CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

September 16, 2025

NMS Lodging, LLC
245 North Waco Street, Suite 400
Wichita, KS 67202

Baughman Company, P.A.
315 South Ellis Avenue
Wichita, KS 67211

Ref: VAC2025-00026: Vacation request in the City to vacate a utility easement and drainage easement; generally located 1000 feet west of North Maize Road and 1300 feet north of West 21st Street North.

Dear Applicant,

At the **Tuesday, September 16, 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

SEDGWICK COUNTY KANSAS

Wichita-Sedgwick County Metropolitan Area Planning Department

August 18, 2025

NMS Lodging, LLC
245 North Waco Street, Suite 400
Wichita, KS 67202

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Ref: VAC2025-00026: Vacation request in the City to vacate a utility easement and drainage easement; generally located 1000 feet west of North Maize Road and 1300 feet north of West 21st Street North.

Dear Applicant,

At the **Thursday, August 14, 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) Dedicate necessary easement(s), by separate instrument, for recording with the Vacation Order at the Sedgwick County Register of Deeds to cover the required relocation of existing utilities. This must be provided to Planning prior to this application proceeding to City Council for final action.
(4) Provide Planning with a legal description of the vacated portion of the platted utility and 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.
(5) 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, September 16, 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

SEDGWICK COUNTY KANSAS

Wichita-Sedgwick County Metropolitan Area Planning Department

August 14, 2025

NMS Lodging, LLC
245 North Waco Street, Suite 400
Wichita, KS 67202

Baughman Company, P.A.
315 South Ellis Avenue
Wichita, KS 67211

Ref: VAC2025-00026: Vacation request in the City to vacate a utility easement and drainage easement; generally located 1000 feet west of North Maize Road and 1300 feet north of West 21st Street North.

Dear Applicant,

At the **Thursday, August 14, 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) Dedicate necessary easement(s), by separate instrument, for recording with the Vacation Order at the Sedgwick County Register of Deeds to cover the required relocation of existing utilities. This must be provided to Planning prior to this application proceeding to City Council for final action.
(4) Provide Planning with a legal description of the vacated portion of the platted utility and 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.
(5) 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.

The above conditions must be met before this case can have final approval. Therefore, this case is scheduled for final action by the Wichita City Council at an appropriate meeting after Planning has received the conditions. This letter also serves as a reminder that the vacation notification signs should now be removed from the property. If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,

Samuel Deetz
Current Plans
Associate Planner

Document #: 2025-047526
Date Recorded: 09/25/2025 02:38:41 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 UTILITY EASEMENT AND DRAINAGE EASEMENT	)	
GENERALLY LOCATED ONE-THOUSAND FEET WEST OF NORTH MAIZE ROAD AND ONE-THOUSAND THREE-HUNDRED FEET NORTH OF WEST 21ST STREET NORTH	)	**VAC2025-00026**
MORE FULLY DESCRIBED BELOW	)	

VACATION ORDER

NOW on this 16th day of September, 2025, comes on for hearing the petition for vacation filed by NMS Lodging, LLC (owner), praying for the vacation of described utility easement and drainage easement, to wit:

A portion of the 20.00 foot wide Utility Easement as dedicated in Film 2161 Page 1023, lying within Lot 1, Block 1 in Newmarket Square, an addition to Wichita, Sedgwick County, Kansas, described as commencing at the northwest corner of Lot 3, in said Block 1; thence N88°37'11"W, coincident with the extended north line of Lot 3, in said Block 1, 913.73 feet; thence N03°44'35"W, 24.90 feet; thence N88°23'04"W, 47.79 feet; thence N01°20'39"E, 20.00 feet; thence S88°23'04"E, 46.01 feet to the Point of Beginning; thence N03°44'35"W, 134.29 feet; thence S88°37'11"E, 20.07 feet; thence S03°44'35"E, 134.37 feet; thence N88°23'04"W, 20.08 feet to the Point of 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 on July 24, 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 utility easement and 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 utility easement and drainage easement, should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 16th day of September, 2025, ordered that the described utility easement and 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:

Shinita Rice, Deputy City Clerk

Approved as to Form:

Jennifer Magana, City Attorney and Director of Law

McClatchy

FILE COPY

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	IPL0255988	Legal Ad - IPL0255988	MAPC Public Hearing	2.0	190.0L

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

OCA 150004
MAPC/BZA August 14, 2025
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, August 14, 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.**

BZA2025-00046: Variance request in the City to reduce building to building setback from 3 feet to 16 inches in the SF-5 Single-family Residential District, generally located on the west side of South Dellrose Avenue and within 360 feet west of South Oliver Avenue (285 South Dellrose Avenue).

BZA2025-00047: Variance request in the City to allow a sign to be within the required setbacks on property zoned LC Limited Commercial District, generally located on the east side of South Oliver Avenue, within 900 feet north of South George Washington Boulevard (2600 South Oliver Street).

CON2025-00093: Conditional Use amendment in the City to extend Entertainment Establishment hours on Fridays and Saturdays on property zoned LC Limited Commercial, generally located on the north side of West Pawnee Avenue and within 300 feet east of South Seneca Street (1040 West Pawnee Avenue).

CON2025-00094: Conditional Use request in the City to have Group Residence, Limited on property zoned SF-5 Single-Family Residential District to have up to 12 residents on site, generally located on the south side of East Peach Tree Lane, within 200 feet west of South Woodlawn Boulevard (6321 East Peach Tree Lane).

CUP2025-00022: Amendment to CUP DP-67 to allow Warehouse, Self-Service Storage and change development standards for Parcel 3B, generally located on the east side of North Woodlawn Boulevard and within one-quarter mile south of East 21st Street North.

DER2024-00008: Pursuant to K.S.A. 12-757 et. Seq., amendment of the Unified Zoning Code regarding the Day Care, General Use in Residential Zoning Districts, will be considered.

DER2025-00019: Repeal of the existing Airport Hazard Zoning Code and adoption of the new Airport Hazard Zoning Code, will be considered.

PUD2025-00015: Zone Change request in the City from LI Limited Industrial and LC Limited Commercial to PUD to create the Douglas Flats PUD #146, generally located on the southwest corner of West Douglas Avenue and South Exposition Street (109 South Exposition Street).

PUD2025-00016: Zone Change request in the City from LI Limited Industrial to PUD Planned Unit Development to create the Proctor Family Indoor Athletic Facility PUD #147, generally located on the west side of East 28th Street North and within 575 feet west of North Greenwich Road (11010 East 28th Street North).

VAC2025-00024: Vacation request in the City to vacate a 20-foot platted alleyway for private maintenance, generally located south of East Douglas Avenue, between South Kansas Avenue and South Minneapolis Avenue and north of East English Street.

VAC2025-00025: Vacation request in the City to vacate a utility easement; generally located west of South Seneca Street and 1,100 feet south of West Pawnee Avenue.

VAC2025-00026: Vacation request in the City to vacate a utility easement and drainage easement; generally located 1,000 feet west of North Maize Road and 1,300 feet north of West 21st Street North.

VAC2025-00027: Vacation request in the City of 15-foot-wide x 125-foot-long public alley to the west of Lot 51 and the east of Lot 49, Matinson's 4th Addition, generally located south of West Douglas Avenue.

ZON2025-00033: Zone Change request in the City from SF-5 Single-Family Residential to TF-3 Two-Family Residential; generally located on the south side of West 50th Street South and approximately one-third mile east of South Seneca Street.

ZON2025-00034: Zone Change request in the City from SF-5 Single Family Residential to TF-3 Two-family Residential to allow duplex development, generally located on the east side of East Harding Avenue and within 150 feet south of East Central Avenue (440 North Harding Avenue).

ZON2025-00035: Zone Change request in the City from LC Limited Commercial District to GC General Commercial, generally located 300 feet west of North Ridge Road and 300 feet north of West Central Avenue.

ZON2025-00036: Zone Change request in the City from GO General Office District to LC Limited Commercial District, generally located on the northwest corner of West Maple Street and North 135th Street (13610 West Maple Street).
IPL0255988
Jul 23 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:
07/23/25 Print

Print Tearsheet Link

Marketplace Link

Russ Davis

DIGITALLY SIGNED

Russ Davis

Sherry J Chasteen

DIGITALLY SIGNED

Sworn to and subscribed before me on Jul 23, 2025, 10:40 AM EDT

NOTARY PUBLIC STATE OF TEXAS
SHERRY J CHASTEEN
ELECTRONIC NOTARY PUBLIC
STATE OF TEXAS
COMMISSION # 125328493
MY COMMISSION EXPIRES 4/16/2029

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.
August 14, 2025

STAFF REPORT

CASE NUMBER: **VAC2025-00026 -** Request to vacate a utility and drainage easement.

OWNER/APPLICANT: NMS Lodging, LLC (Applicants)

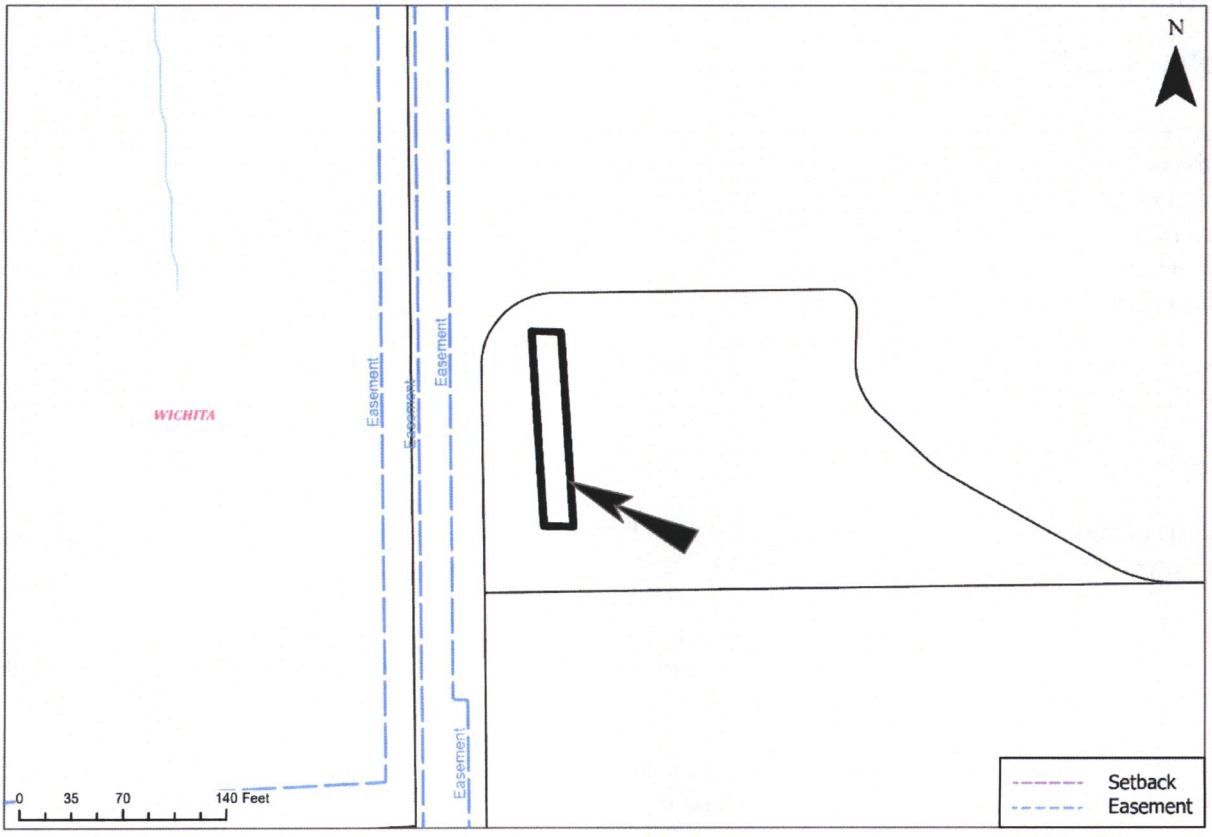
LEGAL DESCRIPTION: Generally described as vacating the 20-foot utility and drainage easement running north-south approximately 100 feet east of the west property line of the property on Parcel 1D, Lot 1, Block 1, Newmarket Square Addition, Wichita, Sedgwick County, Kansas. (See attached legal description)

LOCATION: Generally located 1000 feet west of North Maize Road and 1300 feet north of West 21st Street North.

REASON FOR REQUEST: To replace utility and drainage easement to properly locate utilities on site.

CURRENT ZONING: The subject site along with adjacent properties are zoned LC Limited Commercial (LC) within Protective Overlay (PO) #36. The subject site is vacant. Property to the west is developed with a private roadway, and property to the north, east, and south is developed with commercial uses.

VICINITY MAP:



The applicant proposes to vacate a platted 20-foot utility and drainage easement running north-south, located approximately 100 feet east of the west property line. The subject site was platted as Lot 1, Block 1, Newmarket Square Addition. A subsequent lot split created the subject site of Parcel 1D. The site is generally located 1000 feet west of North Maize Road and 1300 feet north of West 21st Street North. The site is zoned LC Limited Commercial (LC) within Protective Overlay (PO) #36 and is undeveloped. The purpose of the vacation is to replace the utility and drainage easement in order to properly locate utilities on site for future development. There are additional easements, as well as public water or sewer lines on the property, however these will not be affected by this request.

The proposed vacation is associated with CON2025-00040 and ZON2025-00006. These requests were to allow an entertainment establishment within 300 feet of residentially zoned property, and amend PO #36 to change building coverage, floor area, architectural controls, and screening wall location for a hotel.

An 8-inch PVC waterline exists in the vacation area. Wichita Public Works and Utilities requires that a 15-foot utility easement be dedicated to accommodate a relocation for the waterline. Wichita Fire, Stormwater, and Traffic Engineering do not object to this vacation. Comments from franchised utilities have been received. Cox has a buried line at the south end of the vacation area and any relocation will be at the applicant's expense. Black Hills Energy maintains a 4-inch main line and a 2-inch service line to Walmart within the vacation area. Approval of the vacation will require a new utility easement and relocation reimbursement. Kansas Gas, and AT&T have no lines or equipment in the vacation area and therefore have no objections.

Evergy has reviewed the request and has no objection. Eric O'Donnell, Area Design Representative, will be the contact for this vacation request and any project associated with it. He can be contacted at (316) 261 - 6359. 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 Newmarket Square Addition was recorded on April 27, 1998.

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 utility and 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 July 24, 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 utility and 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 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) Dedicate necessary easement(s), by separate instrument, for recording with the Vacation Order at the Sedgwick County Register of Deeds to cover the required relocation of existing utilities. This must be provided to Planning prior to this application proceeding to City Council for final action.

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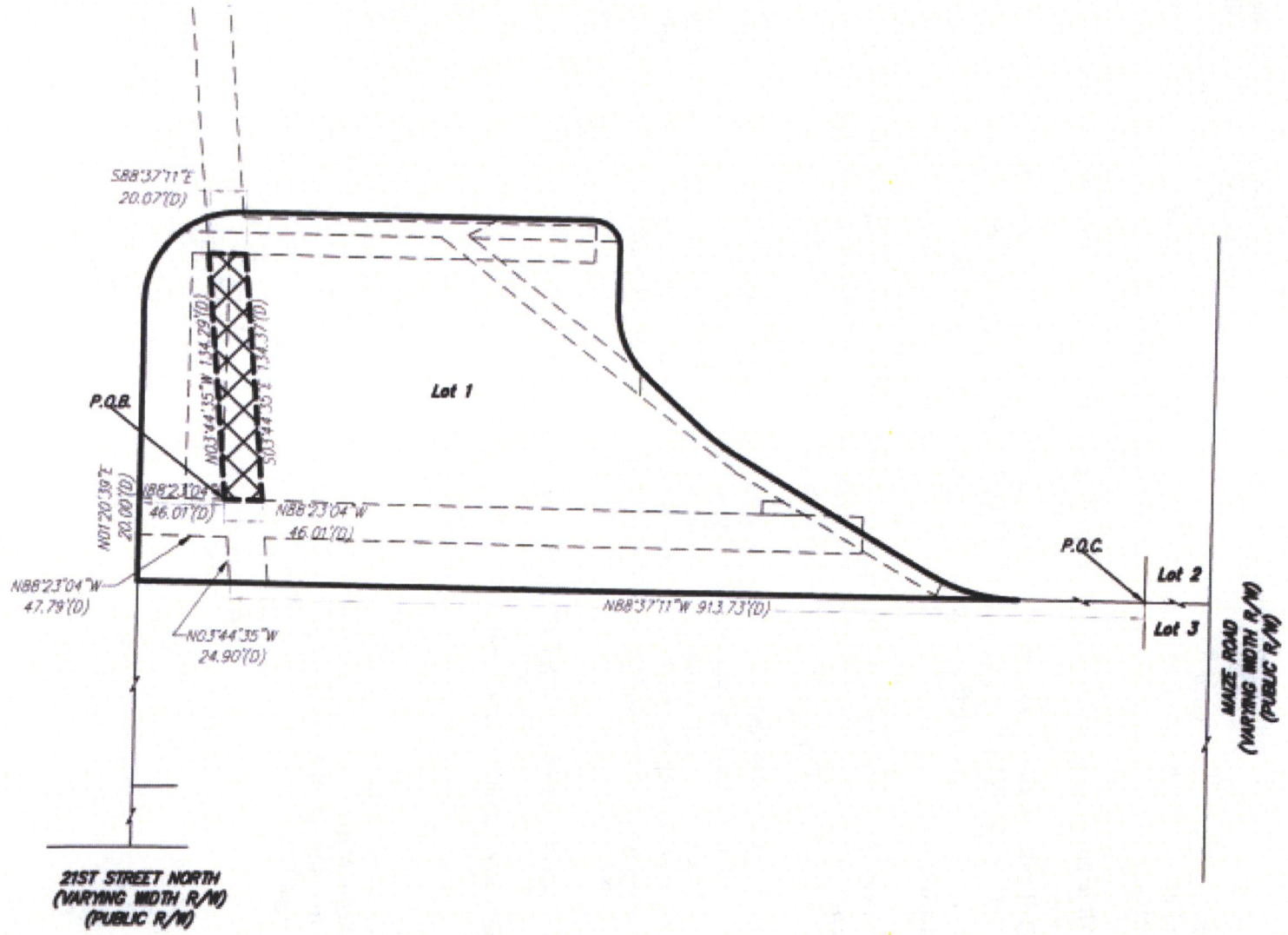
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SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

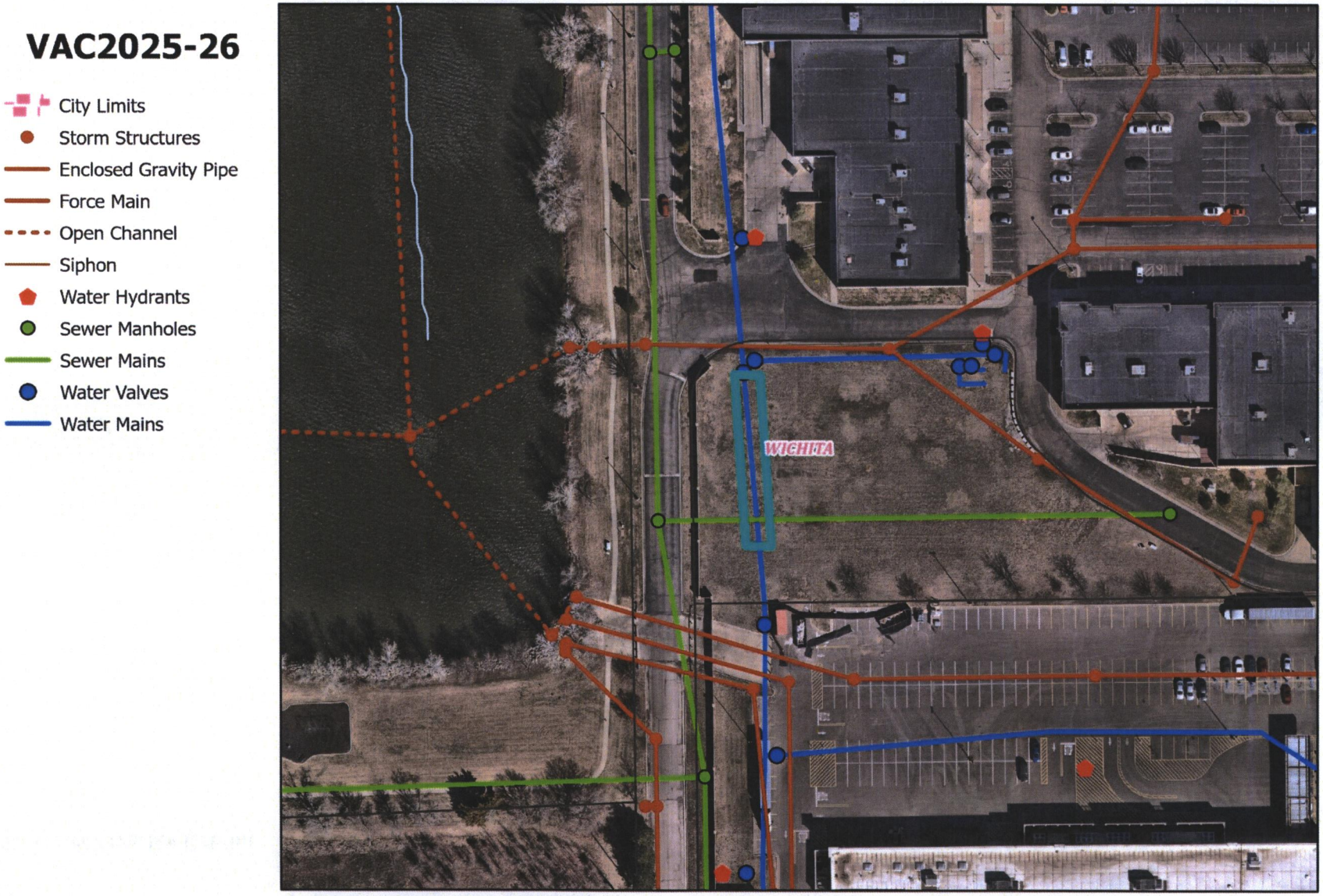
The Subdivision Committee recommends approval per staff recommendations.

Attachments:
1. Vacation Exhibit
2. Aerial Map
3. Protective Overlay Exhibit
4. Legal Description

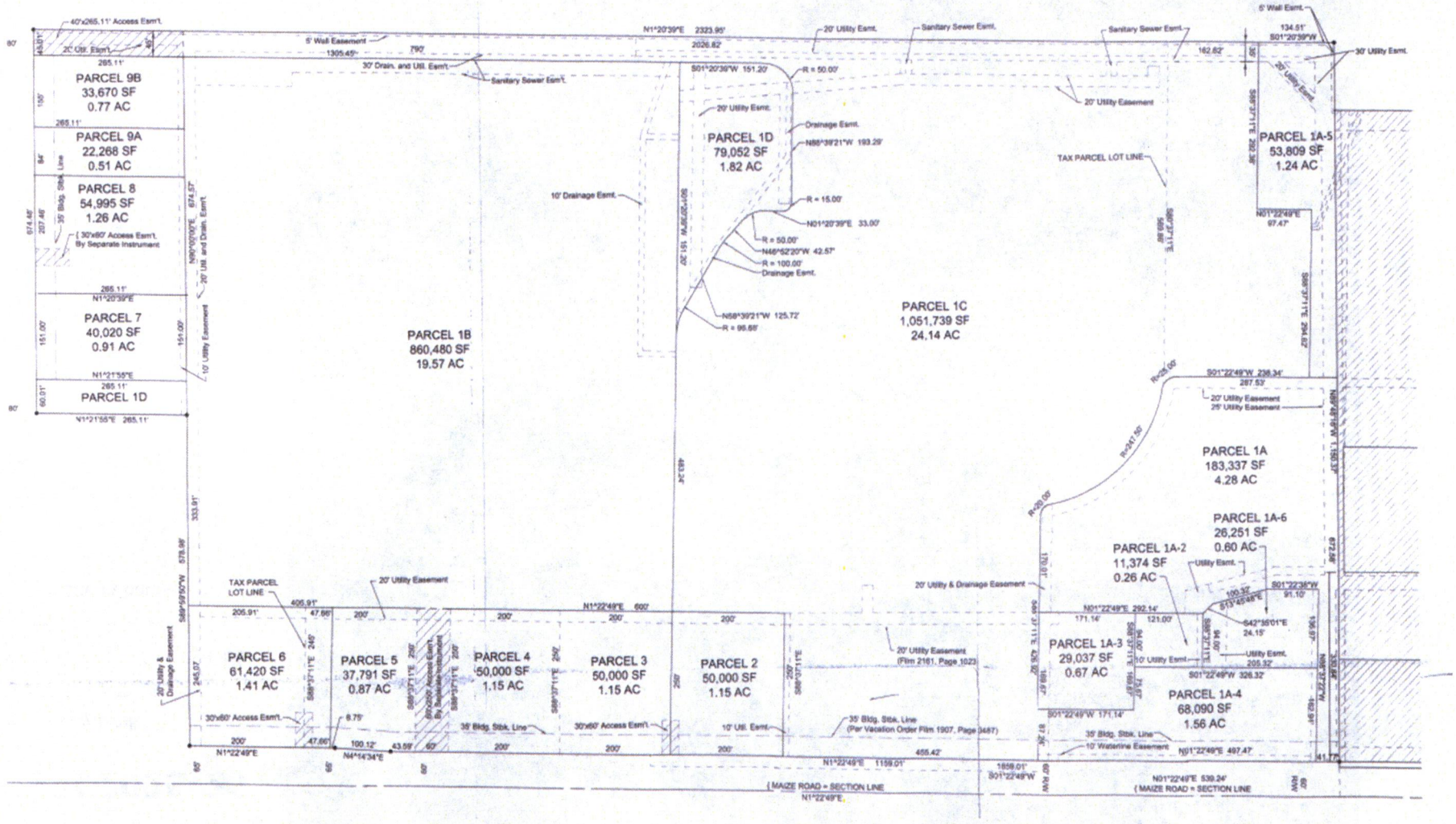
Vacation Exhibit



Aerial Map


VAC2025-26
City Limits
Storm Structures
Enclosed Gravity Pipe
Force Main
Open Channel
Siphon
Water Hydrants
Sewer Manholes
Sewer Mains
Water Valves
Water Mains
WICHITA

Protective Overlay Exhibit



Legal Description

LEGAL DESCRIPTION

A portion of a Utility Easement

A portion of the 20.00 foot wide Utility Easement as dedicated in Film 2161 Page 1023, lying within Lot 1, Block 1 in Newmarket Square, an addition to Wichita, Sedgwick County, Kansas, described as commencing at the northwest corner of Lot 3, in said Block 1; thence N88°37'11"W, coincident with the extended north line of Lot 3, in said Block 1, 913.73 feet; thence N03°44'35"W, 24.90 feet; thence N88°23'04"W, 47.79 feet; thence N01°20'39"E, 20.00 feet; thence S88°23'04"E, 46.01 feet to the Point of Beginning; thence N03°44'35"W, 134.29 feet; thence S88°37'11"E, 20.07 feet; thence S03°44'35"E, 134.37 feet; thence N88°23'04"W, 20.08 feet to the Point of Beginning.