CITY OF WICHITA

SEDGWICK COUNTY KANSAS

Wichita-Sedgwick County Metropolitan Area Planning Department

April 26, 2024

Scott and Kimberley Bays
725 S. Fairland Dr.
Wichita, KS 67230

K.E. Miller Engineering, P.A.
Attn: Kirk Miller
117 E. Lewis
Wichita, KS 67202

Ref: VAC2024-00018: Vacation request in the County to vacate a portion of a platted right-of-way and a platted 40-foot setback on property zoned SF-20 Single-Family Residential; generally located east of South 143rd Street East and south of US-54/400 (725 S. Fairland Drive).

Scott and Kimberley,

At the **Thursday, April 25, 2024**, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

(1) Dedicate the described vacated portion of the unimproved, platted, 30-foot Fairland Road half street right-of-way as a utility and drainage easement for utilities. This easement shall contain language prohibiting any fencing at any point in the future by any property owner that would restrict access to any utilities present. These must provided to Planning prior to the case going to County Commission and subsequent recording with the Register of Deeds. If these are private easements, provide Planning with approval from the participating franchised utility.

(2) Any relocation or reconstruction of all utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense shall be to County Standards. If needed provide a private project for relocation of utilities. The approved private project number must be provided to Planning prior to the case going to County Commission and subsequent recording with the Register of Deeds. If these are franchised utilities , provide Planning with approval from the participating franchised utility

(3) Provide original restrictive covenant(s) binding and tying the vacated portion of the vacated street right-of-way to applicants' abutting property. These must be provided to Planning prior to the case going to the County Commission and subsequent recording with the Register of Deeds.

(4) Provide Planning with a legal description of the vacated street on a Word document, via e-mail. This must be provided to Planning prior to the case going to City Council for final action.

(5) Provide County Fire and Public Works with any needed improvements, per County Standards and at the applicants' expense.

(6) 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.

When all of the above conditions have been completed and there are no other documents requested; this case will be scheduled for final action by the Sedgwick County Board of County Commissioners at the first appropriate date after **May 9, 2024,** (end of the two-week protest period). 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, AICP
Current Plans Division Manager

PZ:IJ

Wichita-Sedgwick County Metropolitan Area Planning Department

September 3, 2025

Scott and Kimberley Bays
725 S. Fairland Dr.
Wichita, KS 67230

K.E. Miller Engineering, P.A.
Attn: Kirk Miller
117 E. Lewis
Wichita, KS 67202

Ref: VAC2024-00018: Vacation request in the County to vacate a portion of a platted right-of-way and a platted 40-foot setback on property zoned SF-20 Single-Family Residential; generally located east of South 143rd Street East and south of US-54/400 (725 S. Fairland Drive).

Scott and Kimberley,

At the **Wednesday, September 3, 2025**, meeting of the Sedgwick County Board of County Commissioners, the above-referenced vacation request was approved .

If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,

Philip Zevenbergen, AICP
Current Plans Division Manager

Document #: 2025-043219
Date Recorded: 09/03/2025 04:08:04 PM
Pages: 3 Recording Fee: 0.00
Sedgwick County Kansas
Tonya Buckingham,
Register of Deeds

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF PLATTED RIGHT-OF-WAY AND SETBACK	)	
LOCATED WITHIN ONE-QUARTER MILE SOUTH OF EAST US HIGHWAY 54/400 AND ONE-QUARTER MILE EAST OF SOUTH 143RD ST. E.	)	CASE NO. VAC2024-00018

VACATION ORDER

NOW on this 3rd day of September, 2025, comes the petition filed by Scott and Kimberley Bays, owner(s) of the subject property, praying for the vacations of the following-described portion of a platted street right-of-way and platted street side-yard setback to-wit:

> Platted street right-of-way: A portion of North Fairland Drive beginning at the Northeast Corner of Lot 5, Block 4, Springdale County Club Estates Addition, Sedgwick County, Kansas; thence East 30 feet; thence South parallel to the East line of said Lot 5, Block 4 at a distance of 170 feet; thence West 30 feet; thence North along the said East line of Lot 5, Block 4 at a distance of 170 feet.
>
> Platted setback: east 40 feet of Lot 5, Block 4, Springdale Country Club Estates Addition, Sedgwick County, Kansas.

WHEREAS, upon the filing of the petition, the Metropolitan Area Planning Commission ("Planning Commission") set the petition for hearing on April 18, 2024 at 1:30 P.M., and gave notice of said hearing by publication in the official county newspaper on April 4, 2024.

WHEREAS, on April 18, 2024, the Subdivision Committee of the Planning Commission held a public hearing on the petition and separately voted to recommend approval of the two vacation requests to the Planning Commission, subject to the following conditions:

1. notice has been given as required by K.S.A. 58-2613 and amendments thereto;
2. no written objections have been filed with the County Clerk by adjoining properties or any municipality whose subdivisions are applicable;
3. no fence may be placed in the right-of-way portion;
4. the public will suffer no loss or inconvenience by such vacation; and
5. no private rights will be injured or endangered thereby.

WHEREAS, on April 25, 2025, the Planning Commission held a public hearing on the petition and voted on consent to recommend approval of the separate vacation requests to the Board of County Commissioners of Sedgwick County, Kansas, subject to the aforementioned conditions.

NOW, after being duly advised in the premises, the Board of County Commissioners of Sedgwick County, Kansas finds that:

1. notice has been given as required by K.S.A. 58-2613 and amendments thereto;
2. no written objections have been filed with the County Clerk by any owner of land adjoining the area to be vacated;
3. no fence may be placed in the right-of-way portion; and
4. the public will suffer no loss or inconvenience by such vacation; and
5. no private rights will be injured or endangered thereby.

IT IS THEREFORE ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS that the portion of platted right-of-way and setback described above is hereby vacated subject to the aforementioned conditions and all property rights of public utilities, rights-of-ways, and easements for public service facilities then in existence and use within the vacated area are preserved and protected.

[balance of this page intentionally left blank, signature page follows]

Commissioners present and voting were:

PETER F. MEITZNER	aye
JEFF BLUBAUGH	aye
STEPHANIE WISE	aye
RYAN BATY	aye
JAMES M. HOWELL	aye

Dated this 3 day of September, 2025.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

KELLY B. ARNOLD, County Clerk

RYAN BATY, Chairman
Commissioner, Fourth District

PETER F. MEITZNER, Chair Pro Tem
Commissioner, First District

APPROVED AS TO FORM:

Samantha Seang 8/18/25
SAMANTHA H. SEANG
Assistant County Counselor

JEFF BLUBAUGH
Commissioner, Second District

STEPHANIE WISE
Commissioner, Third District

JAMES M. HOWELL
Commissioner, Fifth District

Document #: 2025-043640
Date Recorded: 09/05/2025 10:33:22 AM
Pages: 2 Recording Fee: 38.00
Sedgwick County Kansas
Tonya Buckingham,
Register of Deeds
Electronically Submitted Document

RESTRICTIVE COVENANT

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED, Scott D. Bays & Kimberly Bays, are the owner(s) of the following described real property to wit:

Lot 5, Block 4, Springdale Country Club Estates, Sedgwick County, Kansas.

NOW THERFORE, in consideration of receiving approval from the appropriate government authorities for the vacation, VAC2024-00018, of a platted right of way, described as:

A portion of N Fairland Dr beginning at the Northeast Corner of Lot 5, Block 4, Springdale Country Club Estates; thence East 30 feet; thence South parallel to the East line of said Lot 5, Block 4 at a distance of 170 feet; thence west 30 feet; thence North along the said East line of Lot 5, Block 4 at a distance of 170 feet.

AND TOGETHER WITH Lot 5, Block 4, Springdale Country Club Estates, Sedgwick County, Kansas

The undersigned agrees to covenant right-of-way that abuts the east side of Lot 5, Block 4, Springdale Country Club Estates shall be retained, held, and bound together. It is understood that this covenant shall be binding upon the undersigned, their successors, heirs, and assigns, and is a covenant running with the land until such time the property is replatted.

The covenants, conditions, and restrictions on the property created and established in this instrument may be waived, terminated, or modified only upon written consent of the County of Sedgwick, Kansas. No such waiver, termination or modification shall be effective until such written consent is recorded in the office of the Register of Deeds for Sedgwick County, Kansas.

IN WITNESS WHEREOF, this Covenant has been executed as of the date first above written.

In testimony whereof the undersigned has set their hands this 3 day of September, 2025.

By: Scott D Bays

Scott D. Bays
Owner

Kimberly Bays

Kimberly Bays
Owner

STATE OF KANSAS)

COUNTY OF SEDGWICK)

BE IT REMEMBERED, that on this 3rd day of Sept., 2025, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came, Scott D. Bays & Kimberly Bays, is personally known to me to be the same person(s) who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.

Notary Public

SHANNON D GONZALES
NOTARY PUBLIC
STATE OF KANSAS
My Appt Exp. 10-10-28

My Commission Expires: 10-10-2028

Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30335094
Receipt #: 2444402 Recording Fee: $55.00
Pages Recorded: 3
Cashier: vbunch Authorized By: Tonya Buckingham
Date Recorded: 09/19/2024 04:33:39 PM

DRAINAGE AND UTILITY EASEMENT

THIS EASEMENT made this 19th day of September, 20 24,

by and between Scott D. Bays & Kimberly Bays, owners

(Property Owner(s) and/or Company)

Grantor and the City of Wichita, Kansas, a municipal corporation, Grantee.

WITNESSETH: That the Grantor, in consideration of the sum of One Dollar ($1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey unto the Grantee or the franchised utility entity a perpetual easement for the purpose of constructing, operating, maintaining, and repairing all public and/or franchised utilities, and drainage ways over, and any appurtenances thereto, along and under the following described real estate, situated in Sedgwick, County, Kansas to wit:

'Exhibit A'

The construction of any fencing at any point in the future, by any property owner, that would restrict access to any utilities present is prohibited.

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 or drainage way, and any appurtenances thereto.

IN WITNESS WHEREOF: The said Grantor has signed this document the day and year first written.

Scott D. Bays

Kimberly Bays

State of Kansas
County of Sedgwick } ss.

This instrument was acknowledged before me on September 19, 2024

by Scott D. Bays and Kimberly Bays

as Owners of Lot 5, Block 4, Springdale Country Club Estates, Sedgwick County, Kansas.

(seal)

NOTARY PUBLIC - State of Kansas
KIRK E. MILLER
My Appt Expires 12-25-2025

Notary Public
My Appointment expires: 12/25/2025

Reviewed and approved by the City Engineer:

9/12/24

FOR Paul Gunzelman, PE

Approved as to Form:

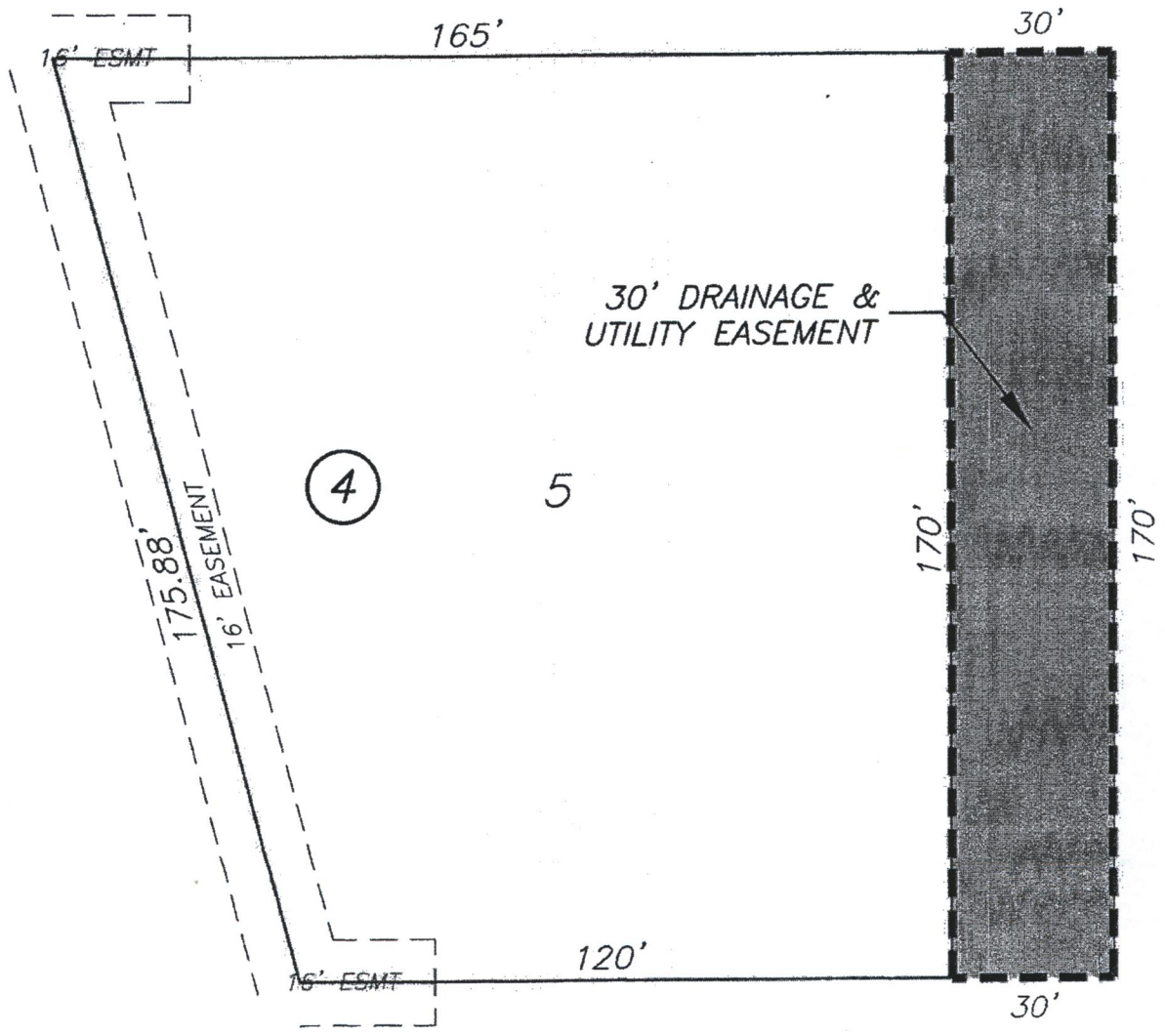
Jennifer L. Magana, City Attorney
and Director of Law

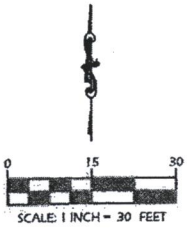
EXHIBIT "A"

DRAINAGE & UTILITY EASEMENT

SPRINGDALE COUNTRY CLUB ESTATES

SEDGWICK COUNTY, KANSAS





LEGAL DESCRIPTION

A 30' Drainage and Utility Easement, being more particularly described as:

Beginning at the Northeast property corner of Lot 5, Block 4, Springdale Country Club Estates Addition, Sedgwick County Kansas; Thence East perpendicular to the East line of said Lot 5 a distance of 30 feet; Thence South parallel to the East Line of said Lot 5 a distance of 170 feet; Thence West perpendicular to the East line of said Lot 5, a distance of 30 feet to the Southeast corner of said Lot 5; Thence North along the East line of said Lot 5, a distance of 170 feet to the Point of Beginning.

Said tract contains approx. 5,100 square feet more or less.

EASEMENT AREA

05.03.2024

KEMILLER ENGINEERING
117 E. Lewis, Wichita, KS 67202 (316)264-0242

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF PLATTED RIGHT-OF-WAY AND SETBACK	)	
LOCATED WITHIN ONE-QUARTER MILE SOUTH OF EAST US HIGHWAY 54/400 AND ONE-QUARTER MILE EAST OF SOUTH 143RD ST. E.	)	CASE NO. VAC2024-00018

VACATION ORDER

NOW on this 3rd day of September, 2025, comes the petition filed by Scott and Kimberley Bays, owner(s) of all property abutting the following-described portion of a platted street right-of-way and platted street side-yard setback to-wit:

> Platted street right-of-way: A portion of North Fairland Drive beginning at the Northeast Corner of Lot 5, Block 4, Springdale County Club Estates Addition, Sedgwick County, Kansas; thence East 30 feet; thence South parallel to the East line of said Lot 5, Block 4 at a distance of 170 feet; thence West 30 feet; thence North along the said East line of Lot 5, Block 4 at a distance of 170 feet.
>
> Platted setback: east 40 feet of Lot 5, Block 4, Springdale Country Club Estates Addition, Sedgwick County, Kansas.

WHEREAS, upon the filing of the petition, the Metropolitan Area Planning Commission ("Planning Commission") set the petition for hearing on April 18, 2024 at 1:30 P.M., and gave notice of said hearing by publication in the official county newspaper on April 4, 2024.

WHEREAS, on April 18, 2024, the Subdivision Committee of the Planning Commission held a public hearing on the petition and voted to recommend approval of the vacation to the Planning Commission, subject to the following conditions:

1. notice has been given as required by K.S.A. 58-2613 and amendments thereto;
2. no written objections have been filed with the County Clerk by adjoining properties or any municipality whose subdivisions are applicable;
3. the public will suffer no loss or inconvenience by such vacation; and
4. no private rights will be injured or endangered thereby.

WHEREAS, on April 25, 2025, the Planning Commission held a public hearing on the petition and

voted on consent to recommend approval of the vacation to the Board of County Commissioners of Sedgwick County, Kansas, subject to the aforementioned conditions.

NOW, after being duly advised in the premises, the Board of County Commissioners of Sedgwick County, Kansas finds that:

1. notice has been given as required by K.S.A. 58-2613 and amendments thereto;
2. no written objections have been filed with the County Clerk by any owner of land adjoining the area to be vacated;
3. the public will suffer no loss or inconvenience by such vacation; and
4. no private rights will be injured or endangered thereby.

IT IS THEREFORE ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS that the portion of platted right-of-way and setback described above is hereby vacated subject to the aforementioned conditions and all property rights of public utilities, rights-of-ways, and easements for public service facilities then in existence and use within the vacated area are preserved and protected.

[balance of this page intentionally left blank, signature page follows]

Commissioners present and voting were:

PETER F. MEITZNER	aye
JEFF BLUBAUGH	aye
STEPHANIE WISE	aye
RYAN BATY	aye
JAMES M. HOWELL	aye

Dated this 3 day of September, 2025.

ATTEST:

KELLY B. ARNOLD, County Clerk

APPROVED AS TO FORM:

SAMANTHA H. SEANG
Assistant County Counselor

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

RYAN BATY, Chairman
Commissioner, Fourth District

PETER F. MEITZNER, Chair Pro Tem
Commissioner, First District

JEFF BLUBAUGH
Commissioner, Second District

STEPHANIE WISE
Commissioner, Third District

JAMES M. HOWELL
Commissioner, Fifth District

Sedgwick Co. public notice

(Published in The Ark Valley News April 4, 2024.)

MAPC April 25, 2024
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, April 25, 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.**

CON2024-00017: Conditional Use in the County to allow an event center on property zoned RR Rural Residential located south along East 95th Street South and 850-feet east of South Broadway Avenue (615 E 95th St S).

VAC2024-00017: Vacation request in the County for an abandoned pipeline easement, generally located on the east side of North 247th Street West and one-half mile south of West 53rd Street North (5130 North 247th Street West).

VAC2024-00018: Vacation request in the County for a portion of South Fairland Drive and the front setback, generally located on the west side of South Fairland Drive and within one-quarter mile south of East Kellogg Drive (725 South Fairland Drive).

ZON2024-00015: Amendment to Protective Overlay in the County to PO-87 to allow an off-premises sign on the property, located on the northeast corner of 143rd St E and 61st St N (14004 E 61st St N).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor. As provided in Section V of the Wichita Sedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

Options to participate:

1) **Attend In-Person** at the Ronald **Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202.** Self-paid parking is available nearby. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-268 4464) by 5:00 PM, 3 days prior to the meeting.

2) **Submit Comments Ahead of Time** regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department) – using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting. Planning Departments staff make efforts to share all comments but may not be able to share those received after the deadlines below. Please be sure to provide ample time for delivery. **Written Comments** should be submitted by 5:00 PM the day before the meeting. **Video and Audio Comments** (mp3, etc.) formats be submitted at least 3 days prior to the MAPC meeting. The comments should indicate which item they pertain to and be less than three (3) minutes in duration.

Email Planning@wichita.gov
Mailing Address Wichita-Sedgwick County Metropolitan Area Planning Department
Attn: **Scott Wadle**
271 W. 3rd Street – Suite 201
Wichita, KS 67202
Phone 316.268.4421
Fax 316.858.7764

3) If you need accommodations pursuant to the ADA, please contact Planning Staff within one week prior to the scheduled meeting.

Option to View Remotely (Not Participate)

The meeting will be streamed live and recorded. Virtual comment is not available. To view the live stream or recording, follow the link: https://www.wichita.gov/Planning.

WITNESS MY HAND on April 4, 2024
Scott Wadle, Secretary
Wichita Sedgwick County Metropolitan Area Planning Commission

Affidavit of Publication

STATE OF KANSAS,
SEDGWICK COUNTY, ss.

Chris Strunk, being first duly sworn, deposes and says: That he is Publisher of The Ark Valley News, formerly The Valley Center Index, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Sedgwick County Kansas, with a general paid circulation on a yearly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Valley Center in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 4th day of April, 2024. with subsequent publications being made on the following dates:

_____, 2024 _____, 2024
_____, 2024 _____, 2024
_____, 2024 _____, 2024

Subscribed and sworn to before me this 4th day of April, 2024.

Notary Public

My commission expires

Additional copies $

Printer's fee

LISA K. STRUNK NOTARY PUBLIC 4/24/24 STATE OF KANSAS

METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 3.3
April 25, 2024

STAFF REPORT

CASE NUMBER: **VAC2024-00018 -** County requests to vacate a portion of a platted public street right-of-way and platted street side yard setback.

APPLICANT/AGENT: Scott and Kimberley Bays (applicants)/ K.E. Miller Engineering (agent)

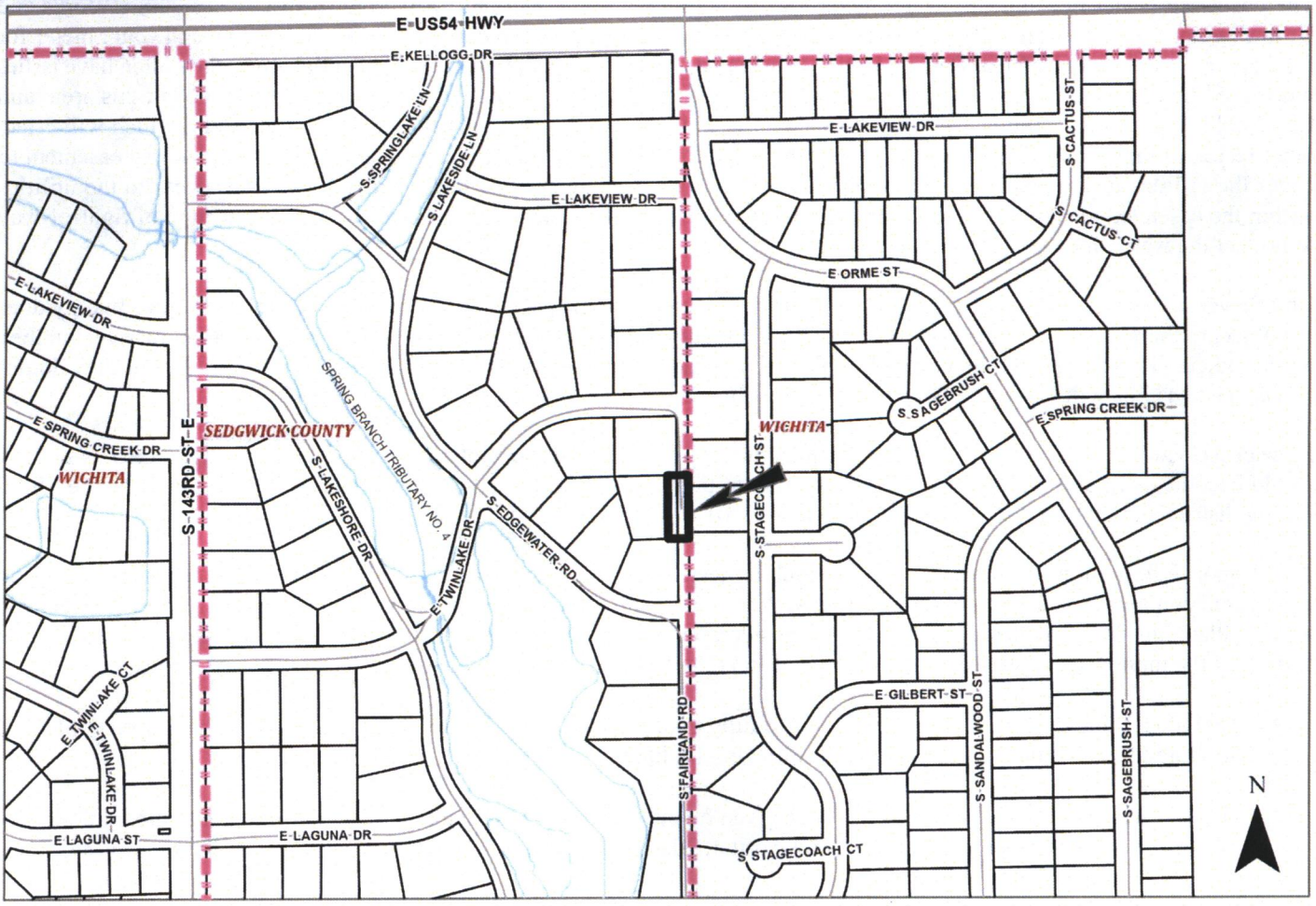
LEGAL DESCRIPTION: Generally described as the platted 30-foot Fairland Road half street right-of-way and the platted 40-foot street side yard setback that run parallel to the east side of Lot 5, Block 4, Springdale Country Club Estates Addition

LOCATION: Generally located east of 143rd Street East, south of Kellogg/US-54, on the north side of the Edgewater and Fairland Roads intersection (725 S. Fairland Dr) (BoCC 5)

REASON FOR REQUEST: Lost opportunity for full street right-of-way, applicant has been maintaining a road that will never be full right-of-way

CURRENT ZONING: The site is a public street right-of-way. All abutting and adjacent properties are zoned SF-20 Single-Family Residential (SF-20) and SF-5 Single-Family Residential (SF-5)

VICINITY MAP:



The applicants propose to vacate the portion of the unimproved, platted, 30-foot Fairland Road half street right-of-way and the platted 40-foot setback, which run parallel to the east lot line of the SF-20 Single-Family Residential (SF-20)-zoned lot; Lot 5, Block 4, Springdale Country Club Estates Addition. All of the north-south Fairland Road was platted as a 30-foot half street right-of-way, from Kellogg/US 54 Highway (north) to Lincoln Street (south), on the Springdale Country Club Estates Addition; recorded November 13, 1951. Fairland is one of four public streets that marked the outside perimeter of the Springdale Country Club Estates Addition, all which were intended to provide access into the addition. All of the interior streets in the addition are private streets. When the east, abutting SF-5 Single-Family Residential (SF-5) zoned Springdale East Addition was recorded, there was no dedication of half street-right-of-way to complete Fairland Road; April 18, 1979. The Springdale East Addition plattor's text states that "All abutters rights of access to and from Fairland Road over and across the west line of the Springdale East Addition, except for the north 140.13 feet, are hereby granted to the appropriate governing body." This statement serves for complete access control, denying access to Fairland Road from the east abutting Springdale East Addition. Vacation of the described portion of Fairland would not impact access to the properties located in the east, abutting Springdale East Addition.

This portion of South Fairland Drive provides access to the subject site from East Twin Lake Drive. The lot abutting to the north of the subject site (Lot 6, Block 4, Springdale Country Club Estates Addition) also has access to South Fairland Drive and East Twin Lake Drive via curved driveway. Vacation of the subject portion of South Fairland Drive will not deprive access from any lot. The portion of South Fairland Drive abutting Lot 6 remains public right-of-way, which maintains access to the subject site from East Twin Lakes Drive.

There is a City water line and City water meter located within the South Fairland Drive right-of-way. City Public Works and Utilities voiced an objection to the vacation of the right-of-way in order to protect access to the water line and water meter for future repairs. The representative for City Public Works and Utilities commented that in residential areas, they often have issues with gated fences that make it difficult to access the utilities in the event of an emergency. If there is a leak in this area, and City Public Works and Utilities is not able to access the leak, they will have to shut-off water farther away, which will effect other residents in the area. The action of the Subdivision Committee was to include a conditions that the required easement to cover the utilities include a clause that prohibits any fence from being constructed in order to provide access to the utilities within the easement at any time. The applicant will be required to dedicate a utility easement over the portion of right-of-way to protect the water line.

City Sewer is located in the platted 30-foot-wide utility easement in the east, abutting Springdale East Addition. Evergy does not object to the vacation. They do not have any lines or equipment in the area. Cox has lines in South Fairland Drive, but they do not object. These lines will be covered by the utility easement. Kansas Gas also has a line in the ROW, but they do not object. The gas line will be covered by the required utility easement.

If the described portion of Fairland Road is vacated, the east side of the subject lot will not be abutting a street, thus its setback would become an interior yard setback. The vacation of the platted 40-foot street side yard setback would become the SF-20 zoning district's minimum interior side yard setback of 10-foot.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from County Public Works, Water & Sewer, 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 portion of the unimproved, platted, 30-foot Fairland Road half street right-of-way and the platted 40-foot 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 April 4, 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 street right-of-way and 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.

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

(1) Dedicate the described vacated portion of the unimproved, platted, 30-foot Fairland Road half street right-of-way as a utility and drainage easement for utilities. This easement shall contain language prohibiting any fencing at any point in the future by any property owner that would restrict access to any utilities present. These must provided to Planning prior to the case going to County Commission and subsequent recording with the Register of Deeds. If these are private easements, provide Planning with approval from the participating franchised utility.

(2) Any relocation or reconstruction of all utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense shall be to County Standards. If needed provide a private project for relocation of utilities. The approved private project number must be provided to Planning prior to the case going to County Commission and subsequent recording with the Register of Deeds. If these are franchised utilities , provide Planning with approval from the participating franchised utility

(3) Provide original restrictive covenant(s) binding and tying the vacated portion of the vacated street right-of-way to applicants' abutting property. These must be provided to Planning prior to the case going to the County Commission and subsequent recording with the Register of Deeds.

(4) Provide Planning with a legal description of the vacated street on a Word document, via e-mail. This must be provided to Planning prior to the case going to City Council for final action.

(5) Provide County Fire and Public Works with any needed improvements, per County Standards and at the applicants' expense.

(6) 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

VAC2024-00018

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

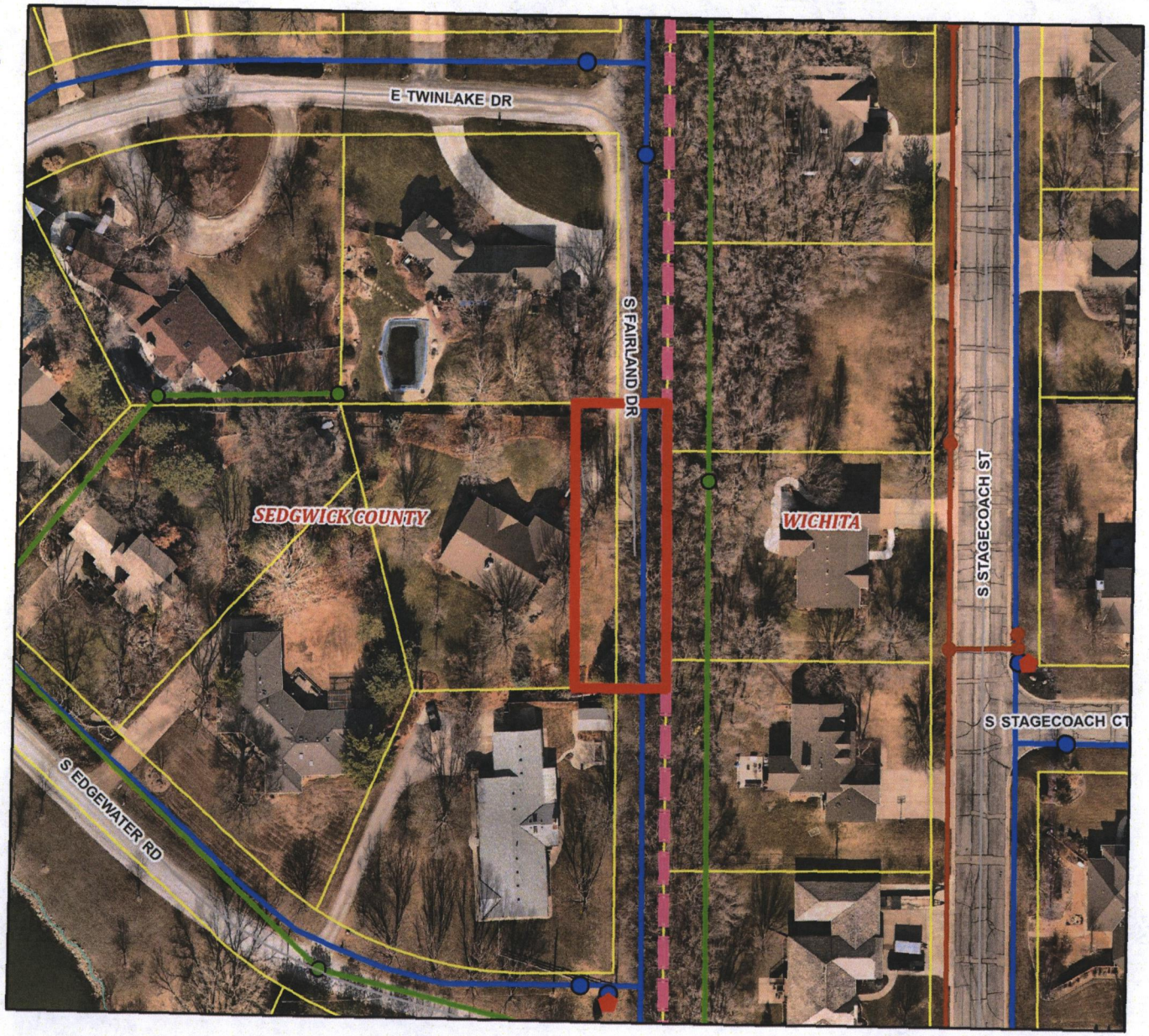
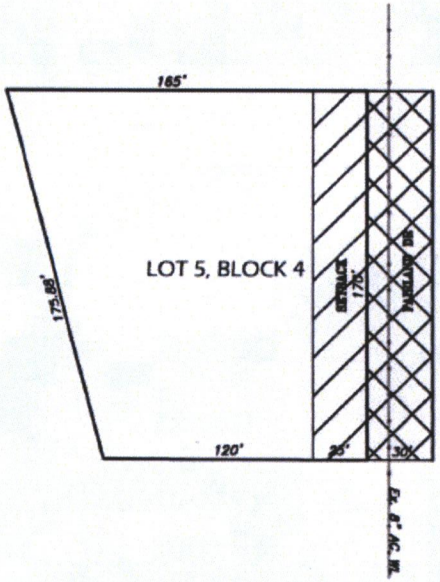


EXHIBIT "A"

STREET & SETBACK VACATION EXHIBIT

Lot 5 Block 4 Springdale Country Club Estates

SEDGWICK COUNTY, KANSAS



Vacation Legal Description:
A portion of N Fairland Dr beginning at the Northeast Corner of Lot 5, Block 4, Springdale Country Club Estates; thence East 30 feet; thence South parallell to the East line of said Lot 5, Block 4 at a distance of 170 feet; thence west 30 feet; thence North along the said East line of Lot 5, Block 4 at a distance of 170 feet.

PARCEL 1:
All of the following described real estate, situated in the County of Sedgwick and the State of Kansas known and described as follows, to wit: Lot 5, Block 4, Springdale Country Club Estates , an Addition to Sedgwick County, Kansas.

DATE: 3.4.2024

KEMILLER ENGINEERING