City to vacate a Drainage and Utility Easement, and Building Setback at Harbor Isle Commercial 2nd Addition on property zoned GC General Commercial District; generally located north of West 40th Street North and east of North Seneca Street.

ZON2023-00050: Zone change in the City from GO General Office District to LC Limited Commercial District for a Mobile Food Unit in the City; generally located on the west side of North Hillside Avenue, within 275 feet south of East 2nd Street North (233 North Hillside Avenue).

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=ek03bW0uSENBZk9JOTdFV0xPVDBXLT09>

Meeting ID: 408 986 6967

Passcode: 094136

One tap mobile

+16699008833,4089866967#...*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 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 September 7, 2023

Scott Wadle, Secretary

Wichita-Sedgwick County

Metropolitan Area Planning Commission

IPL0137829

Sep 7 2023

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

1 insertion(s) published on:

09/07/23

STATE OF KANSAS)

SS

County of Sedgwick)

Stefani Beard, 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 09/07/2023 to 09/07/2023.

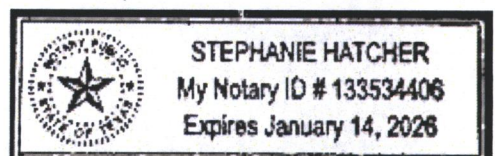
Stefani Beard

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

DATED: 09/07/2023

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: VAC2023-00034 - Request to vacate a portion of platted floodway and a portion of a platted 10-foot utility easement.

APPLICANT/AGENT: Rand Graphics (Applicant)/ K.E. Miller Engineering P.A. (Agent)

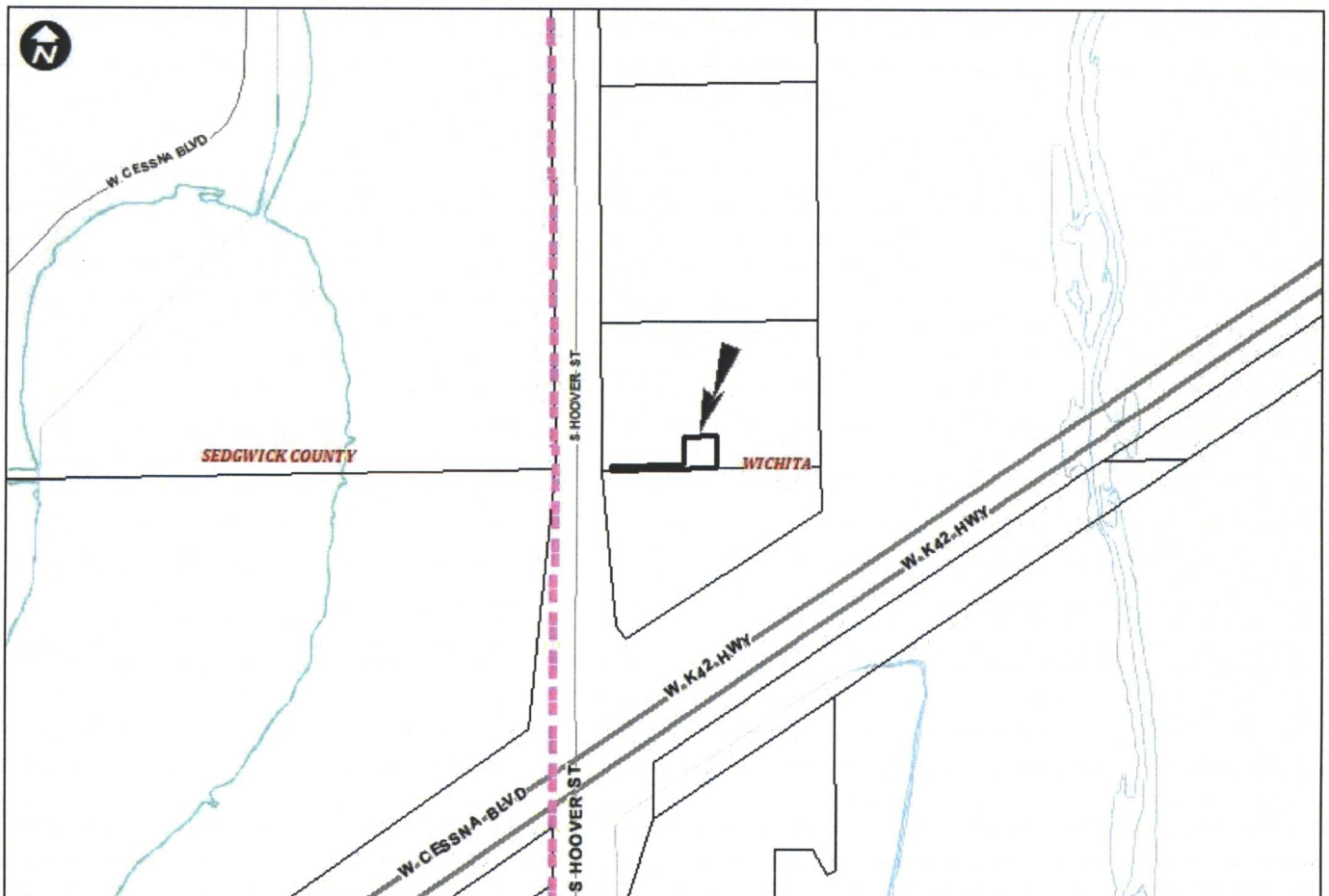
LEGAL DESCRIPTION: Generally described as vacating a 67.4-foot by 75.32-foot portion of a platted floodway and the east 155 feet of a platted 10-foot utility easement.

LOCATION: Generally located on the east side of South Hoover Street, within one-quarter mile north of K-42 Highway. (District IV)

REASON FOR REQUEST: To permit expansion of existing warehouse.

CURRENT ZONING: The site and all abutting and adjacent properties are zoned LI Limited Industrial District.

VICINITY MAP:



The applicant proposes to vacate two things:

- 1) a portion of the platted floodway located within the south 75.32 feet of the east 67.4 feet of the west 239.7 feet; and
- 2) the east 155 feet of the platted 10-foot utility easement along the south property line.

Both requests are located on Lot 1, Block 1 AMF Addition. This site is generally located on the east side of South Hoover Street and 600 feet north of K-42 Highway. The platter's text states the platted floodway shall be the responsibility of the adjacent property owners until such time that the City of Wichita elects to assume responsibility for maintenance and improvement of the drainage. The platter's text also states that no buildings shall be constructed on or within the floodway, nor shall any fill, change of grade, creation of channel or other work be carried on without the permission of the City Engineer of the City of Wichita. The majority of the proposed vacated portion of the floodway appears to be located outside of the FEMA Floodplain (see attached floodplain map). For the portion that is in the floodplain, all necessary procedures and permits are required prior to any construction of the proposed warehouse expansion.

In 2020, a vacation of the north 235 feet of the subject floodway was vacated for a building expansion.

There are no public utilities located within the areas of the vacation. City Stormwater and City Public Works and Utilities do not object to the vacation request. Evergy has no objection to this vacation request, but they have equipment & lines in the easement area they are requesting to vacate. Abby Brungardt, Area Design Representative for this area is working with the electrical contractor & will be the contact for this item. She can be contacted at (785) 508-2715 for this vacation request and any project related to it. Conditions 1-3 cover Evergy Any relocation or removal of existing Evergy equipment will be at the applicant's expense. The A.M.F. Addition was recorded with the Register of Deeds November 20, 1987.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from Wichita Public Works, 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 floodway and described portion of the platted 10-foot 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 September 7, 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 floodway easement and 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) Vacate that portion of the platted floodway, as approved by City Public Works. Provide Planning Staff with a legal description of the approved vacated portion of the platted floodway on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. All Provide to Planning prior to the case going to the Wichita City Council for final action.
- (2) If any utility services are found to be located within the area of the proposed Vacation, these services shall be relocated at the owner's expense, to City standards, and the applicant shall provide Planning with the dedication of utility easements by separate instruments to go with the Vacation Order to be filed with the Register of Deeds. If relocation is not possible then this Vacation shall be rendered void as the current easement must remain in place.

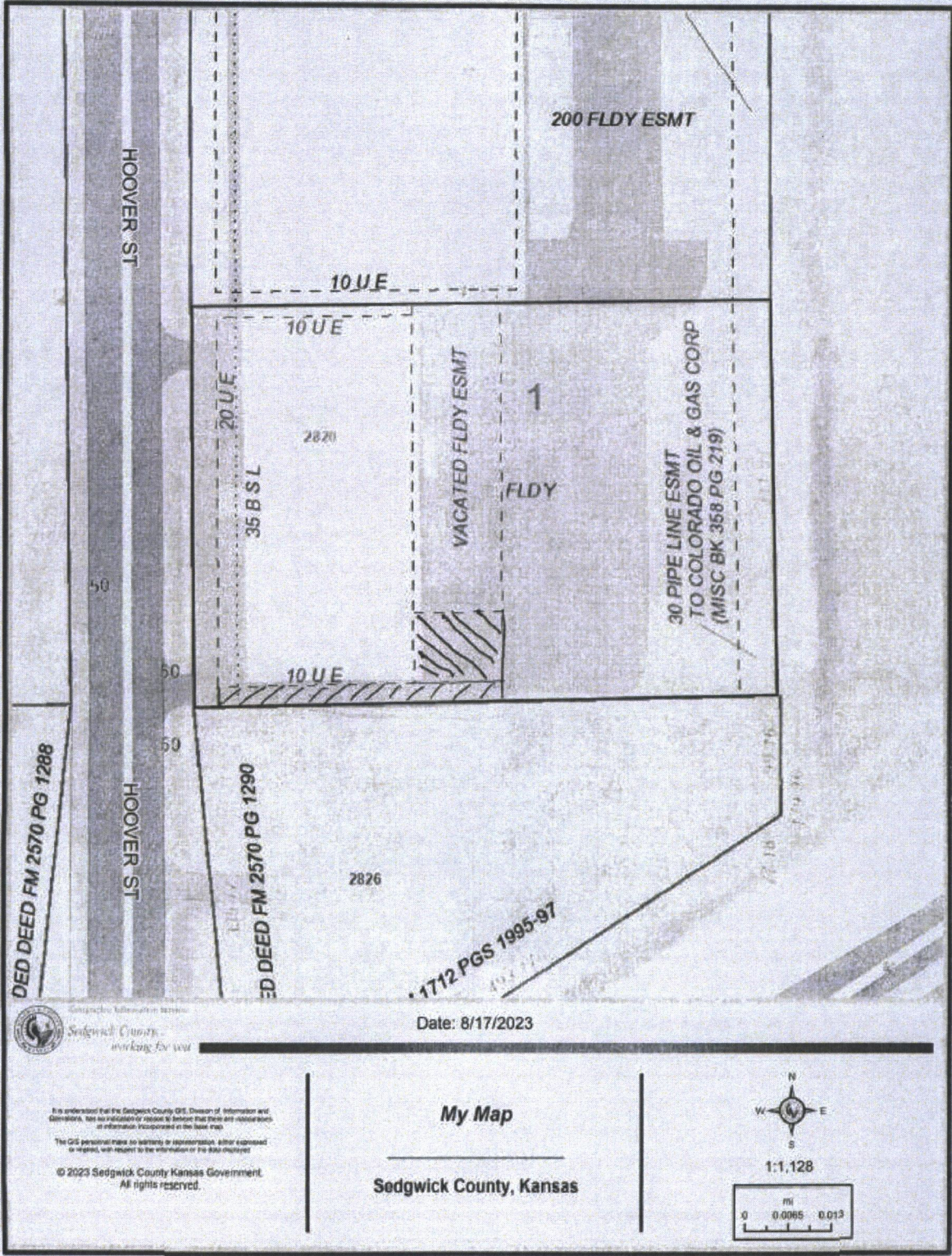
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SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval per staff recommendations.

Attachments: 1) Applicant's Exhibit, 2) Aerial Map, 3) Floodway Map.

Applicant's Exhibit





- VAC2023-00034
- Storm Structures
- Enclosed Gravity Pipe
- Force Main
- - - Open Channel
- Siphon
- Water Hydrants
- Sewer Manholes
- Sewer Mains
- Water Valves
- Water Mains



Software: ArcGIS
 Map Data Sources:
 City of Wichita
 Sedgwick County

Prepared: 8/23/2023

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 accuracy or data displayed on this map. Public property represented on this map is not intended to be indicative.

