CITY OF WICHITA

SEDGWICK COUNTY KANSAS

Wichita-Sedgwick County Metropolitan Area Planning Department

August 7, 2025

Andrew Benefiel
7819 W Birdie Lane Cir.
Wichita, KS 67205

Ref: VAC2025-00020: Vacation request in the City of a utility easement, generally located on the north side of East Shadybrook Street and within 400 feet west of North Woodlawn Boulevard (6210 East Shadybrook Street).

Dear Applicant,

At the **Thursday, August 7, 2025**, meeting of the Wichita City Council, the above-referenced vacation request was approved.

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,

Samuel Deetz
Current Plans
Associate Planner

CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

June 26, 2025

Andrew Benefiel
7819 W Birdie Lane Cir.
Wichita, KS 67205

Ref: VAC2025-00020: Vacation request in the City of a utility easement, generally located on the north side of East Shadybrook Street and within 400 feet west of North Woodlawn Boulevard (6210 East Shadybrook Street).

Dear Applicant,

At the **Thursday, June 26, 2025**, 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 vacated portion of the drainage easement on 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) Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the described drainage 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 the case going to City 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.

These conditions have been met. Therefore, this case is scheduled for final action by the Wichita City Council on **Thursday, August 7, 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,

Samuel Deetz
Current Plans
Associate Planner

Document #: 2025-040212
Date Recorded: 08/20/2025 10:58:17 AM
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 PRIVATE DRAINAGE EASEMENT	)	
GENERALLY LOCATED ON THE NORTH SIDE OF EAST SHADYBROOK STREET AND WITHIN 400 FEET WEST OF NORTH WOODLAWN BOULEVARD	)	**VAC2025-00020**
MORE FULLY DESCRIBED BELOW	)	

VACATION ORDER

NOW on this 7th day of August, 2025, comes on for hearing the petition for vacation filed by Andrew Benefiel (owner), praying for the vacation of described private drainage easement, to wit:

The south 10 feet of the north 20 feet of Lot 3, Block 1, G P-S 3rd Addition, Wichita, Sedgwick County Kansas.

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 June 5, 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 private drainage easement, and the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner(s), the prayer of the petition 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 private drainage easement, should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 7th day of August, 2025, ordered that the described private drainage easement is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Register of Deeds of Sedgwick County.

CITY OF WICHITA, KANSAS

Lily Wu, Mayor

Attest:

Shimita Rice, Deputy City Clerk

Approved as to Form:

Jennifer Magana, City Attorney and Director of Law

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	Cols	Depth
41100	10479	Legal Ad - IPL0236284		1.0	86.0L

ATTENTION: CITY OF WICHITA/PLANNING DEPT IP
271 WEST THIRD ST., 2ND FL, SU 203
WICHITA, KS 67202
MHEBERT@wichita.gov

MAPC/BZA June 26, 2025
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, June 26, 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.**

BZA2025-00034: Variance request in the City to install a roof top sign that exceeds 400 sq. ft. on the property zoned CBD Central Business District, located on southeast corner of East English Street and South Broadway Avenue (333 East English Street).

CON2025-00073: Conditional Use request in the City to have Vehicle and Equipment Sales, Outdoor on property zoned LC Limited Commercial, located within one-block north of West 25th Street North and on the east side of North Amidon Avenue (2666 North Amidon Avenue).

VAC2025-00016: Vacation request in the City to vacate a platted 30-foot street side setback to let the 15-foot zoning setback apply for new construction on property zoned SF-5 Single-Family Residential; generally located one-block west of S Hillside Ave. and two-blocks south of East Pawnee Ave (3019 E. Glen Oaks).

VAC2025-00020: Vacation request in the City of a utility easement, generally located on the north side of East Shadybrook Street and within 400 feet west of North Woodlawn Boulevard (6210 East Shadybrook Street).

VAC2025-00021: Vacation request in the City of a 50 foot Taxiway Easement, generally located approximately 1/4 mile southwest of the intersection of West Harry Street and South Hoover Street (1651 S Eisenhower Ct).

ZON2025-00025: Zone Change request in the City from MF-29 Multi-Family Residential District to LC Limited Commercial District for Vehi-

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

the undersigned, 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.

1.0 insertion(s) published on:
06/04/25 Print

Print Tearsheet Link

Marketplace Link

Sherry Chasteen

DIGITALLY SIGNED

Sherry Chasteen

Shannon Dale Gray

DIGITALLY SIGNED

Sworn to and subscribed before me this 2nd day of June in the year of 2025

SHANNON DALE GRAY
NOTARY PUBLIC - STATE OF OKLAHOMA
COMMISSION # 25004306
MY COMM. EXPIRES Apr 10, 2029

Online Notary Public. This notarial act involved the use of online audio/video communication technology. Notarization facilitated by SIGNiX®

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

MAPC/BZA June 26, 2025
OFFICIAL HEARING NOTICE

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ZON2025-00025: Zone Change request in the City from MF-29 Multi-Family Residential District to LC Limited Commercial District for Vehicle Repair, Limited, generally located on the east side of South Hillside Avenue, within one-half mile south of East Pawnee Avenue.

ZON2025-00026: Zone Change request in the City from LI Limited Industrial District to GC General Commercial to allow residential apartments using containers, generally located two-blocks east of South Washington Avenue and within one-block north of East Kellogg (428 South Laura Avenue & 427 South Pattie Avenue).

IPL0236284
Jun 4 2025

METROPOLITAN AREA PLANNING COMMISSION

AGENDA REPORT NO.
June 26, 2025

STAFF REPORT

CASE NUMBER: **VAC2025-00020 -** Request to vacate a private drainage easement dedicated by separate instrument.

OWNER/APPLICANT: Andrew Benefiel (Applicant)

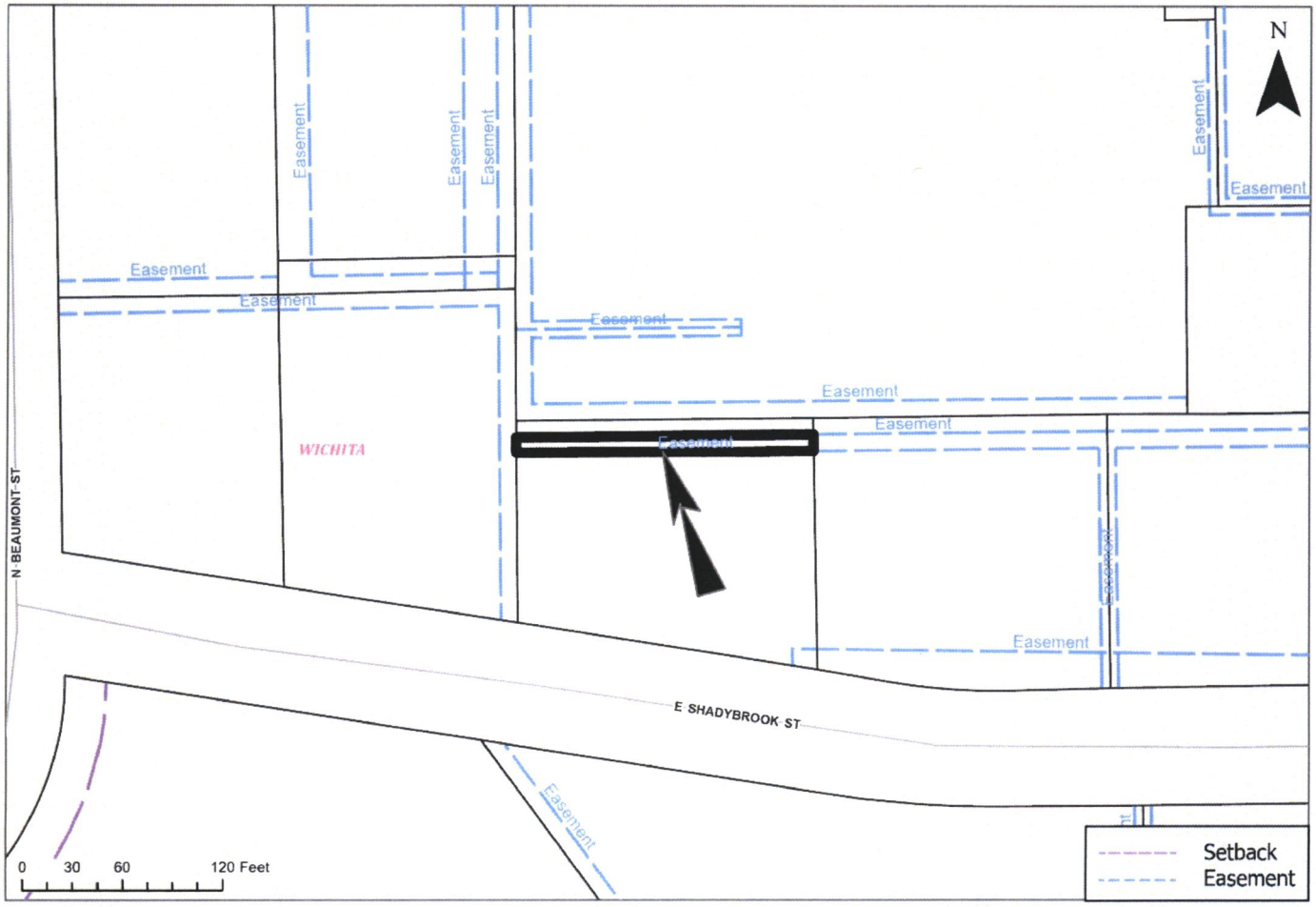
LEGAL DESCRIPTION: Vacating the private drainage easement recorded on Film 489 pg. 782 platted across the northern portion of Lot 3, Block 1, G P-S 3rd Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located on the north side of East Shadybrook Street and within 400 feet west of North Woodlawn Boulevard (6210 East Shadybrook Street).

REASON FOR REQUEST: To allow construction of a retaining wall.

CURRENT ZONING: The subject site and all surrounding properties are zoned LC Limited Commercial District with CUP DP-35. The subject site and all surrounding properties are developed with commercial uses.

VICINITY MAP:



The applicant proposes to vacate the private drainage easement recorded on Film 489 pg. 782 and platted across the northern portion of Lot 3, Block 1, G P-S 3rd Addition. The subject site is zoned LC Limited Commercial District with CUP DP-35 and contains a commercial use. The subject site is generally located on the north side of East Shadybrook Street and within 400 feet west of North Woodlawn Boulevard (6210 East Shadybrook Street). If approved the applicant intends to construct a retaining wall. The G P-S Addition was recorded on September 9, 1981.

The subject private drainage easement is not identified on the CUP drawing, therefore, no adjustment to the CUP will be necessary. In addition to the subject private drainage easement, Lot 3 was platted with a 10-foot utility easement along the north property line, and a platted 15-foot sanitary sewer easement in the southeastern corner of the property. All said encumbrances will remain and are not part of the vacation request.

There are no public utilities in the subject portion of the easement. Wichita Public Works, Fire, Stormwater, and Traffic Engineering do not object to the request. Comments from franchised utilities have been received. Neither Cox, Evergy, nor Kansas Gas have any lines or equipment in the vacation area and do not object to the request.

Evergy has no objection to the 10' private drainage easement vacation so long as the 10' utility easement remains. Ladonna Vanderford, Area Design Representative, will be the contact for this vacation request and any project associated with it. She can be contacted at (316) 261 - 6290. Standard language applies: **Any relocation or removal of existing Evergy equipment will need to be discussed and will be at the applicant's expense.**

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 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 June 5, 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 drainage 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.

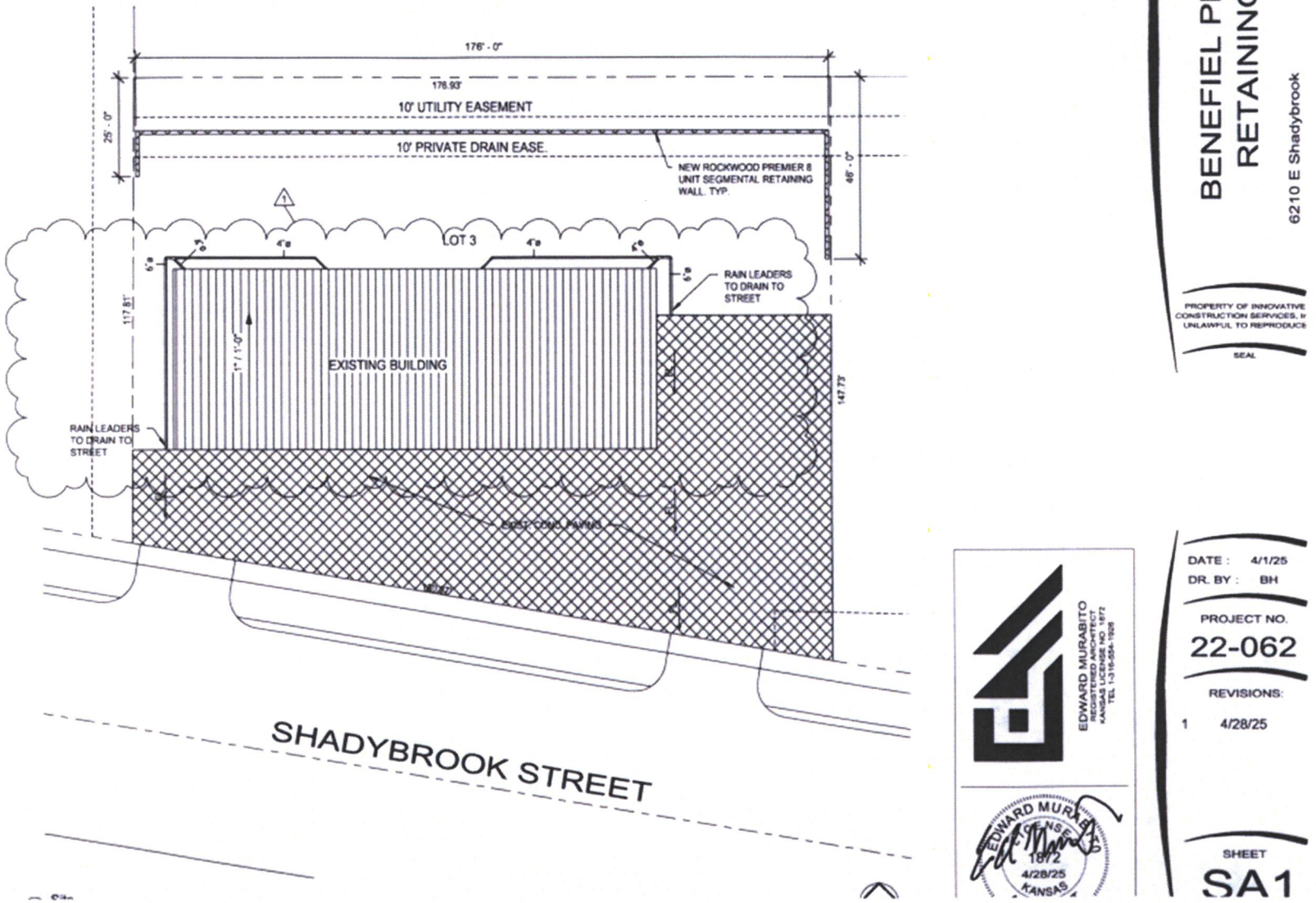
Conditions (but not limited to) associated with the request:

(1) Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the described drainage 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) All improvements shall be according to City Standards and at the applicants' expense.
(3) Provide Planning with a legal description of the vacated portion of the drainage 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.
(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. Vacation Exhibit
2. Aerial Map
3. Plat Detail

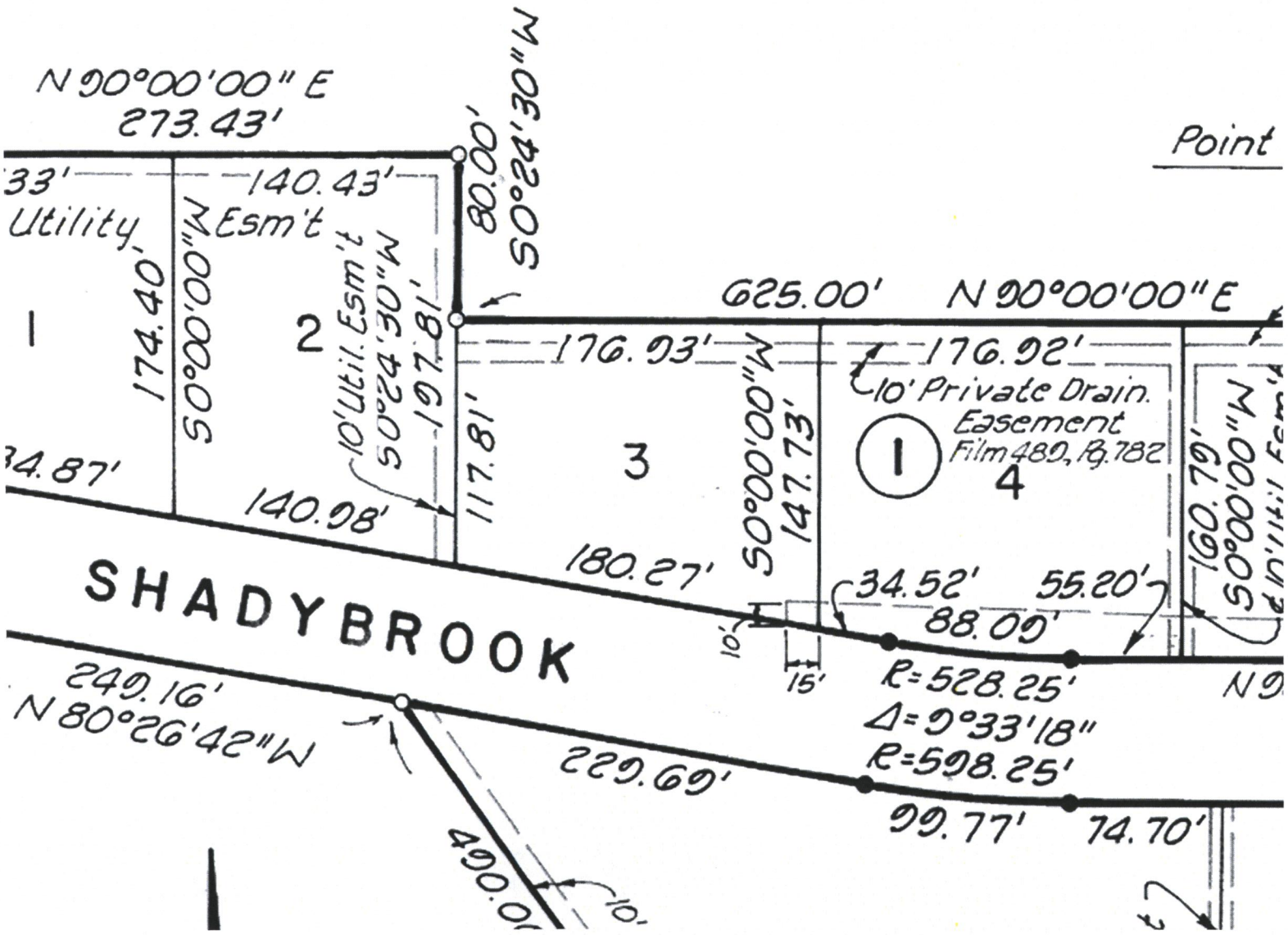
Vacation Exhibit



Aerial Map


VAC2025-20
City Limits
Storm Structures
Enclosed Gravity Pipe
Force Main
Open Channel
Siphon
Water Hydrants
Sewer Manholes
Sewer Mains
Water Valves
Water Mains
N BEAUMONT ST
WICHITA
E SHADYBROOK ST

Plat Detail


N 90°00'00" E
273.43'
Point
33'
Utility
140.43'
Esm't
174.40'
S0°00'00"W
10' Util. Esm't
S0°24'30"W
197.81'
80.00'
S0°24'30"W
625.00'
N 90°00'00" E
1
2
3
4
176.03'
176.92'
10' Private Drain.
Easement
Film 489, Pg. 782
1
34.87'
140.98'
117.81'
S0°00'00"W
147.73'
180.27'
34.52'
55.20'
88.00'
S0°00'00"W
160.79'
SHADYBROOK
10'
15'
R=528.25'
Δ=9°33'18"
R=598.25'
240.16'
N 80°26'42"W
229.69'
99.77'
74.70'
400.01'
10'