



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

July 15, 2025

Miller Family Homes  
1907 S. Hydraulic  
Wichita, KS 67211

Garver  
Attn: Makenzie Allen  
1995 Midfield Rd.  
Wichita, KS 67209

**Ref: VAC2025-00018:** Vacation request in the City to vacate a platted drainage and utility easement to build a single-family dwelling on property located on the west side of West Laguna Circle, within one-half mile west of South 143<sup>rd</sup> Street East.

Dear Applicant,

At the **Tuesday, July 15, 2025**, meeting of the Wichita City Council, the above-referenced vacation request was approved subject to the following conditions:

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', with a long horizontal flourish extending to the right.

Philip Zevenbergen  
Current Plans  
Division Manager



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

June 17, 2025

Miller Family Homes  
1907 S. Hydraulic  
Wichita, KS 67211

Garver  
Attn: Makenzie Allen  
1995 Midfield Rd.  
Wichita, KS 67209

**Ref: VAC2025-00018:** Vacation request in the City to vacate a platted drainage and utility easement to build a single-family dwelling on property located on the west side of West Laguna Circle, within one-half mile west of South 143<sup>rd</sup> Street East.

Dear Applicant,

At the **Thursday, June 12, 2025**, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

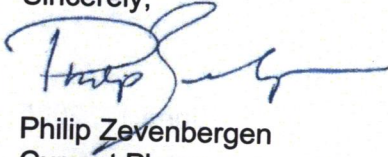
- (1) If any utility services are found to be located within the area of the proposed Vacation, these services shall be relocated at the owner's expense, to city standards, and the applicant shall provide Planning with the dedication of utility easements by separate instruments to go with the Vacation 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) The applicant shall dedicate a new drainage and utility easement, by separate instrument, as approved by City Stormwater, with the Sedgwick County Register of Deeds prior to this application proceeding to Wichita City Council for final action. Either an original drainage easement document can be submitted to Planning to be recorded with the Vacation Order, or a copy of the recorded drainage easement can be submitted to Planning.
- (3) 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.

Condition #2 above must be met before this case can have final approval. Therefore, this case is scheduled for final action by the Wichita City Council at an appropriate meeting after Planning has received the conditions. 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.



**VAC2025-00018:** Vacation request in the City to vacate a platted drainage and utility easement to build a single-family dwelling on property located on the west side of West Laguna Circle, within one-half mile west of South 143<sup>rd</sup> Street East.  
Page 2

Sincerely,

A handwritten signature in blue ink, appearing to read "Philip Zevenbergen", with a stylized flourish extending to the right.

Philip Zevenbergen  
Current Plans  
Division Manager



Document #: 2025-033490  
Date Recorded: 07/18/2025 02:29:36 PM  
Pages: 2 Recording Fee: 0.00  
Sedgwick County Kansas  
Tonya Buckingham,  
Register of Deeds

**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 WEST SIDE OF EAST  
LAGUNA STREET, WITHIN ONE-HALF MILE WEST OF  
SOUTH 143<sup>RD</sup> STREET EAST**

VAC2025-00018

**MORE FULLY DESCRIBED BELOW**

**VACATION ORDER**

NOW on this 15<sup>th</sup> day of July 2025, comes on for hearing the petition for vacation filed by Miller Family Land Development, Inc. (owner) praying for the vacation of a portion of a platted building setback, to wit:

Portion of the drainage and utility easement to be vacated:

A 20-foot wide drainage and utility easement, being the southeast 10 feet of Lot 7 and the northwest 10 feet of Lot 6, Block 1, Clear Creek 3<sup>rd</sup> Addition, being a replat of part of Clear Creek Addition and part of Clear Creek 2<sup>nd</sup> Addition as recorded in the Office of the Register of Deeds of Sedgwick County, Kansas. Said development is located nearest the intersection of East 143<sup>rd</sup> Street South and East Kellogg Drive (U.S. Highway 54/400), and is more particularly described as follows:

Beginning at the northwest corner of Lot 6 and continuing southwest along the west line of Lot 6; 10 feet of the easement is within Lot 6 and is parallel to the other 10 feet of the easement on Lot 7 that starts in the northeast corner of Lot 7 and continues south to the southeast line 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 and at [www.wichita.gov/LegalNotices](http://www.wichita.gov/LegalNotices) on May 22, 2025, which was at least 20 days prior to the public hearing.

July 15, 2025  
VAC2025-00018

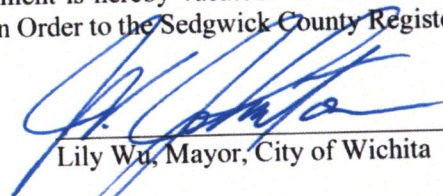
2. No private rights will be injured or endangered by the vacation of the described portion of a platted drainage and utility easement, and the public will suffer no loss or inconvenience thereby.

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 15<sup>th</sup> day of July 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.

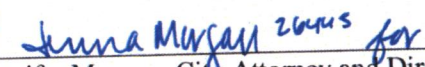
  
Lily Wu, Mayor, City of Wichita

ATTEST:

  
Paul Leeker, City Clerk



Approved as to Form:

  
Jennifer Magana, City Attorney and Director of Law



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  
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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 | Cols | Depth |
|-----------|--------------|-----------------------------------------|----------|------|-------|
| 16399     | 663310       | Print Legal Ad-IPL02339250 - IPL0233925 |          | 1    | 81 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 May 21, 2025**  
**(One Time Only)**

**MAPC/BZA June 12, 2025**  
**OFFICIAL HEARING NOTICE**

NOTICE IS HEREBY GIVEN that on Thursday, June 12, 2025, 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](http://www.wichita.gov/LegalNotices).

CON2025-00070: Conditional Use request in the City to allow an Accessory Apartment on property zoned SF-5 Single-Family Residential District, generally located on the west side of North Linden Drive, within 550 feet south of East Central Avenue (3 Linden Drive).

DER2025-00008: 2025 Urban Growth Area Update - Pursuant to K.S.A. 12-747 et. Seq., amendment of the Urban Growth Area as an element of the Community Investments Plan 2015-2035, the Wichita-Sedgwick County Comprehensive Plan, will be considered.

DER2025-00011: College Hill Neighborhood Plan - Pursuant to K.S.A. 12-747 et. Seq., adoption of the College Hill Neighborhood Plan as an element of the Community Investments Plan 2015-2035, the Wichita-Sedgwick County Comprehensive Plan, will be considered.

VAC2025-00017: Vacation request in the City to vacate 50 feet of a 55-foot drainage easement to build a detached garage, generally located on the north side of West Kenny Street, within one-quarter mile east of North 119th Street West (11518 West Kenny Street).

VAC2025-00018: Vacation request in the City to vacate a 20-foot drainage & utility easement to build a new home, generally located on the west side of East Laguna Circle, within one-half mile west of South 143rd Street East.

ZON2025-00022: Zone Change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District, generally located on the southwest corner of West University Avenue and South All Hallows Avenue (401 South All Hallows Avenue).

ZON2025-00023: Zone Change request in the City from LC Limited Commercial District to GC General Commercial to allow Vehicle Storage Yard, generally located on the northwest corner of South Seneca Street and West Carey Lane (3825 South Seneca Street).

IPL0233925  
May 21 2025

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

1 insertion(s) published on:  
05/21/25

STATE OF KANSAS)

SS

County of Sedgwick)

Mary Castro, of lawful age, being first duly sworn, depose 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 05/21/2025 to 05/21/2025.

*Mary Castro*

I certify (or declare) under penalty of perjury that the foregoing is true and correct.  
DATED: 05/21/2025

*Amy Robbins*

Notary Public in and for the state of South Carolina,  
residing in Beaufort County



AMY L. ROBBINS  
NOTARY PUBLIC  
SOUTH CAROLINA  
MY COMMISSION EXPIRES 11-03-32

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

**STAFF REPORT**

**CASE NUMBER:**

VAC2025-00018 - Vacation of a platted drainage and utility easement.

**APPLICANT/AGENT:**

Miller Family Homes (applicant)/ Garver-Makenzie Allen (agent)

**LEGAL DESCRIPTION:**

Generally described as vacating the platted 20-foot drainage and utility easement, being the southeast 10 feet of Lot 6 and the northwest 10 feet of Lot 6, Block 1, Clear Creek 3<sup>rd</sup> Addition, being a replat of part of Clear Creek Addition and part of Clear Creek 2<sup>nd</sup> Addition, Wichita, Sedgwick County, Kansas (see attached complete legal description).

**LOCATION:**

Generally located on the west side of East Laguna Circle, within a half mile west of South 143rd Street East.

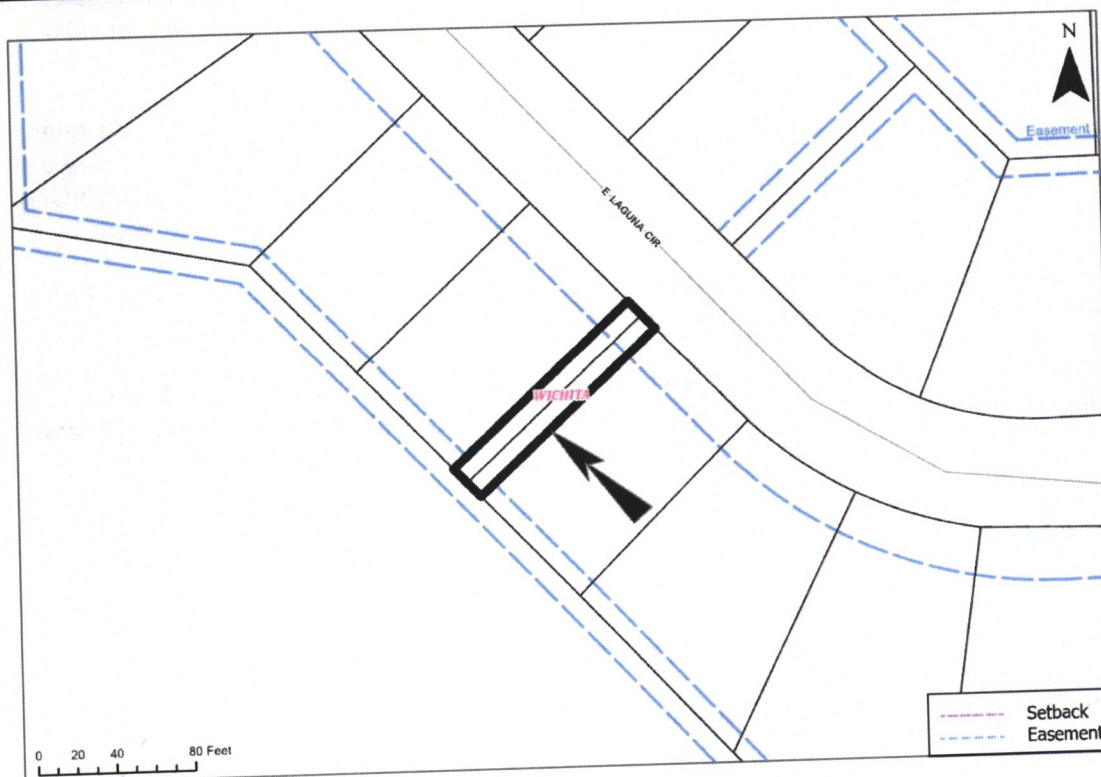
**REASON FOR REQUEST:**

To allow for the construction of a single-family dwelling.

**CURRENT ZONING:**

The subject site is currently zoned SF-5 Single-Family Residential District and is currently undeveloped. Adjacent properties are also zoned SF-Single-Family Residential District with a drainage basin located south of the property.

**VICINITY MAP:**





The applicant is requesting the vacation of a platted 20-foot drainage and utility easement, being the southeast 10 feet of Lot 6 and the northwest 10 feet of Lot 6, Block 1, Clear Creek 3rd Addition, being a replat of part of Clear Creek Addition and part of Clear Creek 2nd Addition.

The subject site is zoned SF-5 Single-Family Residential District (SF-5) and is currently vacant. The owner plans to combine Lots 6, 7, 8 of Clear Creek 3<sup>rd</sup> Addition to allow for the development of a new single-family residential home. Easement requests have been submitted to provide new 20-foot drainage and utility easements by separate instrument, located between Lots 8 and 9 and between Lots 5 and 6, to compensate for the vacation of the existing easement.

GIS mapping shows no public utilities in the subject drainage easement. There is a platted 20-foot utility easement along the east property line and a 10-foot drainage and utility easement running along the west property line. These easements will remain intact and the vacation of the drainage will not impact these easements.

Wichita Stormwater has no objection to the vacation and notes that storm sewers are planned to be rerouted. Wichita Fire and Wichita Public Works and Utilities have no objection to the vacation with the condition that the above mentioned easements along the east and west property line remain. Comments from franchised utilities have been received. Neither Evergy nor Cox have an objection to the vacation request. They do not have lines or equipment in the vacation area.

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 drainage and utility 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 May 22, 2025, 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) 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) The applicant shall dedicate a new drainage and utility easement, by separate instrument, as approved by City Stormwater, with the Sedgwick County Register of Deeds prior to this application proceeding to Wichita City Council for final action. Either an original drainage easement document can be submitted to Planning to be recorded with the Vacation Order, or a copy of the recorded drainage easement can be submitted to Planning.
- (3) 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 2) Legal Description 3)Aerial Map 4)Plat Exhibit

**Vacation Exhibit**





## **Legal Description**

### **Legal Description for Vacation of Easement**

To the Metropolitan Area Planning Commission of the City of Wichita:

The undersigned hereby petitions for the vacation of the platted 20-foot drainage and utility easement as described below, located within Clear Creek 3rd Addition, in the City of Wichita, Sedgwick County, Kansas:

#### **Description:**

A 20-foot wide drainage and utility easement, being the southeast 10 feet of Lot 6 and the northwest 10 feet of Lot 6, Block 1, Clear Creek 3rd Addition, being a replat of part of Clear Creek Addition and Part of Clear Creek 2<sup>nd</sup> Addition as recorded in the Office of the Register of Deeds of Sedgwick County, Kansas. Said development is located nearest the intersection of East 143rd Street and Kellogg Drive (U.S. Highway 54/400), and is more particularly described as follows:

Beginning at the northwest corner of Lot 6 and continuing southwest along the west line of Lot 6, 10' of the easement is within Lot 6 and is parallel to the other 10' of the easement on Lot 7 that starts in the northeast corner of Lot 7 and continues south to the southeast line of Lot 7.



Aerial Map

VAC2025-18

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





Plat Exhibit

