



Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30338141

Receipt #: 2446415
Pages Recorded: 2

Recording Fee: \$0.00

Authorized By: *Tonya Buckingham*

Cashier: tteps
Date Recorded: 10/03/2024 03:29:06 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 STREET SIDE SETBACK)**

**GENERALLY LOCATED AT THE CORNER OF NORTH)
MCLEAN BOULEVARD AND WEST 1ST STREET NORTH)**

VAC2024-00037

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 17th day of September 2024, comes on for hearing the petition for vacation filed by The City of Wichita (owner) praying for the vacation of a portion of a platted setback, to wit:

Portion of the Platted setback to be vacated:

That part of the 30 foot building setback along McLean Boulevard within Lot 1, Block 1, Exploration Place Addition, an Addition to Wichita, Sedgwick County, Kansas, written by William K. Clevenger, PS-1437 on 7/15/2024, described as commencing at the southwest corner of said Lot 1; thence N88°56'36"E along the south line of said Lot 1, 13.18 feet; thence N01°03'24"W, 30.00 feet to a point of intersection on the 30 foot building setback in said Lot 1 for a place of beginning; thence N43°38'05"W along said building setback line, 111.77 feet to a point of curvature of a curve to the left, said curve having a radius of 674.50 feet, an arc length of 400.81 feet, chord bearing N60°39'29"W, 394.94 feet; thence northwesterly along said curve and building setback line, 400.81 feet; thence S12°19'06"W, 15.00 feet to a non-tangent curve to the right, said curve having a radius of 659.50 feet, an arc length of 391.90 feet, chord bearing S60°39'29"E, 386.16 feet; thence southeasterly along said curve, 391.90 feet to a point of tangency; thence S43°38'05"E, 97.99 feet; thence N88°56'36"E, 20.37 feet to the place 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 August 1, 2024, which was at least 20 days prior to the public hearing.

September 17, 2024
VAC2024-00037

2. No private rights will be injured or endangered by the vacation of the described portion of a platted setback and the public will suffer no loss or inconvenience thereby.

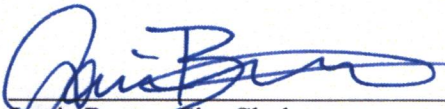
3. In justice to the petitioner, the prayer of the petitioner ought to be granted.

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.

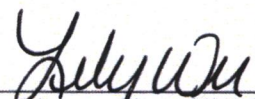
5. The vacation of the described portion of a platted setback should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 17th day of September 2024, ordered that the above-described portion of a platted setback 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.

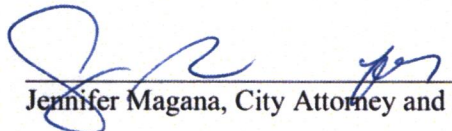
ATTEST:


Jamie Buster, City Clerk




Lily Wu, Mayor, City of Wichita

Approved as to Form:


Jennifer Magana, City Attorney and Director of Law

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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 August 1, 2024, which was at least 20 days prior to the public hearing.

September 17, 2024
VAC2024-00037

2. No private rights will be injured or endangered by the vacation of the described 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 setback should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 17th day of September 2024, ordered that the above-described portion of a platted setback 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**

September 18, 2024

Garver (Attn: Brent Thomas)
1995 Midfield Rd.
Wichita, KS 67209

Ref: VAC2024-00037: Vacation request in the City to reduce the platted setback from 30 feet to 15 feet to accommodate new retaining wall; located at the corner of North McLean Blvd and West 1st Street North (300 North McLean Blvd).

Dear Applicant,

At the **Tuesday, September 17, 2024**, meeting of the Wichita City Council, the above-referenced vacation request was approved.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Brad Eatherly'.

Brad Eatherly
Senior Planner
Current Plans

BE:JM



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

August 26, 2024

Garver (Attn: Brent Thomas)
1995 Midfield Rd.
Wichita, KS 67209

Ref: VAC2024-00037: Vacation request in the City to reduce the platted setback from 30 feet to 15 feet to accommodate new retaining wall; located at the corner of North McLean Blvd and West 1st Street North (300 North McLean Blvd).

Dear Applicant,

At the **Thursday, August 22, 2024**, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

- (1) Provide Planning Staff with a legal description of the approved vacated portion of the platted setback in a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to City Council for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide Planning with any needed easements dedicated by separate instrument with original signatures. These conditions must be completed prior to the case going to Council for final action.
- (3) All improvements shall be according to City Standards and at the applicant's expense.
- (4) Per MAPC Policy Statement #7, all conditions shall 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.

All of the above conditions have been completed. This case will be scheduled for final action by the Wichita City Council **September 17, 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 black ink, appearing to read 'B. Eatherly'.

Brad Eatherly
Senior Planner Current Plans

BE: JM



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	578567	Print Legal Ad-IPL01864400 - IPL0186440	MAPC	\$131.22	2	78 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 August 1, 2024
(One Time Only)
MAPC/BZA August 22, 2024
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, August 22, 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.

CON2024-00111: Conditional Use request in the City to allow for Accessory Dwelling Unit; generally located northeast of South Belmont Avenue and East Lewis Street (4316 East Lewis Street).

VAC2024-00034: Vacation request in the City to vacate a portion of a platted floodway easement on property zoned LC-Limited Commercial; located 375 feet north of East 21st Street North and one-quarter east of North Oliver Avenue (5110 East 21st Street North).

VAC2024-00035: Vacation request in the City to vacate a portion of a platted building setback on property zoned SF-5 Single-Family Residential District to build a detached garage, generally located on the northwest corner of West Sheriac Street and South Covington Street (11404 West Sheriac Street).

VAC2024-00036: Vacation request in the City to vacate a platted utility easement on property zoned TF-3 Two-Family Residential District, generally located west of South Clifton Avenue and north of East 63rd Street South.

VAC2024-00037: Vacation request in the City to reduce the platted setback from 30 feet to 15 feet to accommodate new retaining wall; located at the corner of North McLean Blvd and West 1st Street North (300 North McLean Blvd).

ZON2024-00037: Zone Change request in the City from SF-5 Single-Family Residential to LC Limited Commercial to for development of a new commercial building, located on the south side of West 21st Street North, within one-block east of North 135th Street West (13425 West 21st 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 August 1, 2024

Scott Wadle, Secretary

Wichita-Sedgwick County

Metropolitan Area Planning Commission

IPL0186440

Aug 1 2024

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

1 insertion(s) published on:

08/01/24

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 08/01/2024 to 08/01/2024.

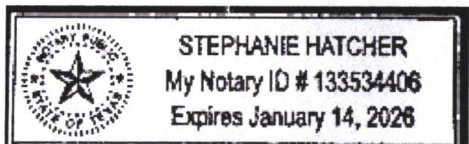
Mary Castro

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

DATED: 08/01/2024

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!

METROPOLITAN AREA PLANNING COMMISSION

AGENDA REPORT NO.

August 22, 2024

STAFF REPORT

CASE NUMBER:

VAC2024-00037 - City Vacation of a portion of a platted 30-foot setback to reduce it to 15 feet.

APPLICANT:

Victoria Mitchel, Exploration Place (applicant) / Brent Thomas, Garver

LEGAL DESCRIPTION:

Generally described as vacating a portion of the platted 30-foot setback on Lot 1, Block 1, Exploration Place Addition, Wichita, Sedgwick County, Kansas.

LOCATION:

Generally located at the corner of North McLean Boulevard and West 1st Street North (300 North McLean Boulevard). (WCC VI)

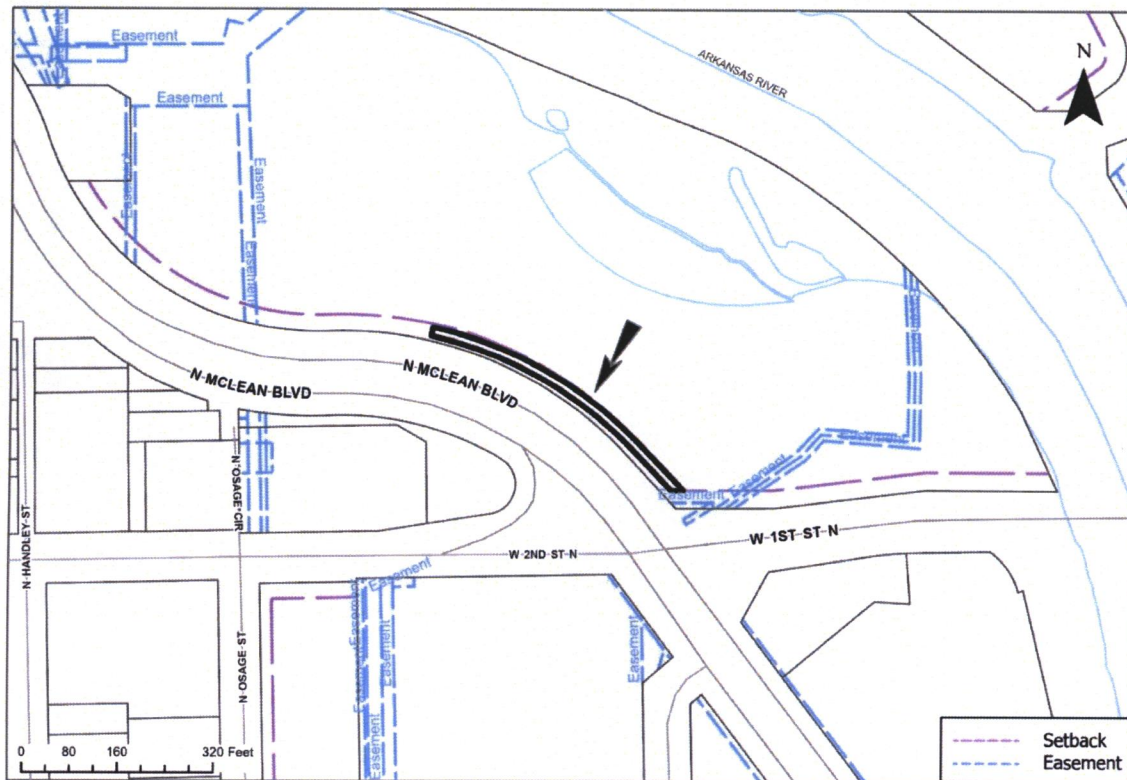
REASON FOR REQUEST:

Construct a retaining wall with shade canopy and anchor points for new play equipment.

CURRENT ZONING:

The site is zoned LC Limited Commercial District and adjacent properties are zoned TF-3 Two-Family Residential District, CBD Central Business District, GC General Commercial District, and LI Limited Industrial District and are developed with a variety of commercial, industrial, institutional, and residential uses.

VICINITY MAP:



The applicant proposes to vacate a portion of the platted 30-foot setback along North McLean Boulevard on Lot 1, Block 1, Exploration Place Addition. If approved, this will reduce the platted setback to 15 feet. The property is addressed 300 North McLean Boulevard and is generally located on the corner of North McLean Boulevard and West 1st Street North.

The purpose of this vacation is to construct a retaining wall with a shade canopy and for anchor points for new play equipment as part of the facility's planned Destination Playscape project. The lot is zoned LC Limited Commercial District, which has a zoning setback of 20 feet and a street side setback of 10 feet. The platted setback along North McLean was likely established based on the irregular shape of the lot. The Unified Zoning Code defines the front of the lot as the narrow side along a street frontage. This setback would be most akin to a street side setback. If the property did not have a platted setback, the 10-foot street side zoning setback would apply. The request to reduce the platted setback to 15 feet does not exceed the 10-foot street side zoning setback for the LC District.

Wichita Public Work and Utilities, Wichita Fire, Wichita Traffic Engineering, and Wichita Stormwater do not object to the reduction in setback. Kansas Gas, Evergy, and Cox do not object to the reduction in setback. Cox indicated it has a buried mainline and Fiber Optic line close to the west end of the area to be vacated. Any relocation or damage will be the responsibility of the applicant. Evergy noted that they have streetlight equipment and lines in the McLean Boulevard right-of-way. Eric O'Donnell is the area representative and can be contacted at (316) 261-6359 for this item. The Exploration Place Addition was recorded on June 25, 1997.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from Public Works, Stormwater, Water and Sewer, 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 described portion of the 30-foot 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 December 29, 2016, 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 street side yard 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) Provide Planning Staff with a legal description of the approved vacated portion of the platted setback in a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to City Council for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide Planning with any needed easements dedicated by separate instrument with original signatures. These conditions must be completed prior to the case going to Council for final action.
- (3) All improvements shall be according to City Standards and at the applicant's expense.

- (4) Per MAPC Policy Statement #7, all conditions shall 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

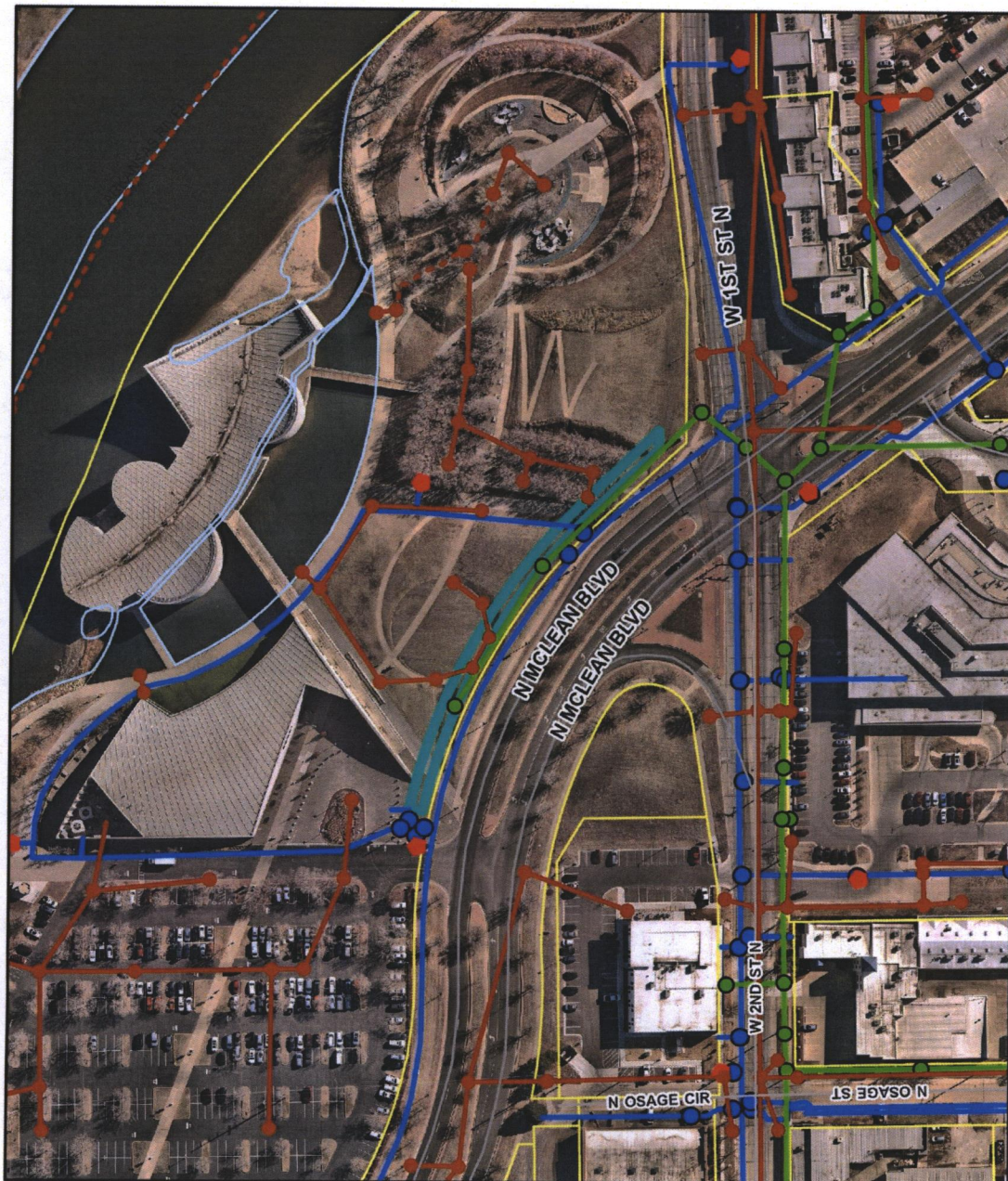
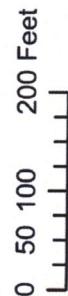
The Subdivision Committee recommends approval per staff recommendations.

Attachments:

- 1) Aerial Map
- 2) Legal Description
- 3) Site Plan

VAC2024-37

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



Exploration Place Building Setback Vacation

Vacation Description

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