



Wichita-Sedgwick County Metropolitan Area Planning Department

November 8, 2023

Jackson and Mallory Howard
1638 Pin Oak Ct.
Rose Hill, KS 67133

Ref: VAC2023-00004: Request in the County to vacate a portion of platted access control located along East 71st Street South, east of South 143rd Street East.

Dear Applicant;

At its regular meeting on **November 7, 2023**, the Sedgwick County Board of County Commissioners considered the above captioned request. The action of the BoCC was to **APPROVE** the vacation request.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Philip Zevenbergen'.

Philip Zevenbergen, AICP
Current Plans
Division Manager



Wichita-Sedgwick County Metropolitan Area Planning Department

April 13, 2023

Jackson and Mallory Howard
1638 Pin Oak Ct.
Rose Hill, KS 67133

Ref: VAC2023-00004: Request in the County to vacate a portion of platted access control located along East 71st Street South, east of South 143rd Street East.

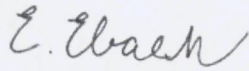
Dear applicants,

At the Thursday, April 13, 2023 meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

1. Per the approval of the Traffic Engineer, vacate the east 15 feet of Lot 1, Block A and the west 15 feet of Lot 3, Block A, of the platted complete access control along East 71st Street South, Glaser 2nd Addition. The drive shall be constructed to County Standards and at the owner's expense. Provide planning staff with legal descriptions of the approved vacated portion of the platted access control on a Word document via e-mail to be used on the Vacation Order. The legal descriptions must be provided to planning staff prior to the case going to the Sedgwick County Board of County Commissioners for final action.
2. Provide planning staff with dedication of access control with original signatures to close the 30-foot platted opening located on the north side of Lot 1, Block A, Glaser 2nd Addition for recording with the Register of Deeds. All original dedications will go with the Vacation Order to Sedgwick County Board of County Commissioners for final action and filing with the Sedgwick County Register of Deeds. These conditions must be completed prior to the case going to Council for final action.
3. Any relocation or reconstruction of utilities made necessary by this vacation shall be to County Standards and the responsibility of the owner and at the expense of the owner, including the relocation of any power poles, equipment, or public utilities and drainage. Provide approval from those utilizes of any relocation of those impacted utilities prior to the case goes to Sedgwick County Board of County Commissioners for final action.
4. All improvements shall be according to County Standards and at the applicant's expense.
5. 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.

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 Commission at the first appropriate date after April 27, 2023** (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,

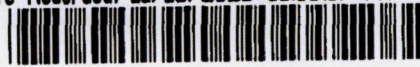


Eryn Ebach
Associate Planner



Sedgwick County
 Register of Deeds - Tonys Buckingham
 Doc.#/Flm-Pg: 30275221
 Receipt #: 2404225 Recording Fee: \$0.00
 Pages Recorded: 3

Cashier: KVENATOR Authorized By: *Tony Buckingham*
 Date Recorded: 11/13/2023 01:59:07 PM



BEFORE THE COUNTY COMMISSIONERS
 OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF A)
 PORTION OF PLATTED ACCESS CONTROL)

LOCATED ON THE SOUTH SIDE OF EAST 71ST)
 STREET SOUTH AND WITHIN ONE-BLOCK EAST)
 OF SOUTH 143RD STREET EAST)

CASE NO. VAC2023-00004

VACATION ORDER

NOW on this 8th day of November 2023, at 9:00 o'clock A.M., comes the petition filed by Jackson and Mallory Howard (owners); praying for the vacation of the following-described portion of platted complete access control, to-wit:

The east 15 feet of Lot 1, Block A, and the west 15 feet of Lot 3, Block A, of the platted access control along East 71st Street South, Glaser 2nd Addition, Sedgwick County, Kansas.

WHEREUPON, it is shown that proper notice has been given by publication once at least 20 days prior to the date of hearing in the official county newspaper, the Ark Valley News, such publication having occurred on, March 23, 2023; and it is further shown that proper proof of such publication has been filed herein. The Board finds that such notice is in lawful form and that it conforms to K.S.A. 58-2613, and amendments thereto.

THEREAFTER, the Board, being duly advised in the premises, finds and determines that no private rights will be injured or endangered by such vacation; that the public will suffer no loss or inconvenience thereby; that no written objections hereto have been filed with the Sedgwick County Clerk; and that, in justice to the petitioner, the petition's prayer should be granted.

The Board further finds that the Metropolitan Area Planning Commission held a public hearing on the

13th day of April 2023, and recommended that the vacation petition herein be approved.

NOW THEREFORE, IT IS ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, that the portion of platted complete access control hereinabove described be the same and is hereby vacated. It is further ordered that County Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

[remainder of page intentionally left blank]

UNOFFICIAL COPY

Commissioners present and voting were:

PETER F. MEITZNER
SARAH LOPEZ
DAVID T. DENNIS
RYAN K. BATY
JAMES M. HOWELL

Aye
Aye
Aye
Aye
Aye

Dated this 8 day of NOVEMBER, 2023.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

Kelly B. Arnold
KELLY B. ARNOLD, County Clerk



Peter F. Meitzner
PETER F. MEITZNER, Chairman
Commissioner, First District

James M. Howell
JAMES M. HOWELL, Chair Pro Tem
Commissioner, Fifth District

APPROVED AS TO FORM:

Kirk W. Sponsel
KIRK W. SPONSEL
Deputy County Counselor

Sarah Lopez
SARAH LOPEZ
Commissioner, Second District

David T. Dennis
DAVID T. DENNIS
Commissioner, Third District

Ryan K. Baty
RYAN K. BATY
Commissioner, Fourth District

UNOFFICIAL COPY

BEFORE THE COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF A)
PORTION OF PLATTED ACCESS CONTROL)

LOCATED ON THE SOUTH SIDE OF EAST 71ST)
STREET SOUTH AND WITHIN ONE-BLOCK EAST)
OF SOUTH 143RD STREET EAST)

) CASE NO. VAC2023-00004
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The east 15 feet of Lot 1, Block A, and the west 15 feet of Lot 3, Block A, of the platted access control along East 71st Street South, Glaser 2nd Addition, Sedgwick County, Kansas.

WHEREUPON, it is shown that proper notice has been given by publication once at least 20 days prior to the date of hearing in the official county newspaper, the Ark Valley News, such publication having occurred on, March 23, 2023; and it is further shown that proper proof of such publication has been filed herein. The Board finds that such notice is in lawful form and that it conforms to K.S.A. 58-2613, and amendments thereto.

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[remainder of page intentionally left blank]

Commissioners present and voting were:

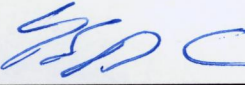
PETER F. MEITZNER
SARAH LOPEZ
DAVID T. DENNIS
RYAN K. BATY
JAMES M. HOWELL

Aye
Aye
Aye
Aye
Aye

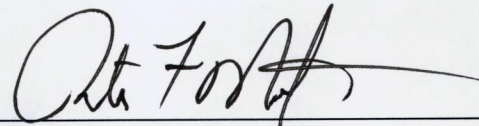
Dated this 8 day of November, 2023.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

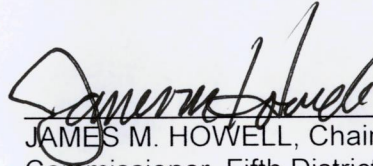
ATTEST:



KELLY B. ARNOLD, County Clerk

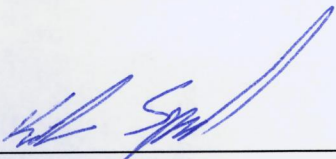


PETER F. MEITZNER, Chairman
Commissioner, First District



JAMES M. HOWELL, Chair Pro Tem
Commissioner, Fifth District

APPROVED AS TO FORM:



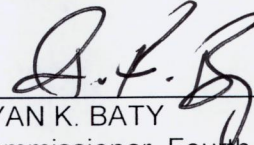
KIRK W. SPONSEL
Deputy County Counselor



SARAH LOPEZ
Commissioner, Second District



DAVID T. DENNIS
Commissioner, Third District



RYAN K. BATY
Commissioner, Fourth District

FILE COPY

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



Torie Hensley
Notary Public

SEAL

(My Commission Expires: 5/24/23)

Approved to Form:

A large, stylized handwritten signature in black ink, appearing to read "Lynn Packer".

Lynn Packer, Director of Public Works



Beaufort Gazette
 Belleville News-Democrat
 Bellingham Herald
 Bradenton Herald
 Centre Daily Times
 Charlotte Observer
 Columbus Ledger-Enquirer
 Fresno Bee

The Herald - Rock Hill
 Herald Sun - Durham
 Idaho Statesman
 Island Packet
 Kansas City Star
 Lexington Herald-Leader
 Merced Sun-Star
 Miami Herald

el Nuevo Herald - Miami
 Modesto Bee
 Raleigh News & Observer
 The Olympian
 Sacramento Bee
 Fort Worth Star-Telegram
 The State - Columbia
 Sun Herald - Biloxi

Sun News - Myrtle Beach
 The News Tribune Tacoma
 The Telegraph - Macon
 San Luis Obispo Tribune
 Tri-City Herald
 Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	398642	Print Legal Ad-IPL01149060 - IPL0114906		\$231.52	3	92 L

Attention: MANDY HEBERT
 CITY OF WICHITA/PLANNING DEPT
 271 WEST THIRD ST., 2ND FL, SU 203
 WICHITA, KS 67202

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

1 insertion(s) published on:
 03/23/23

LEGAL PUBLICATION

OCA 150004
 Published in The Wichita Eagle on March 23, 2023

(One Time Only)
 MAPC/BSA April 13, 2023
 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, April 13, 2023, no earlier than 1:30 p.m., the WichitaSedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation may also occur through virtual methods (specified at the end of this notice). If you have any questions regarding the meeting or items on this notice, please call the WichitaSedgwick County Metropolitan Area Planning Department at (316) 268-4421.

BZA2023-00008: Variance in the City to allow a rooftop sign in the CBD Central Business District on property located on the northwest corner of South Broadway Avenue and East William Street (230 East William).

BZA2023-00013: Variance request in the City to allow an off-site sign in the 20-foot west front setback on property zoned GI General Industrial; generally located west of North Hydraulic Avenue and approximately one-quarter-mile north of East 37th Street North (4035 N. Hydraulic).

CON2023-00005: Conditional Use request in the City to permit expansion of existing bar with live entertainment (defined as Night Club in the City) on property zoned LC Limited Commercial; located on the south side of East 17th Street and within one block east of North Hillside Avenue (3227 East 17th Street North).

DER2023-00006: Wichita-Sedgwick County Unified Zoning Code (UZC) amendment to include Short-Term Rental businesses.

PUD2023-00001: Zone change request in the City from LI Limited Industrial District with PO #162 to FUD Planned Unit Development for mixed-use development; generally located on the northwest corner of East 29th Street North and North Greenwich Road.

PUD2023-00002: Zone change request in the City from B Multi-Family Residential to PUD Planned Unit Development for duplex development with flexible development standards; generally located west of North Wellington Street and approximately 300 feet north of West 11th Street North.

VAC2023-00004: Request in the County to vacate a portion of platted access control located along East 71st Street South, within one block east of South 143rd Street East.

VAC2023-00005: Request in the County to vacate a platted 70-foot contingent street dedication between Lots 6 and 7, Downs Country Estates Addition, on properties zoned SF-20 Single-Family Residential; located within one-quarter mile northwest of South Webb Road and East 47th Street South (8314 and 9207 E Cherish).

VAC2023-00006: Request in the County to vacate a floodway reserve easement dedicated by separate instrument; generally located one-half-mile south of West 125th Street North and east of North Seneca (10th) Street West (12220 North Seneca).

VAC2023-00007: Request in the City to vacate a platted 30-foot utility easement on property zoned GI General Industrial; generally located north of North Cleveland Avenue and west of North New York Avenue.

ZON2023-00007: Zone change in the City from SF-5 Single-Family Residential District to GO General Office District to allow GO uses including duplexes; generally located east of South Maize Road and north of West Kellogg Drive.

ZON2023-00008: Zone change request in the City from SF-5 Single-Family Residential to LC Limited Commercial to build a commercial building with drive-through; located at South Seneca Street and South Walnut Street, within one block South of West 31st Street South (3234 Seneca Street & 3241 South Walnut Street).

ZON2023-00009: Zone change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District for duplex development; generally located on the northwest corner of North Fairview Avenue and West 31st Street North (3205 North Fairview).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the WichitaSedgwick 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 (see below):

- 1) Participate virtually
- 2) Attend in-person at the Ronald Reagan Building
- 3) Submit comments ahead of time

Participate Virtually

Join Zoom Meeting

<https://us06web.zoom.us/j/4089866967?pwd=aOk3bW0ySjRlbnFJQTdFV0xPDBXUT09>

Meeting ID: 408 986 6967

Passcode: 094136

One tap mobile

+16899006833,4089866967#,,*094136# US (San Jose)

+17193594580,4089866967#,,*094136# US

Meeting ID: 408 986 6967

Passcode: 094136

Find your local number: <https://us06web.zoom.us/j/4089866967>

Attend In-Person

You may also participate in the hearing in-person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202. The in-person option is primarily intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-2684464) by 5pm, 3 days prior to the meeting.

Submit Comments Ahead of Time

You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 5pm 3 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email; letter; video; and audio message (mp3, etc.). The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department staff 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.

Email Planning@wichita.gov

Mailing Address Wichita-Sedgwick County Metropolitan Area Planning Department

Attn: Scott Wedle

271 W. 3rd Street - Suite 201

Wichita, KS 67202

Phone 316.268.4421

Fax 316.858.7784

WITNESS MY HAND on March 23, 2023

Scott Wedle, Secretary

WichitaSedgwick County

Metropolitan Area Planning Commission

IPL0114906

Mar 23 2023

STATE OF KANSAS)

SS

County of Sedgwick)

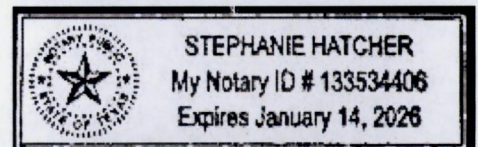
Hayley Martin, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 03/23/2023 to 03/23/2023.

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

DATED: 03/23/2023

Stephanie Hatcher

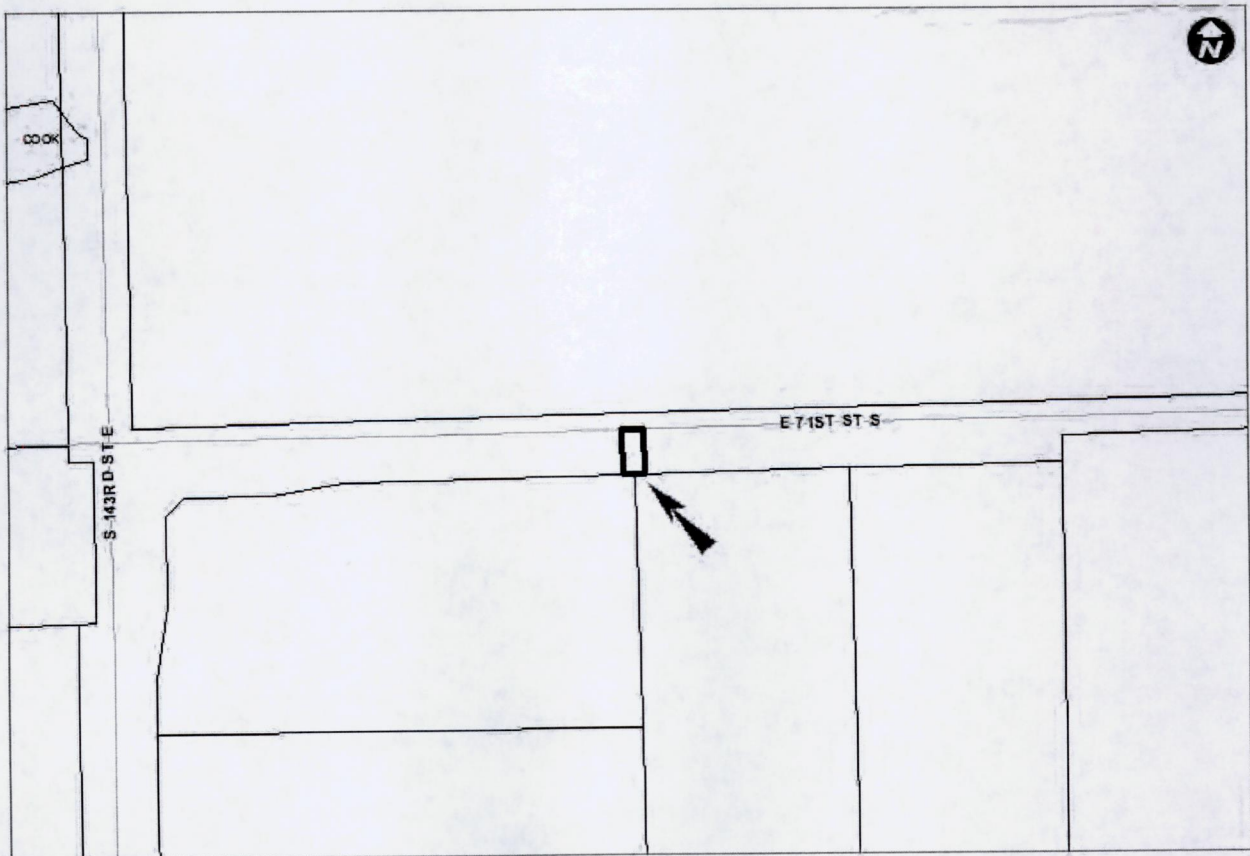
Notary Public in and for the state of Texas, residing in Dallas County



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

STAFF REPORT

- CASE NUMBER:** VAC2023-00004- Request in the County to vacate a portion of platted access control located along East 71st Street South.
- APPLICANTS:** Jackson Howard (applicant)
- LEGAL DESCRIPTION:** Generally described as vacating a portion of platted access control along East 71st Street South, located on the north side of Lots 1 and 3, Block A, Glaser 2nd Addition (See attached legal).
- LOCATION:** Generally located on the south side of East 71st Street South, approximately one-block east of South 143rd Street East.
- REASON FOR REQUEST:** For site development.
- CURRENT ZONING:** The subject site and properties on all sides are zoned RR Rural Residential District, and are developed with single-family residences or agricultural uses.



VAC2023-00004: Request in the City to vacate a portion of platted access control located along East 71st Street South, east of South 143rd Street East.

April 13, 2023

Page 2

The applicant proposes to vacate the east 15 feet of Lot 1, Block A and the west 15 feet of Lot 3, Block A, of the platted access control along East 71st Street South, Glaser 2nd Addition, Sedgwick County, Kansas. The undeveloped subject site is located south of East 71st Street South, and east of South 143rd Street East. The proposed drive would be onto East 71st Street South, approximately 700 feet from the intersection.

At this location, East 71st Street South is a two-way, gravel street with open ditches. Glaser 2nd Addition is currently permitted two 30-foot drives onto East 71st Street South (See attachment 1, Excerpt from Glaser 2nd Addition). To prevent conflict with the proposed drive, the applicant intends to dedicate access control to close the platted 30-foot opening on Lot 1, Block A. The second closest platted opening is located 285 feet to the east of the proposed drive and provides access to Lot 4, Block A.

Access to the residence north of the subject property is provided by a drive approximately 200 feet east of the proposed opening. This property is unplatted, and there are no other drives located on the north side of East 71st Street South in this area.

The Sedgwick County Access Management Policy requires a 660-foot minimum offset for drives on the same side of the street with full turning movements or drives on opposite sides of the street with conflicting left-turns. A 330-foot minimum spacing is required for drives that allow right-in-right-out only or drives on opposite sides of the street that do not line up or have conflicting left-turn movements. The Sedgwick County Access Management Policy permits deviations from these standards in situations where the character of the site, development, street or area presents unusual conditions and application of the standards will cause an undue hardship or impracticality. Additionally, Article 10- 104 of the Subdivision Regulations, Modification of Design Criteria, states that the MAPC may modify design criteria.

Comments from all franchised utilities have not been received and are needed to determine whether franchise equipment is located within the described area. Conditions #3, #4, and #5 cover all utilities. Vehicular traffic, pedestrian traffic, public safety, and utilities should not be impacted by this vacation request if approved with the listed conditions.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from County 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 platted complete access control.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time March 20, 2023, 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 access control 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. Per the approval of the Traffic Engineer, vacate the east 15 feet of Lot 1, Block A and the west 15 feet of Lot 3, Block A, of the platted complete access control along East 71st Street South, Glaser 2nd Addition. The drive shall be constructed to County Standards and at the owner's expense. Provide planning staff with legal descriptions of the approved vacated portion of the platted access control on a Word document via e-mail to be used on the Vacation Order. The legal descriptions must be provided to planning staff prior to the case going to the Sedgwick County Board of County Commissioners for final action.

2. Provide planning staff with dedication of access control with original signatures to close the 30-foot platted opening located on the north side of Lot 1, Block A, Glaser 2nd Addition for recording with the Register of Deeds. All original dedications will go with the Vacation Order to Sedgwick County Board of County Commissioners for final action and filling with the Sedgwick County Register of Deeds. These conditions must be completed prior to the case going to Council for final action.
3. Any relocation or reconstruction of utilities made necessary by this vacation shall be to County Standards and the responsibility of the owner and at the expense of the owner, including the relocation of any power poles, equipment, or public utilities and drainage. Provide approval from those utilizes of any relocation of those impacted utilities prior to the case goes to Sedgwick County Board of County Commissioners for final action.
4. All improvements shall be according to County Standards and at the applicant's expense.
5. 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.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

1. Per the approval of the Traffic Engineer, vacate the east 15 feet of Lot 1, Block A and the west 15 feet of Lot 3, Block A, of the platted complete access control along East 71st Street South, Glaser 2nd Addition. The drive shall be constructed to County Standards and at the owner's expense. Provide planning staff with legal descriptions of the approved vacated portion of the platted access control on a Word document via e-mail to be used on the Vacation Order. The legal descriptions must be provided to planning staff prior to the case going to the Sedgwick County Board of County Commissioners for final action.
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VAC2023-00004: Request in the City to vacate a portion of platted access control located along East 71st Street South, east of South 143rd Street East.

April 13, 2023

Page 4

Attachments:

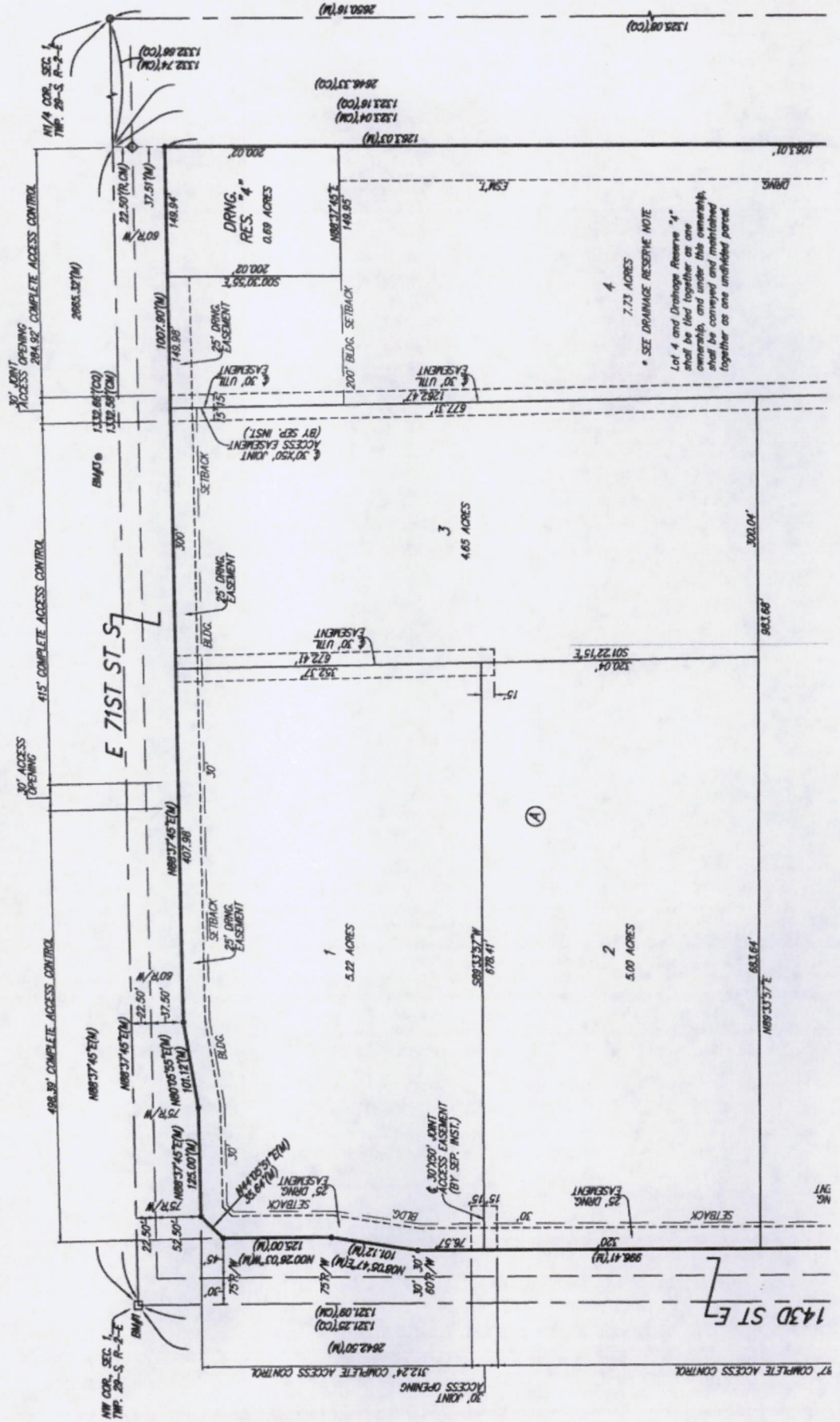
1. Excerpt from Glaser 2nd Addition
2. Aerial Map
3. Site Plan
4. Site Photos
5. Legal Description

VAC2023-00004: Request in the City to vacate a portion of platted access control located along East 71st Street South, east of South 143rd Street East.

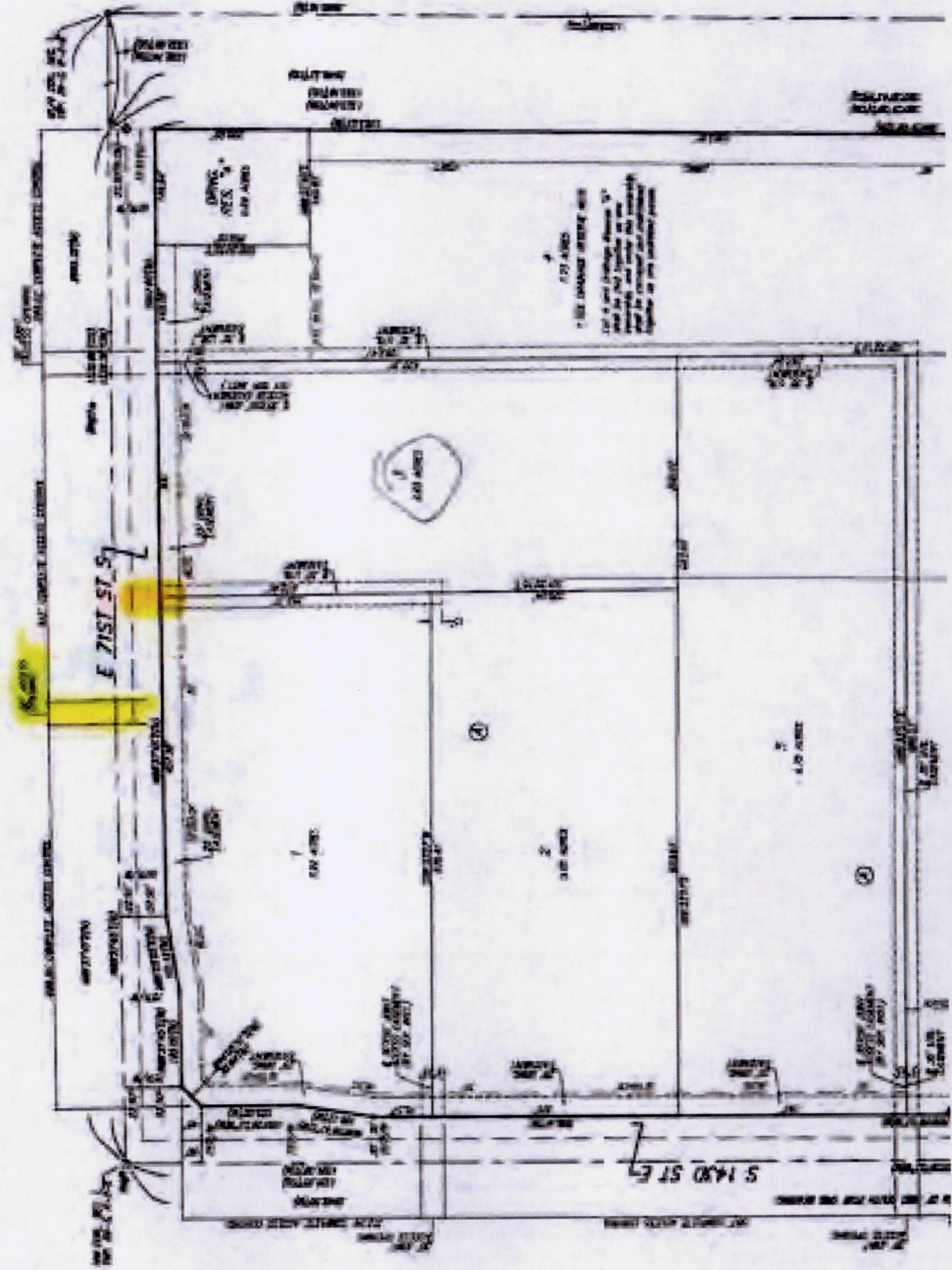
April 13, 2023

Page 5

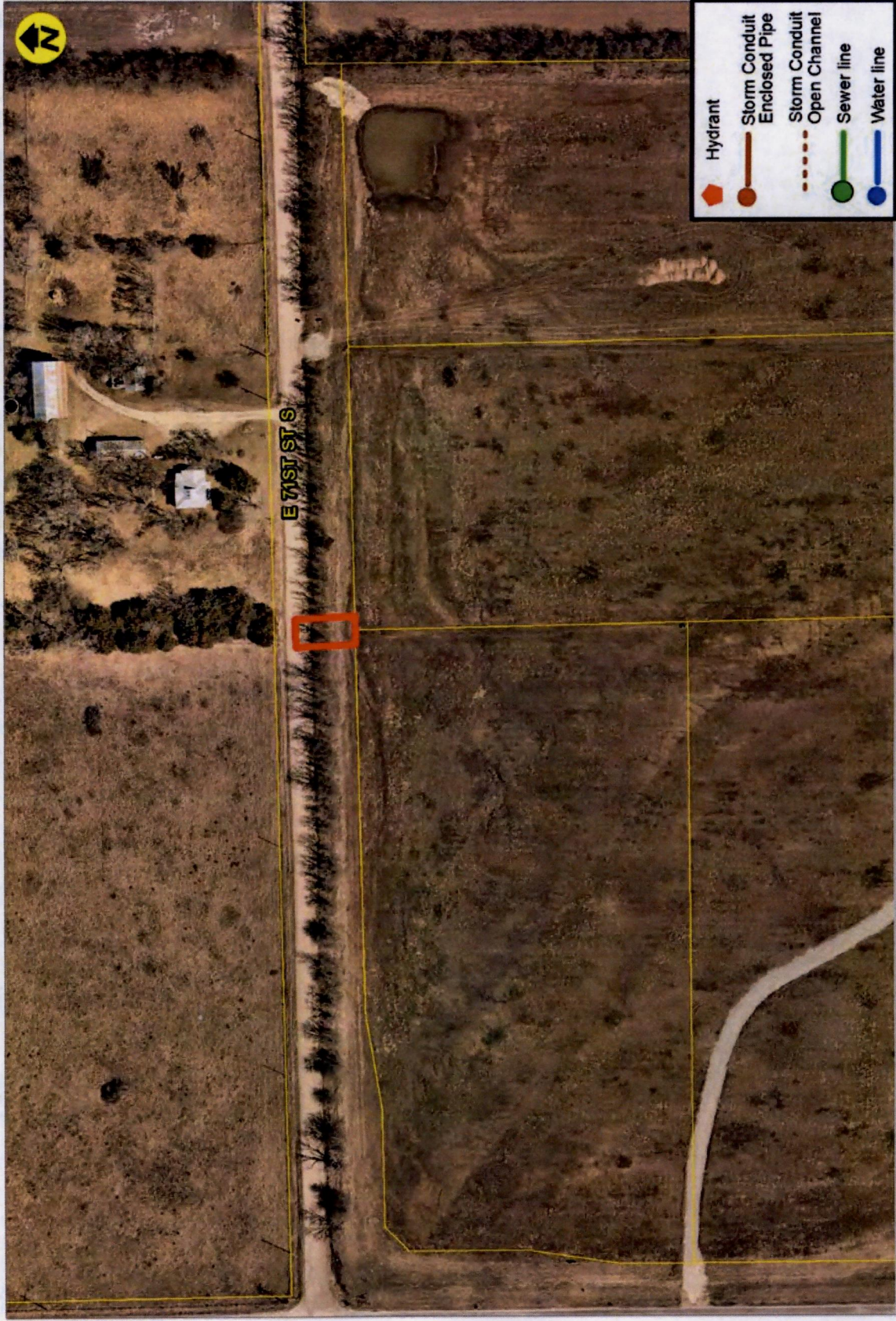
Attachment 1. Excerpt from Glaser 2nd Addition



Attachment 2. Applicant's Exhibit



Attachment 3. Aerial Map



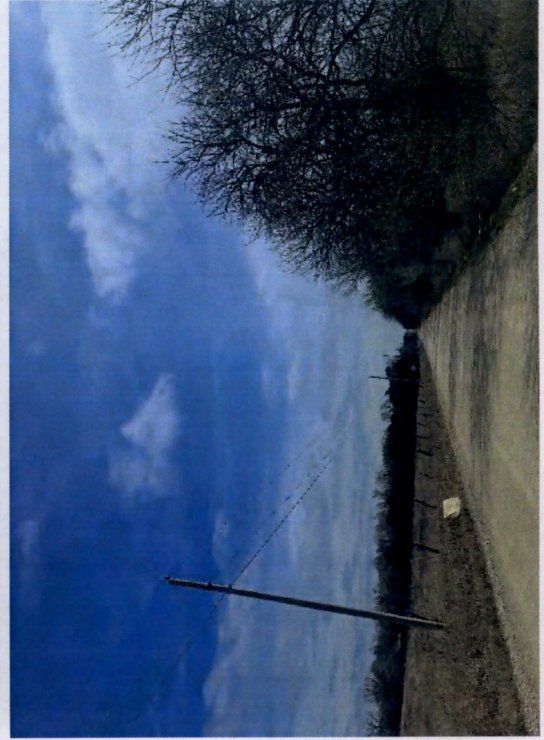
Attachment 4. Site Photos



The subject site.



Proposed Drive.



East 71st Street South.

VAC2023-00004: Request in the City to vacate a portion of platted access control located along East 71st Street South, east of South 143rd Street East.

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Legal Description:

The east 15 feet of Lot 1, Block A, and the west 15 feet of Lot 3, Block A, of the platted access control along East 71st Street South, Glaser 2nd Addition, Sedgwick County, Kansas.