Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30304790
Receipt #: 2424204
Pages Recorded: 2
Recording Fee: $0.00
Authorized By: Tonya Buckingham
Cashier: KVENATOR
Date Recorded: 04/26/2024 02:58:11 PM

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

IN THE MATTER OF THE VACATION OF A PLATTED DRAINAGE "RIGHT-OF-WAY"	)	
GENERALLY LOCATED ON THE EAST SIDE OF SOUTH HOOVER ROAD AND WITHIN ONE-QUARTER MILE NORTH OF K-42 HIGHWAY	)	**VAC2024-00011**

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 23rd day of April 2024, comes on for hearing the petition for vacation filed by Randy Pauly (owner) praying for the vacation of a platted drainage "right-of-way," to wit:

Vacating the South 20 feet of the platted 35-foot drainage "right-of-way" along the south property line of Lot 5, Block 1, W. B. Carter 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 7, 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 platted drainage "right-of-way" 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 platted drainage "right-of-way" should be approved.

UNOFFICIAL COPY

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 23rd day of April 2024, ordered that the above-described platted drainage "right-of-way" 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

Wichita-Sedgwick County Metropolitan Area Planning Department

April 26, 2024

Randy Pauly
6100 S. 199th Street West
Viola, KS 67149

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

Ref: VAC2024-00011: Vacation request in the City to vacate a portion of a platted drainage "Right-of-Way" on property zoned LI Limited Industrial; generally located on the east side of South Hoover Rd and within one-quarter mile north of K-42 Highway.

Dear Applicant;

At its regular meeting on **April 23, 2024,** the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the vacation request.

Sincerely,

Philip Zevenbergen, AICP
Current Plans
Division Manager

Wichita-Sedgwick County Metropolitan Area Planning Department

March 29, 2024

Randy Pauly
6100 S. 199th Street West
Viola, KS 67149

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

Ref: VAC2024-00011: Vacation request in the City to vacate a portion of a platted drainage "Right-of-Way" on property zoned LI Limited Industrial; generally located on the east side of South Hoover Rd and within one-quarter mile north of K-42 Highway.

Randy,

At the **Thursday, March 28, 2024**, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

(1) If any utility services are found to be located within the area of the proposed Vacation, these services shall be relocated at the owner's expense, to city standards, and the applicant shall provide Planning with the dedication of utility easements by separate instruments to go with the Vacation Order to be filed with the Register of Deeds. If relocation is not possible then this Vacation shall be rendered void as the current easement must remain in place.

(2) 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 11, 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	527836	Print Legal Ad-IPL01628410 - IPL0162841		$141.30	2	84 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 7, 2024
(One Time Only)
MAPC/BZA March 28, 2024
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, March 28, 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.

CON2024-00010: Request in the City for a Conditional Use for Entertainment Establishment to bring existing Candle Club into conformance and permit new outdoor patio on property zoned LC Limited Commercial, located on the southwest corner of East 13th Street North and North Woodlawn Blvd (6135 E. 13th Street).

CUP2024-00004: CUP Amendment in the City to CUP DP-319 Providence Square Community Unit Plan to reduce the side setback of Parcel 1A for outdoor storage and increase area of outdoor storage, generally located on the northwest corner of East 13th Street North and North Oliver Avenue.

VAC2024-00009: Vacation request in the City to vacate the west half of Nelson Street Right-of-Way, generally located adjacent to property north of West Ponderosa Street and within one-quarter mile east of North West Street (3534 West Ponderosa Street).

VAC2024-00010: Vacation request in City to vacate a portion of a side yard setback on the south side of the property generally located at the northeast corner of E. Central Ave. and N. Armour Dr. (508 N. Armour Dr.).

VAC2024-00011: Request in the City to vacate a drainage right-of-way from 35 feet to 15 feet to allow for expansion of the existing structure on property zoned LI Limited Industrial District, generally located on the east side of South Hoover Road, within one-half mile north of K-42 (2550 South Hoover).

ZON2024-00012: Zone change request in the City from LI Limited Industrial District to CBD Central Business District to match zoning of nearby properties, generally located on the west side of North Oak Street, within 200 feet north of West Douglas Avenue (115 & 121 North Oak Street).

ZON2024-00013: Zone change request in the City from TF-3 Two-Family Residential District to B Multi-Family District to construct a multi-unit property, generally located on the east side of North Lorraine Avenue, within 550 feet north of East 2nd Street North.

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 7, 2024
Scott Wadle, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission
IPL0162841
Mar 7 2024

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

1 insertion(s) published on:
03/07/24

STATE OF KANSAS)
SS
County of Sedgwick)

Stefani Beard, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 03/07/2024 to 03/07/2024.

Stefani Beard

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 03/07/2024

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.
March 28, 2024

STAFF REPORT

CASE NUMBER: **VAC2024-00011** - City vacation of a platted drainage "right-of-way."

APPLICANT/AGENT: Randy Pauly (applicant)/ Baughman Company, P.A.

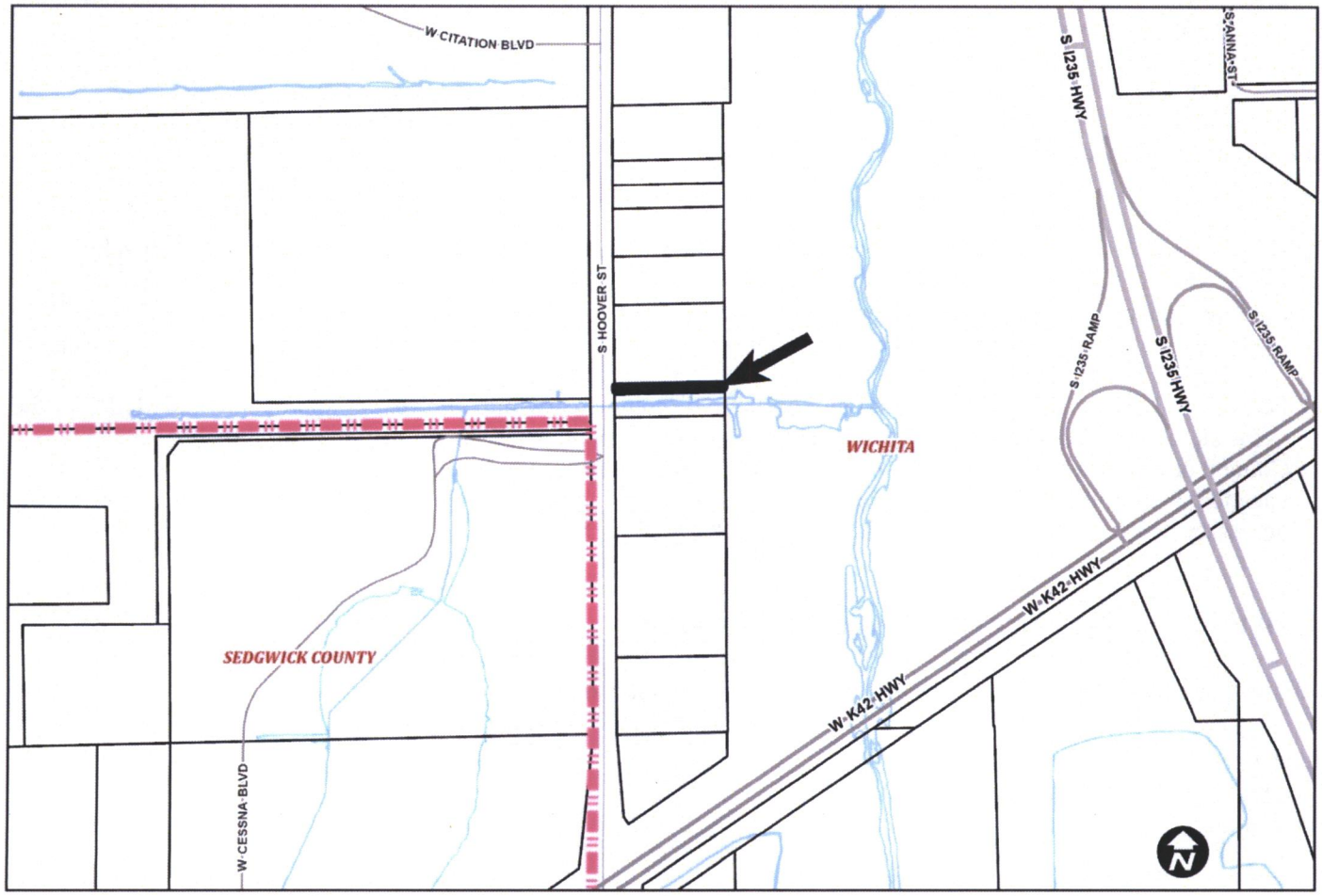
LEGAL DESCRIPTION: Vacating the north 20 feet of the platted 35-foot drainage "right-of-way" along the south property line of Lot 5, Block 1, W. B. Carter Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located on the east side of South Hoover Road and within one-quarter mile north of K-42 Highway (2550 South Hoover Road). (WCC IV)

REASON FOR REQUEST: To allow for expansion of existing structure.

CURRENT ZONING: The site and all surrounding properties are zoned LI Limited Industrial District and developed with commercial and/or industrial uses.

VICINITY MAP:



The applicant is requesting the vacation of the north 20 feet of the platted 35-foot drainage "right-of-way" along the south property line of Lot 5, Block 1, W. B. Carter Addition. The purpose of the vacation is to allow for an expansion of an existing structure. The plat denotes the vacation area as a "right-of-way," which essentially functions as an easement."

Within the rear one-third of the vacation area, there is a storm sewer line that runs perpendicular to the "right-of-way Wichita Stormwater has no objection to the vacation. The storm sewer will be extended to the property line, and a 15-foot gravel road will be constructed in order to allow for Wichita Stormwater to have access. Wichita Fire and Wichita Public Works and Utilities have no objection to the vacation. Neither Evergy nor Cox have any objection to this vacation. They do not have lines or equipment in the area to be vacated. The W. B. Carter Addition was recorded with the Register of Deeds April 2, 1970.

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 drainage "right-of-way".

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 7, 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 drainage "right-of-way "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:

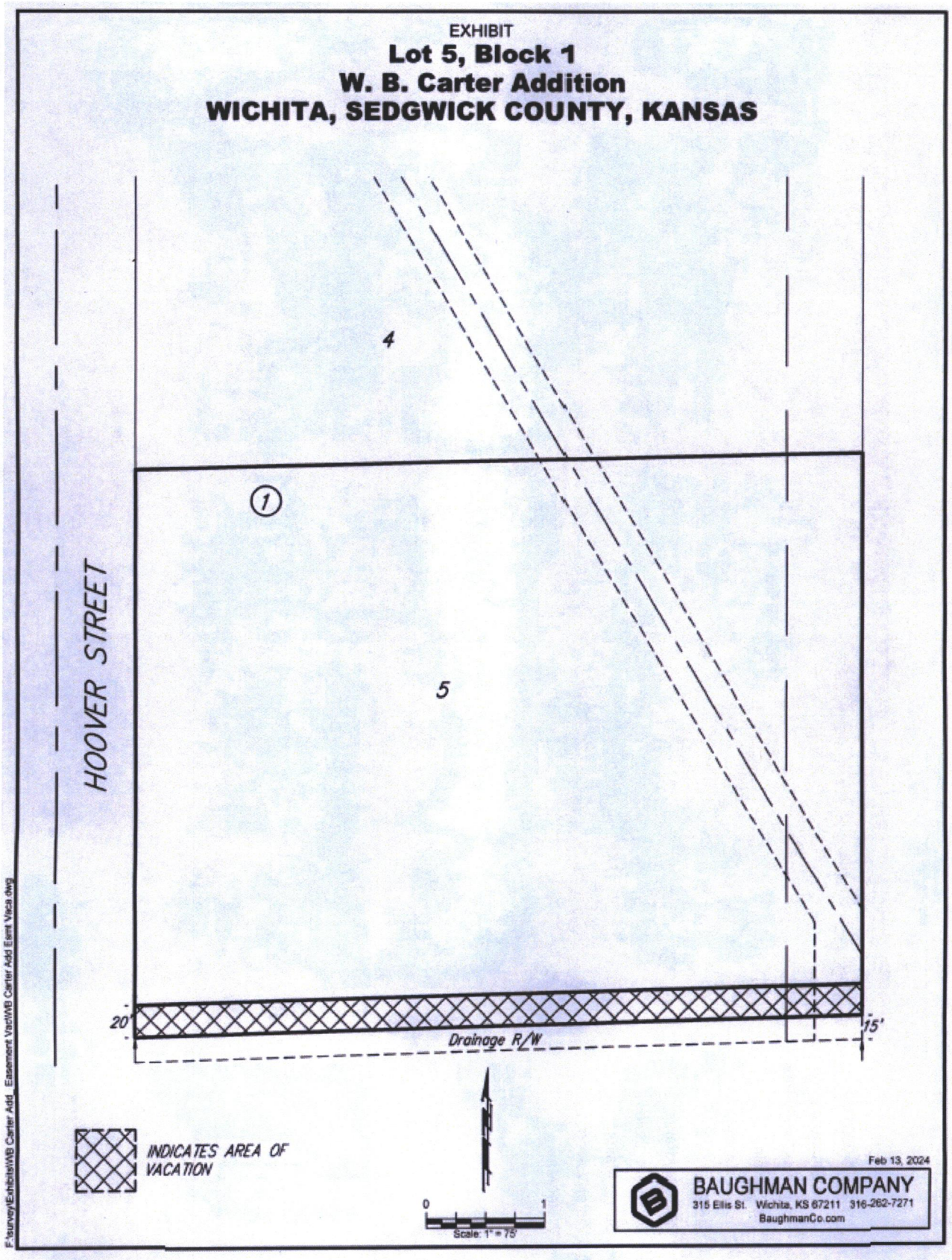
(1) If any utility services are found to be located within the area of the proposed Vacation, these services shall be relocated at the owner's expense, to city standards, and the applicant shall provide Planning with the dedication of utility easements by separate instruments to go with the Vacation Order to be filed with the Register of Deeds. If relocation is not possible then this Vacation shall be rendered void as the current easement must remain in place.

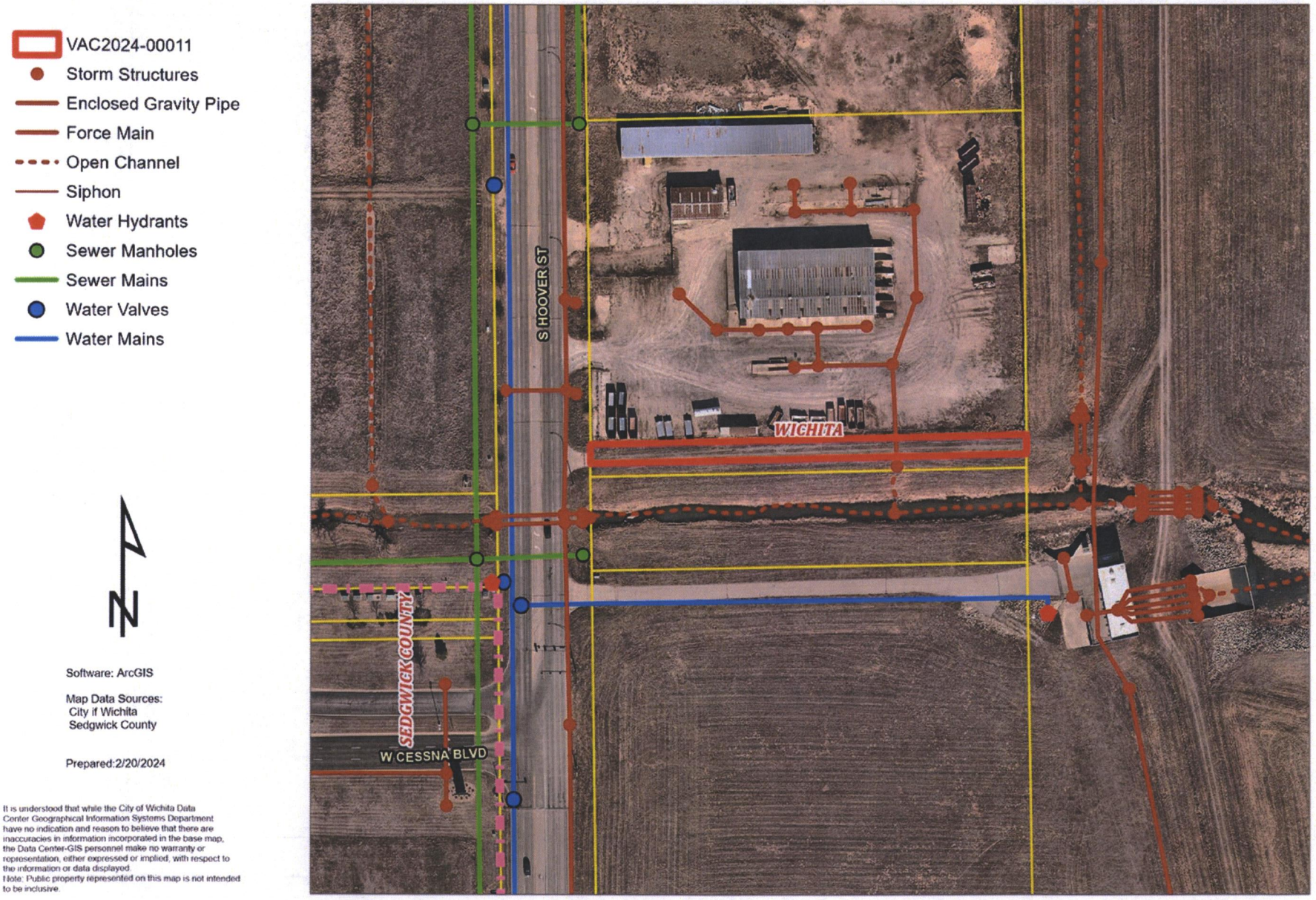
(2) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken 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 with Legal Description
2. Aerial Map


EXHIBIT
Lot 5, Block 1
W. B. Carter Addition
WICHITA, SEDGWICK COUNTY, KANSAS
HOOVER STREET
4
1
5
20'
15'
Drainage R/W
INDICATES AREA OF VACATION
0
1
Scale: 1" = 75'
Feb 13, 2024
BAUGHMAN COMPANY
315 Ellis St. Wichita, KS 67211 316-262-7271
BaughmanCo.com
F:\survey\Exhibits\WB Carter Add_ Easement Vac\WB Carter Add Esmt Vaca.dwg


VAC2024-00011
Storm Structures
Enclosed Gravity Pipe
Force Main
Open Channel
Siphon
Water Hydrants
Sewer Manholes
Sewer Mains
Water Valves
Water Mains
S HOOVER ST
WICHITA
SEDGWICK COUNTY
W CESSNA BLVD
Software: ArcGIS
Map Data Sources:
City if Wichita
Sedgwick County
Prepared:2/20/2024
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.