Wichita-Sedgwick County Metropolitan Area Planning Department

September 11, 2025

RJ Castle LLC
7540 W. Northwind St., Bldg. 300
Wichita, KS, 67205

Ref: VAC2025-00033: Vacation request in the City to vacate a 30-foot access & utility easement on property located on the east side of South Byron Avenue and 260 feet south of West Douglas Avenue.

Dear Applicant,

At the **Thursday, September 11, 2025**, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

(1) Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the described 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) 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 platted access and 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.
(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.

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

Samuel Deetz
Current Plans
Associate Planner

CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

October 14, 2025

RJ Castle LLC
7540 W. Northwind St., Bldg. 300
Wichita, KS, 67205

Ref: VAC2025-00033: Vacation request in the City to vacate a 30-foot access & utility easement on property located on the east side of South Byron Avenue and 260 feet south of West Douglas Avenue.

Dear Applicant,

At the **Tuesday, October 14, 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

Document #: 2025-052725
Date Recorded: 10/21/2025 02:39:42 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 AN ACCESS AND UTILITY EASEMENT	)	
GENERALLY LOCATED ON THE EAST SIDE OF SOUTH BYRON AVENUE AND 260 FEET SOUTH OF WEST DOUGLAS AVENUE	)	**VAC2025-00033**
MORE FULLY DESCRIBED BELOW	)	

VACATION ORDER

NOW on this 14th day of October, 2025, comes on for hearing the petition for vacation filed by RJ Castle, LLC (owner), praying for the vacation of described access and utility easement, to wit:

The South 30 feet of the North half of Lot 35, Westfield Acres Addition, except the east 190.75 feet thereof, 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 August 21, 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 access and utility 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 access and utility easement, should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 14th day of October, 2025, ordered that the described access and utility 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

Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30194019
Receipt #: 2346688
Pages Recorded: 2
Recording Fee: $38.00
Authorized By: Tonya Buckingham
Cashier: jlwheele
Date Recorded: 09/22/2022 02:59:00 PM

ACCESS & UTILITY EASEMENT

WHEREAS, Amy Gilman, is the owner of the real property hereinafter described:

The N1/2 of Lot 35, Westfield Acres (Wichita),
Sedgwick County, Kansas

and

WHEREAS the owner is in the process of creating a lot split of the property described above and that access and utility easements are needed to serve the proposed Parcel A described below,

AND WHEREAS this easement, as hereinafter described, be established and conveyed for the use and benefit of the owner of said parcel, their successors, assigns, and licensees.

NOW, THEREFORE, be it known that the undersigned do hereby grant and convey for themselves, their successors, grantees, licensees and assignees in interest, the right to use for ingress and egress the access and utility easement as hereinafter setforth.

Parcel A
The East 190.75 feet of the N1/2 of Lot 35, Westfield Acres (Wichita), Sedgwick County, Kansas.

Access and Utility Easement for ingress, egress and utilities to the above described Parcel A, from Byron Avenue, over and across the following real estate:

That part of Lot 35, Westfield Acres (Wichita), Sedgwick County, Kansas described as follows: The South 30.00 feet of the N1/2 of said Lot 35, EXCEPT the East 190.75 feet thereof

The Owner hereby conveys unto the successors in title for Parcel A and the franchised utility entities a perpetual easement for the purpose of constructing, operating, maintaining, and repairing all public and/or franchised utilities, and any appurtenances

UNOFFICIAL COPY

thereto, over, along, and under the above described real estate situated in Sedgwick County, Kansas; to wit:

And said Grantee and/or agents of the franchised utilities are hereby granted the right to enter upon said premises at any time for the purpose of constructing, operating, maintaining, and repairing such utility, and any appurtenances thereto.

It is agreed that such easement shall be a perpetual easement until and unless amended, revoked, or released by all the parties in interest or their successors or assigns and that the same shall be a covenant running with the land and shall be binding upon the grantors herein, their grantees, their heirs, assigns, licensees, successors, and assignees in interest.

It is further contracted and covenanted that such easement shall be for driveway, ingress, and egress and utility purposes and such easement shall not be used for parking purposes or utilized in any manner so as to impede or inconvenience the use of such easement for the purposes herein setforth. Initial construction, and maintenance of said easements shall be in the mutual interests and responsibilities to all parties interest and their successors, heirs, and/or assigns.

In testimony whereof the undersigned has set their hands this 18th day of May, 2022.

Amy Gilman

State of Kansas)
) SS
Sedgwick County)

The foregoing instrument acknowledged before me this 18th day of May, 2022, by Amy Gilman.

Notary Public

My appointment expires 3.26.24

TAMMY KRUCKENBERG
NOTARY PUBLIC
STATE OF KANSAS
My Appt Exp. 3.26.24

Reviewed and approved by the City Engineer:

7/18/22

FOR Gary Janzen, PE

UNOFFICIAL COPY

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	IPL0264507	Legal Ad - IPL0264507	09/11/2025 MAPC WICHITA EAGLE SUMMARY	1.0	93.0L

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

OCA 150004
Published in The Wichita Eagle
on August 20, 2025
(One Time Only)
MAPC/BZA
September 11, 2025
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, September 11, 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.**

BZA2025-00054: Variance request in the City to eliminate the landscaped street yard requirements on property zoned LI Limited Industrial District, generally located on the southeast corner of East Elm Street and North Emporia Avenue (515 East Elm Street).

VAC2025-00033: Vacation request in the City to vacate a 30-foot access & utility easement on property located on the east side of South Byron Avenue and 260 feet south of West Douglas Avenue.

VAC2025-00035: Vacation request in the City to vacate 33 square feet of a street side building setback to construct a building addition and drive up ATM on property zoned LC Limited Commercial District, generally located on the southeast corner of East Kellogg Drive and South Rock Road (8003 East Kellogg Drive).

VAC2025-00036: Vacation request in the City to vacate a 15-foot interior building setback to allow for the development of a new building on property zoned LC Limited Commercial District within CUP DP-122, generally located on the northeast corner of E 37th Street N and N Inwood St (7271 E 37th St N).

VAC2025-00037: Vacation request in the City to vacate two portions of platted complete access control and a utility easement on property located on the northwest corner of East 21st Street North and North 159th Street East.

ZON2025-00037: Zone Change request in the City from LI Limited Industrial District to CBD Central Business District, generally located south of West Douglas Avenue and two blocks east of South Seneca Street (825 West Douglas Avenue).

ZON2025-00038: Zone Change request in the City from B Multi-Family Residential District to LC Limited Commercial District to allow for future commercial development, generally located on the east side of North Hillside Avenue, within 250 feet north of East 1st Street North (212 North Hillside Avenue).
IPL0264507
Aug 20 2025

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:
08/20/25 Print

Print Tearsheet Link

Marketplace Link

Mary Castro

DIGITALLY SIGNED

Mary Castro

Julie A Ambry

DIGITALLY SIGNED

Sworn to and subscribed before me on Aug 20, 2025, 9:59 AM EDT

OFFICIAL SEAL
JULIE A AMBRY
NOTARY PUBLIC, STATE OF ILLINOIS
COMMISSION NO. 1010931
MY COMMISSION EXPIRES MAY 28, 2029

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

METROPOLITAN AREA PLANNING COMMISSION

AGENDA REPORT NO.
September 11, 2025

STAFF REPORT

CASE NUMBER: **VAC2025-00033** - Request to vacate an access and utility easement dedicated by separate instrument.

OWNER/APPLICANT: RJ Castle, LLC (Applicant)

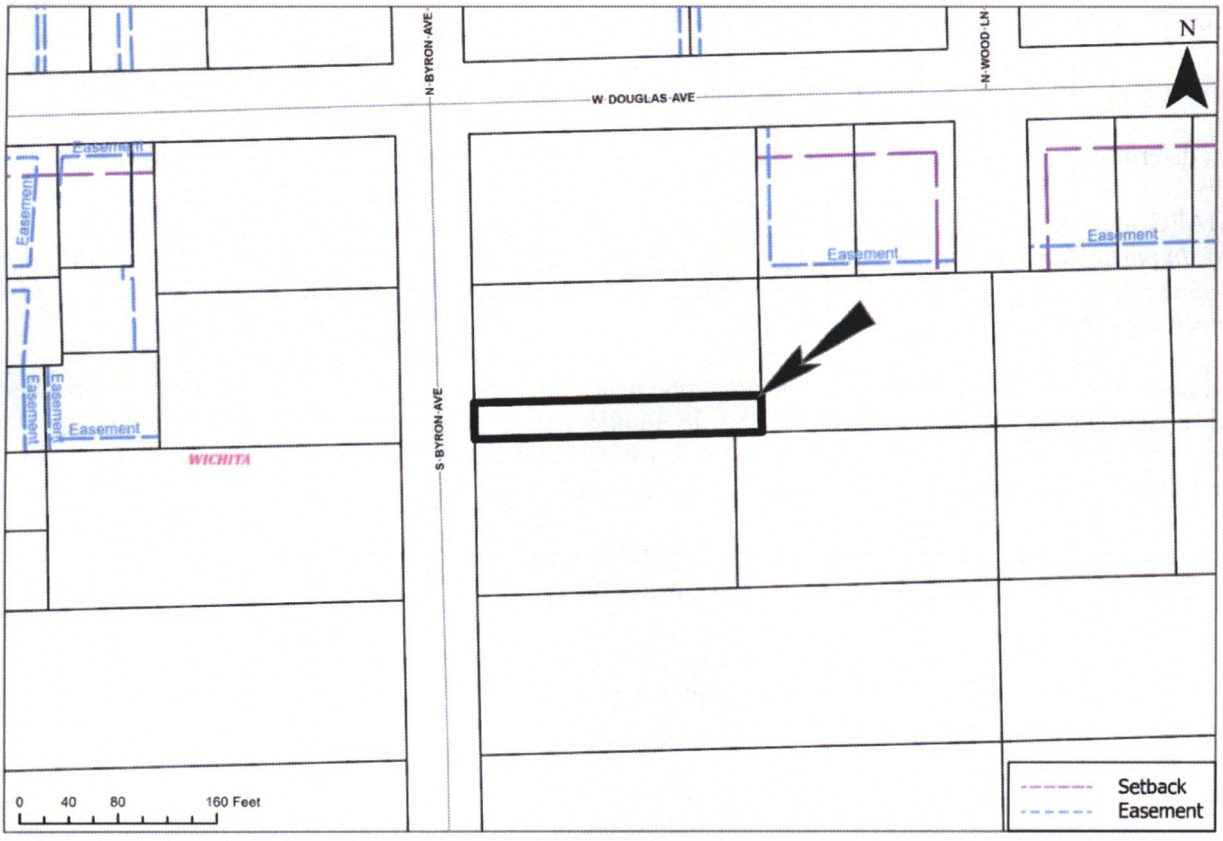
LEGAL DESCRIPTION: Generally described as vacating the access and utility easement recorded on Doc. #/Flm-Pg 30194019 running east-west along the south property line of Lot 35, Westfield Acres Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located on the east side of South Byron Avenue and 260 feet south of West Douglas Avenue (106 South Byron Avenue).

REASON FOR REQUEST: To allow private utility services to be run through the tract to serve proposed structures to the east. Private access has been reinstated by separate instrument.

CURRENT ZONING: The subject site along with adjacent properties are zoned SF-5 Single Family Residential (SF-5).

VICINITY MAP:



The applicant proposes to vacate an access and utility easement recorded on Doc. #/Flm-Pg 30194019 and running east-west along the south property line of Lot 35, Westfield Acres Addition. The subject site is addressed as 106 South Byron Avenue, which is generally located on the east side of South Byron Avenue and 260 feet south of West Douglas Avenue. The site is zoned SF-5 Single-Family Residential (SF-5) and is undeveloped. The purpose of the vacation is to allow private utility services to be run through the tract to serve proposed structures to the east. The access easement proposed to be vacated and the reinstated private access are only granted to the abutting property to the east under the same ownership. There are no additional easements, nor public water or sewer lines on the property which will be affected by this request. This vacation request is associated with Lot Split LSP2025-00014, which is proposed to created two flag lots via the area being vacated. The applicant has created a new access easement in the same location to provide access to the newly proposed parcels.

There are no public utilities in the vacation area. Wichita Public Works and Utilities, Fire, Traffic Engineering, and Stormwater do not object to this vacation. Planning staff received public comment that the proposed vacation will deprive access to property to the south. The recorded access and utility easement (attached) was recorded only for the benefit of the abutting property to the east and did not include any language that included any access benefit for the property to the south. This property to the south was not granted access as part of the existing access easement. The property to the south has contiguous ownership with properties up to 8833 West Douglas Avenue. However, if it were sold separately, it would no longer have access.

Comments from franchised utilities have been received. Black Hills Energy, Kansas Gas, and Cox have no lines or equipment in the vacation area and therefore have no objections.

Evergy has reviewed the request, and has no objection. Nick Hensley, Area Design Representative, will be the contact for this vacation request and any project associated with it. He can be contacted at (316) 261-6320 for any questions or discussion. Standard language will apply: **Any relocation or removal of existing Evergy equipment will need to be discussed and will be at the applicant's expense.**

The Westfield Acres Addition was recorded on March 11, 1930.

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 portions of the access 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 August 21, 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 access 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 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) 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 platted access and 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.

(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. Recorded Access and Utility Easement
2. Vacation Exhibit
3. Aerial Map

Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30194019
Receipt #: 2346688 Recording Fee: $38.00
Pages Recorded: 2
Cashier: jluhsele Authorized By: Tonya Buckingham
Date Recorded: 09/22/2022 02:59:00 PM

ACCESS & UTILITY EASEMENT

WHEREAS, Amy Gilman, is the owner of the real property hereinafter described:

The N1/2 of Lot 35, Westfield Acres (Wichita),
Sedgwick County, Kansas

and

WHEREAS the owner is in the process of creating a lot split of the property described above and that access and utility easements are needed to serve the proposed Parcel A described below,

AND WHEREAS this easement, as hereinafter described, be established and conveyed for the use and benefit of the owner of said parcel, their successors, assigns, and licensees.

NOW, THEREFORE, be it known that the undersigned do hereby grant and convey for themselves, their successors, grantees, licensees and assignees in interest, the right to use for ingress and egress the access and utility easement as hereinafter setforth.

Parcel A
The East 190.75 feet of the N1/2 of Lot 35, Westfield Acres (Wichita), Sedgwick County, Kansas.

Access and Utility Easement for ingress, egress and utilities to the above described Parcel A, from Byron Avenue, over and across the following real estate:

That part of Lot 35, Westfield Acres (Wichita), Sedgwick County, Kansas described as follows: The South 30.00 feet of the N1/2 of said Lot 35, EXCEPT the East 190.75 feet thereof

.

The Owner hereby conveys unto the successors in title for Parcel A and the franchised utility entities a perpetual easement for the purpose of constructing, operating, maintaining, and repairing all public and/or franchised utilities, and any appurtenances

thereto, over, along, and under the above described real estate situated in Sedgwick County, Kansas; to wit:

And said Grantee and/or agents of the franchised utilities are hereby granted the right to enter upon said premises at any time for the purpose of constructing, operating, maintaining, and repairing such utility, and any appurtenances thereto.

It is agreed that such easement shall be a perpetual easement until and unless amended, revoked, or released by all the parties in interest or their successors or assigns and that the same shall be a covenant running with the land and shall be binding upon the grantors herein, their grantees, their heirs, assigns, licensees, successors, and assignees in interest.

It is further contracted and covenanted that such easement shall be for driveway, ingress, and egress and utility purposes and such easement shall not be used for parking purposes or utilized in any manner so as to impede or inconvenience the use of such easement for the purposes herein setforth. Initial construction, and maintenance of said easements shall be in the mutual interests and responsibilities to all parties interest and their successors, heirs, and/or assigns.

In testimony whereof the undersigned has set their hands this 18th day of May, 2022.

Amy Gilman

State of Kansas)
) SS
Sedgwick County)

The foregoing instrument acknowledged before me this 18th day of May, 2022, by Amy Gilman.

Notary Public

My appointment expires 3.26.'24

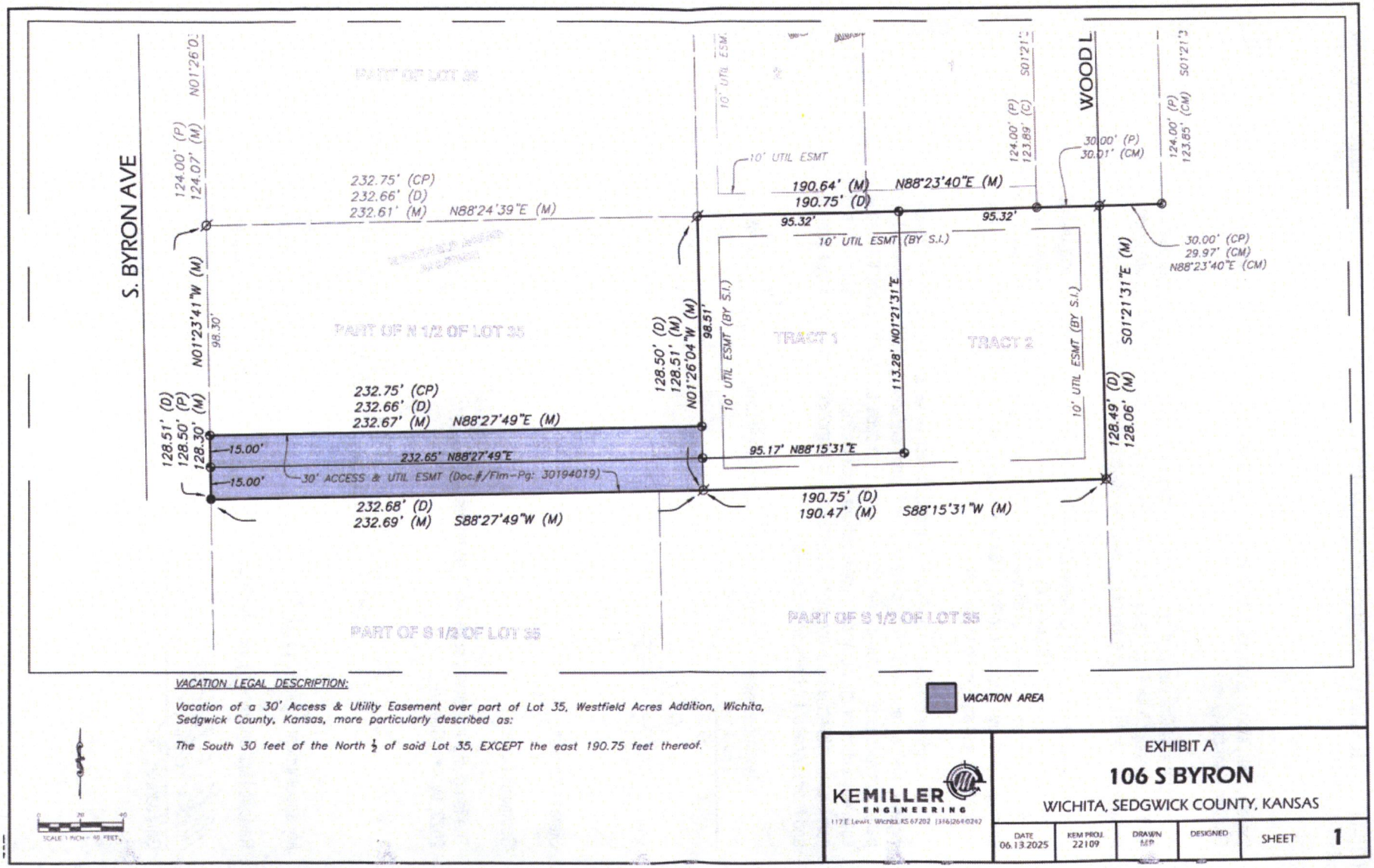
TAMMY KRUCKENBERG
NOTARY PUBLIC
STATE OF KANSAS
My Appt Exp. 3.26.24

Reviewed and approved by the City Engineer:

7/18/22

FOR Gary Janzen, PE

Vacation Exhibit



Aerial Map


VAC2025-33
City Limits
Storm Structures
Enclosed Gravity Pipe
Force Main
Open Channel
Siphon
Water Hydrants
Sewer Manholes
Sewer Mains
Water Valves
Water Mains
N BYRON AVE
N WOOD LN
W DOUGLAS AVE
WICHITA
S BYRON AVE