Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30301669
Receipt #: 2422117
Pages Recorded: 2
Recording Fee: $0.00
Authorized By: Tonya Buckingham
Cashier: KVENATOR
Date Recorded: 04/11/2024 01:58:53 PM

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

| | | |
|---|---|---|
| **IN THE MATTER OF THE VACATION OF A DRAINAGE EASEMENT BY SEPARATE INSTRUMENT** | ) | |
| **GENERALLY LOCATED ON THE SOUTH SIDE OF WEST HARRY STREET AND WITHIN TWO-BLOCKS WEST OF SOUTHWEST BOULEVARD** | ) | **VAC2024-00008** |

**MORE FULLY DESCRIBED BELOW**

VACATION ORDER

NOW on this 9th day of April 2024, comes on for hearing the petition for vacation filed by WSM Properties, LLC (owner) praying for the vacation of a drainage easement by separate instrument, to wit:

> Commencing at the Southwest property corner of Lot 1, WSM Properties Addition, Wichita, Sedgwick County, Kansas; thence N00°11'50"E, on the West line of said Lot 1, said line being the east line of a 20-foot alley, a distance of 455.00 feet to the Point of Beginning; thence N00°11'50"E, on said West line of Lot 1, a distance of 100.00 feet; thence N90°00'00"E, a distance of 75.00 feet; thence S00°11'50"W, a distance of 100.00 feet; thence S90°00'00"W, a distance of 75.00 feet, to the Point of Beginning.

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 February 22, 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 drainage easement by separate instrument, 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.

UNOFFICIAL COPY

5. The vacation of the described drainage easement by separate instrument should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 9th day of April 2024, ordered that the above-described drainage easement by separate instrument 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

UNOFFICIAL COPY

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

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| **IN THE MATTER OF THE VACATION OF A DRAINAGE EASEMENT BY SEPARATE INSTRUMENT** | ) | |
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3. In justice to the petitioner, the prayer of the petitioner ought to be granted.

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5. The vacation of the described drainage easement by separate instrument should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 9th day of April 2024, ordered that the above-described drainage easement by separate instrument 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**

April 10, 2024

K.E. Miller Engineering, P.A.
Attn: Kirk Miller
117 E. Lewis St.
Wichita, KS 67202

**Ref: VAC2024-00008:** Vacation request in the city to vacate a drainage easement by separate instrument on property zoned LI Limited Industrial, located on the south side of West Harry Street, and one-half mile west of South Meridian Avenue (1601 S. Sheridan St.).

Dear Applicant;

At its regular meeting on **April 9, 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

cc: WSM Properties, LLC., Terry Moore, 1601 S. Sheridan, Wichita, KS 67213

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

March 18, 2024

K.E. Miller Engineering, P.A.
Attn: Kirk Miller
117 E. Lewis St.
Wichita, KS 67202

**Ref: VAC2024-00008:** Vacation request in the city to vacate a drainage easement by separate instrument on property zoned LI Limited Industrial, located on the south side of West Harry Street, and one-half mile west of South Meridian Avenue (1601 S. Sheridan St.).

Kirk,

At the **Thursday, March 14, 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 **March 28, 2024,** (end of the two-week protest period). Wichita City Council will consider this item on **Wednesday, April 9, 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,

Philip Zevenbergen, AICP
Current Plans Division Manager

PZ:IJ
cc: WSM Properties LLC, Terry Moore, 1601 S Sheridan, Wichita KS 67213
City of Wichita – Property Management, John Philbrick, 455 N Main – 13th Floor, Wichita KS 67202

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 |
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| 23834 | 521838 | Print Legal Ad-IPL01603430 - IPL0160343 | OCA 150004-MAPC/BZA | $186.74 | 3 | 74 L |

**Attention:** MANDY HEBERT
CITY OF WICHITA / MABCD
271 W 3RD ST N
3RD FLOOR STE 301
WICHITA, KS 67202
kgonzalez@wichita.gov

**OCA 150004**

**Published in The Wichita Eagle on February 22, 2024**
**(One Time Only)**
**MAPC/BZA March 14, 2024**
**OFFICIAL HEARING NOTICE**

NOTICE IS HEREBY GIVEN that on Thursday, March 14, 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.

BZA2024-00005: Variance request in the City to reduce the required parking for Group Residence, Limited from 12 to 8 parking spaces on property zoned TF-3 Two-Family Residential District, generally located north of West 50th Street South and one-quarter mile east of South Seneca Street (742 West 50th Court South).

CON2024-00004: Conditional Use request in the City to allow an Accessory Apartment in the SF-5 Single-Family District, generally located on the east side of South Kessler Street and within one-quarter mile north of West Maple Street (210 South Kessler Street).

CON2024-00006: Conditional Use request in the City to allow Group Residence, Limited on property zoned TF-3 Two-Family Residential District to allow a HomePlus for up to 12 people, generally located north of West 50th Street South and one-quarter mile east of South Seneca Street (742 West 50th Court South).

VAC2024-00007: Vacation request in the City to vacate 15 feet of the 25 feet platted setback along the north property line on property zoned SF-5 Single-family Residential, generally located on the southwest corner of West 61st Street North and North Custer Street.

VAC2024-00008: Vacation request in the city to vacate a drainage easement by separate instrument on property zoned LI Limited Industrial, located on the south side of West Harry Street, and one-half mile west of South Meridian Avenue (1601 S. Sheridan St.).

ZON2024-00003: Zone Change request in the City from SF-5 Single-Family Residential to TF-3 Two-Family Residential, generally located south of West 50th Street South and within a half-mile east of South Seneca Street.

ZON2024-00004: Zone Change request in the City from SF-5 Single Family Residential to TF-3 Two-Family Residential for duplex development, located within one-quarter mile west of South Seneca Street and on the south side of West Haskell Avenue (1509 West Haskell Avenue).

ZON2024-00005: Zone Change request in the City from SF-5 Single-Family Residential to TF-3 Two-Family Residential for duplex development, located 375- north of West 29th Street North and on the east side of North Hood Avenue.

ZON2024-00007: Zone Change request in the City from SF-5 Single-Family Residential to TF-3 Two-Family Residential for duplex development on property located on the east side of South Meridian Avenue and within one-quarter mile south of West 55th Street South.

ZON2024-00008: Zone Change request in the City from SF-5 Single-Family Residential and TF-3 Two-Family Residential to TF-3 Two-Family Residential and MF-29 Multi-Family Residential on property located on the east side of South Rock Road, one-half mile north of East 39th 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 February 22, 2024
Scott Wadle, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission
IPL0160343
Feb 22 2024

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

1 insertion(s) published on:
02/22/24

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 02/22/2024 to 02/22/2024.

Stefani Beard

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 02/28/2024

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 14, 2024**

## STAFF REPORT

**CASE NUMBER:** **VAC2024-00008** - City vacation of a drainage easement by separate instrument.

**APPLICANT/AGENT:** WSM Properties, LLC (applicant)/ K.E. Miller Engineering (agent)

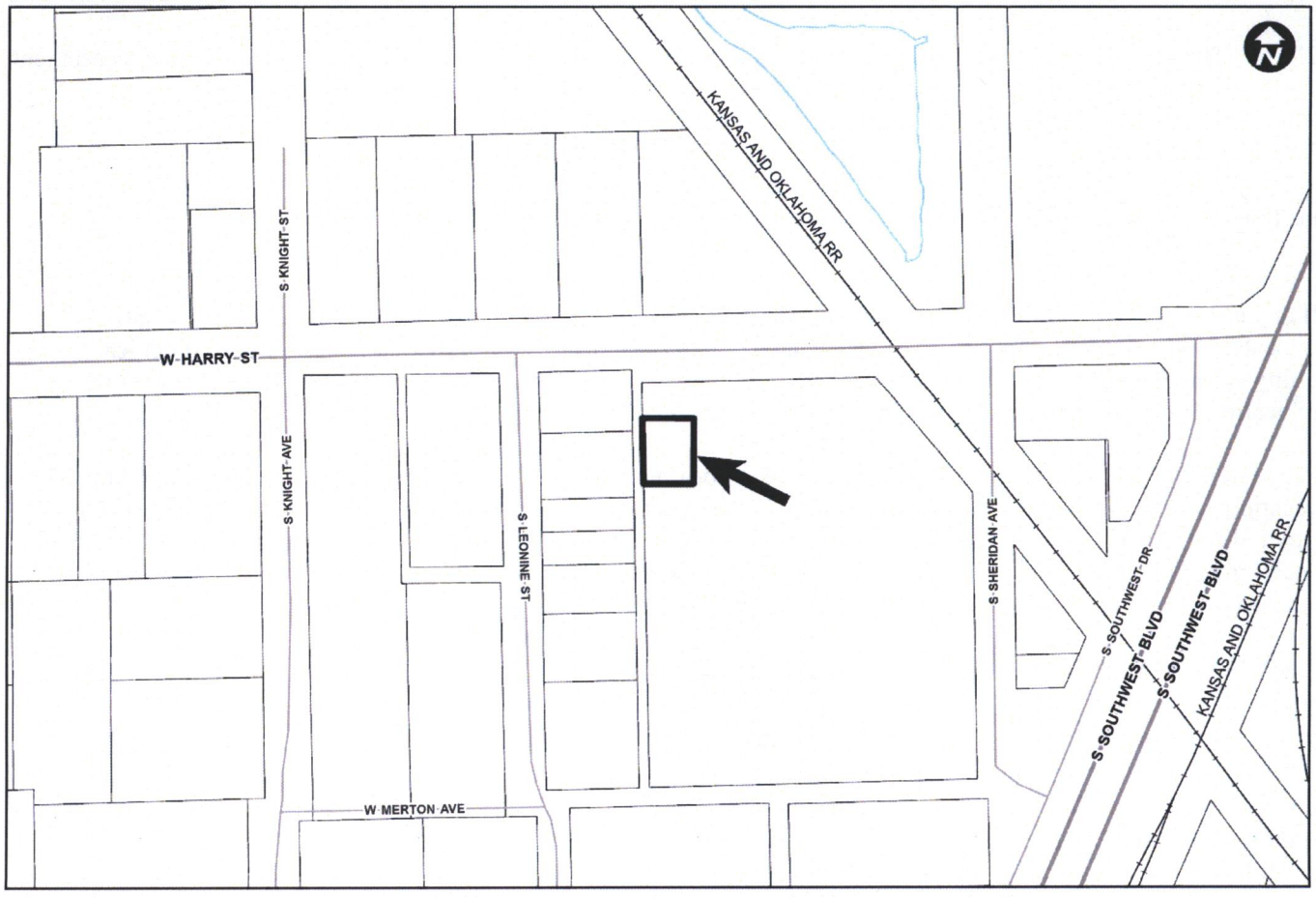
**LEGAL DESCRIPTION:** Vacating of a drainage easement by separate instrument on the northwest side of Lot 1, WSM Properties Addition, Wichita, Sedgwick County, Kansas. (See attached legal description).

**LOCATION:** Generally located on the south side of West Harry Street and within two blocks west of Southwest Boulevard (1601 South Sheridan Ave.). (WCC IV)

**REASON FOR REQUEST:** To remove easement that is no longer needed due to new construction.

**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 a drainage easement dedicated by separate instrument on the northwest side of Lot 1, WSM Properties Addition. The purpose of the vacation is to remove the easement that is no longer needed due to new construction of a building on the site. The drainage easement is recorded on FLM/PG# 1273, 2927-2939. In 2022, a new, 18,000 square foot warehouse was built on the subject site where the easement is located. Prior to construction, stormwater facilities were on this portion of the site, conveying stormwater to the to the north into stormwater facilities in the West Harry Street right-of-way. During construction of the building, the stormwater facilities were relocated. The attached exhibit indicates that underground facilities convey stormwater around the building into a detention basin between the new building and West Harry Street, and then tie into the stormwater facilities in the West Harry Street right-of-way.

Wichita Stormwater has no objection to the vacation. Wichita Fire and Wichita Public Works and Utilities have no objection to the vacation. Neither Evergy nor Cox have any objection to this vacation request. They do not have lines or equipment in the subject area. The WSM Properties Addition was recorded with the Register of Deeds June 9, 1998.

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 drainage easement by separate instrument.

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 22, 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 drainage easement by separate instrument 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.

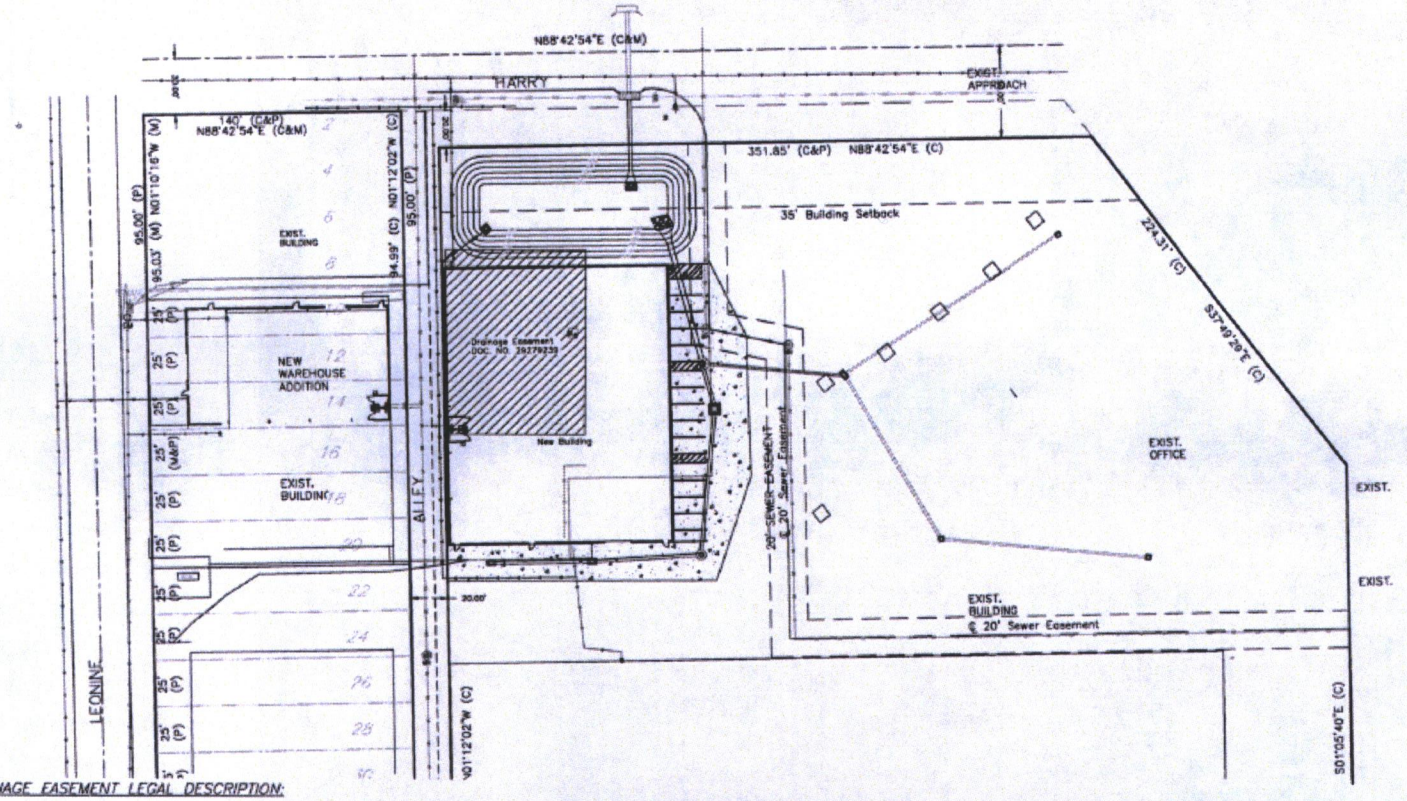
Attachments:
1. Vacation Exhibit with Legal Description
2. Aerial Map

EXHIBIT "A"

# DRAINAGE EASEMENT VACATION

## WSM PROPERTIES ADDITION

## WICHITA, SEDGWICK COUNTY, KANSAS

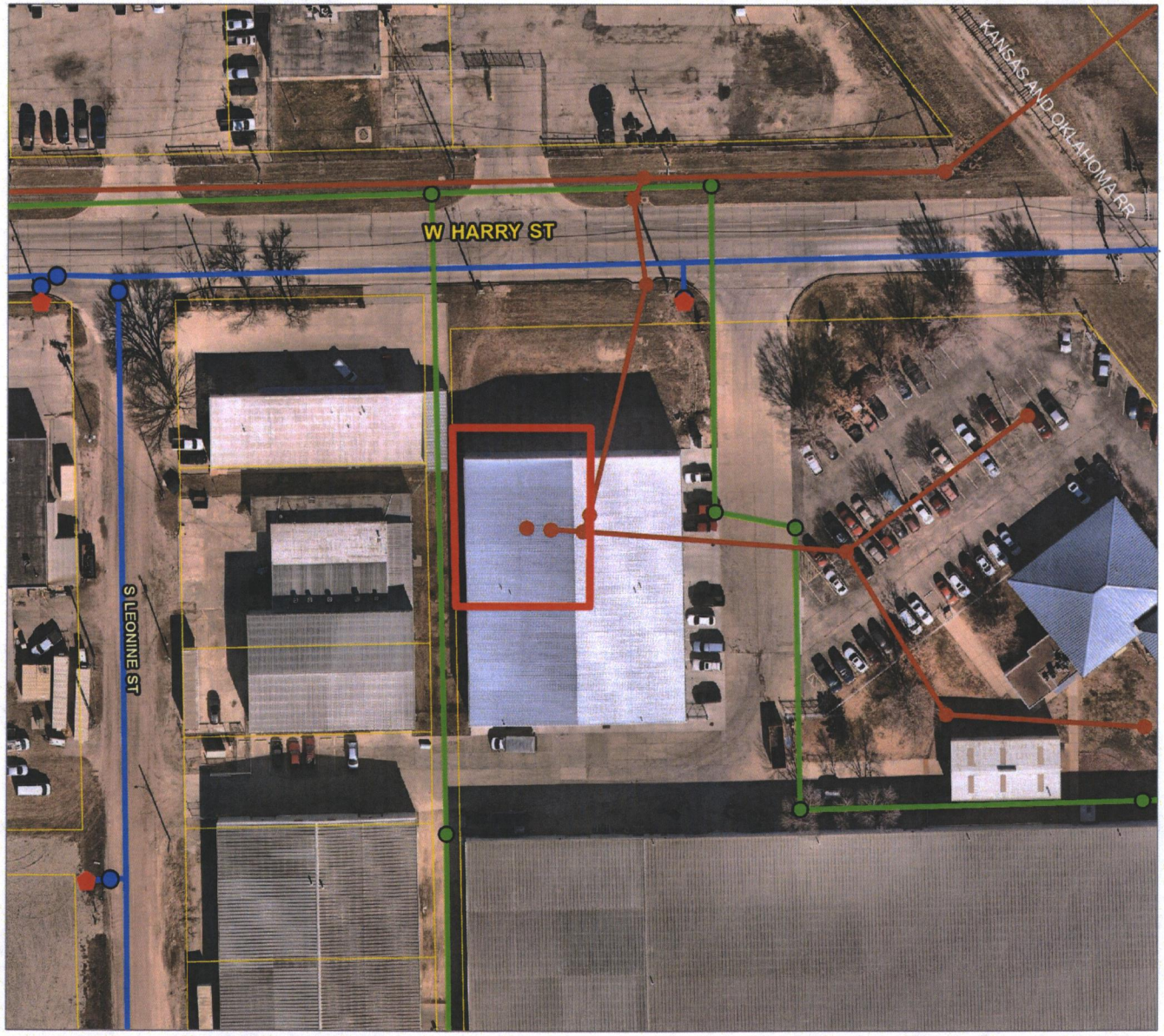



*DRAINAGE EASEMENT LEGAL DESCRIPTION:*

*Commencing at the Southwest property corner of Lot 1, WSM Properties Addition, to Wichita, Sedgwick County, Kansas; thence N 00°11'50" E, on the West line of said Lot 1, said line being the east line of a 20' alley, a distance of 455.00 feet to the POINT OF BEGINNING; thence N 00°11'50" E, on said West line of Lot 1, a distance of 100.00 feet; thence N 90°00'00" E, a distance of 75.00 feet; thence S 00°11'50" W, a distance of 100.00 feet; thence S 90°00'00" W, a distance of 75.00 feet, to the POINT OF BEGINNING.*

*The easement contains 0.17 acres more or less.*

VAC2024-00008
Storm Structures
Enclosed Gravity Pipe
Force Main
Open Channel
Siphon
Water Hydrants
Sewer Manholes
Sewer Mains
Water Valves
Water Mains




Software: ArcGIS

Map Data Sources:
City if Wichita
Sedgwick County

Prepared:2/6/2024

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.