Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30309032
Receipt #: 2427094
Pages Recorded: 2
Recording Fee: $0.00
Authorized By
Cashier: epage
Date Recorded: 05/16/2024 02:16:08 PM

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

IN THE MATTER OF THE VACATION OF A PORTION OF PLATTED COMPLETE ACCESS CONTROL	)	
GENERALLY LOCATED WITHIN ONE-BLOCK EAST OF SOUTHEAST BOULEVARD AND WITHIN ONE-QUARTER MILE NORTH OF EAST PAWNEE AVENUE	)	**VAC2024-00012**

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 14th day of May 2024, comes on for hearing the petition for vacation filed by D4 Investments, LLC, (owner) praying for the vacation of a portion of platted complete access control, to wit:

> Vacating the East 24 feet of the West 90 feet of platted complete access control onto East Stafford Street over and across the North property line of the North 170 feet of Lot 2, Bomhoff 2nd 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 March 21, 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 platted complete access control 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 platted complete access control should be approved.

UNOFFICIAL COPY

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 14th day of May 2024, ordered that the above-described portion of platted complete access control is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order and the dedication of access control 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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Lily Wu, Mayor, City of Wichita

ATTEST:

Jamie Buster, City Clerk

Approved as to Form:

Jennifer Magana, City Attorney and Director of Law

May 14, 2024
VAC2024-00012

Wichita-Sedgwick County Metropolitan Area Planning Department

May 16, 2024

D4 Investments, LLC
2025 N. Clear Creak Ct.
Wichita, KS 67230

MH Development, LLC
2008 S. Hydraulic Ave.
Wichita, KS 67211

Ref: VAC2024-00012: Vacation request in the City to vacate a portion of a platted complete access control on property located one-block east of Southeast Boulevard and within one-quarter mile north of East Pawnee Avenue.

Dear Applicant;

At its regular meeting on **May 14, 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

April 12, 2024

D4 Investments, LLC
2025 N. Clear Creak Ct.
Wichita, KS 67230

MH Development, LLC
2008 S. Hydraulic Ave.
Wichita, KS 67211

Ref: VAC2024-00012: Vacation request in the City to vacate a portion of a platted complete access control on property located one-block east of Southeast Boulevard and within one-quarter mile north of East Pawnee Avenue.

To Whom It May Concern,

At the **Thursday, April 12, 2024**, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

(1) 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.

(2) All improvements shall be according to City Standards and at the applicants' expense.

(3) Vacation of the described portion of platted complete access control located on and running parallel with the north property line of the north 170 feet of Lot 2, Bomhoff 2nd Addition, is contingent on approval by the Traffic Engineer and the Fire Department. Traffic Engineering requires this drive access to be right-in/right-out only.

(4) 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.

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 **April 25, 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:IJ

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
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

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	532634	Print Legal Ad-IPL01649120 - IPL0164912		$158.10	2	94 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 March 21, 2024
(One Time Only)
MAPC/BZA April 11, 2024
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, April 11, 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.

BZA2024-00009: Variance request in the City to reduce the front setback from 25 feet to approximately 12 feet to allow construction of a front porch on the property zoned SF-5 Single-Family Residential District, located on West 31st Street South and 129 feet west of South Osage Avenue (812 West 31st Street South).

CON2024-00012: Conditional Use request in the City to allow an Entertainment Establishment (cabaret-type club/nightclub with the provision of alcohol); located one-quarter mile east of South Webb Road and north of I-35 (10001 East Kellogg Drive, Suite #2).

CON2024-00013: Conditional Use request in the City to waive compatibility standards for 105-foot telecommunications tower with 5-foot lightning rod on property zoned Limited Industrial, generally located on the west side of South Mosley Avenue, within one-quarter mile north of East Harry Street (1325 South Mosley).

CON2024-00014: Conditional Use request in the City to allow an Entertainment Establishment (events with music and alcohol associated with retail store) within 300 feet of a public park, generally located on the southwest corner of East Douglas Avenue and South Saint Francis Avenue (523 East Douglas Avenue).

CUP2024-00005: CUP Amendment in the City to CUP DP-357 to change parcel boundaries, rename to "OneRise" and to modify uses to permit Correctional Placement Residence and Correctional Facility for State Mental Health Hospital (with ZON2024-00014), located at the northwest corner of S. Meridian Ave and W. MacArthur Rd.

PUD2024-00004: Zone change request in the City from TF-3 Two-Family Residential and MF-18 Multi-Family Residential to the PUD to allow multi-family residential with non-standard building setbacks; generally located on the east side of North Hillside Avenue and within one-half mile south of East 53rd Street North.

VAC2024-00012: Vacation request in the city of Control Access, generally located on the south side of East Stafford Street and within one-quarter mile of South Southeast Boulevard.

VAC2024-00013: Vacation request in the City to vacate a portion of the platted setback and platted utility easement along Polo Street, generally located at the northwest corner of Polo Street and West 12th Street North (2033 West 12th Street North).

ZON2024-00014: Zone Change request in the City from GC General Commercial to LI Limited Industrial with CUP2024-05, generally located the north side of West MacArthur Road and within one-half mile west of South Meridian 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:

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 March 21, 2024
Scott Wadle, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission
IPL0164912
Mar 21 2024

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

1 insertion(s) published on:
03/21/24

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 03/21/2024 to 03/21/2024.

Mary Castro

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 03/21/2024

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!

METROPOLITAN AREA PLANNING COMMISSION

AGENDA REPORT NO. 3.2
April 11, 2024

STAFF REPORT

CASE NUMBER: **VAC2024-00012** – Request to vacate a portion of platted complete access control.

OWNER/APPLICANT: D4 Investments, LLC (applicant); MH Development, LLC (agent).

LEGAL DESCRIPTION: Generally described as vacating the east 24 feet of the west 90 feet of platted complete access control onto East Stafford Street over and across the north property line of the north 170 feet of Lot 2, Bomhoff 2nd Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located within one-block east of Southeast Boulevard and within one-quarter mile north of East Pawnee Avenue. (District III)

REASON FOR REQUEST: Permit access drive for future development.

CURRENT ZONING: The subject site is zoned GC General Commercial District (GC). Property to the south is zoned GC and development with an autobody repair shop. Property to the west is zoned LC Limited Commercial District (LC) and developed with retail. Properties to the north and east are zoned TF-3 Two-Family Residential District and developed with duplexes and single-family dwellings.

VICINITY MAP:



The applicant is requesting a vacation of a portion of platted complete access control to permit a 24-foot drive onto the north 170 feet of Lot 2, Bomhoff 2nd Addition. This will provide access to an undeveloped parcel, which intended to assist in future development. Entirety of Lot 2 consists of the subject site in addition to the GC property abutting to the south. When it was platted, complete access control was dedicated along the East Stafford Street frontage, which required all access to the commercial site along the south frontage, off East Blake Street. In 2024, the north 170 feet was split from the larger portion of Lot 2 in order to be developed separately (Lot Split LSP2024-00004). The north 170 feet of Lot 2 has a platted 35-foot building setback along East Stafford Street that will remain. Any future commercial development must adhere to this setback and compatibility setbacks along the east property line where abutting TF-3 zoning.

If approved, the proposed 24-foot drive access would be less than 50 feet from the nearest private drive approach on East Stafford Street. East Stafford Street is classified as a local street and access management standards do not apply. Wichita Traffic Engineering does not object to this request. There is a City water line that crosses the subject vacation area. Construction of a drive should not impact the water line. Wichita Public Works and Utilities does not object to this vacation. Neither Evergy nor Cox object to this vacation. They do not have any lines or equipment in the area. The Bomhoff 2nd Addition was recorded July 12, 1978.

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 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 March 21, 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) 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.

(2) All improvements shall be according to City Standards and at the applicants' expense.

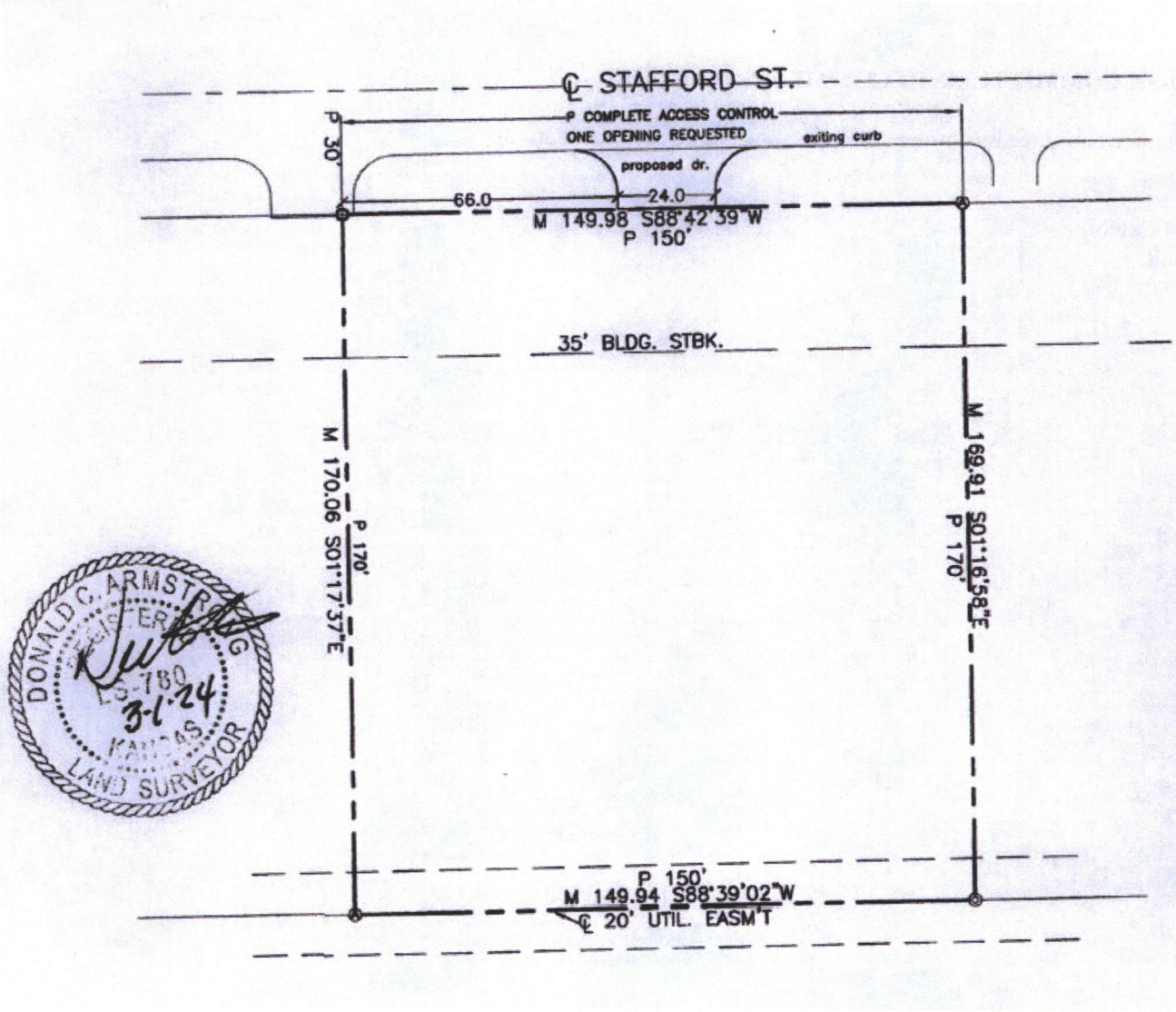
(3) Vacation of the described portion of platted complete access control located on and running parallel with the north property line of the north 170 feet of Lot 2, Bomhoff 2nd Addition, is contingent on approval by the Traffic Engineer and the Fire Department. Traffic Engineering requires this drive access to be right-in/right-out only.

(4) 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.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval per staff recommendations.

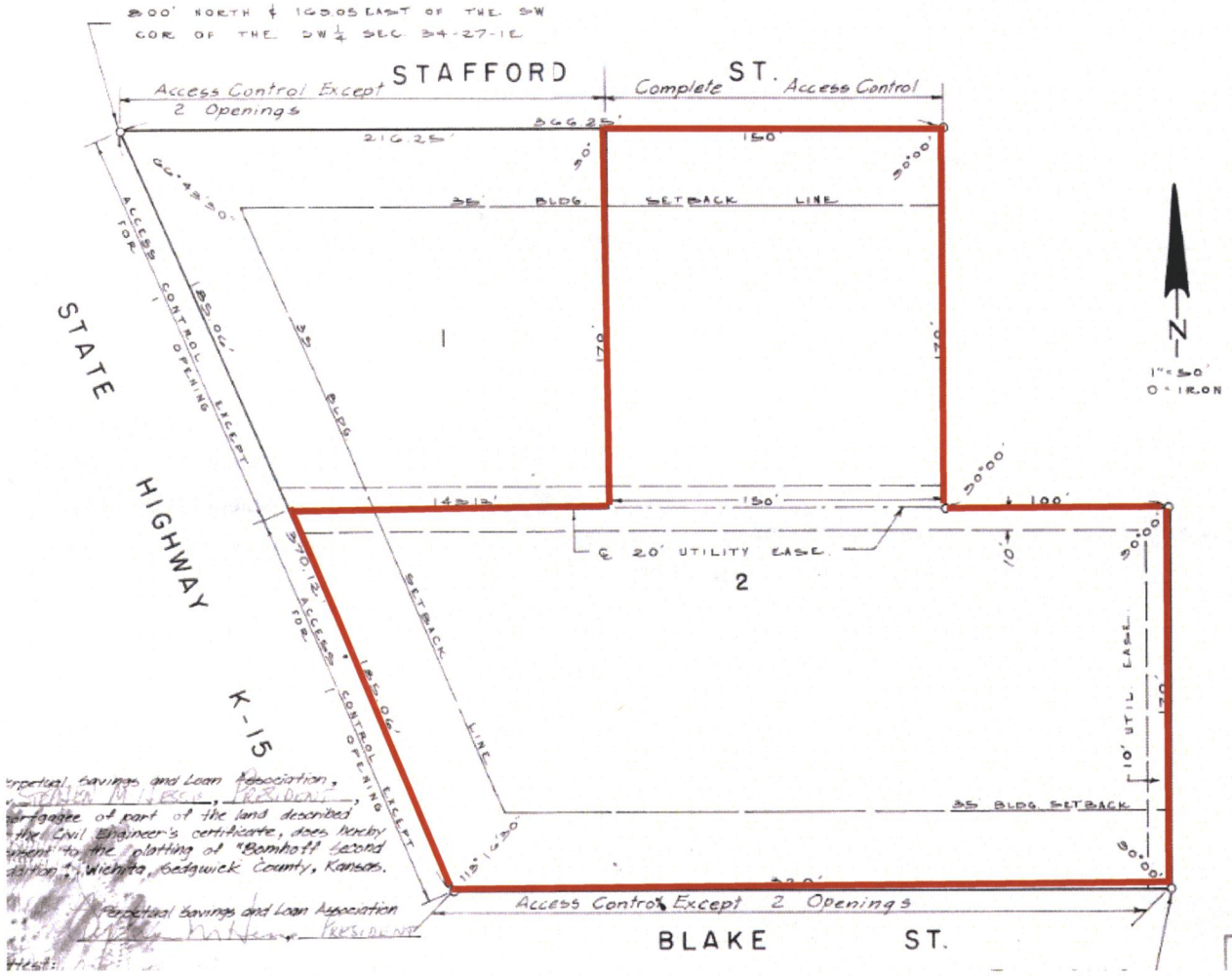
Attachments:
1. Vacation Exhibit
2. Plat Detail
3. Aerial Map


℄ STAFFORD ST.
P COMPLETE ACCESS CONTROL
ONE OPENING REQUESTED
exiting curb
proposed dr.
P 30'
66.0
24.0
M 149.98 S88°42'39"W
P 150'
35' BLDG. STBK.
M 170.06 S01°17'37"E
P 170'
M 169.91 S01°16'58"E
P 170'
P 150'
M 149.94 S88°39'02"W
℄ 20' UTIL. EASM'T
DONALD C. ARMSTRONG
LS-780
3-1-24
KANSAS
LAND SURVEYOR

Plat Detail

BOMHOFF SECOND ADDITION

WICHITA, SEDGWICK COUNTY, KANSAS



State of Kansas, County of Sedgwick, SS.

I, Kenneth O. Taylor, Civil Engineer in said St
I have surveyed and platted "BOMHOFF SECOND ADD
Kansas and that the accompanying plat is A REPL
of said survey described as follows: Lots 19,
Bomhoff Addition to Wichita, Sedgwick County, K

Lots 4, 5 and 6, Block C, Bomhoff Addition to W
by H. Russell Bomhoff and John C. Bomhoff.

Lots 1, 2 and 3, Block C, Bomhoff Addition to W
by John C. Bomhoff. The alleys are vacated and rep

Kenneth
3-14-78 Kenneth O.

Know all men by these presents that we, H. Russ
band and wife and John C. Bomhoff and Rosemary
the land described in the Civil Engineer's cert
known as "BOMHOFF SECOND ADDITION", Wichita, Se
ments as indicated on the plat are hereby grant
of all public utilities. All abutter's rights
over and across the west line of Lots 1 and 2 a
Wichita, provided, however, that Lots 1 and 2 s
at one location each to be designated by the Ci
abutter's rights of access to or from Stafford
of Lots 1 and 2 are hereby granted to the City
Lot 1 shall have access to Stafford Street at th
City Engineer of Wichita, Kansas. All abutter'
Street over and across the south line of Lot 2
Wichita, provided, however, that Lot 2 shall ha
tions to be designated by the City Engineer of

H. Russell Bomhoff

Elgeva I. Bomhoff
Elgeva I. Bomhoff

State of Kansas, County of Sedgwick, SS.

The foregoing instrument was acknowledged before
APRIL, 19 78 by H. Russel
husband and wife.

SHARI BEVAN
NOTARY PUBLIC

perpetual Savings and Loan Association,
[illegible], PRESIDENT,
mortgagee of part of the land described
the Civil Engineer's certificate, does hereby
sent to the platting of "Bomhoff Second
dition", Wichita, Sedgwick County, Kansas.

Perpetual Savings and Loan Association
[illegible] PRESIDENT

Attest:

VAC2024-00012

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

N

