Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30297424
Receipt #: 2419312
Pages Recorded: 2
Recording Fee: $0.00
Authorized By
Cashier: ealcala
Date Recorded: 03/21/2024 11:44:09 AM

BEFORE THE COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF A PORTION OF A PLATTED COMPLETE ACCESS CONTROL	)	
LOCATED ON THE SOUTH SIDE OF WEST MACARTHUR ROAD AND WITHIN ONE-QUARTER MILE EAST OF SOUTH 135TH STREET WEST	)	CASE NO. VAC2024-00006

VACATION ORDER

NOW on this 20th day of March 2024, at 9:00 o'clock A.M., comes the petition filed by Irma and Guadalupe Hernandez (owners); praying for the vacation of the following-described portion of a platted complete access control, to-wit:

Vacating the west 30 feet of the east 200 feet of platted complete access control over and across the north line of Lot 1, Block A, Irma Hernandez 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, February 1, 2024; 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 22nd day of February 2024, and recommended that the vacation petition herein be approved.

THEREFORE, IT IS ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, that the portion of a platted complete access control hereinabove described be the

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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 20 day of March, 2024.

ATTEST:

KELLY B. ARNOLD, County Clerk

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

RYAN K. BATY, Chairman
Commissioner, Fourth District

SARAH LOPEZ, Chair Pro Tem
Commissioner, Second District

APPROVED AS TO FORM:

KIRK W. SPONSEL
Deputy County Counselor

JIM HOWELL
Commissioner, Fifth District

DAVID T. DENNIS
Commissioner, Third District

PETE MEITZNER
Commissioner, First District

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CITY OF WICHITA

SEDGWICK COUNTY KANSAS

Wichita-Sedgwick County Metropolitan Area Planning Department

March 20, 2024

Irma Yolanda Hernandez
Guadalupe Hernandez
13301 W. MacArthur Rd.
Wichita, KS 67227

Ref: VAC2024-00006: Vacation request in the County to vacate a portion of access control to permit a new driveway; generally located on the south side of West MacArthur Road and within one-quarter mile east of South 135th Street West (13301 West MacArthur Road).

Irma and Guadalupe,

At the **Wednesday, March 20, 2024**, meeting of the Sedgwick County Board of County Commissioners (BOCC), the above-referenced vacation request was approved.

Sincerely,

Philip Zevenbergen
Current Plans Division Manager

PZ:IJ

CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

February 22, 2024

Irma Yolanda Hernandez
Guadalupe Hernandez
13301 W. MacArthur Rd.
Wichita, KS 67227

Ref: VAC2024-00006: Vacation request in the County to vacate a portion of access control to permit a new driveway; generally located on the south side of West MacArthur Road and within one-quarter mile east of South 135th Street West (13301 West MacArthur Road).

Irma and Guadalupe,

At the **Thursday, February 22, 2024**, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

(1) If recommended for approval by the Metropolitan Area Planning Commission, the applicant shall provide planning with a revised legal description, describing a location for a driveway that lines up with the existing driveway on the north side of West MacArthur Road that provides access to 13300 West MacArthur Road. This revised legal description must be provided to planning staff prior to the case going to the Sedgwick County Board of County Commissioners for final action. Provide planning staff with legal descriptions of the approved vacated portion of the platted access control on a Word document via e-mail to be used on the Vacation Order.

(2) The drive shall be constructed to County Standards and at the owner's expense.

(3) Any relocation or reconstruction of utilities made necessary by this vacation shall be to County Standards and the responsibility of the owner and at the expense of the owner, including the relocation of any power poles, equipment, or public utilities and drainage. Provide approval from those utilizes of any relocation of those impacted utilities prior to the case goes to Sedgwick County Board of County Commissioners for final action.

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

(5) 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 **March 07, 2024,** (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

MAPC

February 22, 2024

2-1. **SUB2024-00002: One-Step Final Plat – BUNKER HILL ADDITION;** located East of South Oliver Avenue, 900-ft south of the intersection of South Oliver Avenue and South George Washington Boulevard (City). **MOTION BY A.FOX SECOND BY C.MILES**	**APPROVED 14-0**
2-2. **SUB2024-00004: One-Step Final Plat – AZMI ADDITION;** located West along North Hillside Avenue and 825-ft South of East 85th Street North (COUNTY). **MOTION BY A.FOX SECOND BY C.MILES**	**APPROVED 14-0**
2-3. **SUB2024-00005: One-Step Final Plat – BALLPARK VILLAGE 2ND ADDITION;** located Northwest and Northeast corners of West Maple Street and South McLean Boulevard (City). **MOTION BY A.FOX SECOND BY C.MILES**	**APPROVED 14-0**
3-1. **VAC2024-00001: Vacation request in the City to vacate a portion of a utility easement to allow for a walking connection between two buildings on property zoned LI Limited Industrial District,** generally located on southeast corner of Esthner Avenue and Meridian Avenue (2621 W Esthner Ct). **MOTION BY J.BLICK SECOND BY J.WILLIAMS-BEY**	**APPROVED 14-0**
3-2. **VAC2024-00002: Vacation request in the City to vacate a sewer easement under an existing building,** located approximately 680 feet east of the intersection of S. Seneca St. and West 31st St. S. (928 W. 31st St. S.). **MOTION BY J.BLICK SECOND BY J.WILLIAMS-BEY**	**APPROVED 14-0**
3-3. **VAC2024-00003: Vacation request in the City to vacate a portion of a utility easement to develop a warehouse on existing property zoned GI General Industrial District,** generally located on southwest corner of 37th Street N & Saint Francis Street. **MOTION BY J.BLICK SECOND BY J.WILLIAMS-BEY**	**APPROVED 14-0**
3-4. **VAC2024-00004: Vacation request in the City to vacate a portion of Oak Street Right-of-Way to allow to create a private parking area for a commercial campus,** generally located on within one-block north of West Douglas Avenue and one block west of North Sycamore (130 N Oak St). **MOTION BY J.BLICK SECOND BY J.WILLIAMS-BEY**	**APPROVED 14-0**
3-5. **VAC2024-00005: Vacation request in the City to vacate a portion of a utility easement to allow for development on property zoned GC General Commercial (PO 282 & 416),** generally located on northwest corner of North Hoover Avenue & West Central Avenue (715 N & 721 N Hoover Ave). **MOTION BY J.BLICK SECOND BY J.WILLIAMS-BEY**	**APPROVED 14-0**
3-6. **VAC2024-00006: Vacation request in the County to vacate a portion of access control to permit a new driveway;** generally located on the south side of West MacArthur Road and within one-quarter mile east of South 135th Street West (13301 West MacArthur Road). **MOTION BY J.JOHNSON SECOND BY C.MILES**	**APPROVED 14-0**

Sedgwick Co. public notice

(Published in The Ark Valley News Feb. 1, 2024.)

MAPC February 22, 2024
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, February 22, 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, 3rd 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.**

DER2023-00017: Unified Zoning Code amendments (City and County) to the Use Regulations pertaining to requirements for all Solar Energy Conversion Systems (SECS) applications.

VAC2024-00006: Vacation request in the County to vacate a portion of access control to permit a new driveway; generally located on the south side of West MacArthur Road and within one-quarter mile east of South 135th Street West (13301 West MacArthur Road).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 3rd 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:

1) **Attend In-Person** at the **Ronald Reagan Building, 271 West Third Street, 3rd 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 February 1, 2024
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 1st day of February, 2024, with subsequent publications being made on the following dates:

_____, 2024 _____, 2024
_____, 2024 _____, 2024
_____, 2024 _____, 2024

_____

Subscribed and sworn to before me this 1st day of February, 2024.

_____
Notary Public

My commission expires

Additional copies $

Printer's fee

LISA K. STRUNK NOTARY PUBLIC 4/24/24 STATE OF KANSAS

METROPOLITAN AREA PLANNING COMMISSION

AGENDA REPORT NO. 3.6
February 22, 2024

STAFF REPORT

CASE NUMBER: **VAC2024-00006**- Request in the County to vacate a portion of platted access control located along West MacArthur Road

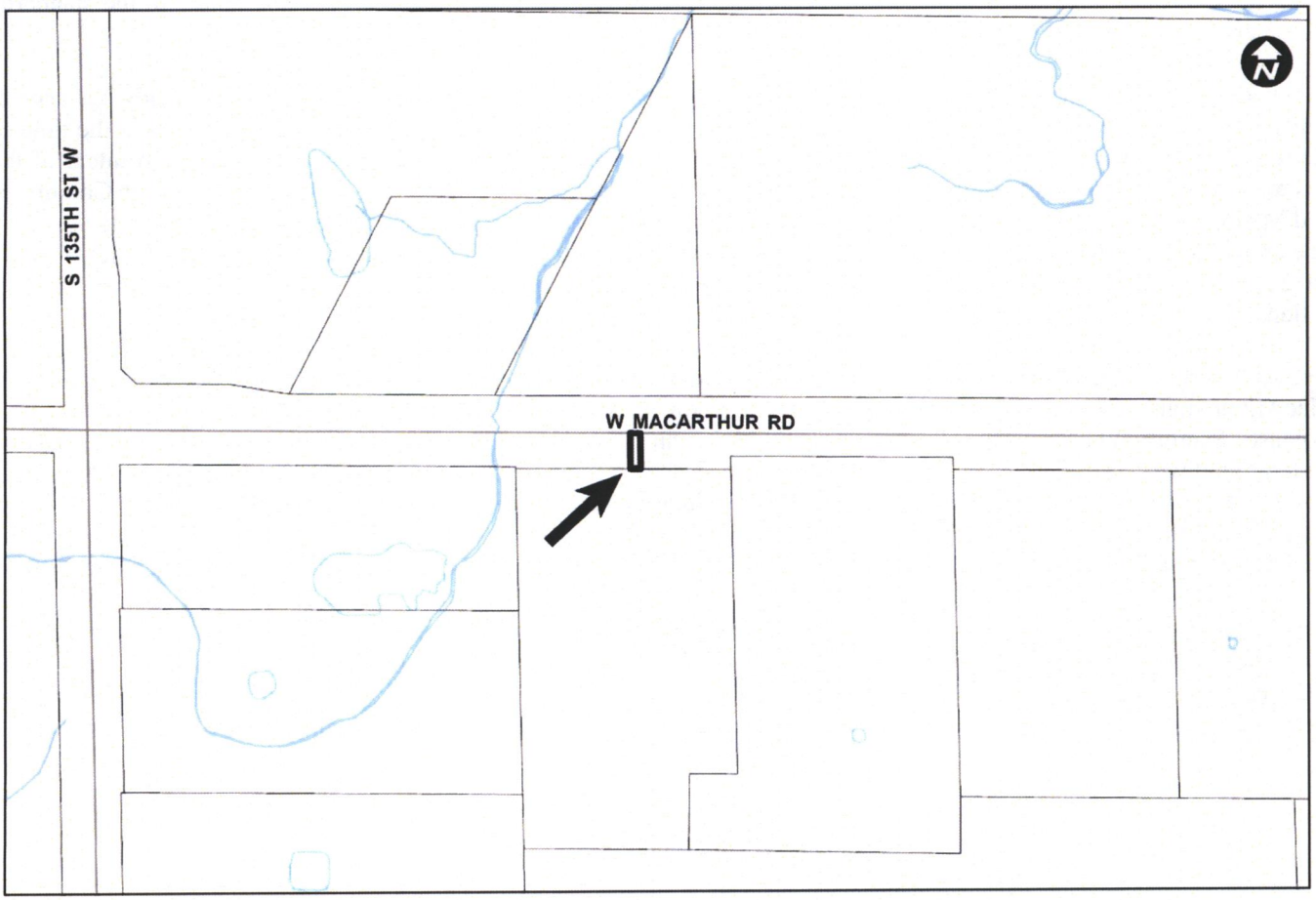
APPLICANTS: Irma Yolanda Hernandez and Guadalupe Hernandez (applicants)

LEGAL DESCRIPTION: Generally described as vacating the west 17 feet of the east 167 feet of platted complete access control over and across the north line of Lot 1, Block A, Irma Hernanzez Addition, Sedgwick County, Kansas.

LOCATION: Generally located on the south side of West MacArthur Road, within one-quarter mile east of South 135th Street West (13301 West MacArthur Road).

REASON FOR REQUEST: To add new driveway in addition to existing shared driveway.

CURRENT ZONING: The subject site and properties on all sides are zoned SF-20 Single-Family Residential District and are developed with large lot single-family residences or agricultural uses.



The applicant proposes to vacate the west 17 feet of the east 167 feet of platted complete access control over and across the north line of Lot 1, Block A, Irma Hernandez Addition, Sedgwick County, Kansas. The subject site is located on the south side of West MacArthur Road and within one-quarter mile east of South 135th Street West (13301 West MacArthur Road). The site is developed with a single-family residence, constructed in 2022. Current access to the site is via a shared driveway centered along the east property line, dedicated by separate instrument in 2015 on Doc#/Flm-PG:29574921 for ingress and egress for both the subject property and the property to the east. The applicant is requesting to add an additional driveway with direct access to their home, approximately 150 feet west of the share driveway due to disputes with the neighbor.

At this location, West MacArthur Road is a two-way, paved street with open ditches. The existing shared driveway lines up with a field access drive on the north side of West MacArthur. Approximately 180 feet west of the shared access driveway is a private driveway on the north side of West MacArthur Road serving the dwelling at 13300 West MacArthur Road. If the proposed new driveway is approved, the requested located does not line up with the existing driveway on the north side and would have conflicting left turn movements.

The Sedgwick County Access Management Policy requires a 660-foot minimum offset for drives on the same side of the street with full turning movements or drives on opposite sides of the street with conflicting left-turns. A 330-foot minimum spacing is required for drives that allow right-in-right-out only or drives on opposite sides of the street that do not line up or have conflicting left-turn movements. The Sedgwick County Access Management Policy permits deviations from these standards in situations where the character of the site, development, street or area presents unusual conditions and application of the standards will cause an undue hardship or impracticality. Additionally, Article 10- 104 of the Subdivision Regulations, Modification of Design Criteria, states that the MAPC may modify design criteria.

In 2021, the Irma Hernandez Addition was platted in order to developed the single-family residence. The ingress/egress easement for the share driveway predates the plat. At the time of platting, Sedgwick County Public Works recommended using the existing shared driveway to avoid permitting an addition drive access that would not adhere to the standards aforementioned Access Management Policy.

Sedgwick County Public Works recommends that the vacation request be denied as the subject site already has access, which was established only nine years ago, and the current applicant agreed to using the established access at the time of platting in 2021. Adding an additional driveway along West MacArthur Road is opposed to the spirit and intent of the Access Management Policy. Sedgwick County Public Works commented that should the will of the Subdivision Committee and MAPC be to recommend approval of the request, that the location of the proposed driveway be moved farther west to line up with the existing driveway on the north side of West MacArthur Road. In order for this to occur the applicant would have to provide Planning with a revised legal description before the case go to the Board of County Commissioners for final action.

Neither Evergy nor Cox have any objection to the vacation request. Evergy has lines along the south side of the West MacArthur right-of-way. In need to relocate a pole if a new driveway is permitted to be constructed is at the applicant's expense. Sammy Whelan, Area Design Representative, can be contacted for this item at 316-261-6334. Cox has an underground wire near the east end of the current vacation area. If a new driveway is approved farther west, per Sedgwick County recommendation, the location of the underground line should not interfere with the location of a new driveway. Any relocation of the line is at the applicant's expense. Conditions #3, and #4 cover all utilities. Vehicular traffic, pedestrian traffic, public safety, and utilities should not be impacted by this vacation request if approved with the listed conditions.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from County 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 portions of the platted complete access control.

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 February 1, 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 access control 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) If recommended for approval by the Metropolitan Area Planning Commission, the applicant shall provide planning with a revised legal description, describing a location for a driveway that lines up with the existing driveway on the north side of West MacArthur Road that provides access to 13300 West MacArthur Road. This revised legal description must be provided to planning staff prior to the case going to the Sedgwick County Board of County Commissioners for final action. Provide planning staff with legal descriptions of the approved vacated portion of the platted access control on a Word document via e-mail to be used on the Vacation Order.

(2) The drive shall be constructed to County Standards and at the owner's expense.

(3) Any relocation or reconstruction of utilities made necessary by this vacation shall be to County Standards and the responsibility of the owner and at the expense of the owner, including the relocation of any power poles, equipment, or public utilities and drainage. Provide approval from those utilizes of any relocation of those impacted utilities prior to the case goes to Sedgwick County Board of County Commissioners for final action.

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

(5) 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

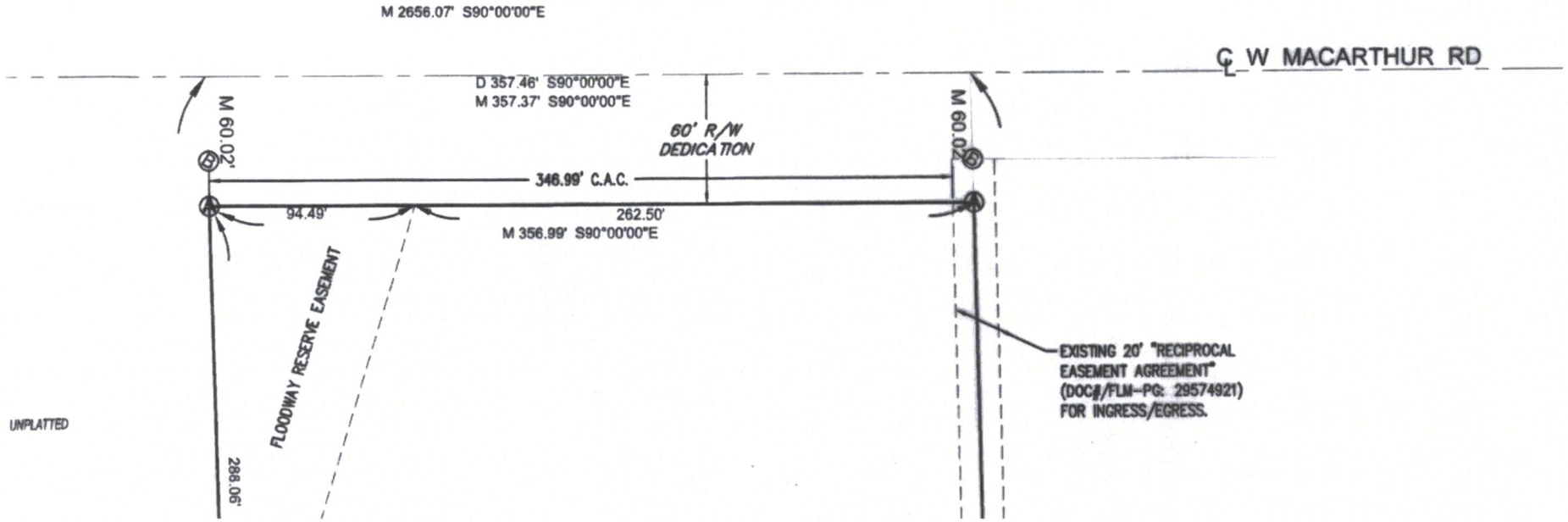
The Subdivision Committee recommends approval per staff recommendations.

Attachments:
1. Irma Hernanzez Addition Plat Detail
2. Aerial Map
3. Exhibit
4. Site Photos

FINAL PLAT

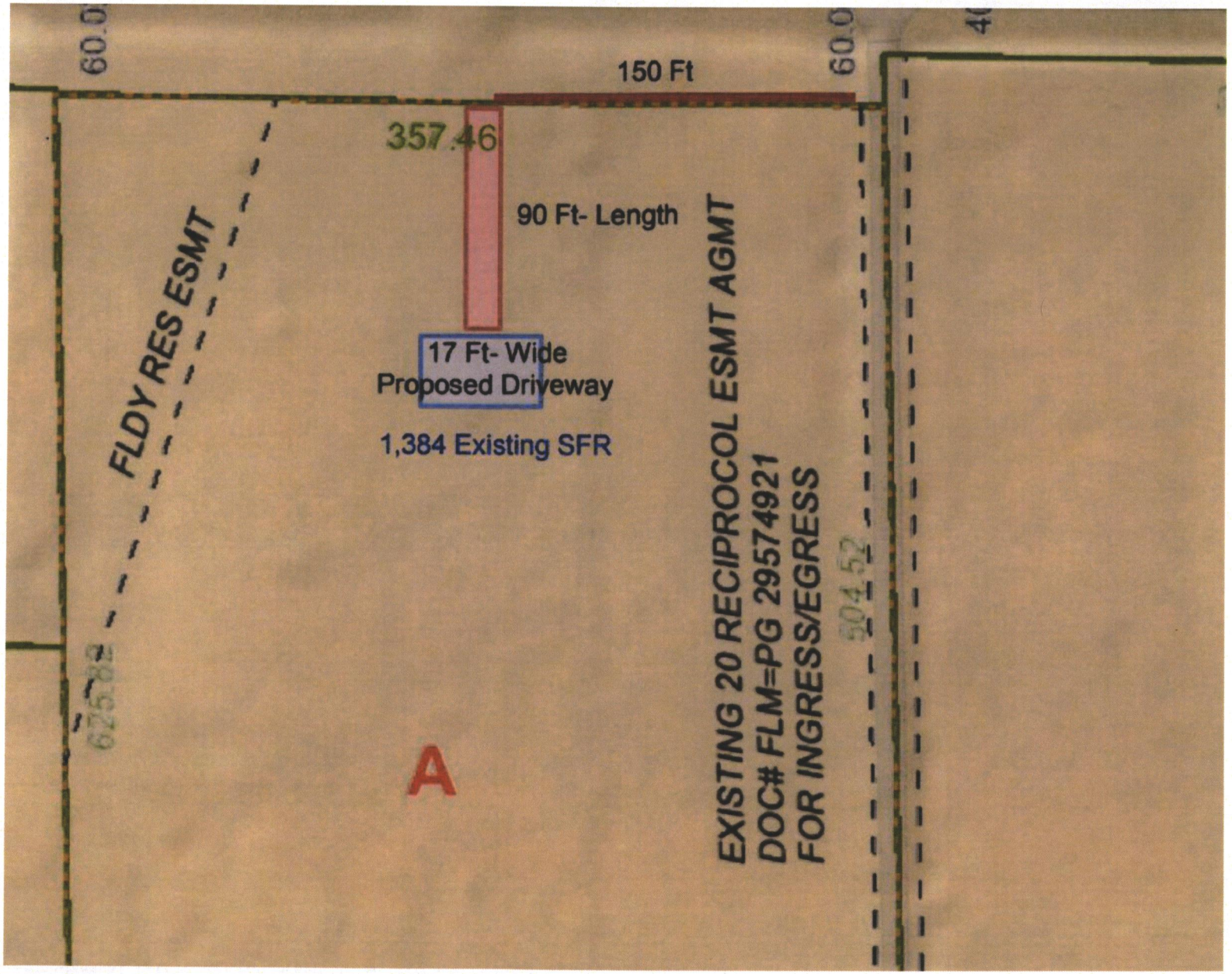
IRMA HERNANDEZ ADDITION

AN ADDITION TO SEDGWICK COUNTY
A PORTION OF THE NORTHWEST QUARTER OF SECTION 13,
TOWNSHIP 28 SOUTH, RANGE 2 WEST OF THE 6TH PRINCIPAL
MERIDIAN, SEDGWICK COUNTY, KANSAS



Attachment 2. Applicant's Exhibit


VAC2024-00006
Storm Structures
Enclosed Gravity Pipe
Force Main
Open Channel
Siphon
Water Hydrants
Sewer Manholes
Sewer Mains
Water Valves
Water Mains
W MACARTHUR RD
N
Software: ArcGIS
Map Data Sources:
City if Wichita
Sedgwick County
Prepared:1/19/2024
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.


60.0
150 Ft
60.0
357.46
90 Ft- Length
FLDY RES ESMT
17 Ft- Wide
Proposed Driveway
1,384 Existing SFR
EXISTING 20 RECIPROCOL ESMT AGMT
DOC# FLM=PG 29574921
FOR INGRESS/EGRESS
504.52
675.82
A

Looking south at shared access drive



Looking north at driveway north of site



Looking south at subject site

