Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30288115
Receipt #: 2412833
Pages Recorded: 2
Recording Fee: $0.00
Authorized By: Tonya Buckingham
Cashier: vbunch
Date Recorded: 01/29/2024 03:38:28 PM

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

IN THE MATTER OF THE VACATION OF A PLATTED BUILDING SETBACK	)	
GENERALLY LOCATED ONE-BLOCK WEST OF NORTH RIDGE ROAD AND WITHIN ONE-QUARTER MILE SOUTH OF WEST CENTRAL AVENUE	)	**VAC2023-00046**

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 23rd day of January 2024, comes on for hearing the petition for vacation filed by Jose Gil, Jr. (owner) praying for the vacation of a platted 30-foot building setback, to wit:

Vacating the platted 30-foot setback along North Brownthrush Lane on Lot 7, Block L, Meadowview Estates 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 November 23, 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 30-foot building 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.

UNOFFICIAL COPY

6. The vacation of the described 30-foot building setback should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 23rd day of January 2024, ordered that the above-described 30-foot building 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

THE CITY OF WICHITA SEDGWICK COUNTY, KANSAS

Approved as to Form:

Jennifer Magana, City Attorney and Director of Law

UNOFFICIAL COPY

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

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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

January 24, 2024

Jose R. Gil, Jr.
7442 West Frazier Lane
Wichita, KS 67212

RE: VAC2023-00046: Request in the City to vacate the platted front yard setback to allow for a window well to be built, generally located on the northeast corner of North Brownthrush Lane and West Frazier Lane (7442 West Frazier).

Dear Applicant;

At its regular meeting on **January 23, 2024,** 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

December 15, 2023

Jose R. Gil, Jr.
7442 W. Frazier Lane
Wichita, KS 67212

Ref: VAC2023-00046: Vacation of platted front yard setback line to allow window well to be built, generally located on the NE corner of North Brownthrush Lane and West Frazier Lane (7442 West Frazier).

Mr. Gil,

At the **Thursday, December 14, 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 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.

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 **December 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, AICP
Current Plans Division Manager

PZ:kw

cc: Joshua M Palacio & Carol A Werner, 518 N Brownthrush Ln, Wichita KS 67212
A.Miller Properties LLC, 4712 N 151st St W, Colwich KS 67030
City of Wichita Board of Commissioners, 455 N Main – 10th Floor, Wichita KS 67202

McClatchy

The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
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Durham | The Herald-Sun
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Rock Hill | The Herald
The Sacramento Bee
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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	492203	Print Legal Ad-IPL01488550 - IPL0148855		$206.32	3	82 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

MAPC/BZA December 14, 2023
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, December 14, 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 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 WichitaSedgwick County Metropolitan Area Planning Department at (316) 2684421.**

CON2023-00057: Conditional Use to replace a previously constructed 499-foot wireless radio tower, generally located on the west side of North Salina Avenue and approximately 650 feet south of West 29th Street North (2829 North Salina Avenue).

CON2023-00058: Conditional Use request in the City for Warehouse/Self-Storage on property zoned LC Limited Commercial, located 300 feet north of 13th Street North, on the east side of North Broadway (1451 North Broadway).

CON2023-00059: Conditional Use request in the City to permit live entertainment and alcohol with an Event Center (defined as Night Club in the City) on property zoned LC Limited Commercial located on the north side of West 21 Street and within one-quarter mile west of North Broadway Ave (320 W 21st).

CON2023-00061: Conditional Use request in the City for Group Residence, General, on property zoned B Multi-Family District, generally located on the east side of North Emporia Avenue, within 100 feet north of East 10th Street North (1110 North Emporia Avenue).

CUP2023-00040: Minor Amendment in the City to CUP DP-195 to allow a car wash on property zoned LC Limited Commercial, generally located on the west side of North Rock Road, within 750 feet north of K-96 (3505 North Rock Road).

CUP2023-00041: CUP Minor Amendment in the City to remove portions of land from CUP DP-116, generally located north of East Kellogg Drive and west of North Webb Road (associated with ZON2023-00067).

CUP2023-00042: CUP Major Amendment in the City to remove land from CUP DP-48, generally located north of East Kellogg Drive and east of North Webb Road (associated with ZON2023-00067).

CUP2023-00043: CUP Major Amendment in the City to add land to, and amend General Provisions of CUP DP-15, generally located on the north side of East Kellogg Drive and west of South Webb Road (associated with ZON2023-00067).

PUD2023-00014: Zone change request in the City from CBD Central Business District to PUD Planned Unit Development to create Century II PUD to allow the addition of temporary special events to the "CBD" uses, located southwest corner of West Douglas Avenue and South Main Street.

VAC2023-00044: Vacation request in the City to vacate 30 feet of the 40-foot drainage easement at the east property line for future development on property zoned LC Limited Commercial District, generally located on the north side of West MacArthur Road, within 350 feet east of South West Street (3920 W. MacArthur).

VAC2023-00046: Vacation of platted front yard setback line to allow window well to be built, generally located on the NE corner of North Brownthrash Lane and West Frazier Lane (7442 West Frazier).

VAC2023-00047: Request in the City to vacate a portion of a platted alley located on the north side of East Waterman Street, between South Broadway and South Topeka Avenues.

ZON2023-00065: Zone Change request in the City from SF-5 Single- Family Residential to GO General Office for a funeral home, generally located on the east side of Tyler Road and within one-quarter mile north of West 29th Street North (3224 North Tyler Road).

ZON2023-00066: Zone change request in the City from TF-3 Two-Family Residential District to MF-29 Multi-Family Residential District to redevelop existing home into a multifamily dwelling, generally located on the southeast corner of South Osie Street and South Santa Fe Avenue (1704 South Santa Fe Avenue).

ZON2023-00067: Zone change from LC Limited Commercial District to GC General Commercial District (associated with CUP2023-00041, CUP2023-00042, CUP2023-00043), generally located north of East Kellogg Drive and west of South Webb Road.

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:

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 (316-2684464) 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 November 22, 2023
Scott Wadle, Secretary
WichitaSedgwick County
Metropolitan Area Planning Commission
IPL0148855
Nov 22 2023

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

1 insertion(s) published on:

11/22/23

STATE OF KANSAS)
SS
County of Sedgwick)

Stefani Beard, 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 11/22/2023 to 11/22/2023.

Stefani Beard

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 11/22/2023

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
December 14, 2023

STAFF REPORT

CASE NUMBER: **VAC2023-00046** - City Vacation of a portion of a platted 30-foot front setback.

APPLICANT Jose Gil (applicant)

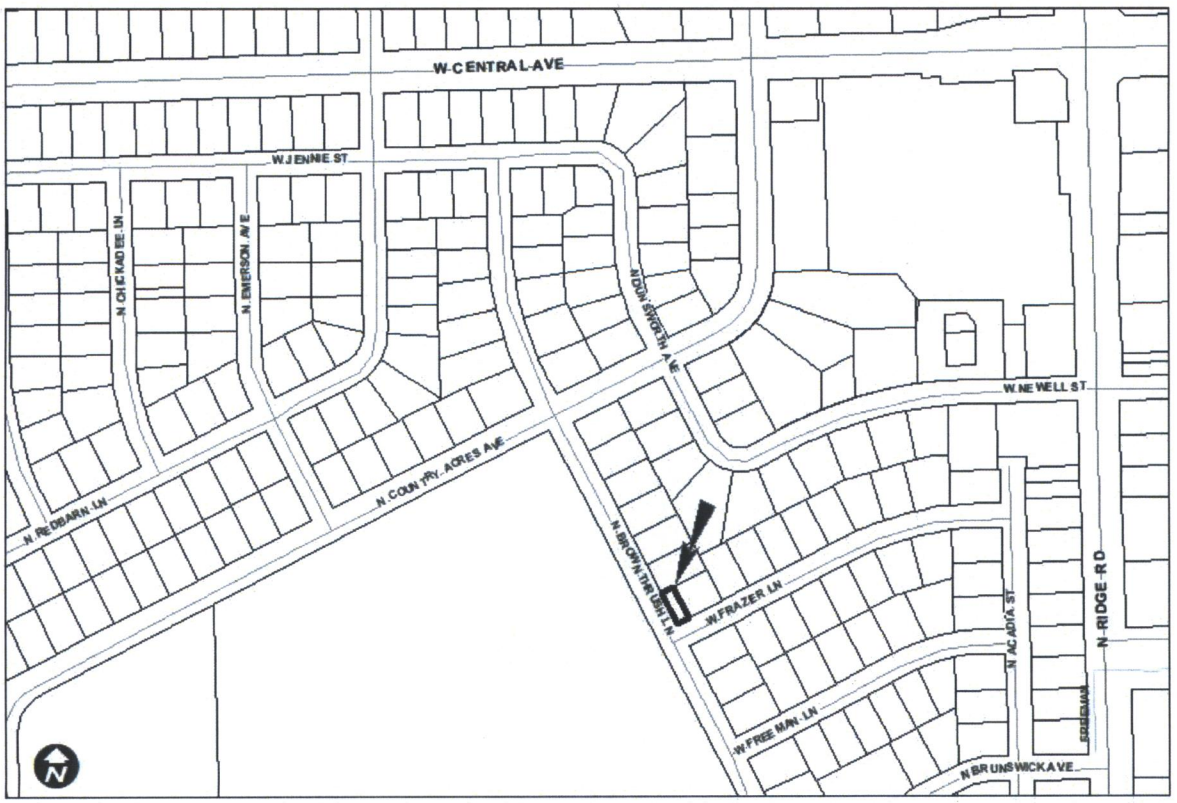
LEGAL DESCRIPTION: Generally described as vacating the platted 30-foot setback along North Brownthrush Lane on Lot 7, Block L, Meadowview Estates Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located one-block west of North Ridge Road and within one-quarter mile south of West Central Avenue (7442 West Fraizer Ln). (WCC V)

REASON FOR REQUEST: Construct an egress window well.

CURRENT ZONING: Site and adjacent properties are zoned SF-5 Single Family. Properties to the north, east, and south are developed with single-family dwellings. Property to the west is a park.

VICINITY MAP



The applicant proposes to vacate platted 30-foot setback along North Brownthrush Lane on Lot 7, Block L, Meadowview Estates Addition in order to let zoning setbacks apply. The property is addressed 7442 West Fraizer Lane and is generally located on one-block west of North Ridge Road and within one-quarter mile south of West Central Avenue. The purpose of this vacation is to construct a 3-foot by 4.5-foot egress window well. The lot is zoned SF-5 Single Family Residential District would have a front zoning setback of 25 feet. The proposed window well will be approximately 27 feet from the property line and not encroach into rhe zoning setback. The house on the site is oriented toward the street side yard along West Fraizer Lane. The proposed window well would be constructed on the side of the house, along North Brownthrush Lane.

Municipal water is in the North Brownthrush Lane right-of-way. Wichita Public Woks and Utilities does not object to this vacation. Neither Evergy nor Cox object to this vacation. Evergy has no equipment in the vacation area. Any relocation of Cox equipment is at the applicant's expense. The Meadowview Estates Addition was recorded on June 19, 1955.

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 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 November 23, 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 front 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.

Attachments:

1) Aerial Map
2) Site Plan

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval per staff recommendations.


VAC2023-00046
Storm Structures
Enclosed Gravity Pipe
Force Main
Open Channel
Siphon
Water Hydrants
Sewer Manholes
Sewer Mains
Water Valves
Water Mains
N BROWNTHRUSH LN
W FRAZIER LN
N
Software: ArcGIS
Map Data Sources:
City if Wichita
Sedgwick County
Prepared:11/3/2023
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.


7426
7442
N BROWNTHRUSH LN
25' Zoning Setback
W FRAZIER LN