



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

May 13, 2025

2021 Michelle D. Breault Irrev. Trust
8080 E. Central Ave.
Wichita, KS 67206

Baughman Company, P.A.
315 S. Ellis Ave.
Wichita, KS 67211

Ref: VAC2025-00009: Vacation request in the City to vacate five feet of a 35-foot platted setback and two feet of a five-foot utility easement on the west property line to rebuild a garage, generally located on the southwest corner of East Waterman Street and South Terrace Drive (301 South Terrace Drive).

Dear Applicant,

At the **Tuesday, May 13, 2025**, meeting of the Wichita City Council, the follow actions were made regarding the above-referenced vacation request.

1. **DENIAL** of the request to vacate the east two feet of the platted five-foot **utility easement**, per the recommendation of Wichita Public Works and Everyg.
2. **APPROVAL** of the request to vacate the southwesterly five feet of the **platted 35-foot front setback**

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



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

April 10, 2025

2021 Michelle D. Breault Irrev. Trust
8080 E. Central Ave.
Wichita, KS 67206

Baughman Company, P.A.
315 S. Ellis Ave.
Wichita, KS 67211

Ref: VAC2025-00009: Vacation request in the City to vacate five feet of a 35-foot platted setback and two feet of a five-foot utility easement on the west property line to rebuild a garage, generally located on the southwest corner of East Waterman Street and South Terrace Drive (301 South Terrace Drive).

Dear Applicant,

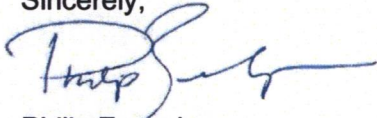
At the **Thursday, April 10, 2025**, meeting of the Metropolitan Area Planning Commission (MAPC), the follow recommendations were made regarding the above-referenced vacation request.

1. **DENIAL** of the request to vacate the east two feet of the platted five-foot **utility easement**, per the recommendation of Wichita Public Works and Evergy.
2. **APPROVAL** of the request to vacate the southwesterly five feet of the **platted 35-foot front setback**, subject to the following conditions:
 - (1) Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the described setback 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) All improvements shall be according to City Standards and at the applicant's expense.
 - (3) Provide Planning with a legal description of the vacated portion of the platted setback 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.
 - (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.

VAC2025-00009: Vacation request in the City to vacate five feet of a 35-foot platted setback and two feet of a five-foot utility easement on the west property line to rebuild a garage, generally located on the southwest corner of East Waterman Street and South Terrace Drive (301 South Terrace Drive).
Page 2

These conditions have been met. Therefore, this case is scheduled for final action by the Wichita City Council on **Tuesday, May 13, 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,

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



Document #: 2025-021482
Date Recorded: 05/22/2025 02:45:12 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 BUILDING SETBACK**

**GENERALLY LOCATED WITHIN ONE-HALF MILE SOUTH
OF EAST DOUGLAS AVENUE AND ONE-QUARTER MILE
WEST OF SOUTH OLIVER AVENUE**

VAC2025-00009

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 13th day of May 2025, comes on for hearing the petition for vacation filed by 2021 Michelle D. Breault Irrevocable Trust (owner) praying for the vacation of a portion of a platted building setback, to wit:

Portion of platted building setback to be vacated:

The south and west 5.00 feet of the 30-foot building setback line and 35-foot building setback line of Lot 1, Block 9, Lincoln Heights Addition, Wichita, Sedgwick County, Kansas, as prepared by Baughman Co. P.A. Professional Surveyors, CLS 58, in aforesaid County and State, on the 27th day of February, 2025, and being more particularly described as COMMENCING at the southeast corner of said Lot 1; thence west, coincident with the south boundary of said Lot 1, 30.00 feet, to a point 5.00 feet east of the said 35-foot building line and the POINT OF BEGINNING; thence west, coincident with the south boundary of said Lot 1, 5.00 feet to the 35-foot building line; thence north, parallel with and 35.00 feet normally distant to the east boundary of said Lot 1, coincident with said 35-foot building line, 2.50 feet, to a point of curvature to the left; thence northwest coincident with said curve to the left and the transition from said 35-foot building line to said 30-foot building line, having a radius of 67.50 feet, and an arc distance of 106.03 feet; thence west parallel with and 30.00 feet normally distant south of the north boundary of said Lot 1; thence north, coincident with the west boundary of said Lot 1, 5.00 feet; thence east parallel with and 25.00 feet normally distant south of said north boundary, 32.50 feet, to a point of curvature to the right; thence southeast, coincident with said curve to the right having a radius of 72.50 feet and an arc distance of 113.88 feet; thence south, parallel with and 30.00 feet normally distant west of the east boundary of said Lot 1, 2.50 feet, to the POINT OF

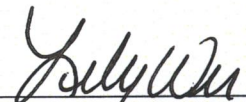
May 13, 2025
VAC2025-00009

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:

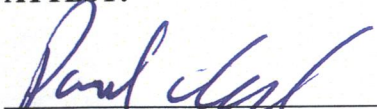
1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle and at www.wichita.gov/LegalNotices on March 20, 2025, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the described portion of the platted building 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 the platted building setback, should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13th day of May 2025, ordered that the above-described portion of the platted building 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

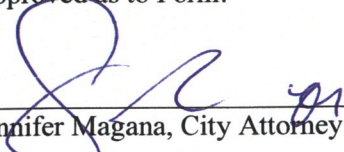
ATTEST:



Paul Leeker, City Clerk



Approved as to Form:



Jennifer Magana, City Attorney and Director of Law

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 and at www.wichita.gov/LegalNotices on March 20, 2025, 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 the platted building 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 the platted building setback, should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13th day of May 2025, ordered that the above-described portion of the platted building 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

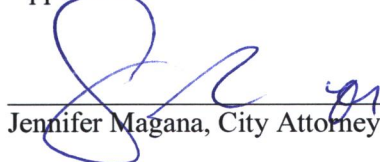
ATTEST:



Paul Leeker, City Clerk



Approved as to Form:



Jennifer Magana, City Attorney and Director of Law

May 13, 2025
VAC2025-00009

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Cols	Depth
16399	645112	Print Legal Ad-IPL02228020 - IPL0222802	MAPC/BZA April 10, 2025	1	68 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 March 19, 2025
(One Time Only)
MAPC/BZA April 10, 2025
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, April 10, 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.**

CON2025-00041: Conditional Use request in the City for an Accessory Apartment on property zoned SF-5 Single-Family Residential; generally located within one-block west of North West Street and one-half mile north of West 13th Street North (1632 N. Nevada Ct.).

CON2025-00050: Conditional Use request in the City for a Group Residence, Limited on property zoned SF-5 Single-Family Residential District, generally located on the east side of North Fountain Avenue and within 600 feet north of East 21st Street North (2272 North Fountain Avenue).

DER2024-00011: Unified Zoning Code amendment (City and County) pertaining to posting of development signs in the unincorporated areas of the County and the City of Wichita.

VAC2025-00009: Vacation request in the City to vacate five feet of a 35-foot platted front setback and two feet of a five-foot utility easement on the west property line to rebuild a garage, generally located on the south-west corner of East Waterman Street and South Terrace Drive (301 South Terrace).

ZON2025-00007: Zone Change request in the City from TF-3 Two-Family Residential to GC General Commercial to allow for commercial storage buildings and to remove lots 4 & 5 from PO-335, on the west side of South 135th Street West and within one-quarter mile north of West Kellogg Drive.

IPL0222802
Mar 19 2025

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

1 insertion(s) published on:

03/19/25

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 03/19/2025 to 03/19/2025.

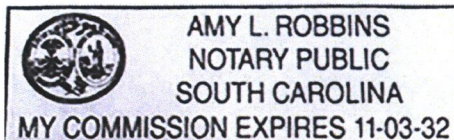
Mary Castro

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

DATED: 03/19/2025

Amy Robbins

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



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

STAFF REPORT

CASE NUMBER: VAC2025-00009 - Request to vacate a portion of a platted utility easement and a portion of a 35-foot platted building setback

OWNER/APPLICANT: 2021 Michelle D. Breault Irrev. Trust (Applicant)/ Baughman Company (Agent)

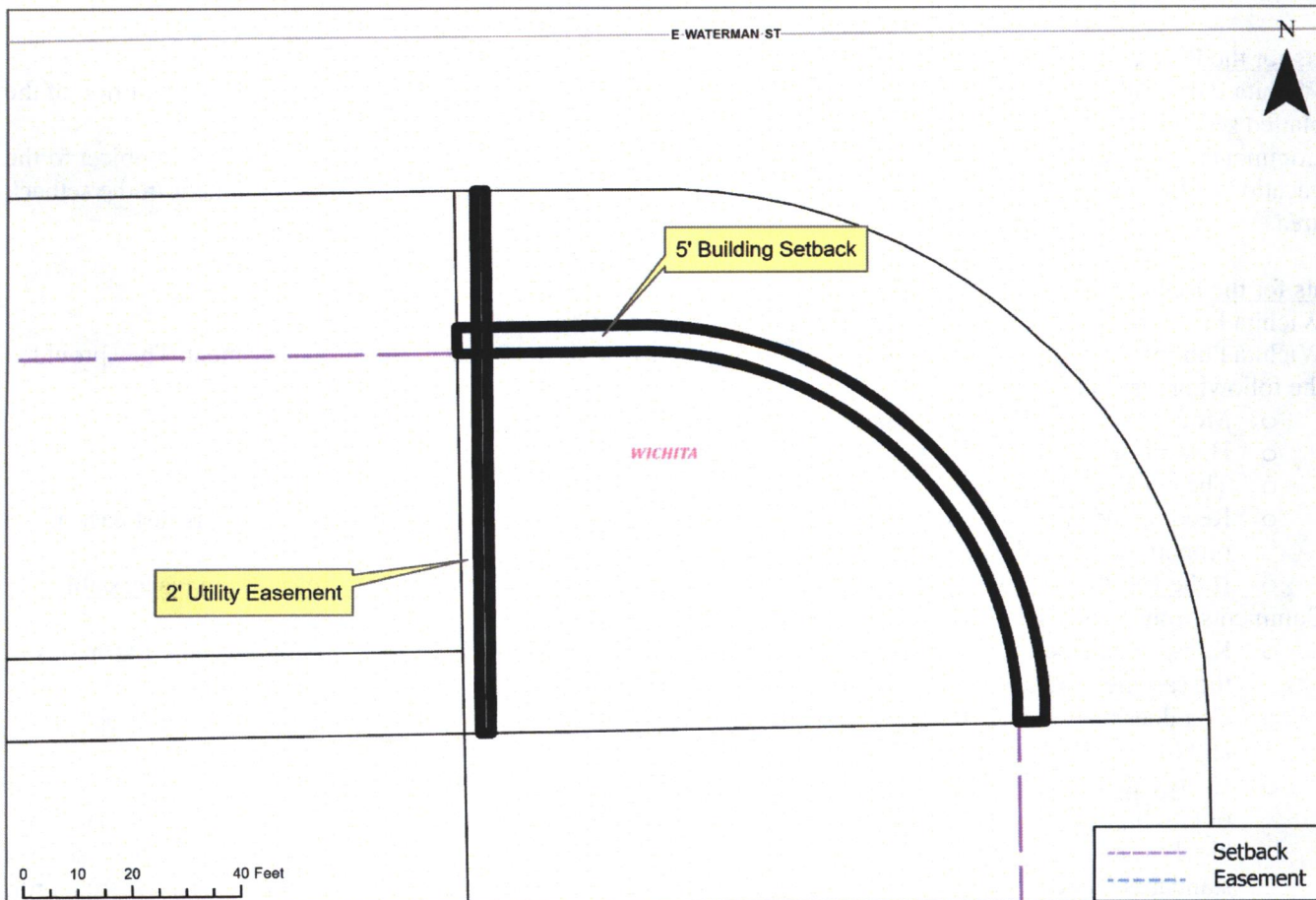
LEGAL DESCRIPTION: Generally described as vacating the east 2 feet of the 5-foot utility easement along the west property line and vacating the southwesterly 5 feet of a 35-foot platted building setback on Lot 1, Block 9, Lincoln Heights Addition, Wichita, Kansas (see attached legal description).

LOCATION: Generally located within one-half mile south of East Douglas Avenue and one-quarter mile west of South Oliver Avenue (301 S. Terrace Dr.). (WCC I)

REASON FOR REQUEST: To rebuild a detached garage.

CURRENT ZONING: The subject site and properties to the east, south and west are zoned SF-5 Single-Family Residential District. Property to the north is zoned TF-3 Two-Family Residential District. All surrounding properties are developed with single-family dwellings.

VICINITY MAP:



The applicant proposes to vacate the following on Lot 1, Block 9, Lincoln Heights Addition, Wichita, Sedgwick County, Kansas.

1. The east two feet of the five-foot utility easement along the west property line, established in the plat's text; and
2. The southwesterly five feet of the platted 35-foot building setback along the curved frontage of East Waterman Avenue and South Terrace Drive.

The subject site is addressed as 301 South Terrace Drive, which is generally located within one-half mile south of East Douglas Avenue and one-quarter mile west of South Oliver Avenue. The subject site is zoned SF-5 Single-Family Residential District (SF-5) and developed with a single-family dwelling. The purpose of the vacation requests is to rebuild a detached garage in the same general footprint of the former detached garage that has been removed (see attached 2022 Historical Aerial Map).

The proposed reduction of the setback from 35 feet to 30 feet would allow the proposed garage to be constructed closer to East Waterman Street. The proposed reduction does not exceed the standard front zoning setback of 25 feet in the SF-5 District.

The plat's text of the Lincoln Heights Addition established a five-foot utility easement along the west property lines of consecutive Lots 1 - 7 and on the east property lines of consecutive Lots 8 - 15, Block 9. The combined easement along the shared property line of the subject Lot 1, and the abutting Lot 15, to the west, is 10 feet. The applicant is requesting to reduce the portion of the easement on Lot 1 from five feet to three feet. If approved, this would reduce the overall width of the combined easement on Lots 1 and 15 from 10 feet to eight feet. There is a public sewer line, Evergy overhead lines, and Cox lines within the subject easement. The Lincoln Heights Addition was recorded on February 25, 1927.

Comments for the Reduction in the Building Setback:

- Wichita Public Works, Fire, Traffic Engineering, and Stormwater do not object to the vacation of the portion of the platted setback.
- Comments from franchise utilities have been received. Evergy, Cox, and Kansas Gas Service do not object to the vacation of the portion of the platted setback. None of these franchise utilities have any equipment in the setback area.

Comments for the Reduction of the Utility Easement:

- Wichita Fire, Traffic, and Stormwater do not object to the vacation.
- Wichita Public Works and Utilities **does object** to the request to vacate 2-feet of the utility easement. They provided the following justification.
 - o Modern standard for utility easements for sanitary sewer is 20 feet.
 - o Historic standards for utility easements are 16 feet.
 - o The existing utility easement is 10 feet.
 - o Records indicate the sanitary sewer main running north/south is on the property line or is just east of the property line (on the applicant's property).
 - o If the vacation of the utility easement is approved, it would make the sanitary sewer main inaccessible.
- Comments from franchise utilities have been received.
 - o Kansas Gas does not object to the vacation. They serve the house, but they do not have any gas mains in the easement vacation area.
 - o Cox does not object to the vacation. They have equipment on poles in the rear easement. Any relocation of any Cox equipment is at the applicant's expense.
 - o Evergy **does object** to the vacation of a portion of the easement. They would like to keep the full five feet of easement on this Lot. They have existing overhead primary lines in the easement that serves the entire block from East Waterman Street to East Lewis Street. If approved, they have provided clearance service standards (attached) illustrating property clearance between overhead lines and structures. Abby Brungardt,

Area Design Representative, will be the contact for this application and any project associated with it. She can be contacted at 785-508-2715. Standard language applies. If the vacation is approved, any relocation or removal of existing Evergy equipment will need to be discussed and will be at the applicant's expense. No transmission in or near the area being vacated.

When determining a recommendation to be made to the Wichita City Council, the Metropolitan Area Planning Commission (MAPC) should consider the legal findings that are required to be made by the Governing Body in order to grant the request. *In particular, the MAPC 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 recommends the following:

1. **APPROVAL** of the request to vacate the southwesterly five feet of the **platted 35-foot front 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 March 20, 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 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.
2. **DENIAL** of the request to vacate the east two feet of the platted five-foot **utility easement**, per the recommendation of Wichita Public Works and Evergy.
 - 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 March 20, 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 easement, however the public will suffer loss or inconvenience thereby.
 3. the prayer of the petition should not be granted.

Conditions (but not limited to) associated with the request:

Planning staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of the platted setback and utility easement (if approved).

- (1) Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the described setback and utility easement (if approved) 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) All improvements shall be according to City Standards and at the applicant's expense.
- (3) Provide Planning with a legal description of the vacated portion of the platted setback and utility easement (if approved) 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.
- (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.

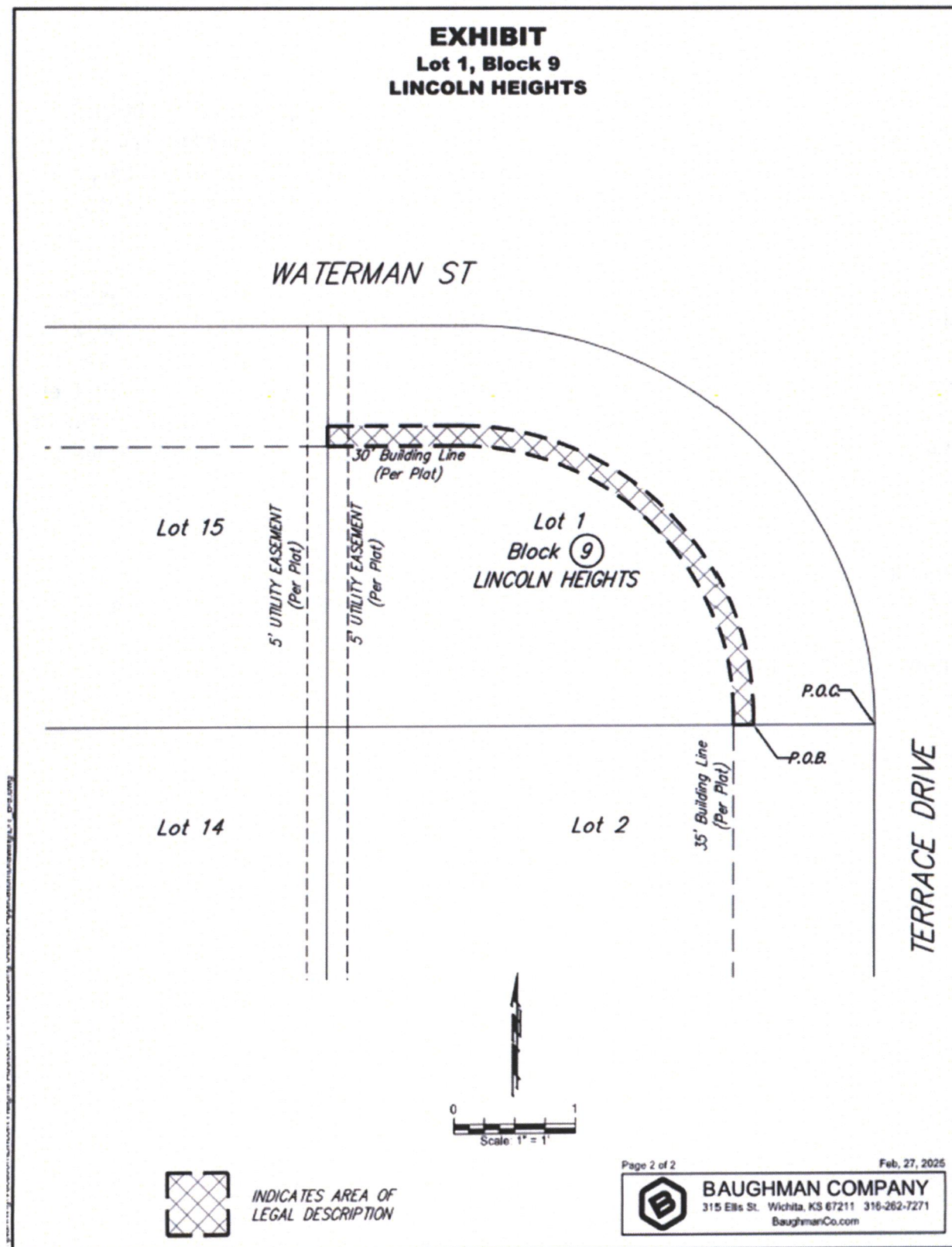
SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval of the setback vacation and denial of the easement vacation per staff recommendations.

Attachments:

1. Setback Vacation Exhibit
2. Setback Vacation Legal Description
3. Easement Vacation Exhibit
4. Easement Vacation Legal Description
5. Current Aerial Map
6. 2022 Historical Aerial Map and Street View- Showing Original Garage
7. Everyy Clearance Standards

Setback Vacation Exhibit



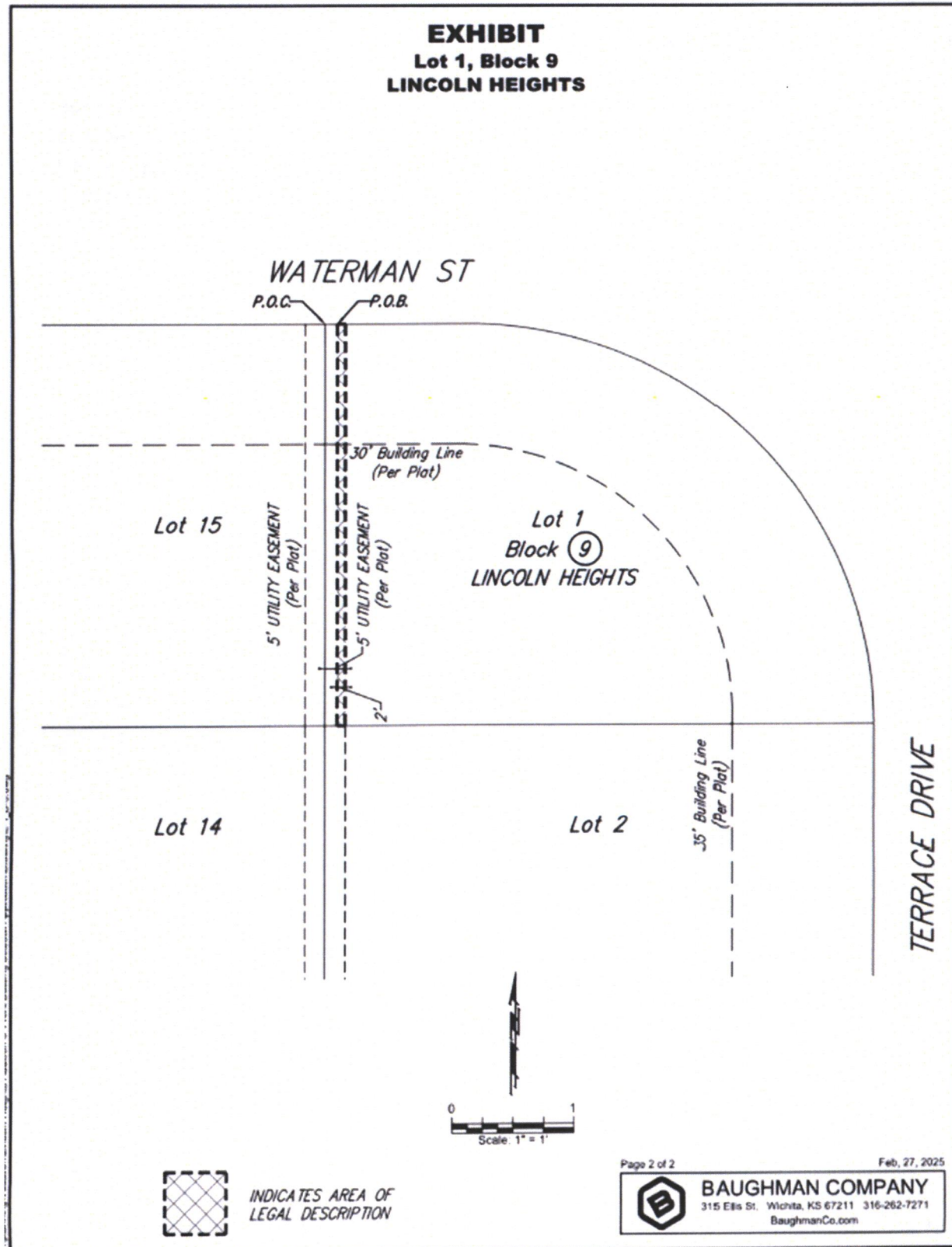
Setback Vacation Legal Description

5' Building Setback vacation of Lot 1, Block 9, Lincoln Heights

The South and West 5.00 feet of the 30 Foot Building Line and 35 Foot Building Line of Lot 1, Block 9, LINCOLN HEIGHTS, an addition to Wichita Kansas, Sedgwick County, Kansas, as prepared by Baughman Co. P.A. Professional Surveyors, CLS 58, in aforesaid County and State, on the 27th day of February, 2025, and being more particularly described as COMMENCING at the southeast corner of said Lot 1; THENCE West, coincident with the south boundary of said Lot 1, 30.00 feet, to a point 5.00 feet east of said 35 Foot Building Line and the POINT-OF-BEGINNING; THENCE West, coincident with the south boundary of said Lot 1, 5.00 feet to the 35 Foot Building Line; THENCE North, parallel with and 35.00 feet normally distant to the east boundary of said Lot 1, coincident with said 35 Foot Building Line, 2.50 feet, to a point-of-curvature to the left; THENCE Northwest, coincident with said curve to the left and the transition from said 35 Foot Building Line to said 30 Foot Building Line, having a radius of 67.50 feet, and an arc distance of 106.03 feet; THENCE West, parallel with and 30.00 feet normally distant south of the north boundary of said Lot 1 and coincident with said 30 Foot Building Line, 32.50 feet to the west boundary of said Lot 1; THENCE North, coincident with the west boundary of said Lot 1, 5.00 feet; THENCE East, parallel with and 25.00 feet normally distant south of said north boundary, 32.50 feet, to a point-of-curvature to the right; THENCE Southeast, coincident with said curve to the right having a radius of 72.50 feet and an arc distance of 113.88 feet; THENCE South, parallel with and 30 feet normally distance west of the east boundary of said Lot 1, 2.50 feet, to the POINT OF BEGINNING.

Subject tract contains 725 Square Feet (0.0166 acres), more or less.

Easement Vacation Exhibit



VAC2025-00009- Request to vacate a portion of a platted utility easement and a portion of a 35-foot platted building setback.

April 10, 2025

Page 8

Easement Vacation Legal Description

2' Utility Easement vacation of Lot 1, Block 9, Lincoln Heights

A portion of 5 Foot Utility Easement in Lot 1, Block 9, LINCOLN HEIGHTS, an addition to Wichita Kansas, Sedgwick County, Kansas, as prepared by Baughman Co. P.A. Professional Surveyors, CLS 58, in aforesaid County and State, on the 28th day of February, 2025, and being more particularly described as the East 2.00 feet of the West 5.00 Foot Utility Easement, in said Lot 1, as established on the recorded plat of said LINCOLN HEIGHTS.

Subject tract contains 200 Square Feet (0.005 acres), more or less.

Current Aerial

VAC2025-09

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



2022 Historical Aerial Map and Street View

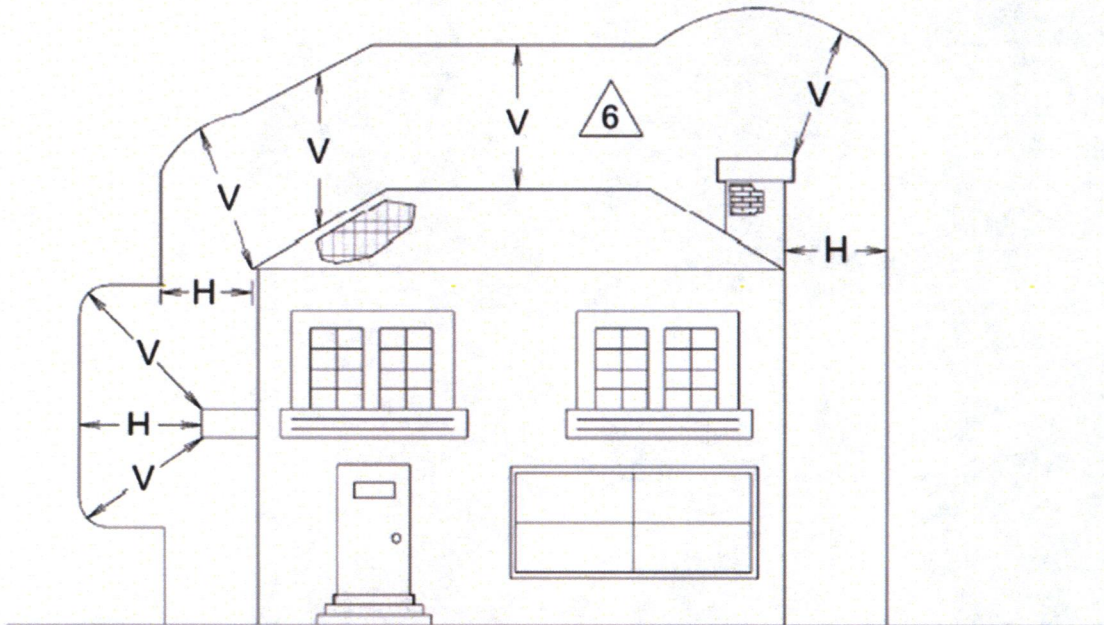




Evergy Clearance Standards



10.28 – Clearances of Conductors Adjacent to Buildings but Not Attached to the Building.



Voltage of Supply Conductors	Horizontal Clearance (H)	Vertical Clearance (V)	Balconies and Flat Roofs
(Volts)	(Feet)	(Feet)	(Feet)
System Neutral Grounded Guys 240,480V Multiplex	5.0	3.5	10.5
240, 480 V Line to Line Open Wire	5.5	11.0	11.5
12,23,34kV Line to Line	7.5	12.5	13.5
69kV Line to Line	8.5	13.5	14.5

NESC Table 234-1

1. Customers, contractors, and their work equipment shall maintain a minimum clearance of 10 feet from the company's power lines. Kansas law requires workers to notify the company when work is necessary at clearance 10 feet or less. K.S.A.66-1709-1716 & OSHA 1910.333(c)(3)(i)(A) Notification shall be made 7 working days ahead of the time when work is to be started. There may be a cost involved to isolate power lines.
2. Table values are absolute minimum in clearances to structures.
3. Clearance requirements are taken from NESC article 234.
4. Voltages specified are line to line.
5. Customer must also follow NEC codes for clearances and service drops attachments.
6. Construction of supply circuits above buildings should be avoided.