Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30309033
Receipt #: 2427094
Pages Recorded: 2
Recording Fee: $0.00
Authorized By:
Cashier: epage
Date Recorded: 05/16/2024 02:16:09 PM

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

IN THE MATTER OF THE VACATION OF A PORTION OF A PLATTED UTILITY EASEMENT AND A PORTION OF A PLATTED SETBACK	)	
GENERALLY LOCATED ONE-BLOCK EAST OF NORTH AMIDON AVENUE AND WITHIN ONE-QUARTER MILE SOUTH OF WEST 13TH STREET NORTH	)	**VAC2024-00013**

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 14th day of May 2024, comes on for hearing the petition for vacation filed by Marilyn and David Grisham, (owners) praying for the vacation of a portion of a platted utility easement and a portion of a platted setback, to wit:

> Vacating that portion of a 15.00 foot wide Building Setback and 15.00 foot wide Street, Drainage, and Utility Easement lying within Lot 8, Block B, Riverside Patio Homes Addition, Wichita, Sedgwick County, Kansas as prepared by Baughman Company, P.A., CLS 58, State of Kansas, County of Sedgwick, more particularly described as commencing at the southwest corner of Lot 8, in said Block B, said point being common with the southeast corner of Reserve "B" lying within said Riverside Patio Homes Addition; thence N37°42'35"W coincident with the southwest boundary line of Lot 8, in said Block B, 17.98 feet to a point in a non-tangent curve to the right, and to a point in the north line of said 15.00 foot wide Building Setback and 15.00 foot side Street, Drainage, and Utility Easement; thence northeasterly coincident with the north line of said 15.00 foot wide Building Setback and 15.00 foot wide Street, Drainage, and Utility Easement, being a curve to the right having a radius of 631.00 feet, an arc length of 16.64 feet, a chord length of 16.64 feet, and a chord bearing of N86°03'23"E, to the Point of Beginning; thence continue coincident with the north line of said 15.00 foot wide Building Setback and 15.00 foot wide Street, Drainage, and Utility Easement, being a curve to the right having a radius of 631.00 feet, an arc length of 8.96 feet, a chord length of 8.96 feet, and a chord bearing of N87°13'07"E, thence S52°17'25"W, 7.35 feet, thence N37°42'35"W, 5.13 feet to the Point of Beginning.

UNOFFICIAL COPY

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 a platted utility easement and a 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 utility easement and a portion of a platted setback should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 14th day of May 2024, ordered that the above-described portion of a platted utility easement and a portion of a platted setback are 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

THE CITY OF WICHITA SEDGWICK COUNTY, KANSAS

Approved as to Form:

Jennifer Magana, City Attorney and Director of Law

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 UTILITY EASEMENT AND A PORTION OF A PLATTED SETBACK	)	
GENERALLY LOCATED ONE-BLOCK EAST OF NORTH AMIDON AVENUE AND WITHIN ONE-QUARTER MILE SOUTH OF WEST 13TH STREET NORTH	)	**VAC2024-00013**

MORE FULLY DESCRIBED BELOW

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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 a platted utility easement and a 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 utility easement and a portion of a platted setback should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 14th day of May 2024, ordered that the above-described portion of a platted utility easement and a portion of a platted setback are 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

THE CITY OF WICHITA SEDGWICK COUNTY, KANSAS

Approved as to Form:

Jennifer Magana, City Attorney and Director of Law

May 14, 2024
VAC2024-00013

Wichita-Sedgwick County Metropolitan Area Planning Department

May 16, 2024

Marilyn and David Grisham
418 S. Commerce
Wichita, KS 67202

Trademark Inc.
Attn: Mike Strelow
1831 S. Anna St.
Wichita, KS 67209

Ref: VAC2024-00013: Vacation request in the City to vacate a portion of a platted utility easement and a platted setback on property located one-block west of North Amidon Ave. and within one-quarter mile south of West 13th Street North.

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

SEDGWICK COUNTY KANSAS

Wichita-Sedgwick County Metropolitan Area Planning Department

April 12, 2024

Marilyn and David Grisham
418 S. Commerce
Wichita, KS 67202

Trademark Inc.
Attn: Mike Strelow
1831 S. Anna St.
Wichita, KS 67209

Ref: VAC2024-00013: Vacation request in the City to vacate a portion of a platted utility easement and a platted setback on property located one-block west of North Amidon Ave. and within one-quarter mile south of West 13th Street North.

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) Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the described portion of a utility easement shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.

(2) 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.

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

(4) Per the approval of Public Works, vacate the described portion of platted 15-foot utility easement and 15-foot platted building setback located on Lot 8, Block B, Riverside Patio Homes Addition, Wichita, Sedgwick County, Kansas.

(5) Provide Planning with a legal description of the vacated portion of the platted utility easement on a Word document via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Council for final action.

(6) 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. 3.3
April 11, 2024

STAFF REPORT

CASE NUMBER: **VAC2024-00013** - Request to vacate a portion of a platted utility easement and platted setback.

OWNER/APPLICANT: Marilyn and David Grisham (applicants)/ Trademark, Inc. (Agent)

LEGAL DESCRIPTION: Generally described as vacating a portion of the platted 15-foot utility easement and the same portion of the platted 15-foot building setback on Lot 8, Block B, Riverside Patio Homes Addition, Wichita, Sedgwick County, Kansas (See attached legal description).

LOCATION: Generally located one-block west of North Amidon Avenue and within one-quarter mile south of West 13th Street North (WCC VI)

REASON FOR REQUEST: To permit construction of a single-family dwelling.

CURRENT ZONING: The subject site and properties on all sides are zoned B Multi-Family Residential District (B) and some are undeveloped residential lots, other are developed with single-family dwellings.

VICINITY MAP:



The applicants propose to vacate a triangular portion of a platted 15-foot utility easement and the same portion of a platted 15-foot building setback on Lot 8, Block B, Riverside Patio Homes Addition, see legal description and exhibits. If approved the applicants are intending to build a single-family dwelling. Lot 8 essentially is a through-lot with frontage along West 12th Street North and West Polo Street. As seen on the site plan, the applicants are intending to construct a single-family dwelling fronting West 12th Street North. A small portion of the rear of the house would encroach approximately five feet (and 21.4 square feet) into this platted easement and setback.

Public Works and Utilities does not object to the vacation request. There are no public utilities in the vacation area. Neither Evergy nor Cox object to this vacation. They do not have any lines or equipment in the area. The Riverside Patio Homes Addition was recorded on March 11, 2021.

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 utility easement and 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 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 easement and platted building 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) Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the described portion of a utility easement shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.

(2) 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.

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

(4) Per the approval of Public Works, vacate the described portion of platted 15-foot utility easement and 15-foot platted building setback located on Lot 8, Block B, Riverside Patio Homes Addition, Wichita, Sedgwick County, Kansas.

(5) Provide Planning with a legal description of the vacated portion of the platted utility easement on a Word document via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Council for final action.

(6) 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

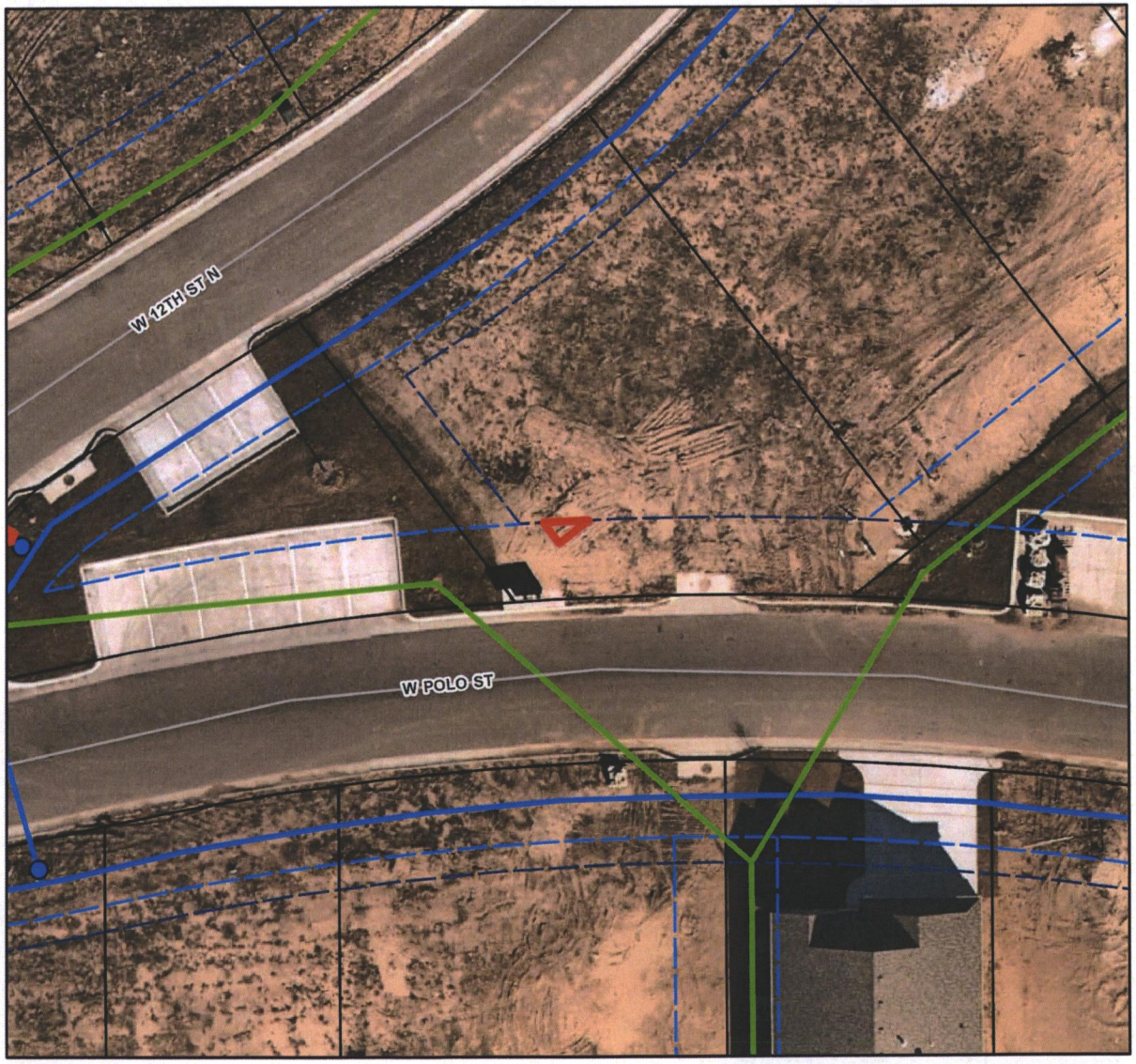
The Subdivision Committee recommends approval per staff recommendations.

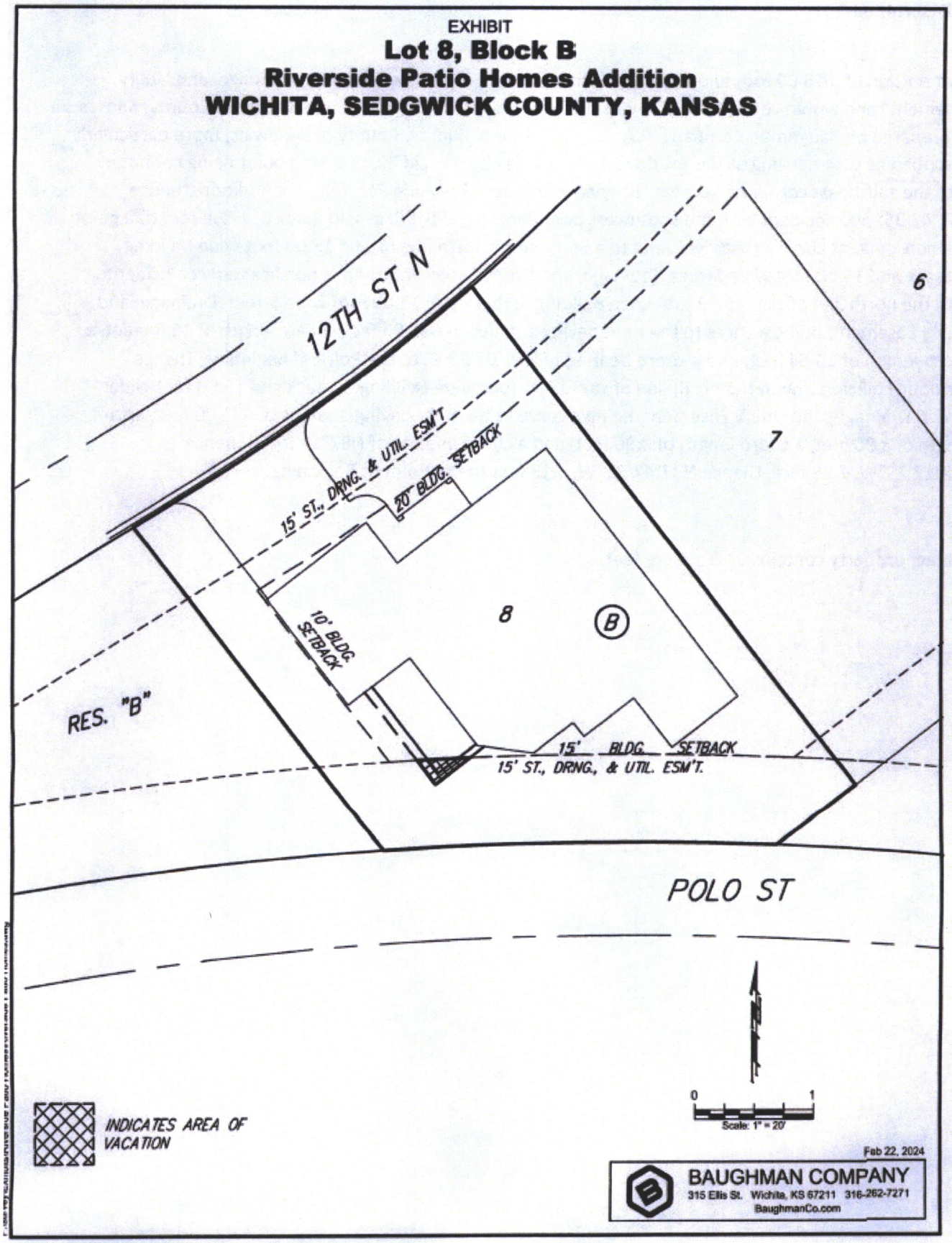
Attachments: Aerial Map, Vacation Exhibit, Legal Description

VAC2024-00013

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

N




EXHIBIT
Lot 8, Block B
Riverside Patio Homes Addition
WICHITA, SEDGWICK COUNTY, KANSAS
12TH ST N
6
7
15' ST., DRNG. & UTIL. ESM'T
20' BLDG. SETBACK
10' BLDG. SETBACK
8
B
RES. "B"
15' BLDG. SETBACK
15' ST., DRNG., & UTIL. ESM'T.
POLO ST
INDICATES AREA OF VACATION
0
1
Scale: 1" = 20'
Feb 22, 2024
BAUGHMAN COMPANY
315 Ellis St. Wichita, KS 67211 316-262-7271
BaughmanCo.com

Legal Description

That portion of a 15.00 foot wide Building Setback and 15.00 foot wide Street, Drainage, and Utility Easement lying within Lot 8, Block B, Riverside Patio Homes Addition, Wichita, Sedgwick County, Kansas as prepared by Baughman Company, P.A., CLS 58, State of Kansas, County of Sedgwick, more particularly described as commencing at the southwest corner of Lot 8, in said Block B, said point being common with the southeast corner of Reserve "B" lying within said Riverside Patio Homes Addition; thence N37°42'35"W coincident with the southwest boundary line of Lot 8, in said Block B, 17.98 feet to a point in a non-tangent curve to the right, and to a point in the north line of said 15.00 foot wide Building Setback and 15.00 foot wide Street, Drainage, and Utility Easement; thence northeasterly coincident with the north line of said 15.00 foot wide Building Setback and 15.00 foot wide Street, Drainage, and Utility Easement, being a curve to the right having a radius of 631.00 feet, an arc length of 16.64 feet, a chord length of 16.64 feet, and a chord bearing of N86°03'23"E, to the Point of Beginning; thence continue coincident with the north line of said 15.00 foot wide Building Setback and 15.00 foot wide Street, Drainage, and Utility Easement, being a curve to the right having a radius of 631.00 feet, an arc length of 8.96 feet, a chord length of 8.96 feet, and a chord bearing of N87°13'07"E; thence S52°17'25"W, 7.35 feet; thence N37°42'35"W, 5.13 feet to the Point of Beginning.

Subject property contains 21.4 square feet.