



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

January 14, 2025

Bell Land Holdings, LLC
PO Box 75337
Wichita, KS 67275

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

Ref: VAC2024-00053: Vacation request in the City to the south 20 feet of a platted utility and drainage easement on property zoned PUD Planned Unit Development, generally located east of North Hillside Ave and north of K-254.

Dear Applicant,

At the **Tuesday, January 14, 2025**, meeting of the Wichita City Council, the above-referenced vacation request received final approval.

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'.

Philip Zevenbergen
Current Plans
Division Manager

VAC2024-00053: Vacation request in the City to the south 20 feet of a platted utility and drainage easement on property zoned PUD Planned Unit Development, generally located east of North Hillside Ave and north of K-254.

Page 2

These conditions have been met. Therefore, this case is scheduled for final action by the Wichita City Council on **Tuesday, January 14, 2025**. 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



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

**IN THE MATTER OF THE VACATION OF A PORTION OF A)
PLATTED DRAINAGE AND UTILITY EASEMENT)**

**GENERALLY LOCATED ON THE EAST OF NORTH)
HILLSIDE AVENUE AND NORTH OF KANSAS HIGHWAY)
254)**

VAC2024-00053

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 14th day of January 2025, comes on for hearing the petition for vacation filed by Bell Land Holdings, LLC (owner) praying for the vacation of a portion of a platted drainage and utility easement, to wit:

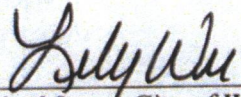
Portion of platted drainage and utility easement to be vacated:
The South 20.00 feet of Lot 7, Block C, Falcon Falls East 3rd Addition, Wichita, Sedgwick County, Kansas, EXCEPT the East 20.00 feet of said Lot 7, AND EXCEPT the West 20.00 feet of Lot 7.

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 November 21, 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 drainage and 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 drainage and utility easement should be

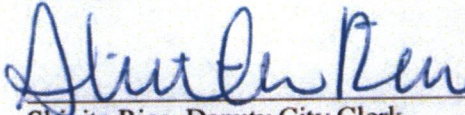
approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 14th day of January 2025, ordered that the above-described portion of a platted drainage and 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

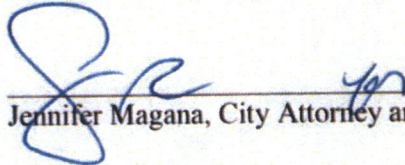
ATTEST:



Shinita Rice, Deputy City Clerk



Approved as to Form:



Jennifer Magana, City Attorney and Director of Law

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5. The vacation of the described portion of a platted drainage and utility easement should be

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Lily Wu, Mayor, City of Wichita


ATTEST:



Shinita Rice, Deputy City Clerk



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ATTEST:



Shinita Rice, Deputy City Clerk





Lily Wu, Mayor, City of Wichita

Approved as to Form:

Jennifer Magana, City Attorney and Director of Law

January 14, 2025
VAC2024-00053



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	612665	Print Legal Ad-IPL02045660 - IPL0204566	OFFICIAL HEARING NOTI	\$126.18	2	75 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 November 20, 2024
 (One Time Only)
 MAPC/BZA December 12, 2024
 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, December 12, 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.

BZA2024-00075: Variance request in the City to reduce minimum building separation from three feet to one foot for raised beam hot tub on property zoned SF-5 Single-Family Residential, located one-third mile east of West Webb Road and one-half mile north of East 21st Street North (9023 E Woodspring Street).

BZA2024-00077: Variance request in the City to allow a temporary 2,120-square-foot wall graphic on the east elevation of a property zoned CBD Central Business District, generally located on the northeast corner of South Main Street and East English Street (100 East English).

CON2024-00242: Conditional Use to allow Daycare, General on property zoned SF-5 Single-Family Residential District to allow up to 100 children on site, generally located on the north side of East 15th Street North, between North Pershing Avenue and North Oliver Avenue (4640 East 15th Street North).

CUP2024-00030: CUP Amendment to CUP DP-45 to allow Entertainment Establishment in the City for events with entertainment and alcohol associated with a fitness club on Parcel 3B, generally located on the northwest corner of East Central Avenue and North Woodlawn Boulevard (6100 East Central Avenue).

CUP2024-00040: CUP Amendment in the City to CUP DP-194 to allow Entertainment Establishment on Parcel 2B for karaoke, generally located on the east side of North Penstemon Street, within 450 feet north of East 29th Street North (3030 North Penstemon).

CUP2024-00041: CUP Amendment Request in the City to CUP DP-278 to allow Entertainment Establishment in Parcel A, adjust parking requirements, maximum building coverage, and remove architectural controls for Parcels A and C, generally located on the southwest corner of West 29th Street North and North Maize Road.

PUD2024-00024: Zone change request in the City from GC General Commercial to Planned Unit Development #135 to create the Empower PUD for an Entertainment Establishment, generally located on the southwest corner of West 21st Street North and North Market Street (2157 North Market Street).

PUD2024-00025: Zone change request in the City from SF-5 Single-Family Residential to Planned Unit Development to create the Northeast Substation PUD #136 to expand existing electric substation, generally located on the east side of North Woodlawn Boulevard, within one-half mile south of East 21st Street North.

VAC2024-00051: Vacation request in the City to vacate the north 40 feet building setback along Wilshire Terrace on property zoned SF-5 Single-Family, located approximately 187 feet southeast of the intersection of South Bedford Terrace and East Wilshire Terrace (1046 South Bedford Terrace).

VAC2024-00052: Vacation request in the City to vacate platted access control on property zoned PUD Planned Unit Development #52, generally located on the south side of West MacArthur Boulevard, within 675 feet west of South Meridian Avenue (2611 West MacArthur).

VAC2024-00053: Vacation request in the City to vacate the south 20 feet of a platted utility easement on property zoned PUD Planned Unit Development #122, generally located east of North Hillside Avenue and north of Kansas Highway 254.

ZON2024-00052: Zone Change request in the City from SF-5 Single-Family Residential and TF-3 Two-Family Residential to MF-18 Multi-Family Residential, generally located on the west side of North Doris Street and within 120 feet north of West 2nd Street North (317 & 321 North Doris Street).

ZON2024-00054: Zone Change request in the City from SF-5 Single-Family Residential to MF-18 Multi-Family Residential, located on the northeast corner of North Hoover Street and West Robinson Street.

ZON2024-00055: Zone Change in the city from B Multi-Family to LI Limited Industrial, generally located on the west side of Santa Fe Avenue and within 250 feet south of East 13th Street North (1331 North Santa Fe Avenue).

ZON2024-00056: Zone change request in the City from NR Neighborhood Retail District with Protective Overlay #375 to LC Limited Commercial District, generally located on the east side of North Hillside Avenue, within 700 feet south of East Central Avenue.

IPL0204566
 Nov 20 2024

In The STATE OF KANSAS
 In and for the County of Sedgwick
 1 insertion(s) published on:
 11/20/24

STATE OF KANSAS)
 SS
 County of Sedgwick)

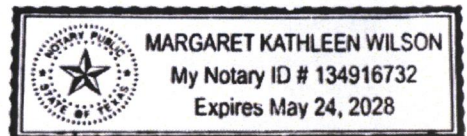
Mary Castro, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has 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 11/20/2024 to 11/20/2024.

Mary Castro

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
 DATED: 11/20/2024

Margaret K. Wilson

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: VAC2024-00053 - Request to vacate a portion of a platted 20-foot drainage and utility easement.

OWNER/APPLICANT: Bell Land Holdings, LLC (Applicant)/ Baughman Company, P.A. (Agent)

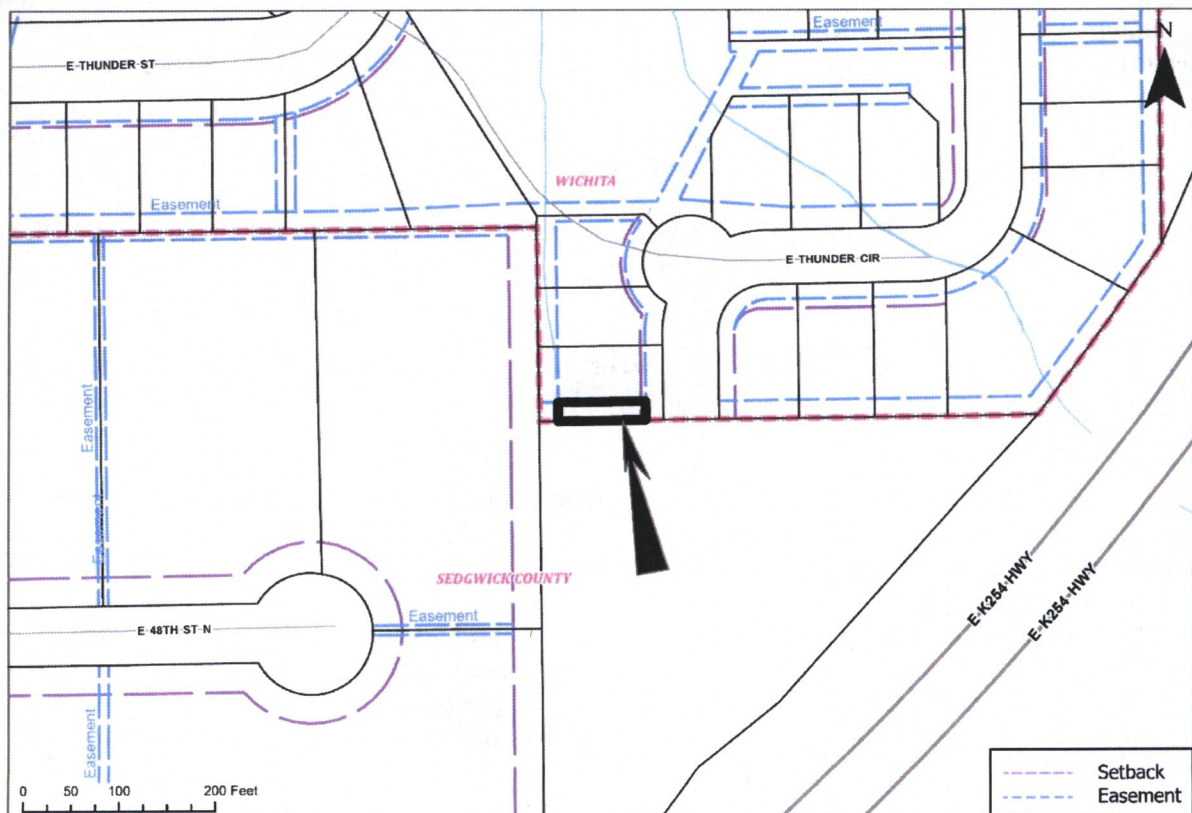
LEGAL DESCRIPTION: Generally described as vacating a portion of a platted 20-foot drainage and utility easement on the South 20.00 feet of Lot 7, Block C, Falcon Falls East 3rd Addition, Wichita, Sedgwick County, Kansas, except the East 20.00 feet of said Lot 7, and except the West 20.00 feet of said Lot 7.

LOCATION: Generally located East of North Hillside Avenue and North of Kansas Highway 254. (WCC I)

REASON FOR REQUEST: To permit construction of a residential dwelling unit.

CURRENT ZONING: The subject site along with property to the north and east is zoned PUD Planned Unit Development (PUD-122) and is proposed for residential development. Property to the west is zoned SF-5 Single Family Residential and consist of a single-family residential dwelling. Property to the south is vacant and zoned SF-5 Single-Family Residential.

VICINITY MAP:



The applicant proposes to vacate a 20-foot drainage and utility easement along the south line of Lot 7, Block C, Falcon Falls East 3rd Addition, see legal description and exhibits. The property is zoned PUD Planned Unit Development (PUD-122), which allows for TF-3 Two-Family Residential development. If approved the applicant proposes to construct a residential dwelling unit over the portion of easement to be vacated. The vacation requested does not include the platted 20-foot drainage and utility easement that is located along the west and east property line of said Lot 7.

Wichita Public Works, Wichita Traffic Engineering, and Wichita City Fire do not object to the vacation. Comments from franchised utilities have been received. Cox has no objection to this vacation. Cox has no equipment or lines in the vacation area. Everygy has reviewed this vacation request and have no objection to and do not have any items in the 20' drainage and utility they are wanting to vacation. However, Steven Chronister, Area Design Representative, will be the contact for this vacation request and any project associated with it. Everygy does not have anything currently in conflict, there is a new residential development here, but nothing is changing. He can be contacted at (785) 508-2682. Standard language will apply; Any relocation or removal of existing Everygy equipment will need to be discussed and will be at the applicant's expense.

The Falcon Falls East 3rd Addition was recorded on July 9, 2024.

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 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 utility and drainage 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 November 21, 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 and 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 wall easement and utility easement shall be to City Standards and shall be the responsibility and at the expense of the applicant. 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.












SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

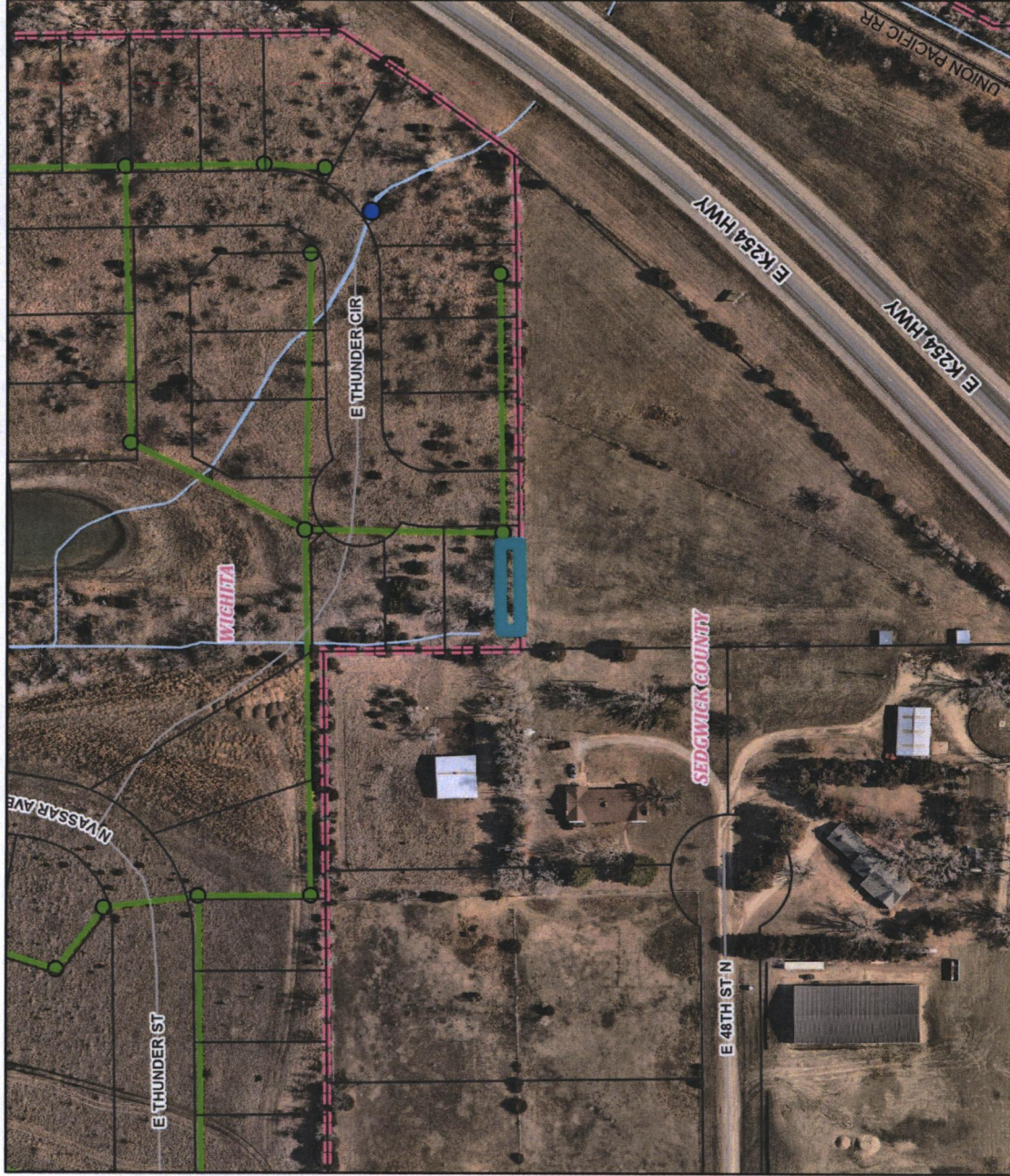
The Subdivision Committee recommends approval per staff recommendations.

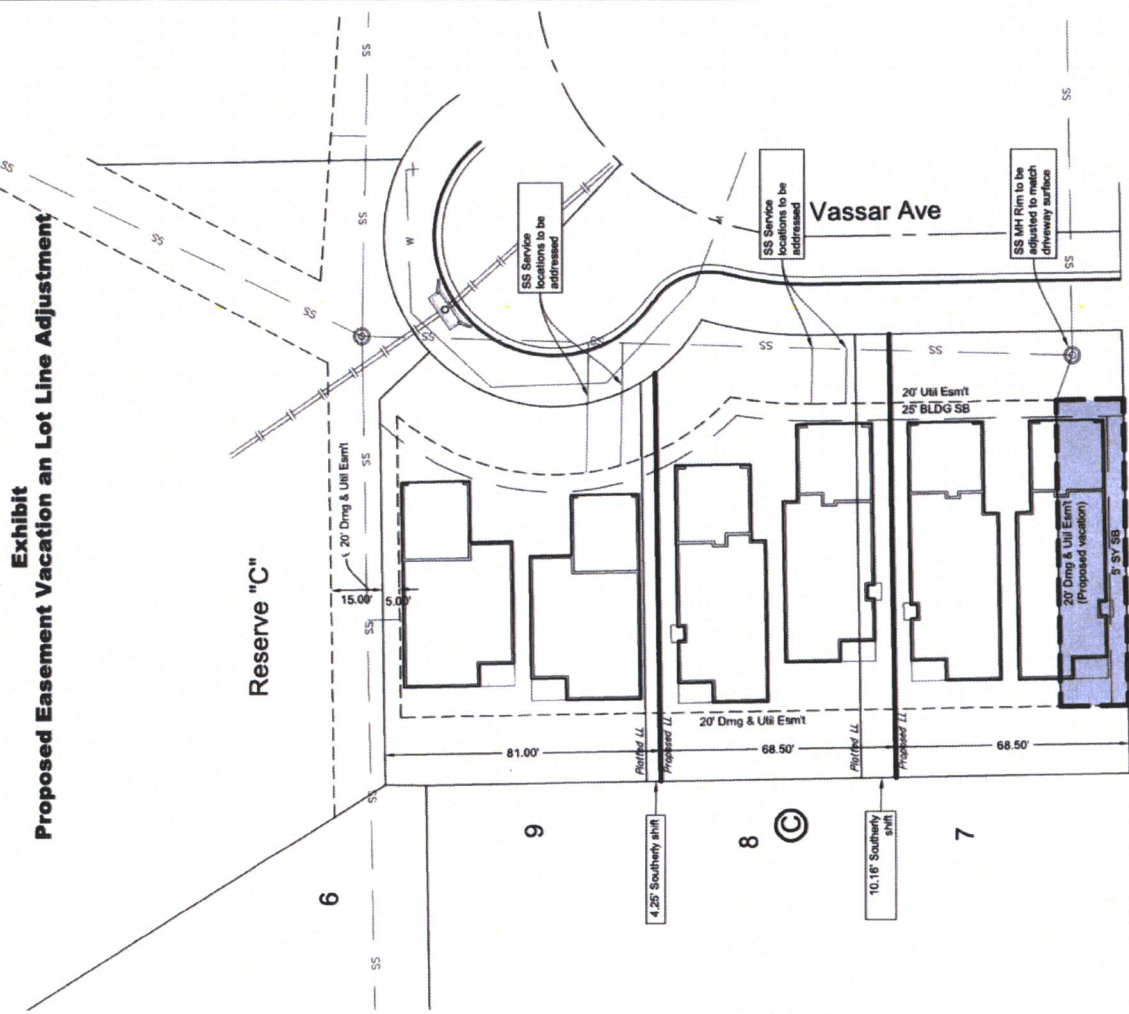
Attachments:

1. Aerial Map,
2. Vacation Exhibit with Legal Description

VAC2024-53

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





FALCON FALLS 3RD ADDITION LOT 7, BLOCK C

The South 20.00 feet of Lot 7, Block C, Falcon Falls East 3rd Addition, Wichita, Sedgwick County, Kansas, EXCEPT the East 20.00 feet of said Lot 7, AND EXCEPT the West 20.00 feet of said Lot 7.