



Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30314150

Receipt #: 2430431
Pages Recorded: 2

Recording Fee: \$0.00

Cashier: bjaCkeon

Authorized By: Tonya Buckingham

Date Recorded: 06/10/2024 03:26:23 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**

**GENERALLY LOCATED SOUTH OF EAST 37TH STREET
NORTH AND ONE-QUARTER MILE EAST OF NORTH
BROADWAY AVENUE**

VAC2024-00021

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 4th day of June 2024, comes on for hearing the petition for vacation filed by Prestige Worldwide Holdings, LLC and Big Sky Properties, LLC (owners) praying for the vacation of a portion of a platted utility easement, to wit:

Portion of platted utility easement to be vacated:

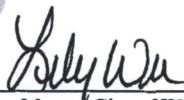
A 10 Foot Utility Easement and a portion of a 20 Foot Utility Easement out of Lot 1, Block 1, Bridgeport Industrial Park I, an Addition to Wichita, Sedgwick County, Kansas, as prepared by Baughman Co. P.A. Professional Surveyors, CLS 58, in aforesaid County and State, and described as follows: COMMENCING at the northwest corner of said Lot 1; THENCE South 00°06'08" East, coincident with the west boundary of said Lot 1, a distance of 633.77 feet, to the northwest corner of said 10 Foot Utility Easement as vacated at DOC.#/FLM-PG:30298022; THENCE North 89°53'52" East, coincident with the north line of said 10 Foot Utility Easement (vacated), a distance of 160.43 feet, to the intersection of the north line of said 10 Foot Utility Easement with the east line of said 20 Foot Utility Easement (vacated); THENCE South 00°03'16" East, coincident with the east line of said 20 Foot Utility Easement (vacated), a distance of 113.54 feet to the POINT OF BEGINNING; thence continue South 00°03'16" East, coincident with the east line of said 20 Foot Utility Easement, 114.98 feet; THENCE South 89°41'06" West, over and across said 20 Foot Utility Easement, a distance of 20.00 feet, to the west line of said 20 Foot Utility Easement; THENCE North 00°03'16" West, coincident with the west line of said 20 Foot Utility Easement, a distance of 114.98 feet, to the southwest corner of said 20 Foot Utility Easement (vacated); thence North 89°53'52" East, coincident with the south line of said 20 Foot Utility Easement (vacated), 20.00 feet, to the POINT OF BEGINNING.

June 4, 2024
VAC2024-00021

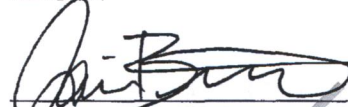
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on April 18, 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 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 should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 4th day of June 2024, ordered that the above-described portion of a platted utility easement is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Sedgwick County Register of Deeds for recording.


Lily Wu, Mayor, City of Wichita

ATTEST:


Jamie Buster, City Clerk



Approved as to Form:


Jennifer Magana, City Attorney and Director of Law

June 4, 2024
VAC2024-00021

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

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PLATTED UTILITY EASEMENT)**

**GENERALLY LOCATED SOUTH OF EAST 37TH STREET)
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BROADWAY AVENUE)**

VAC2024-00021

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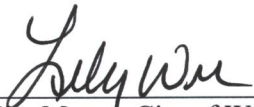
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June 4, 2024
VAC2024-00021

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:

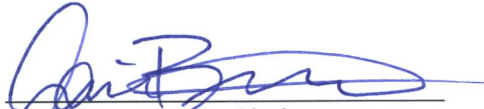
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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 4th day of June 2024, ordered that the above-described portion of a platted utility easement is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Sedgwick County Register of Deeds for recording.



Lily Wu, Mayor, City of Wichita

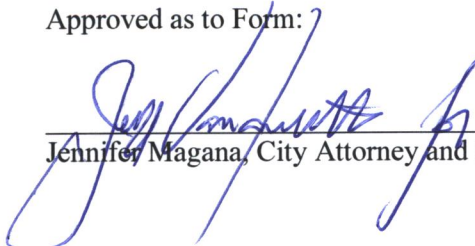
ATTEST:



Jamie Buster, City Clerk



Approved as to Form:



Jennifer Magana, City Attorney and Director of Law



Wichita-Sedgwick County Metropolitan Area Planning Department

June 10, 2024

Prestige Worldwide Holdings, LLC
12910 E. Killenwood
Wichita, KS 67230

Baughman Company, P.A.
Attn: Jay Cook
315 Ellis
Wichita, KS 67211

Big Sky Properties, LLC
3621 N. Santa Fe St.
Wichita, KS 67219

Ref: VAC2024-00021: Vacation request in the City to vacate a of a platted 20-foot utility easement; located south of east 37th Street North and east of North St. Francis Street.

John,

At its regular meeting on **June 4, 2024**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the vacation request.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Philip Zevenbergen'.

Philip Zevenbergen, AICP
Current Plans
Division Manager



**Wichita-Sedgwick County
Metropolitan Area
Planning Department**

May 10, 2024

Prestige Worldwide Holdings, LLC
12910 E. Killenwood
Wichita, KS 67230

Big Sky Properties, LLC
3621 N. Santa Fe St.
Wichita, KS 67219

Baughman Company, P.A.
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315 Ellis
Wichita, KS 67211

Ref: VAC2024-00021: Vacation request in the City to vacate a of a platted 20-foot utility easement; located south of east 37th Street North and east of North St. Francis Street.

John,

At the **Thursday, May 9, 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. The applicant shall provide a Private Project Sewer to Public Works and Utilities. 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) 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.
- (5) 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 **May 23, 2024**. This letter also serves as a reminder that the vacation notification signs should now be removed from the property. If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,

A handwritten signature in blue ink, appearing to read "Philip Zevenbergen", with a stylized flourish extending to the right.

Philip Zevenbergen, AICP
Current Plans Division Manager

PZ:IJ



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Brantford 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	542233	Print Legal Ad-IPL01689480 - IPL0168948	OCA 150004	\$191.78	3	76 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 April 18, 2024
(One Time Only)
MAPC/BZA May 9, 2024
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, May 9, 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. BZA2024-00014: Variance request in the City to eliminate parking lot screening requirement for south parking lot of new Patrol East Police Station on property zoned TF-3 Two-Family Residential, located on the south side of East Lincoln St and within one-block west of South Edgemoor St (5215 E. Lincoln).

BZA2024-00019: Variance Request in the City to reduce interior side setback from 6 feet to 6 inches to bring a shed into conformance, generally located on the west side of North Gentry Drive and within one-quarter mile south of East 25th Street North (2425 North Gentry Drive).

CON2024-00020: Conditional Use Amendment in the City to modify the existing CON2012-00021 and CU-523 to allow outside music/dancing and modify hours of operations, located approximately 700 feet east of Tyler Rd and north of 21st Street North (8558 West 21st Street North).

CUP2024-00011: Community Unit Plan in the City to create the Yellowstone Commercial CUP (with ZON2024-00020 for LC zoning) to allow for the development of a commercial development, located on the southeast corner of South 119th Street West and West Pawnee Avenue.

FUD2024-00005: Zone Change request in the City from GI General Industrial to PUD Planned Unit Development to permit a gravel surface under existing outdoor storage area and drive aisles; generally located within one-quarter mile south of East 37th Street North and on the east side of North Ohio Avenue (3518 North Ohio).

FUD2024-00006: To create and establish a FUD for the construction of a new substation; generally located south of East 9th Street, west of North Hillside Avenue and east of Chautauqua Avenue (3001 East Mossman Avenue).

FUD2024-00007: Zone Change request in the City from GC General Commercial to PUD Planned Unit Development to permit use of the site for outdoor display/sale but allow a gravel surface and adjust screening requirements; located on the north side of West Kellogg and within one-half mile west of South 135th Street West.

VAC2024-00019: Vacation request in the City to reduce platted street side setback from 15 feet to 6 feet to build a garage; generally located on the northwest corner of West 9th Street North and North Robin Road (1001 North Robin Road).

VAC2024-00020: Vacation request in the City to vacate a portion of a platted alley for future development, located south of West Douglas Avenue and within one-block west of South Clara Street (alley located between 5009 and 5015 West Douglas Avenue).

VAC2024-00021: Vacation request in the city to vacate a portion of a 20-foot utility easement; generally located south of East 37th Street North and east of North Saint Francis Street.

ZON2024-00020: Zone Change request in the City from SF-5 Single-Family Residential to LC Limited Commercial (with CUP2024-00011); generally located on the southeast corner of South 119th Street West and West Pawnee Avenue.

ZON2024-00021: Zone Change request in the City from SF-5 Single-Family Residential to TF-3 Multi-Family Residential; generally located on the east side of South 119th Street West and within one-quarter mile south of West Pawnee 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, 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 Department 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 April 18, 2024

Scott Wadle, Secretary

Wichita-Sedgwick County

Metropolitan Area Planning Commission

IPL0168948

Apr 18 2024

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

1 insertion(s) published on:

04/18/24

STATE OF KANSAS)

SS

County of Sedgwick)

Mary Castro, of lawful age, being first duly sworn, depose 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 04/18/2024 to 04/18/2024.

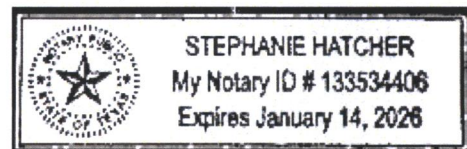
Mary Castro

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

DATED: 04/18/2024

Stephanie Hatcher

Notary Public in and for the state of Texas, residing in
Dallas County



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

STAFF REPORT

CASE NUMBER: VAC2024-00021 - Request to vacate a portion of a platted utility easement.

OWNER/APPLICANT: Prestige Worldwide Holding, LLC; Big Sky Properties, LLC (Applicants)/
Baughman Company, P.A. (Agent)

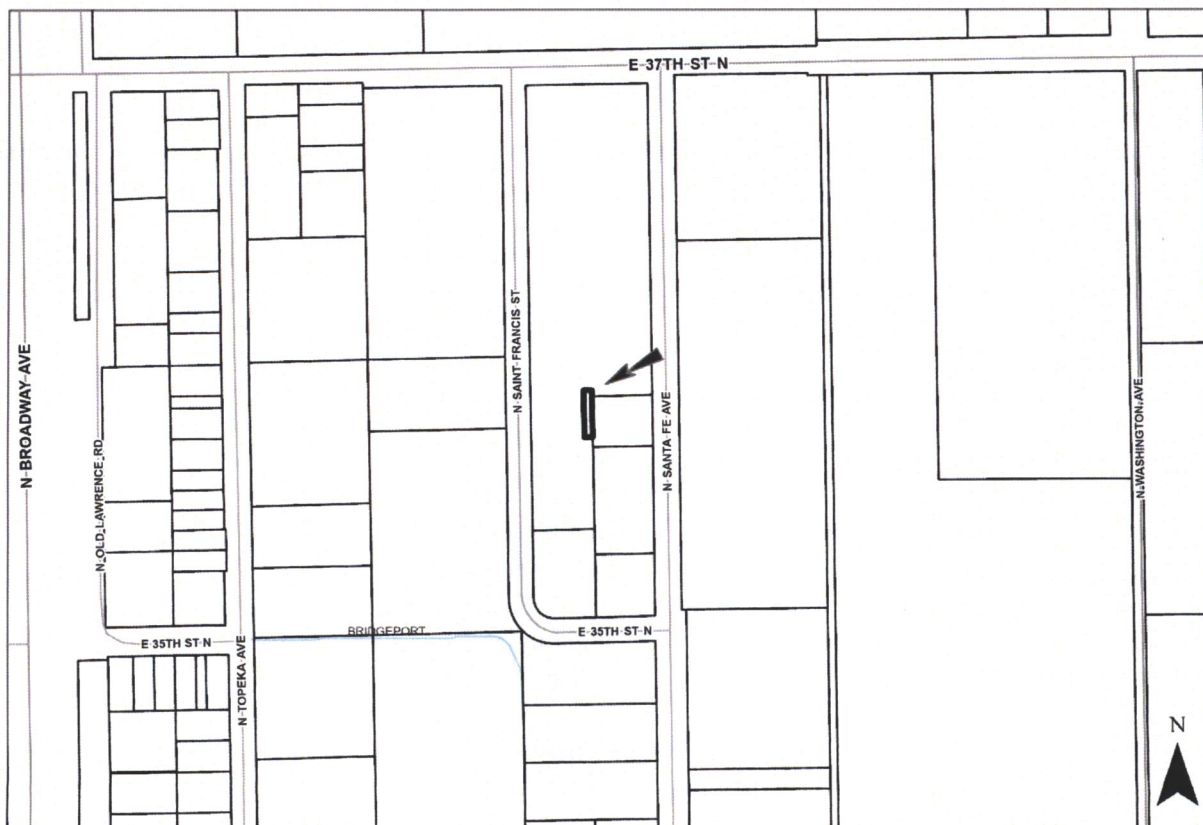
LEGAL DESCRIPTION: Generally described as vacating a portion of the platted 20-foot utility easement on Lots 1 Block 1, Bridgeport Industrial Park 1st Addition, Wichita, Sedgwick County, Kansas (See attached legal description).

LOCATION: Generally located on the south side of East 37th Street North and ¼-mile east of North Broadway Avenue between North Francis Street and North Santa Fe Avenue (See attached legal description).

REASON FOR REQUEST: To permit construction of a warehouse on the subject site.

CURRENT ZONING: The subject site and properties on all sides are zoned GI General Industrial District and are either undeveloped or developed with commercial or industrial uses.

VICINITY MAP:



The applicant proposes to vacate a portion of a 20-ft utility easement on Lot 1, Block 1, Bridgeport Industrial Park 1st Addition, see legal description and exhibits. If approved the applicants are intending to build a warehouse on the subject site. The portion of the utility easement extend to the north and the 10-ft east-west connecting platted utility easement was vacated earlier this year (VAC2024-00003). There is a dead-end sanitary sewer line within the platted easement,

Public Works and Utilities does not object to the vacation request. They require a Private Project Sewer to be submitted in order to abandon/privatize the portion of the sewer that is in the existing easement. This will have to be submitted prior to the vacation being scheduled for City Council.

Evergy has no objection to this vacation request. Evergy is working with the applicant to relocate/remove the existing lines and equipment that serves private lighting in the area within this 20' platted easement they are requesting to vacate. Standard Language will apply also: Any relocation or removal of existing Evergy equipment will need to be discussed and will be the applicant's expense. Steven Chronister, Area Design Representative, will be the contact for this vacation request and any project associated with it. He can be reached at (785)508-2682.

Cox has no objection to this vacate. Cox has no equipment or lines in the vacate area.

The Bridgeport Industrial Park 1st Addition was recorded on March 20, 1985.

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.

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 April 18, 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 Utility Easement 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. The applicant shall provide a Private Project Sewer to Public Works and Utilities. 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.
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- (5) 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.

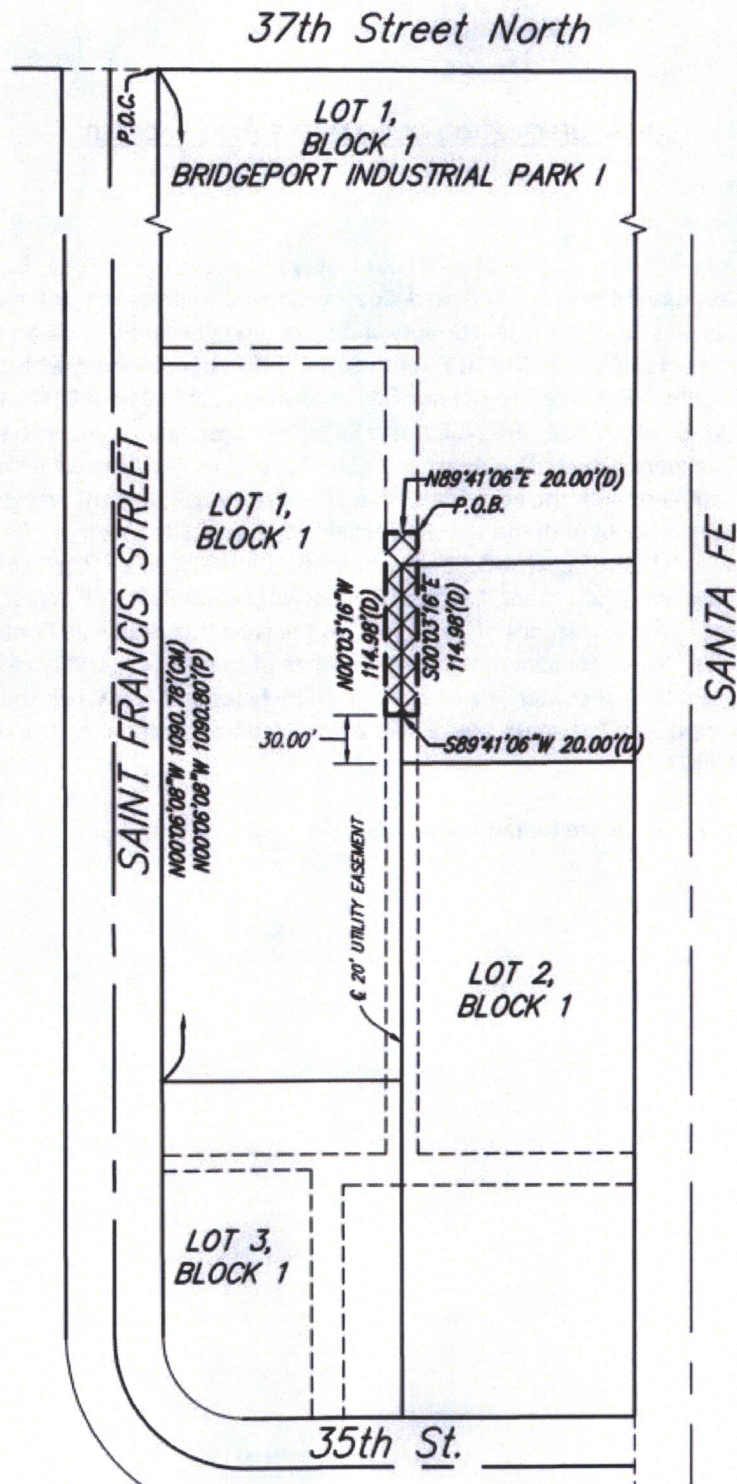
Attachments: Aerial Map, Vacation Exhibit, Legal Description

VAC2024-21

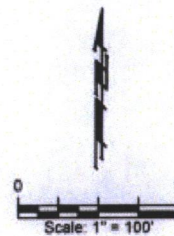
- Storm Structures
- Enclosed Gravity Pipe
- Force Main
- - - Open Channel
- Siphon
- ◆ Water Hydrants
- Sewer Manholes
- Sewer Mains
- Water Valves
- Water Mains



EXHIBIT



INDICATE AREA
OF VACATION.



Legal Description

LEGAL DESCRIPTION OF EASEMENT TO BE VACATED

A 10 Foot Utility Easement and a portion of a 20 Foot Utility Easement out of Lot 1, Block 1, Bridgeport Industrial Park I, an Addition to Wichita, Sedgwick County, Kansas, as prepared by Baughman Co. P.A. Professional Surveyors, CLS 58, in aforesaid County and State, and described as follows: COMMENCING at the northwest corner of said Lot 1; THENCE South 00°06'08" East, coincident with the west boundary of said Lot 1, a distance of 633.77 feet, to the northwest corner of said 10 Foot Utility Easement as vacated at DOC.#/FLM-PG:30298022; THENCE North 89°53'52" East, coincident with the north line of said 10 Foot Utility Easement (vacated), a distance of 160.43 feet, to the intersection of the north line of said 10 Foot Utility Easement with the east line of said 20 Foot Utility Easement (vacated); THENCE South 00°03'16" East, coincident with the east line of said 20 Foot Utility Easement (vacated), a distance of 113.54 feet to the POINT OF BEGINNING; thence continue South 00°03'16" East, coincident with the east line of said 20 Foot Utility Easement, 114.96 feet; THENCE South 89°41'06" West, over and across said 20 Foot Utility Easement, a distance of 20.00 feet, to the west line of said 20 Foot Utility Easement; THENCE North 00°03'16" West, coincident with the west line of said 20 Foot Utility Easement, a distance of 114.88 feet, to the southwest corner of said 20 Foot Utility Easement (vacated); thence North 89°53'52" East, coincident with the south line of said 20 Foot Utility Easement (vacated), 20.00 feet, to the POINT OF BEGINNING.

Subject area contains 2,300 square feet, more or less.