Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30348289
Receipt #: 2453002 Recording Fee: $0.00
Pages Recorded: 2
Authorized By: Tonya Buckingham
Cashier: clott
Date Recorded: 11/22/2024 11:17:23 AM

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

IN THE MATTER OF THE VACATION OF THE PLATTOR'S TEXT TO REASSIGN OWNERSHIP AND MAINTENANCE	)	
GENERALLY LOCATED ON THE WEST SIDE OF NORTH 127TH STREET EAST AND WITHIN ONE-QUARTER MILE SOUTH OF EAST 21ST STREET NORTH	)	**VAC2024-00048**

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 19th day of November 2024, comes on for hearing the petition for vacation filed by Fremont Land Development, LLC and ACCN Enterprises, LLC (owners) praying for the vacation of the plattor's text for Reserve A, and Reserve B of the Summit Crossing 2nd Addition to wit:

Plattor's Text for Reserves in the Sumitt Crossing 2nd Addition shall read:

Reserve "A" shall be owned and maintained by the owner of Lot 1, Block B; Reserve "B" shall be owned and maintained by the owner of Lot 1, Block A; and Reserve "C" shall be owned and maintained by the lot owners association.

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 October 3, 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 plattor's text, 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 portion of plattor's text should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 19th day of November 2024, ordered that the above-described portion of plattor's text to reassign ownership and maintenance for Reserves A and B 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:

Shinita Rice, Deputy 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

IN THE MATTER OF THE VACATION OF THE PLATTOR'S TEXT TO REASSIGN OWNERSHIP AND MAINTENANCE	)	
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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 plattor's text should be approved.

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Lily Wu, Mayor, City of Wichita

ATTEST:

Shinita Rice, Deputy City Clerk

Approved as to Form:

Jennifer Magana, City Attorney and Director of Law

Wichita-Sedgwick County Metropolitan Area Planning Department

November 20, 2024

Fremont Land Development, LLC
8710 W. 13th Street North, Ste. 102
Wichita, KS 67212

ACCN enterprises, LLC
Attn: Morgan Koon
3051 N. Ohio St.
Wichita, KS 67219

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

Ref: VAC2024-00048: Vacation request in the City to vacate the plattor's text for Reserves A and B, generally located on the south side of East Stonybrook Street, within 275 feet west of North 127th Street East.

Dear Applicant,

At the **Tuesday, November 19, 2024**, meeting of the Wichita City Council, the above-referenced vacation request was approved.

If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,

Philip Zevenbergen
Current Plans
Division Manager

Wichita-Sedgwick County Metropolitan Area Planning Department

October 25, 2024

Fremont Land Development, LLC
8710 W. 13th Street North, Ste. 102
Wichita, KS 67212

ACCN enterprises, LLC
Attn: Morgan Koon
3051 N. Ohio St.
Wichita, KS 67219

Baughman Company, P.A.
Attn: Jay Cook
315 S. Ellis Ave.
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Ref: VAC2024-00048: Vacation request in the City to vacate the plattor's text for Reserves A and B, generally located on the south side of East Stonybrook Street, within 275 feet west of North 127th Street East.

Dear Applicant,

At the **Thursday, October 24, 2024**, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

(1) Vacate the plattor's to amend ownership and maintenance of Reserve A from the lot owner's association to the owner of Lot 1, Block B; and the ownership and maintenance of Reserve B from the lot owner's association to the owner of Lot 1, Block A. The plattor's text for Reserves A and B shall continue to be used for lakes, open space, sidewalks, landscaping, parking lots, access drives, drainage purposes, and utilities as confined to easements.

(2) As needed provide easements for public and franchised utilities. As needed provide letters/conformation from franchised utility representatives stating that their utilities are protected by the appropriate easements. Easements for public utilities, with original signatures, must be provided to Planning prior to VAC2024-00048 proceeds to the City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.

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

(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.

These conditions have been met. Therefore, this case is scheduled for final action by the Wichita City Council on **Tuesday, November 19, 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
Current Plans
Division Manager

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	597810	Print Legal Ad-IPL01969270 - IPL0196927		$109.38	2	65 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 October 2, 2024
(One Time Only)
MAPC/BZA October 24 , 2024
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, October 24, 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. Full notice can be found at www.wichita.gov/LegalNotices.

CON2024-00210: Conditional Use request in the City to allow Ancillary Parking on property zoned TF-3 Two-Family Residential District, generally located on the west side of South Clifton Street, within 200 feet south of East Douglas Avenue (123 & 125 South Clifton, and 3344 E. Oakland).

CON2024-00212: Conditional Use request in the City to allow an Entertainment Establishment (Event Venue which could have entertainment and alcohol) on property zoned LC Limited Commercial District, generally located on the northeast corner of West Pawnee and South Seneca (1040 West Pawnee).

CUP2024-00033: CUP Amendment in the City to CUP DP-317 to allow Warehouse, Self-Service Storage, change building size and height, and exempt Parcel 2 from architectural controls, generally located on the west side of North 127th Street East, within 400 feet south of East 21st Street North.

PUD2024-00017: Zone Change request in the City from SF-5 Single-Family Residential to PUD #134 to establish the West Patrol Station PUD; generally located on the southwest corner of West 13th Street North and North Country Acres Avenue.

PUD2024-00018: Zone change request in the City from LC Limited Commercial District to PUD Planned Unit Development #132 to allow for mixed-use development, generally located on the southeast corner of East Central Avenue and North Oliver Road (4801 East Central Avenue).

PUD2024-00019: Major Amendment to PUD #55 to increase the capacity from 850 to 2,066, generally located on the south side of East Douglas Avenue, within 100 feet east of North Hillside Avenue (3207 East Douglas Avenue).

PUD2024-00020: Zone change request from LC Limited Commercial to PUD Planned Unit Development #133 to permit basic industry, warehousing, and freight terminal with custom development standards, located on the east side of South Seneca St., within 500 feet north of West 47th St. South (4720 South Seneca St).

VAC2024-00044: Vacation request in the City to vacate a portion of platted access control to permit a 3rd driveway for future EMS station on property zoned LC Limited Commercial, located on the south side of West 13th Street North and within one-half mile west of North Meridian Avenue.

VAC2024-00045: Vacation request in the City to vacate a portion of a platted streetside setback, generally located on the 255 meters northeast side of South Broadway Avenue and East 55th Street South (5505 S Emporia Ave).

VAC2024-00047: Vacation request in the City of a platted access control; Generally located on the southwest corner of West 13th Street North and North Country Acres Avenue.

VAC2024-00048: Vacation request to vacate the plattor's text for Reserves A and B, generally located on the south side of East Stonybrook Street, within 275 feet west of North 127th Street East.

VAC2024-00049: Vacation request to vacate the north 20 feet of the south 30 feet of the platted setback to create room for a receiving dock and trash enclosures, generally located on the east side of South Seneca Street, within 500 feet north of West 47th Street South (4720 South Seneca).

ZON2024-00048: Zone change request in the City from TF-3 Two-Family Residential District to MF-18 Multi-Family Residential District to convert the garage into a third dwelling unit, generally located on the east side of South Main Street, within 150 feet north of East Osie Street (1650 South Main Street).

IPL0196927
Oct 2 2024

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

1 insertion(s) published on:
10/02/24

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 10/02/2024 to 10/02/2024.

Mary Castro

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 10/02/2024

Margaret K. Wilson

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

MARGARET KATHLEEN WILSON
My Notary ID # 134916732
Expires May 24, 2028

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

METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO.
October 24, 2024

STAFF REPORT

CASE NUMBER: **VAC2024-00048** – City Vacation of plattor's text to amend ownership and maintenance of platted reserves.

APPLICANT: Fremont Land Development, LLC; ACCN Enterprises, LLC (Applicants)/ Baughman Company, P.A. (agent)

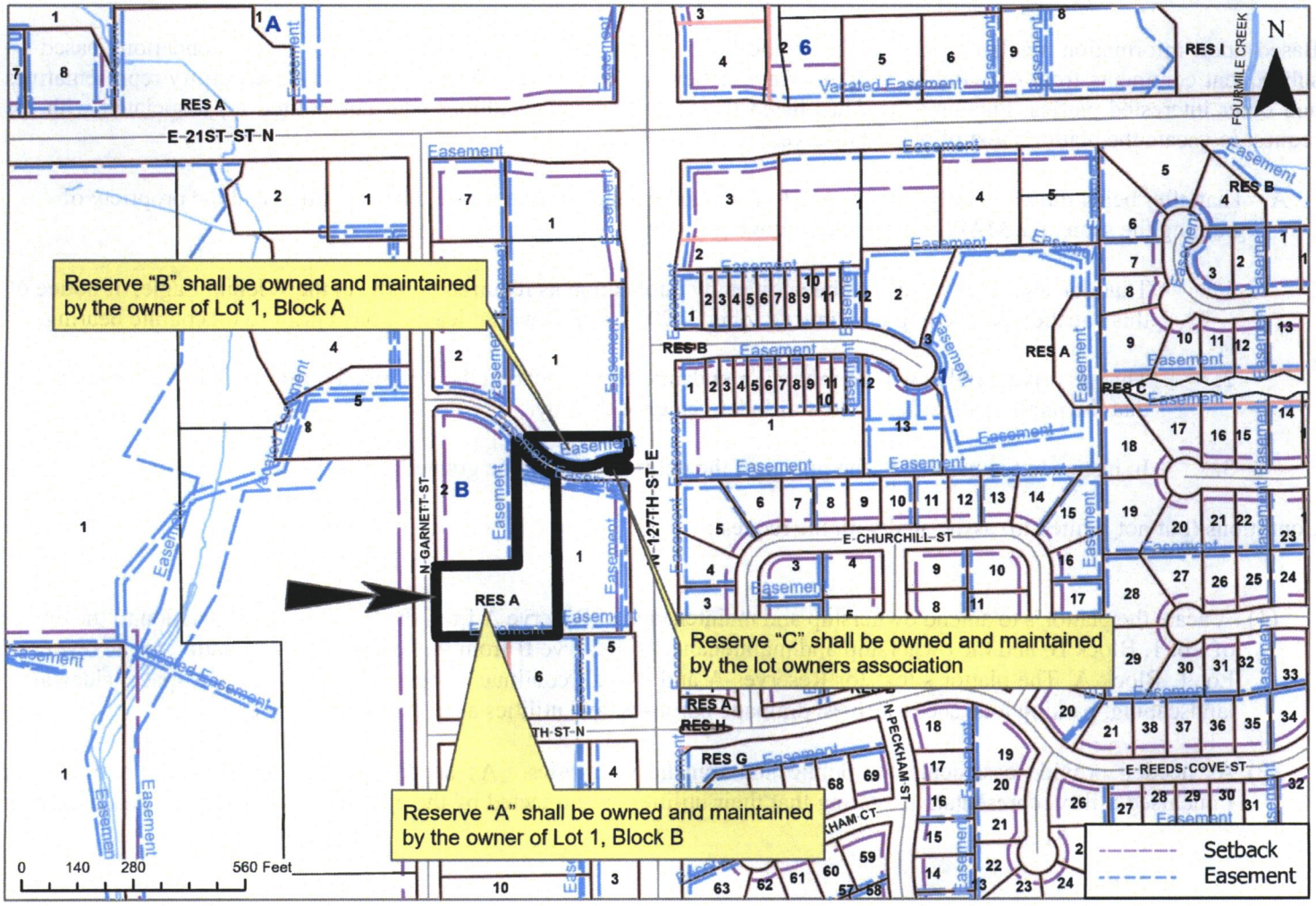
LEGAL DESCRIPTION: Generally described as vacating the plattor's text to amend ownership and maintenance of platted Reserves A and B, Summit Crossing 2nd Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located on the west side of North 127th Street East and within one-quarter mile south of East 21st Street North. (WCC II)

REASON FOR REQUEST: Reassign ownership and maintenance responsibilities.

CURRENT ZONING: The subject site is zoned LC Limited Commercial District (LC) with CUP DP-317 and are undeveloped.

VICINITY MAP:



The applicant is requesting the vacation of the plattor's text to amend the ownership and maintenance of Reserves A and B, Summitt Crossing 2nd Addition. The subject site is located on the west side of North 127th Street East and within one-quarter mile south of East 21st Street North. Reserve A is a stormwater detention pond located west of Lot 1, Block B in the subject Addition. Reserve B is located on the north side of East Shadybrook Street, between the right-of-way and Lot 1, Block A of the subject Addition. If approved, the ownership and maintenance of Reserve A would transfer from the lot owner's association to the owner of Lot 1, Block B; and the ownership and maintenance of Reserve B would transfer from the lot owner's association to the owner of Lot 1, Block A.

The plattor's text states: "Reserves 'A' and 'B' are reserved for lakes, open space, sidewalks, landscaping, parking lots, access drives, drainage purposes, and utilities as confined to easements… Reserves 'A', 'B', and 'C' shall be owned and maintained by the lot owner's association for the addition." The purposes and uses for Reserves A and B are not changing.

Wichita Public Work and Utilities, Wichita Fire, Wichita Traffic Engineering, and Wichita Stormwater do not object to the vacation of plattor's text. Comments from franchised utilities have been received. Cox, Evergy, and Black Hills Energy do not object to the vacation of the plattor's text as it will not have an impact on any utilities in the vacation area. The Summitt Crossing 2nd Addition was recorded August 1, 2017.

When determining a recommendation to be made to the Metropolitan Area Planning Commission (MAPC), the Subdivision and Utility Advisory Committee should consider the legal findings that are required to be made by the MAPC and Governing Body in order to grant the request. These findings are detailed in the subsequent MAPC report. *In particular, the Committee should consider whether any private rights will be injured or endangered by recommending approval of the vacation request, and whether or not the public will suffer any loss or inconvenience thereby.*

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works, Water & Sewer, Stormwater, Traffic, 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 plattor's text of platted reserves.

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 October 3, 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 plattor's text 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) Vacate the plattor's to amend ownership and maintenance of Reserve A from the lot owner's association to the owner of Lot 1, Block B; and the ownership and maintenance of Reserve B from the lot owner's association to the owner of Lot 1, Block A. The plattor's text for Reserves A and B shall continue to be used for lakes, open space, sidewalks, landscaping, parking lots, access drives, drainage purposes, and utilities as confined to easements.

(2) As needed provide easements for public and franchised utilities. As needed provide letters/conformation from franchised utility representatives stating that their utilities are protected by the appropriate easements. Easements for

public utilities, with original signatures, must be provided to Planning prior to VAC2024-00048 proceeds to the City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.

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

(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. Legal Description
2. Plat Detail
3. Aerial Map

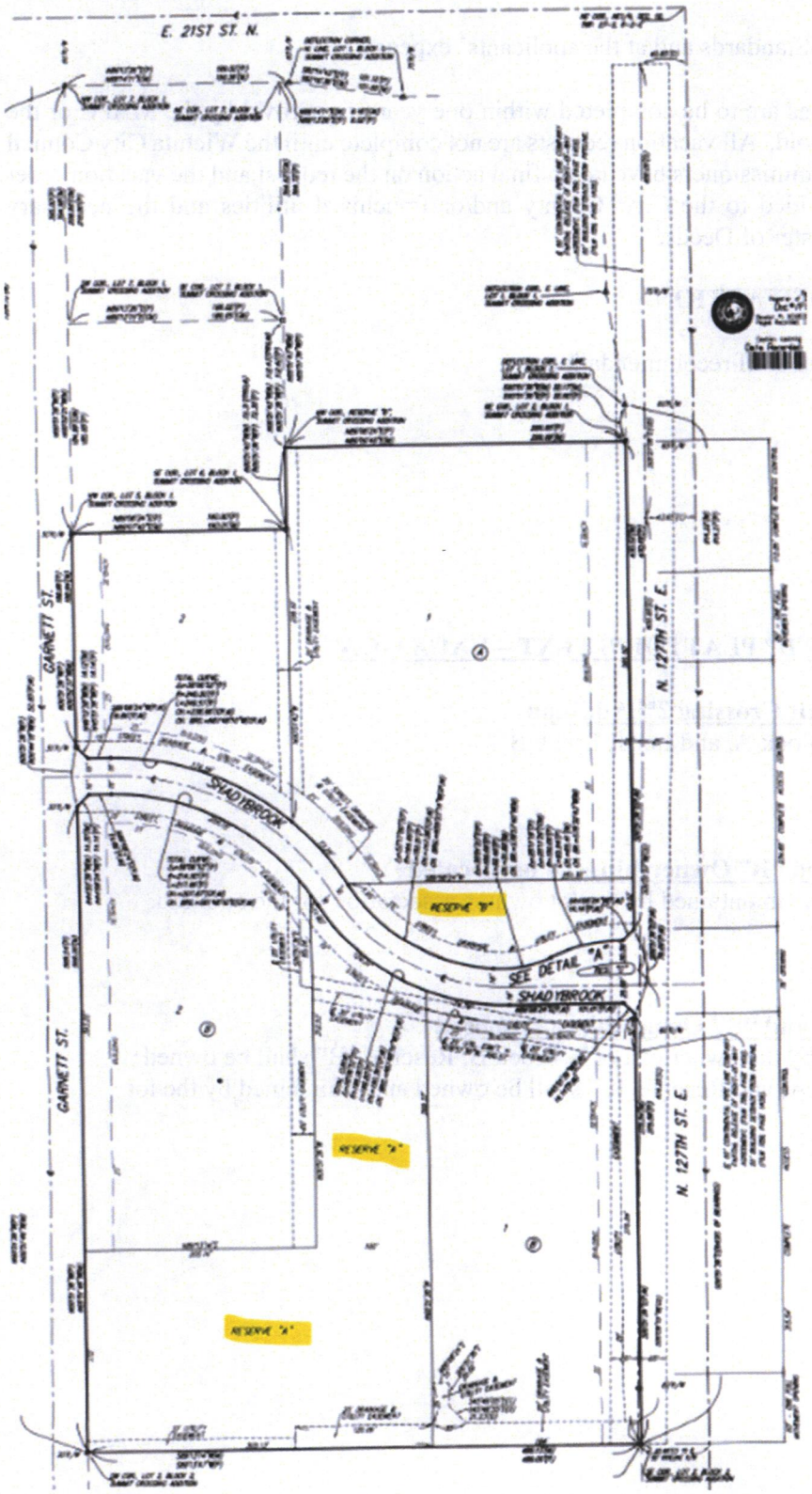
RESERVES "A" and "B" PLATTOR'S TEXT – VACATION

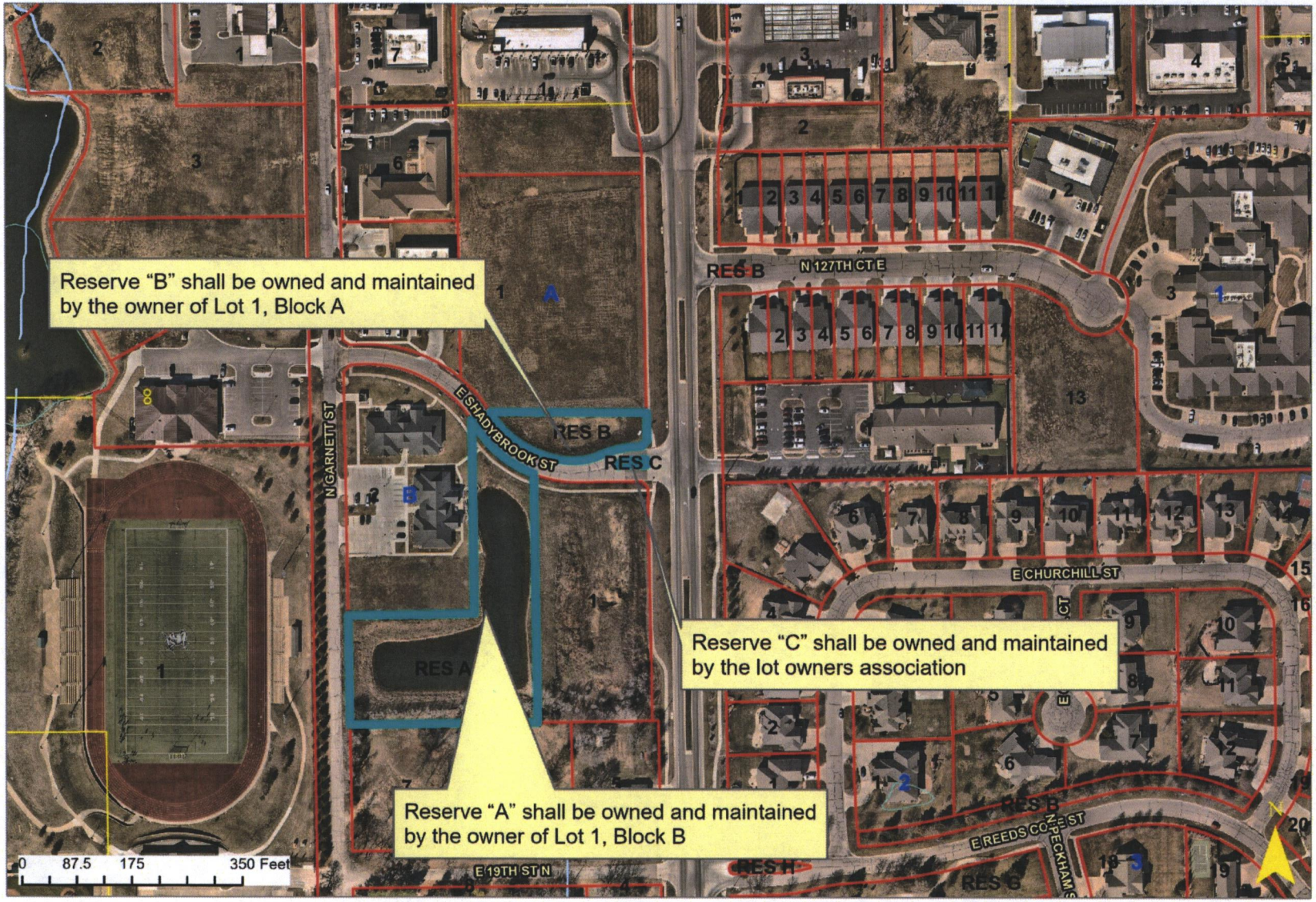
Summit Crossing 2nd Addition
Lot 1, Block A, and Lot 1, Block B

Reserves "A" and "B" Ownership - To be Vacated
Reserve "A", "B", and "C" shall be owned and maintained by the lot owners association for the addition.

Reserves "A" and "B" Ownership – Proposed
Reserve "A" shall be owned and maintained by the owner of Lot 1, Block B; Reserve "B" shall be owned and maintained by the owner of Lot 1, Block A; and Reserve "C" shall be owned and maintained by the lot owners association.

Plat Detail


E. 21ST ST. N.
GARNETT ST.
SHADYBROOK
RESERVE "B"
SEE DETAIL "A"
SHADYBROOK
N. 127TH ST. E.
GARNETT ST.
RESERVE "A"
RESERVE "A"
N. 127TH ST. E.


Reserve "B" shall be owned and maintained by the owner of Lot 1, Block A
Reserve "C" shall be owned and maintained by the lot owners association
Reserve "A" shall be owned and maintained by the owner of Lot 1, Block B
RES B
RES C
RES A
RES H
RES G
N 127TH CT E
E SHADYBROOK ST
N GARNETT ST
E CHURCHILL ST
E REEDS COVE ST
N PECKHAM S
E 19TH ST N
0 87.5 175 350 Feet