



**Wichita-Sedgwick County Metropolitan Area Planning Department**

November 8, 2023

MKEC Engineering Inc.,  
Attn: Brian Lindebak  
411 N. Webb Rd.  
Wichita, KS 67206

**Ref: VAC2022-00031:** Request in the City to vacate a portion of a platted utility easement and an easement dedicated by separate instrument on property zoned LI Limited Industrial; generally located on the east side of North Webb Road, within one-quarter mile north of East 13th Street North.

Dear Applicant;

At its regular meeting on **November 7, 2023**, the Wichita City Council considered the above captioned request. The action of the City Council 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



FILE COPY

**Wichita-Sedgwick County Metropolitan Area Planning Department**

November 4, 2022

MKEC Engineering Inc.,  
Attn: Brian Lindebak  
411 N. Webb Rd.  
Wichita, KS 67206

**Ref: VAC2022-00031:** Request in the City to vacate a portion of a platted utility easement and an easement dedicated by separate instrument on property zoned LI Limited Industrial; generally located on the east side of North Webb Road, within one-quarter mile north of East 13th Street North.

Brian,

At the Thursday, November 3, 2022, 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 platted utility easements 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) As needed provide Planning with dedications of easements by separate instruments with original signatures to go with the Vacation Order to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (3) As needed provide utilities with any needed project plans for the relocation of utilities for review and approval. Any relocation/reconstruction of utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number(s) to Planning prior to the case going to City Council for final action.
- (4) All improvements shall be according to City Standards and at the applicants' expense.
- (5) Provide Planning with a legal description of the vacated platted 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 Commission for final action.
- (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.

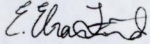
**VAC2022-00031:** Request in the City to vacate a portion of a platted utility easement and an easement dedicated by separate instrument on property zoned LI Limited Industrial; generally located on the east side of North Webb Road, within one-quarter mile north of East 13th Street North.

November 4, 2022

Page 2

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 Wichita City Council at the first appropriate date after **November 17, 2022** (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-Freund  
Associate Planner

EE:kw

cc: Beech Lake Investment LLC, Stephen Clark II, 1223 N Rock Rd, Bldg H, Ste 200, Wichita KS 67206  
Beech Lake Investment LLC, PO Box 782257, Wichita KS 67278  
Stephen L Clark Trust, 1717 N Waterfront Pkwy, Wichita KS 67206



Sedgwick County  
Register of Deeds - Tonya Buckingham  
Doc.#/Flm-Pg: 30275224

Receipt #: 2404229  
Pages Recorded: 3

Recording Fee: \$0.00

Cashier: a2amith

Authorized By *Tonya Buckingham*

Date Recorded: 11/13/2023 02:16:07 PM



**BEFORE THE CITY COUNCIL OF THE  
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS**

**IN THE MATTER OF THE VACATION OF A PORTION )  
OF A PLATTED 20-FOOT UTILITY EASEMENT AND )  
A UTILITY EASEMENT DEDICATED BY SEPARATE )  
INSTRUMENT )**

**GENERALLY LOCATED ON THE EAST SIDE OF )  
NORTH WEBB ROAD AND WITHIN ONE-QUARTER )  
MILE NORTH OF EAST 13<sup>TH</sup> STREET NORTH )**

VAC2022-00031

**MORE FULLY DESCRIBED BELOW**

**VACATION ORDER**

NOW on this 7<sup>th</sup> day of November 2023, comes on for hearing the petition for vacation filed by Beech Lake Investments, LLC (owner) praying for the vacation of a portion of a platted 20-foot utility easement and an easement dedicated by separate instrument, to wit:

A contiguous tract of land being described on Utility Easement recorded on Doc.#/Flm-Pg: 29321238 and lying within a portion of Lot 1, Block 1, The Waterfront Third Addition, Wichita, Sedgwick County, Kansas, and a portion of vacated Reserve C, The Waterfront Addition, Wichita, Sedgwick County, Kansas, said contiguous tract being more particularly described as follows:

COMMENCING at the northwest corner of Lot 1, Block 1, The Waterfront Addition, Wichita, Sedgwick County, Kansas, thence along the west line of said addition on a platted bearing of S00°53'35"E, 398.79 feet; thence parallel with and 249.01 feet north of the south line of Lot 1, Block 1, The Waterfront Third Addition, Wichita, Sedgwick County, Kansas, N89°06'25"E, 20.00 feet to the POINT OF BEGINNING; thence continuing parallel with said south line, N89°06'25"E, 115.36 feet; thence N44°06'25"E, 32.38 feet; thence N17°43'32"E, 99.45 feet; thence parallel with and 190 feet east of the west line of said addition, N00°53'35"W, 24.74 feet to a point on the south line of recorded 20-foot Utility Easement by Separate

November 7, 2023  
VAC2022-00031

Instrument; thence along said south easement line, N89°06'25"E, 20.00 feet; thence parallel with and 210 feet east of the west line of said addition, S00°53'35"E, 28.02 feet; thence S17°43'32"W, 107.42 feet; thence S44°06'25"W, 21.27 feet; thence S00°53'35"E, 170.61 feet; thence parallel with and 75.44 feet north of the south line of said Lot 1, S89°06'25"W, 20.00 feet; thence N00°53'35"W, 56.59 feet; thence S89°06'25"W, 100.67 feet; thence N00°53'35"W, 20.00 feet to the POINT OF BEGINNING,

TOGETHER WITH,

A tract of land being a portion of a platted 20-foot Utility Easement lying within a portion of Lot 1, Block 1, The Waterfront Third Addition, Wichita, Sedgwick County, Kansas, said tract being described as follows:

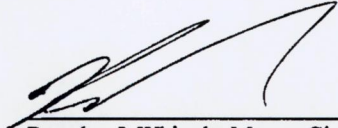
COMMENCING at the southeast most corner of said Lot 1; thence along the east line of said Lot 1 on a platted bearing of N00°53'35"W, 75.44 feet; thence S89°06'30"W, 4.47 feet to a point of intersection on the south line of said platted 20-foot Utility Easement and being the POINT OF BEGINNING; thence along said south line, S89°06'30"W, 130.22 feet to a point on the east line of a platted 20-foot Utility Easement; thence along said east line, N00°53'35"W, 20.00 feet to a point on the north line of said platted 20-foot Utility Easement; thence along said north line, N89°06'30"E, 125.92 feet; thence S13°02'28"W, 20.46 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 October 13, 2022, 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 portion of a platted 20-foot utility easement and an easement dedicated by separate instrument, and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner(s), the prayer of the petitioner 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 portion of a platted 20-foot utility easement and an easement dedicated by separate instrument, should be approved.

November 7, 2023  
VAC2022-00031

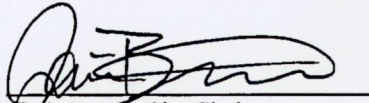
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 7th day of November 2023, ordered that the above-described portion of a platted 20-foot utility easement and an easement dedicated by separate instrument, are hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Sedgwick County Register of Deeds for recording.



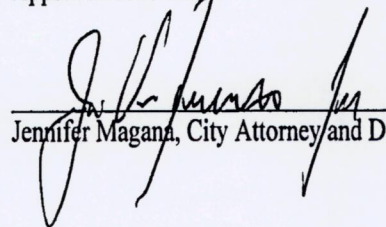
Brandon J. Whipple, Mayor, City of  
Wichita



ATTEST:

  
Jamie Buster, City Clerk

Approved as to Form:

  
Jennifer Magana, City Attorney and Director of Law

UNOFFICIAL COPY



Instrument; thence along said south easement line, N89°06'25"E, 20.00 feet; thence parallel with and 210 feet east of the west line of said addition, S00°53'35"E, 28.02 feet; thence S17°43'32"W, 107.42 feet; thence S44°06'25"W, 21.27 feet; thence S00°53'35"E, 170.61 feet; thence parallel with and 75.44 feet north of the south line of said Lot 1, S89°06'25"W, 20.00 feet; thence N00°53'35"W, 56.59 feet; thence S89°06'25"W, 100.67 feet; thence N00°53'35"W, 20.00 feet to the POINT OF BEGINNING,

TOGETHER WITH,

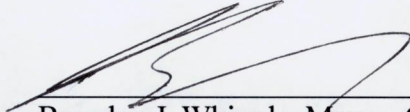
A tract of land being a portion of a platted 20-foot Utility Easement lying within a portion of Lot 1, Block 1, The Waterfront Third Addition, Wichita, Sedgwick County, Kansas, said tract being described as follows:

COMMENCING at the southeast most corner of said Lot 1; thence along the east line of said Lot 1 on a platted bearing of N00°53'35"W, 75.44 feet; thence S89°06'30"W, 4.47 feet to a point of intersection on the south line of said platted 20-foot Utility Easement and being the POINT OF BEGINNING; thence along said south line, S89°06'30"W, 130.22 feet to a point on the east line of a platted 20-foot Utility Easement; thence along said east line, N00°53'35"W, 20.00 feet to a point on the north line of said platted 20-foot Utility Easement; thence along said north line, N89°06'30"E, 125.92 feet; thence S13°02'28"W, 20.46 feet to the POINT OF BEGINNING.

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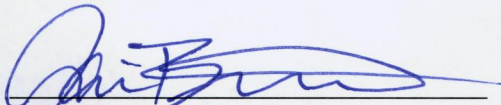
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2. No private rights will be injured or endangered by the vacation of the described portion of a platted 20-foot utility easement and an easement dedicated by separate instrument, and the public will suffer no loss or inconvenience thereby.
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4. 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 portion of a platted 20-foot utility easement and an easement dedicated by separate instrument, should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 7th day of November 2023, ordered that the above-described portion of a platted 20-foot utility easement and an easement dedicated by separate instrument, are hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Sedgwick County Register of Deeds for recording.

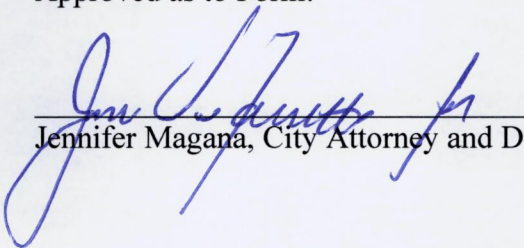
  
\_\_\_\_\_  
Brandon J. Whipple, Mayor, City of  
Wichita



**ATTEST:**

  
\_\_\_\_\_  
Jamie Buster, City Clerk

Approved as to Form:

  
\_\_\_\_\_  
Jennifer Magana, City Attorney and Director of Law

**DESCRIPTION OF**  
**Vacation of all of an Utility Easement by separate instrument recorded on**  
**Doc.#/Flm-Pg: 29321238, AND a portion of a platted 20-foot Utility Easement**  
**Lying in portions of Lot 1, Block 1, Waterfront Third Addition,**  
**and vacated Reserve C, The Waterfront Addition**  
**VAC2022-000 31**

A contiguous tract of land being described on Utility Easement recorded on Doc.#/Flm-Pg: 29321238 and lying within a portion of Lot 1, Block 1, The Waterfront Third Addition, an addition to Wichita, Sedgwick County, Kansas, and a portion of vacated Reserve C, The Waterfront Addition, an addition to Wichita, Sedgwick County, Kansas, said contiguous tract being more particularly described as follow:

COMMENCING at the northwest corner of Lot 1, Block 1, The Waterfront Addition, an addition to Wichita, Sedgwick County, Kansas; thence along the west line of said addition on a platted bearing of S00°53'35"E, 398.79 feet; thence parallel with and 249.01 feet north of the south line of Lot 1, Block 1, The Waterfront Third Addition, an addition to Wichita, Sedgwick County, Kansas, N89°06'25"E, 20.00 feet to the POINT OF BEGINNING; thence continuing parallel with said south line, N89°06'25"E, 115.36 feet; thence N44°06'25"E, 32.38 feet; thence N17°43'32"E, 99.45 feet; thence parallel with and 190 feet east of the west line of said addition, N00°53'35"W, 24.74 feet to a point on the south line of recorded 20 foot Utility Easement by Separate Instrument; thence along said south easement line, N89°06'25"E, 20.00 feet; thence parallel with and 210 feet east of the west line of said addition, S00°53'35"E, 28.02 feet; thence S17°43'32"W, 107.42 feet; thence S44°06'25"W, 21.27 feet; thence S00°53'35"E, 170.61 feet; thence parallel with and 75.44 feet north of the south line of said Lot 1, S89°06'25"W, 20.00 feet; thence N00°53'35"W, 96.99 feet; thence S89°06'25"W, 20.00 feet; thence N00°53'35"W, 56.59 feet; thence S89°06'25"W, 100.67 feet; thence N00°53'35"W, 20.00 feet to the POINT OF BEGINNING,

TOGETHER WITH,

A tract of land being a portion of a platted 20-foot Utility Easement lying within a portion of Lot 1, Block 1, The Waterfront Third Addition, an addition to Wichita, Sedgwick County, Kansas, said tract being described as follow:

COMMENCING at the southeast most corner of said Lot 1; thence along the east line of said Lot 1 on a platted bearing of N00°53'35"W, 75.44 feet; thence S89°06'30"W, 4.47 feet to a point of intersection on the south line of said platted 20-foot utility easement and being the POINT OF BEGINNING; thence along said south line, S89°06'30"W, 130.22 feet to a point on an east line of a platted 20-foot Utility Easement; thence along said east line, N00°53'35"W, 20.00 feet to a point on a north line of said platted 20-foot Utility Easement; thence along said north line, N89°06'30"E, 125.92 feet; thence S13°02'28"W, 20.46 feet to the POINT OF BEGINNING.

**TEMPORARY SANITARY SEWER EASEMENT**

THIS EASEMENT made this 12 day of September, 2022,

by and between Beech Lake Investment, LLC, a Kansas limited liability company

\_\_\_\_\_  
(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 a temporary easement for the purpose of constructing, operating, maintaining, and repairing sanitary sewer system, and any appurtenances thereto, over, along and under the following described real estate situated in Sedgwick, County, Kansas to wit:

**'Exhibit A'**

And said Grantee is hereby granted the right to enter upon said premises at any time for the purpose of constructing, operating, maintaining, and repairing such sanitary sewer system, and any appurtenances thereto. This temporary easement shall immediately release and terminate upon the completion of the construction activity per the plans and specifications of the municipal improvements on file at the City of Wichita and/or the abandonment of the existing sanitary sewer system.

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

Beech Lake Investment, LLC,  
a Kansas limited liability company

By: 

Name: Stephen Clark II

Title: Manager

State of KANSAS

County of SEDGWICK

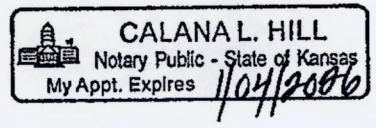
} ss.

This instrument was acknowledged before me on September 12, 2022

by Stephen Clark II

as Manager of Beech Lake Investment, LLC, a Kansas limited liability company

(seal)



Calana L. Hill  
Notary Public  
My Appointment expires: 1/04/2026

Reviewed and approved by the City Engineer:

Gary Janzen, PE



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     | 330442       | Print Legal Ad-IPL00934800 - IPL0093480 |          | \$216.40 | 3    | 86 L  |

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

### LEGAL PUBLICATION

OCA 150004  
 Published in The Wichita Eagle on October 13, 2022  
 (One Time Only)  
 MAPC/BZA November 3, 2022  
 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, November 3, 2022, 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 virtually, public participation is available in multiple ways, those without technology options can participate by going to the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202 (specified at the bottom 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) 2684421.

CON2022-00040: Conditional Use request in the City to permit Wrecking Salvage/ Towing on property (with ZON2022-00055, zone change from GC to LI); generally located on the east side of South Broadway Avenue, one half-mile north of East 47th Street South (4336 S Broadway).

CON2022-00041: Request in the City for a Conditional Use to permit live music and entertainment (defined as Night Club in the City) associated with a restaurant on property zoned LC Limited Commercial, located on the north side of West Central Avenue and on the east side of North Hoover Avenue (5536 West Central).

CON2022-00042: Request in the City to permit Mobile Food Unit in the City (Food Truck) as a principal use on property zoned LC Limited Commercial, located on the southwest corner of West 13th Street North and North Ridge Road (1337 North Ridge Road).

DER2022-00006: Community Investments Plan Update of population forecast, Wichita Future Growth Concept Map, and financial forecast.

PUD2022-00018: Request in the City to amend Planned Unit Development, PUD-78 to expand multi-family uses on surrounding properties; generally located one block south of East 17th Street North and two blocks east of North Hillside Avenue.

PUD2022-00019: Request in the City to Amend the Equestrian Estates PUD #12 to create a new parcel and permit Warehouse, Self-Storage use on new parcel, located on the southeast corner of East Harry Street and South 12th Street East.

WAC2022-00031: Request in the City to vacate a portion of a platted utility easement and an easement dedicated by separate instrument on property zoned LI Limited Industrial; generally located on the east side of North Webb road, within one-quarter mile north of East 13th Street North.

ZON2022-00055: Zone change request in the City from GC General Commercial to LI Limited Industrial (with CON2022-00040) to permit Wrecking Salvage/ Towing on property located on the east side of South Broadway Avenue, one half-mile north of East 47th Street South (4336 S Broadway).

ZON2022-00056: Zone change request in the City from SF-5 Single-Family Residential and MH Manufactured Housing to MF-18 Multi-Family Residential and B Multi-Family Residential on property located on the west side of South 167th Street West and within one-quarter mile north of West Maple Street.

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

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/651544141>

You can also dial in using your phone.

United States: +1 (571) 317-3112

Access Code: 651-544-141

Join from a video-conferencing room or system.

Dial in or type: 67.217.95.2 or inroomlink.goto.com

Meeting ID: 651 544 141

Or dial directly: 651544141@67.217.95.2 or 67.217.95.2#651544141

Now to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/651544141>

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](mailto: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

WITNESS MY HAND on October 13, 2022

Scott Wadle, Secretary

WichitaSedgwick County

Metropolitan Area Planning Commission

IPL0093480

Oct 13 2022

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

No. of Insertions: 1  
 Beginning Issue of: 10/13/2022  
 Ending Issue of: 10/13/2022

STATE OF KANSAS)

SS

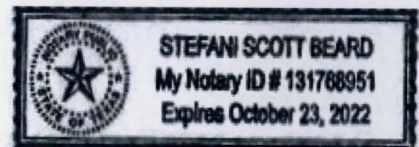
County of Sedgwick)

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 10/13/2022 to 10/13/2022.

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

DATED: 10/13/2022

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!

## METROPOLITAN AREA PLANNING COMMISSION

AGENDA REPORT NO. 3.1  
November 3, 2022

### STAFF REPORT

- CASE NUMBER:** VAC2022-00031- Request in the City to vacate a portion of a platted utility easement and an easement dedicated by separate instrument.
- APPLICANTS:** Beech Lake Investments, LLC (applicant/owner), MKEC Engineering, Inc.(agent)
- LEGAL DESCRIPTION:** Generally described as vacating platted and dedicated utility easements located on Lot 1, Block 1 and a portion of the vacated Reserve C, Waterfront Third Addition (see attached legal).
- LOCATION:** Generally located on the east side of North Webb Road, within a one-quarter mile of East 13<sup>th</sup> Street North
- REASON FOR REQUEST:** To allow future development of the lot.
- CURRENT ZONING:** The site is zoned LI Limited Industrial District and is undeveloped, with the exception of a parking lot on its southwest corner. Properties abutting the site to the north, south and east are zoned LI Limited Industrial District and are developed with office and restaurant uses. Property to the west is zoned SF-5 Single-Family Residential and is developed with single-family residences in the Foliage Subdivision.



The applicant proposes to vacate an easement dedicated by separate instrument and a portion of the platted 20-foot utility easement located on Lot 1, Block 1, and a portion of the vacated Reserve C, Waterfront Third Addition, for future site development. The subject properties are approximately three-acres in size and in the LI Limited Industrial District. The site is currently undeveloped, with the exception of a parking lot on the southwest corner of the property.

The 20-foot platted utility easement is located 85.44 feet north of the south property line of Lot 1 and runs straight before angling northeast and then southeast to its end (see attachment 3, Excerpt from the Waterfront Third Addition). The applicant is requesting to vacate only the portion of this easement which runs parallel to the south property line, 20-foot from the west property line to where it begins to turn northeast (see attachment 4, applicant's exhibit). The easement dedicated by separate instrument is a "y" shape with 20-foot wide sections beginning to the north, south and west and meeting in center of the property where they widen to 40 feet (see attachment 4, applicant's exhibit). The applicant has indicated they plan to dedicate a 20-foot easement running from the east and west property lines, just south of the 20-foot easement to be vacated.

City sewer is located within the area of requested vacations, while water runs along the subject sites east property line (See attachment #1, Aerial Map). Sanitary sewer begins on the east side of the property, located in the platted 20-foot subject easement and extending west to where it connects to equipment in the North Webb Road right-of-way (See attachment #1, Aerial Map). This portion of the easement with City sewer will be dedicated as a temporary easement until equipment is relocated.

Every equipment is located in the platted 20-foot utility easement, abutting the North Webb Road right-of-way and running parallel to the west property line. North Webb Road is a four-lane arterial with a left-turning lane at its center and sidewalks on each side. Comments from all franchised utilities have not been received and are needed to determine whether franchise equipment is located within the described easements. Conditions #2 and #3 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.

On June 24, 2004 The Waterfront Third Addition was recorded with the Sedgwick County Register of Deeds.

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 platted utility easements.

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 October 13, 2022, 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 completed 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. Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the platted utility easements 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. As needed provide Planning with dedications of easements by separate instruments with original signatures to go with the Vacation Order to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds. All to be provided to the Planning Department prior to this case going to City Council for final action.

3. As needed provide utilities with any needed project plans for the relocation of utilities for review and approval. Any relocation/reconstruction of utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number(s) to Planning prior to the case going to City Council for final action.
4. All improvements shall be according to City Standards and at the applicants' expense.
5. Provide Planning with a legal description of the vacated platted 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 Commission for final action.
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 subject to the following conditions:

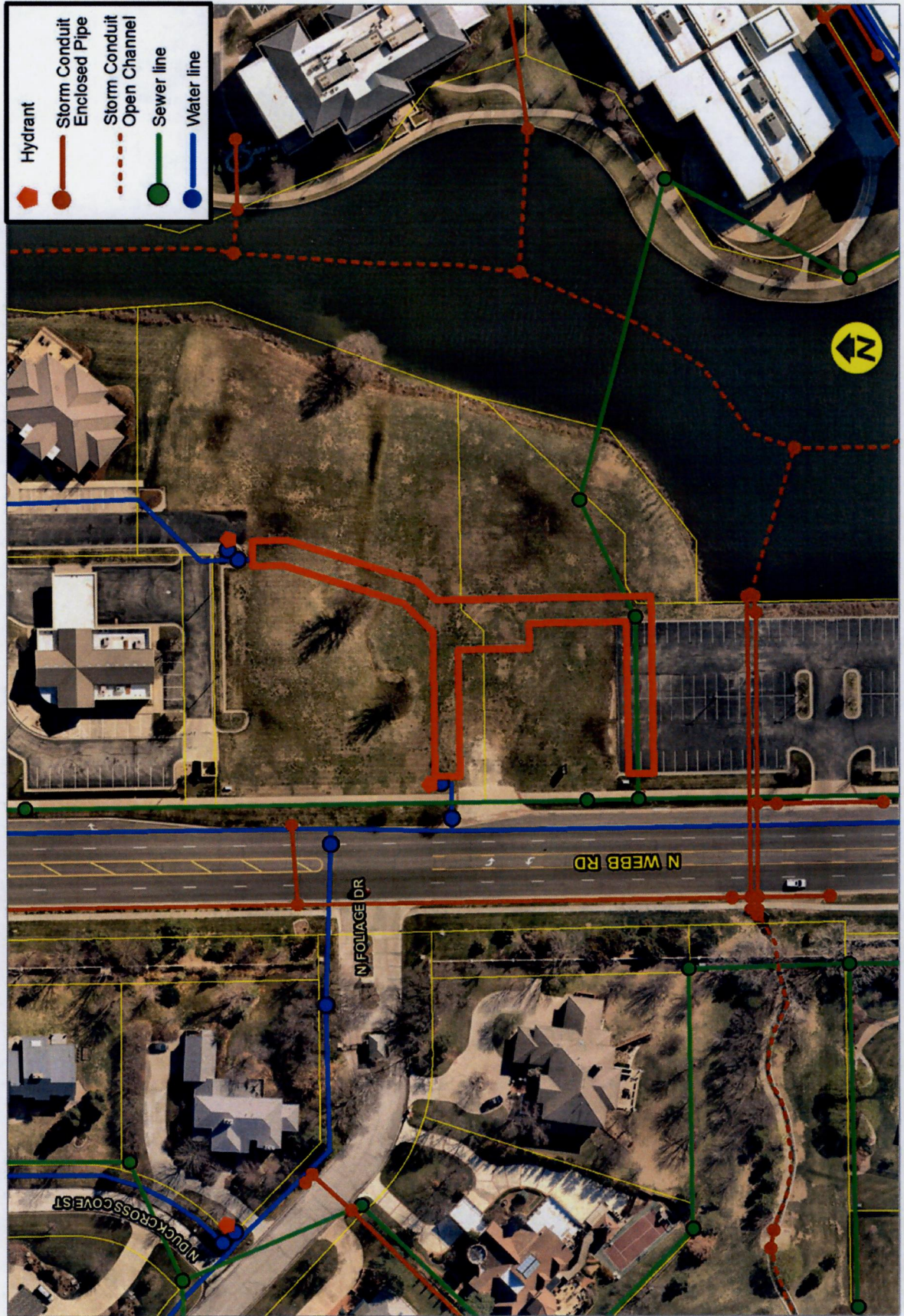
1. Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the platted utility easements shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.
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4. All improvements shall be according to City Standards and at the applicants' expense.
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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.

#### **Attachments:**

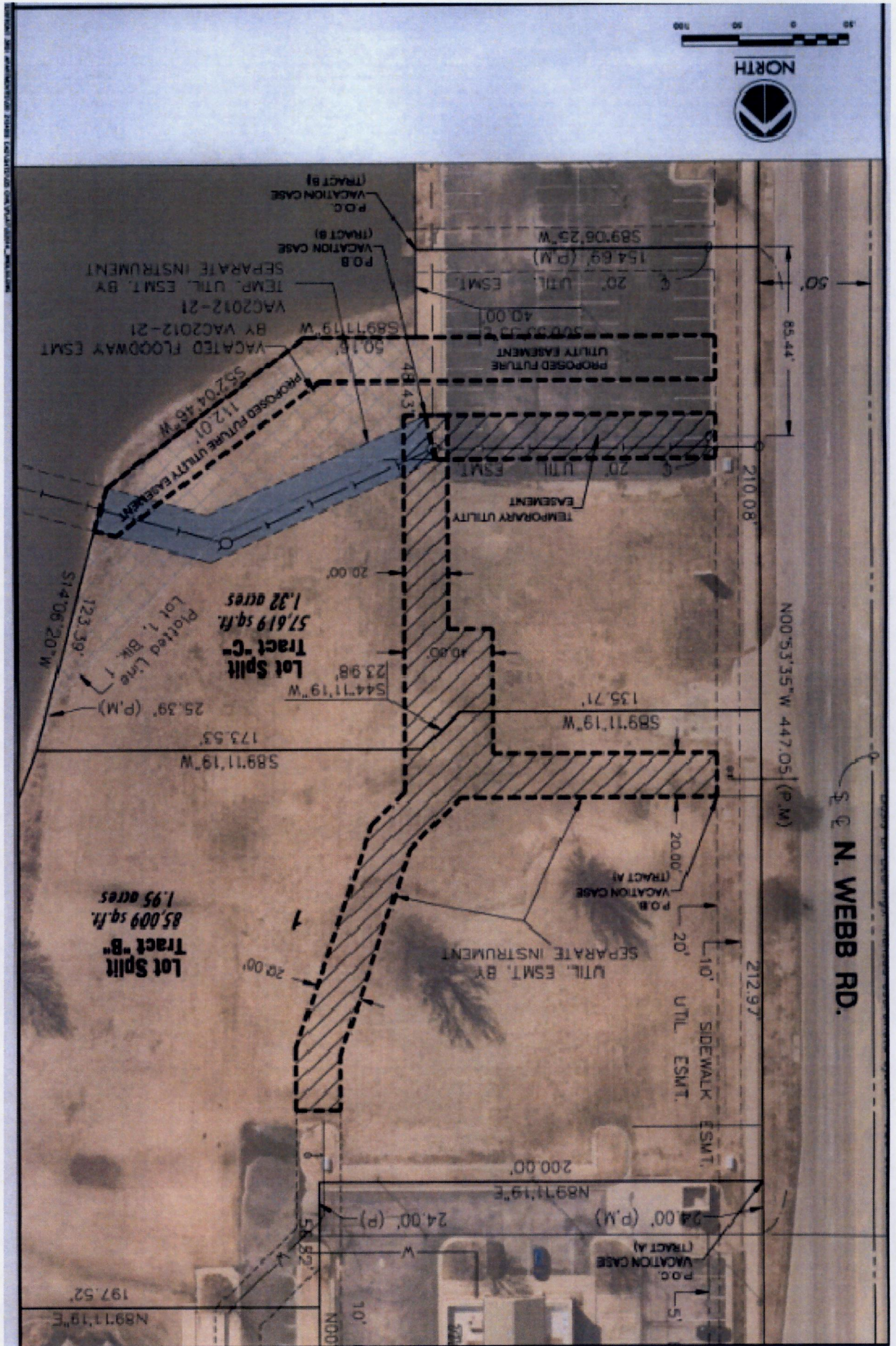
1. Aerial Map
2. Applicant's Exhibit
3. Excerpt from the Hoover Industrial Park 2<sup>nd</sup> Addition
4. Site Photos
5. Legal Description

VAC2022-00031 - Request in the City to vacate a portion of a platted utility easement and an easement dedicated by separate instrument on property zoned LI Limited Industrial District, generally located on the east side of North Webb Road, within one-quarter mile of East 13<sup>th</sup> Street North.  
November 3, 2022

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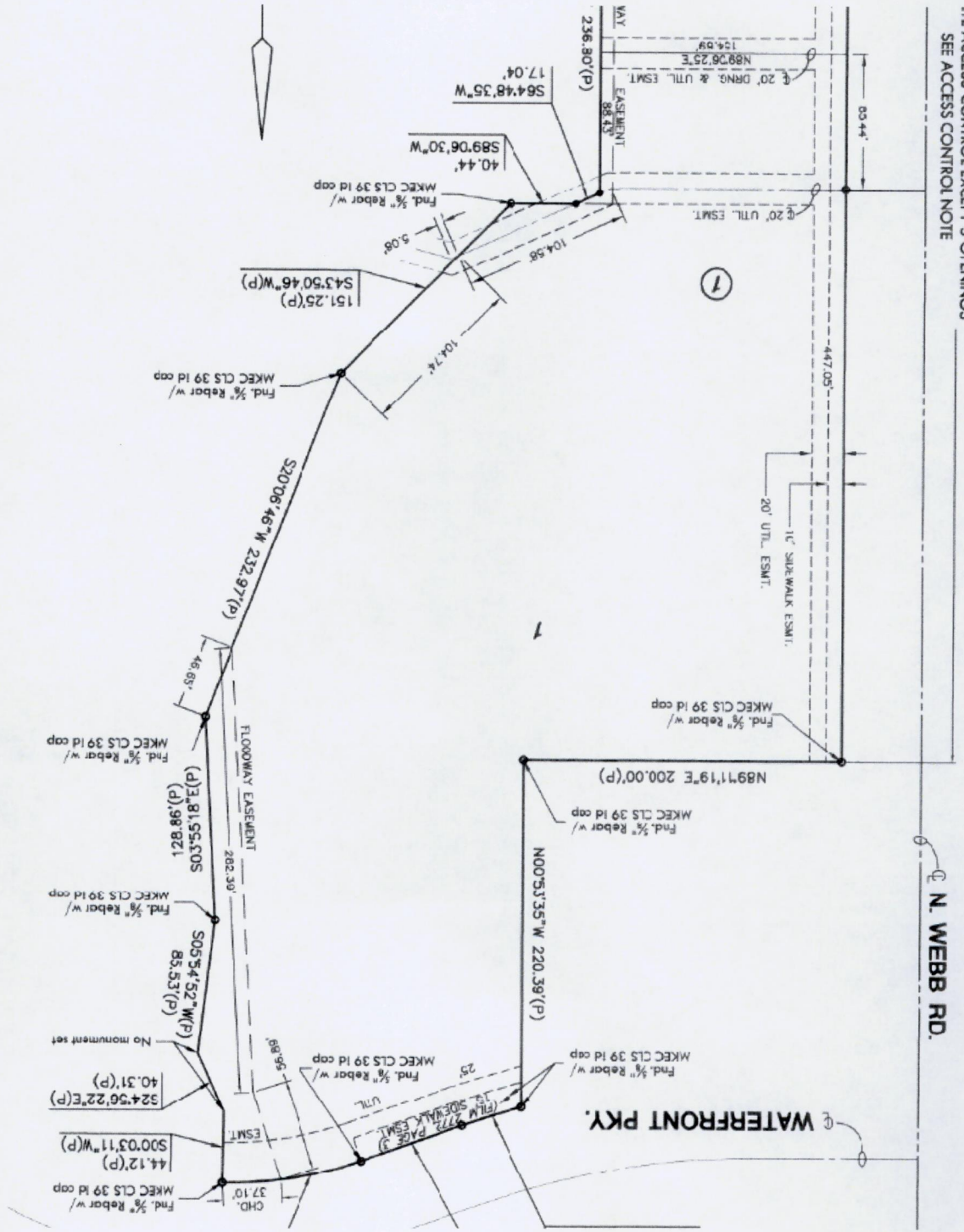
VAC2022-00031- Request in the City to vacate a portion of a platted utility easement and an easement dedicated by separate instrument on property zoned LI Limited Industrial District, generally located on the east side of North Webb Road, within one-quarter mile of East 13<sup>th</sup> Street North.  
 November 3, 2022  
 Page 5



VAC2022-00031 - Request in the City to vacate a portion of a platted utility easement and an easement dedicated by separate instrument on property zoned LI Limited Industrial District, generally located on the east side of North Webb Road, within one-quarter mile of East 13<sup>th</sup> Street North.

November 3, 2022

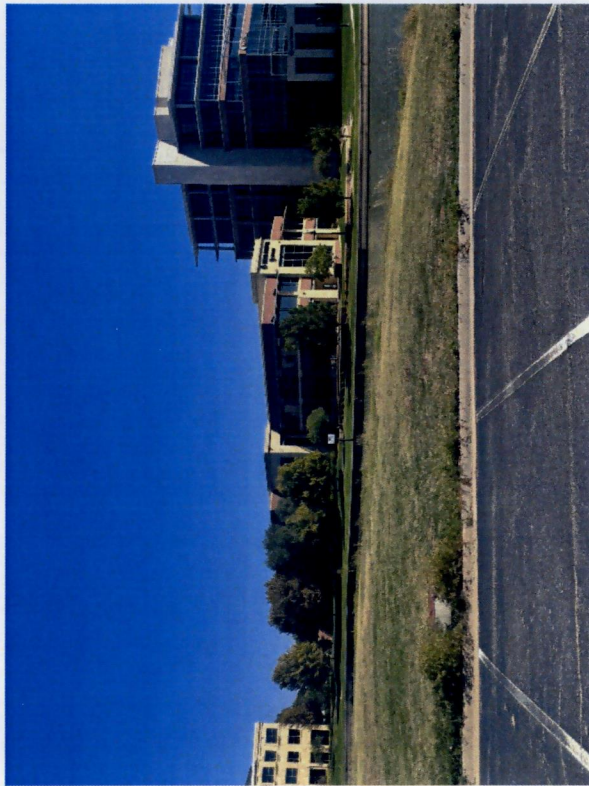
Page 6



VAC2022-0003 1- Request in the City to vacate a portion of a platted utility easement and an easement dedicated by separate instrument on property zoned LI Limited Industrial District, generally located on the east side of North Webb Road, within one-quarter mile of East 13<sup>th</sup> Street North.  
November 3, 2022  
Page 7



VAC2022-00031 - Request in the City to vacate a portion of a platted utility easement and an easement dedicated by separate instrument on property zoned LI Limited Industrial District, generally located on the east side of North Webb Road, within one-quarter mile of East 13<sup>th</sup> Street North.  
November 3, 2022  
Page 8



VAC2022-0003 1- Request in the City to vacate a portion of a platted utility easement and an easement dedicated by separate instrument on property zoned LI Limited Industrial District, generally located on the east side of North Webb Road, within one-quarter mile of East 13<sup>th</sup> Street North.  
November 3, 2022  
Page 9



**DESCRIPTION OF  
Vacation of all of an Utility Easement by separate instrument recorded on  
Doc.#/Flm-Pg: 29321238, AND a portion of a platted 20-foot Utility Easement  
Lying in portions of Lot 1, Block 1, Waterfront Third Addition,  
and vacated Reserve C, The Waterfront Addition  
VAC2022-000\_\_**

A contiguous tract of land being described on Utility Easement recorded on Doc.#/Flm-Pg: 29321238 and lying within a portion of Lot 1, Block 1, The Waterfront Third Addition, an addition to Wichita, Sedgwick County, Kansas, and a portion of vacated Reserve C, The Waterfront Addition, an addition to Wichita, Sedgwick County, Kansas, said contiguous tract being more particularly described as follow:

COMMENCING at the northwest corner of Lot 1, Block 1, The Waterfront Addition, an addition to Wichita, Sedgwick County, Kansas; thence along the west line of said addition on a platted bearing of S00°53'35"E, 398.79 feet; thence parallel with and 249.01 feet north of the south line of Lot 1, Block 1, The Waterfront Third Addition, an addition to Wichita, Sedgwick County, Kansas, N89°06'25"E, 20.00 feet to the POINT OF BEGINNING; thence continuing parallel with said south line, N89°06'25"E, 115.36 feet; thence N44°06'25"E, 32.38 feet; thence N17°43'32"E, 99.45 feet; thence parallel with and 190 feet east of the west line of said addition, N00°53'35"W, 24.74 feet to a point on the south line of recorded 20 foot Utility Easement by Separate Instrument; thence along said south easement line, N89°06'25"E, 20.00 feet; thence parallel with and 210 feet east of the west line of said addition, S00°53'35"E, 28.02 feet; thence S17°43'32"W, 107.42 feet; thence S44°06'25"W, 21.27 feet; thence S00°53'35"E, 170.61 feet; thence parallel with and 75.44 feet north of the south line of said Lot 1, S89°06'25"W, 20.00 feet; thence N00°53'35"W, 96.99 feet; thence S89°06'25"W, 20.00 feet; thence N00°53'35"W, 56.59 feet; thence S89°06'25"W, 100.67 feet; thence N00°53'35"W, 20.00 feet to the POINT OF BEGINNING,

TOGETHER WITH,

A tract of land being a portion of a platted 20-foot Utility Easement lying within a portion of Lot 1, Block 1, The Waterfront Third Addition, an addition to Wichita, Sedgwick County, Kansas, said tract being described as follow:

COMMENCING at the southeast most corner of said Lot 1; thence along the east line of said Lot 1 on a platted bearing of N00°53'35"W, 75.44 feet; thence S89°06'30"W, 4.47 feet to a point of intersection on the south line of said platted 20-foot utility easement and being the POINT OF BEGINNING; thence along said south line, S89°06'30"W, 130.22 feet to a point on an east line of a platted 20-foot Utility Easement; thence along said east line, N00°53'35"W, 20.00 feet to a point on a north line of said platted 20-foot Utility Easement; thence along said north line, N89°06'30"E, 125.92 feet; thence S13°02'28"W, 20.46 feet to the POINT OF BEGINNING.



Sedgwick County  
 Register of Deeds - Bill Meek  
 DOC.#/FLM-PG: 29321238

Receipt #: 1829577  
 Pages Recorded: 2  
 Cashier Initials: VL

Recording Fee: \$12.00  
 Authorized By

Date Recorded: 9/26/2012 2:59:48 PM



**UTILITY EASEMENT**

THIS TEMPORARY EASEMENT made this 26<sup>th</sup> day of September, 2012, by, Beech Lake Development, L.L.C., a Kansas limited liability company, of the first part and the City of Wichita, Kansas, of the second part.

WITNESSED, That the said first part, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, does hereby grant and convey unto the second party a perpetual right-of-way and easement for the purposes of accessing, constructing, maintaining, and repairing utilities, along and under the following described real estate situated in Wichita, Sedgwick County, Kansas, to wit:

A tract of land lying within Lot 1, Block 1, The Waterfront Third Addition, an addition to Wichita, Sedgwick County, Kansas, said tract being more particularly described as follow:

COMMENCING at the northwest corner of Lot 1, Block 1, The Waterfront Addition, an addition to Wichita, Sedgwick County, Kansas; thence along the west line of said addition on a platted bearing of S00°53'35"E, 398.79 feet; thence parallel with and 249.01 feet north of the south line of Lot 1, Block 1, The Waterfront Third Addition, an addition to Wichita, Sedgwick County, Kansas, N89°06'25"E, 20.00 feet to the POINT OF BEGINNING; thence continuing parallel with said south line, N89°06'25"E, 115.36 feet; thence N44°06'25"E, 32.38 feet; thence N17°43'32"E, 99.45 feet; thence parallel with and 190 feet east of the west line of said addition, N00°53'35"W, 24.74 feet to a point on the south line of recorded 20 foot Utility Easement by Separate Instrument; thence along said south easement line, N89°06'25"E, 20.00 feet; thence parallel with and 210 feet east of the west line of said addition, S00°53'35"E, 28.02 feet; thence S17°43'32"W, 107.42 feet; thence S44°06'25"W, 21.27 feet; thence S00°53'35"E, 170.61 feet; thence parallel with and 75.44 feet north of the south line of said Lot 1, S89°06'25"W, 20.00 feet; thence N00°53'35"W, 96.99 feet; thence S89°06'25"W, 20.00 feet; thence N00°53'35"W, 56.59 feet; thence S89°06'25"W, 100.67 feet; thence N00°53'35"W, 20.00 feet to the POINT OF BEGINNING.

And said second party is hereby granted the right to enter upon said premises at any time for the purpose of constructing, operating, maintaining, and repairing all of their utilities.

IN WITNESS WHEREOF: The party of the first has signed these presents the day and year first written.

**BEECH LAKE DEVELOPMENT, L.L.C., A KANSAS LIMITED LIABILITY COMPANY**

Johnny Stevens, Manager

**MKEC**  
 ENGINEERING  
 CONSULTANTS, INC.

AGREEMENT

THIS AGREEMENT is made this 15th day of January, 2012, between the State of Mississippi, by and through its duly authorized representatives, and the City of Vicksburg, Mississippi, by and through its duly authorized representatives.

WITNESSETH, that the said parties have agreed to the terms and conditions hereinafter set forth, and that they have executed this Agreement as a free and voluntary act, and that they have not been coerced, intimidated, or otherwise induced to do so.


IN WITNESS WHEREOF, the parties have hereunto set their hands and seals at the City of Vicksburg, Mississippi, this 15th day of January, 2012.

STATE OF MISSISSIPPI, by \_\_\_\_\_, its duly authorized representative, and the City of Vicksburg, Mississippi, by \_\_\_\_\_, its duly authorized representative, have entered into this Agreement for the purpose of providing for the maintenance and repair of the streets and sidewalks within the City of Vicksburg, Mississippi, and for the purpose of providing for the maintenance and repair of the streets and sidewalks within the City of Vicksburg, Mississippi, and for the purpose of providing for the maintenance and repair of the streets and sidewalks within the City of Vicksburg, Mississippi.

And it is agreed that the City of Vicksburg, Mississippi, shall be responsible for the maintenance and repair of the streets and sidewalks within the City of Vicksburg, Mississippi, and for the purpose of providing for the maintenance and repair of the streets and sidewalks within the City of Vicksburg, Mississippi.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals at the City of Vicksburg, Mississippi, this 15th day of January, 2012.

BETH TAYLOR, Mayor, City of Vicksburg, Mississippi

  
Beth Taylor  
Mayor, City of Vicksburg, Mississippi

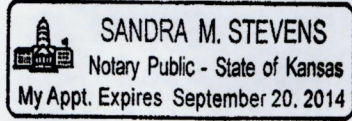
00002932 1238

STATE OF KANSAS, SEDGWICK COUNTY} ss:

This instrument was acknowledged before me on this 26<sup>th</sup> day of September, 2012, Johnny Stevens, Manager, Beech Lake Development, L.L.C., a Kansas limited liability company.

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

  
\_\_\_\_\_, Notary Public  
Notary Public:



My Term Expires: \_\_\_\_\_

