Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30321296
Receipt #: 2435164
Pages Recorded: 3
Recording Fee: $0.00
Authorized By: Tonya Buckingham
Cashier: ccritchf
Date Recorded: 07/16/2024 01:54:26 PM

Please do not remove this cover page, it has become part of this document

Grantor	WICHITA CITY OF
Grantee	ROCKWOOD 6TH ADDITION
Type of Document	PLAT.VORD
Recording Fees	$0.00
Mtg Reg Tax	$0.00
Total Amount	$0.00
Return Address	CITY CLERK'S OFFICE - 13TH FLOOR INTEROFFICE

UNOFFICIAL COPY

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

IN THE MATTER OF THE VACATION OF A PORTION OF A PLATTED FRONT SETBACK	)	
GENERALLY LOCATED ONE-BLOCK WEST OF NORTH ROCK ROAD AND WITHIN ONE-HALF MILE SOUTH OF EAST CENTRAL AVENUE	)	**VAC2024-00029**

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 9th day of July 2024, comes on for hearing the petition for vacation filed by Stay Real, LLC (owner) praying for the vacation of a portion of a platted setback, to wit:

Portion of the Platted setback to be vacated:
Vacating the northeasterly 5 feet of the platted 30-foot front setback on Lot 5, Block 2, Rockwood 6th 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 May 23, 2024, which was at least 20 days prior to the public hearing.

2. No private rights will be injured or endangered by the vacation of the described portion of a platted setback 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 setback should be approved.

UNOFFICIAL COPY

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 9th day of July 2024, ordered that the above-described portion of a platted setback 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.

Lily Wu, Mayor, City of Wichita

ATTEST:

Jamie Buster, City Clerk

Approved as to Form:

Jennifer Magana, City Attorney and Director of Law

UNOFFICIAL COPY

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CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

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1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on May 23, 2024, which was at least 20 days prior to the public hearing.

2. No private rights will be injured or endangered by the vacation of the described portion of a platted setback and the public will suffer no loss or inconvenience thereby.

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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.

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Lily Wu, 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

July 9, 2024

Stay Real, LLC
840 Lexington Rd.
Wichita, KS 67218

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

Ref: VAC2024-00029: Vacation request in the City to vacate a portion of a platted front setback; generally located between 7811 and 7837 East Pagent Lane.

Dear Applicant,

At the **Tuesday, July 9, 2024**, meeting of the Wichita City Council, the above-referenced vacation request was **approved**.

Sincerely,

Philip Zevenbergen, AICP
Current Plans Division Manager

Wichita-Sedgwick County Metropolitan Area Planning Department

June 14, 2024

Stay Real, LLC
840 Lexington Rd.
Wichita, KS 67218

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

Ref: VAC2024-00029: Vacation request in the City to vacate a portion of a platted front setback; generally located between 7811 and 7837 East Pagent Lane.

Jason,

At the **Thursday, June 13, 2024**, 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 a legal description of the approved vacated portion of the platted setback in 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 City Council 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 Council for final action.

(3) All improvements shall be according to City 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.

All of the above conditions have been completed. This case will be scheduled for final action by the Wichita City Council **July 9, 2024**. 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

McClatchy

The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
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The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	554268	Print Legal Ad-IPL01740880 - IPL0174088	OCA 150004	$201.86	3	80 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 May 23, 2024
(One Time Only)
MAPC/BZA June 13, 2024
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, June 13, 2024, 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.

BZA2024-00022: Variance request in the City to allow an Electronic Message Sign on property zoned TF-3 Two-Family Residential District; generally located at the intersection of North River Boulevard and West Briggs Avenue (1101 West River Boulevard).

BZA2024-00027: Variance request in the City to permit a Sexually Oriented Business within 500 feet of residential zoning on property zoned GC General Commercial; located on the east side of South Broadway Avenue and one-quarter mile south of East 47th Street South (4950 South Broadway).

BZA2024-00028: Variance request in the City to reduce the minimum lot size to build a duplex in TF-3 Two-Family Residential zoning from 6,000 square feet to approximately 3,000 square feet on property located one block south of West 21st Street North and one block east of North Arkansas Ave (512 West 20th Street North).

CUP2024-00015: CUP Amendment request in the City to DP-249 to amend the permitted uses on Parcel 5 (with ZON2024-00026 from GC to LI) to permit Freight Terminal and RV Sales and Service; located south of East 47th Street South and on the west side of I-135.

PUD2024-00009: Zone Change request in the City from SF-5 Single-Family to PUD to create the Blackbear Bosin-Price PUD #126 to convert school into apartments and permit single-family, duplexes, or fourplexes on school grounds; located one-block west of North Woodlawn and two blocks south of East 13th Street North.

VAC2024-00026: Vacation request in the City of the 40-foot platted front setback; generally located on the east side of South Decker Drive and within 400 feet south of West Maple Street (346 South Decker Drive).

VAC2024-00027: Vacation request in the City to vacate Reserve A on property zoned SF-5 Single-Family Residential; located one-quarter mile east of North 135th Street West and just south of West 21st Street North (13425 West 21st Street North).

VAC2024-00028: Vacation request in the City to vacate 5 feet of a platted 25-foot street side setback to construct a detached garage on property zoned SF-5 Single-Family Residential; generally located on-block south of West Maple Street and one block west of South Woodchuck Lane (384 South Floyd).

VAC2024-00029: Vacation request in the City to reduce the platted building setback from 30 feet to 25 feet on property located between 7811 and 7837 East Pagent Lane.

VAC2024-00031: Vacation request in the City to vacate a 15-foot contingent street, drainage and utility easement and a 32-foot contingent right-of-way dedication for future development on property zoned GC General Commercial; located on the south side of East 47th Street South and West of I-135.

ZON2024-00025: Zone Change request in the City from SF-5 Single-Family Residential to TF-3 Two-Family Residential; generally located one-block east of North Hillside Avenue and within two blocks north of East 25th Street North (2710 North Holyoke Street).

ZON2024-00026: Zone Change request in the City from GC General Commercial to LI Limited Industrial (with CUP2024-00015) to permit freight terminal and RV sales and service; generally located south of East 47th Street South and on the west side of I-135.

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:

1) Attend In-Person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202. Self-paid parking is available nearby. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-268-4464) by 5:00 PM, 3 days prior to the meeting.

2) Submit Comments Ahead of Time 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 should be submitted by 5:00 PM the day before the meeting. Video and Audio Comments (mp3, etc.) formats 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

3) If you need accommodations pursuant to the ADA, please contact Planning Staff within one week prior to the scheduled meeting.

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 May 23, 2024
Scott Wadle, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission
IPL0174088
May 23 2024

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

1 insertion(s) published on:
05/23/24

STATE OF KANSAS)
SS
County of Sedgwick)

Mary Castro, 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 05/23/2024 to 05/23/2024.

Mary Castro

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 05/23/2024

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!

AGENDA REPORT NO. 3.3

METROPOLITAN AREA PLANNING COMMISSION **June 13, 2024**

STAFF REPORT

CASE NUMBER: **VAC2024-00029** - City Vacation of a platted 30-foot front setback to reduce it to 25 feet.

APPLICANT Stay Real, LLC (applicant)/ K.E. Miller Engineering (agent)

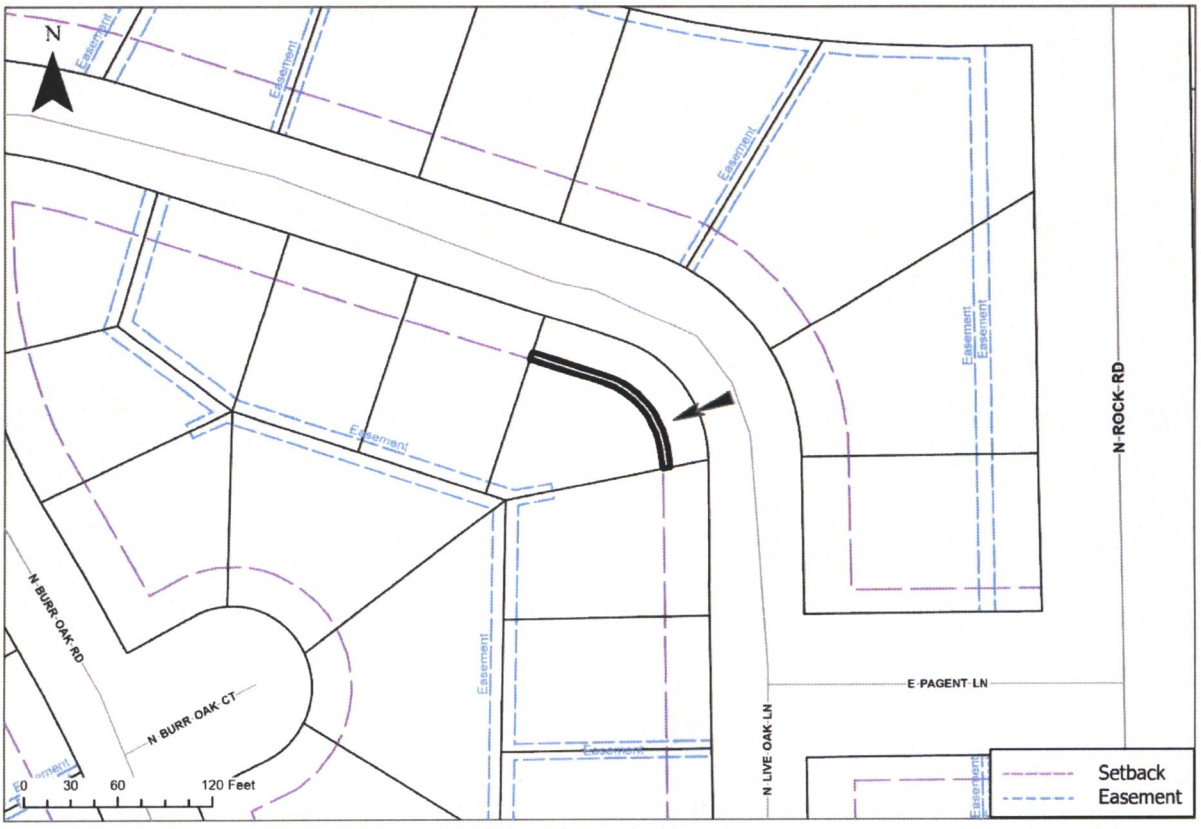
LEGAL DESCRIPTION: Generally described as vacating the northeasterly 5 feet of the platted 30-foot front setback on Lot 5, Block 2, Rockwood 6th Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located within one-block west of North Rock Road and within one-half mile south of East Central Avenue (between 7811 and 7837 E. Pagent Ln.). (WCC II)

REASON FOR REQUEST: Construct a single-family dwelling.

CURRENT ZONING: Site and adjacent properties are zoned SF-5 Single Family District and are developed with single-family dwellings.

VICINITY MAP



The applicant proposes to vacate the northeasterly five feet of the platted 30-foot front setback along East Pagent Lane for Lot 5, Block 2, Rockwood 6th Addition. If approved, this will reduce the platted setback to 25 feet. The property does not have an address but is situated between 7811 and 7837 East Pagent Lane. It is generally located within one-block west of North Rock Road and within one-half mile south of East Central Avenue.

The purpose of this vacation is to construct a single-family dwelling on the lot. The lot is zoned SF-5 Single Family Residential District (SF-5) would have a front zoning setback of 25 feet. The request to reduce the platted front setback meets the standard zoning setback for the SF-5 District. The lot is unique in that being on a corner, it is triangular in shape which restricts the buildable area when taking into account all other standard building setbacks on the sides and rear. The site plan indicates that the proposed dwelling will be encroaching into the south six-foot interior side setback. The reduction of the side setback can be done by administrative adjustment because it is a zoning setback.

Wichita Public Work and Utilities, Wichita Fire, Wichita Traffic Engineering, and Wichita Stormwater do not object to the reduction in setback. Reduction of the front setback should not have any detrimental impacts on site lines for traffic around the corner. Neither Evergy nor Cox object to the vacation request. Neither have lines or equipment in the vacation area. Evergy recommends the applicant contact the Design Representative about the provision of electrical service. The Rockwood 6th Addition was recorded on August 10, 1967.

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 the 30-foot 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 May 23, 2024, 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 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 a legal description of the approved vacated portion of the platted setback in 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 City Council 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 Council for final action.

(3) All improvements shall be according to City 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

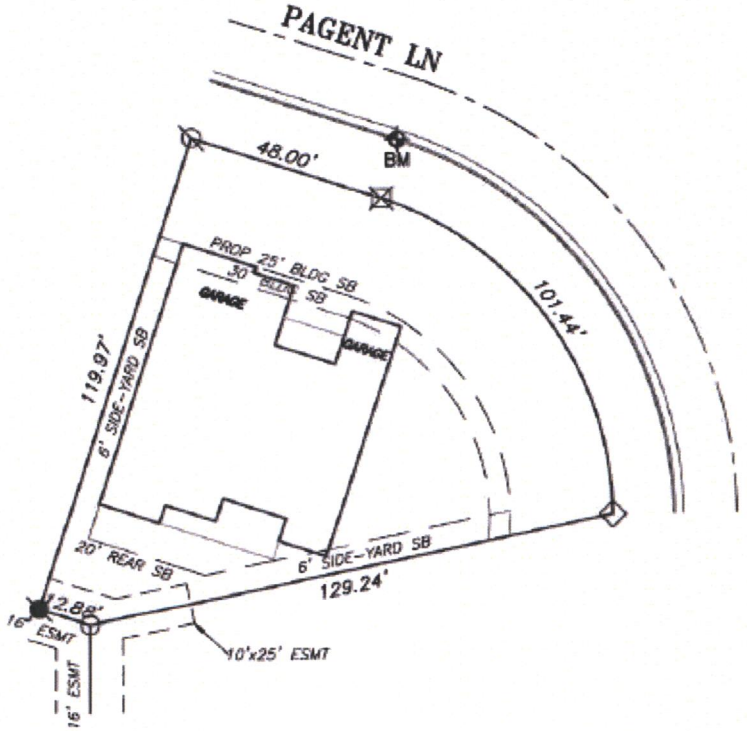
complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the Vacation Order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval per staff recommendations.

Attachments:
1) Vacation Exhibit
2) Aerial Map

Plot Plan for
Lot 5, Block 2
Rockwood Sixth Addition
Wichita, Sedgwick County, Kansas



ZONING: SF-5
FRONT SETBACK: 30.0' (PLATTED)
MIN. SIDE-YARD SETBACK: 6.0'
MIN. REAR SETBACK: 20.0'

NOTE: Platted and Measured Dimensions Vary;
All Dimensions Shown from Found Monumentation

LEGEND
- = Found R4 - SAVOY
- = Found R4 -Unknown
- = Found R5 - ACLS
- = Found 1" Iron
- = Found ½" Iron

SITE PLAN:
00.00.2023

SCALE: 1"=40'

BENCHMARK:

"□" Cut on top of curb approx.
49.5' East & 0.7' North of the Northwest property corner of Lot 5, Block 2, Rockwood Sixth Addition

Elevation = 1353.33 (NAVD88)

VAC2024-29

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

N

