



Sedgwick County  
Register of Deeds - Tonya Buckingham

Doc.#/Flm-Pg: 30278151

Receipt #: 2406188

Recording Fee: \$0.00

Pages Recorded: 2

Authorized By: *Tonya Buckingham*

Cashier: a2emith

Date Recorded: 11/30/2023 10:26:40 AM



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

**IN THE MATTER OF THE VACATION OF A PORTION )  
OF A COMPLETE ACCESS CONTROL DEDICATED BY )  
SEPARATE INSTRUMENT )**

**GENERALLY LOCATED ON THE EAST SIDE OF )  
TOWNE EAST MALL DRIVE AND WITHIN ONE- )  
BLOCK NORTH OF EAST KELLOGG DRIVE )**

VAC2023-00031

**MORE FULLY DESCRIBED BELOW**

**VACATION ORDER**

NOW on this 21st day of November 2023, comes on for hearing the petition for vacation filed by Prairie Lakes Project, LLC (owner) praying for the vacation of a portion of a complete access control dedicated by separate instrument, to wit:

Vacation of the south 30 feet of the north 115 feet of complete access control over and across the west property line of Lot 2, Rockwood South Third Addition, Wichita, Sedgwick County, Kansas, dedicated by separate instrument on DOC#/FLM-PG: 29247691

The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on August 24, 2023, 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 complete access control dedicated by separate instrument, and the public will suffer no loss or inconvenience thereby.

November 21, 2023  
VAC2023-00031

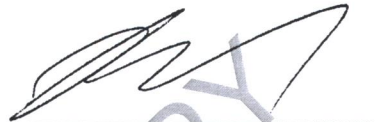
3. The owner of the described property has dedicated complete access control over and across the west line of said Lot 2 to close existing right-in/right-out drive access.

4. In justice to the petitioner(s), the prayer of the petition ought to be granted.


5. 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.

6. The vacation of the described portion of a complete access control dedicated by separate instrument, should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 21st day of November 2023, ordered that the above-described portion of a complete access control dedicated by separate instrument, is 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.

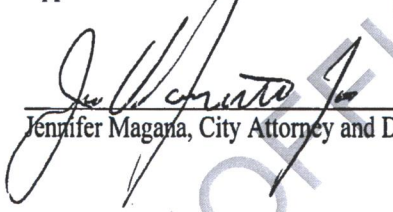
  
\_\_\_\_\_  
Brandon J. Whipple, Mayor, City of  
Wichita

ATTEST:

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



Approved as to Form:

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



Sedgwick County  
 Register of Deeds - Tonya Buckingham  
 Doc.#/Flm-Pg: 30276253  
 Receipt #: 2404894      Recording Fee: \$38.00  
 Pages Recorded: 2

Cashier: kmillige      Authorized By: *Tonya Buckingham*  
 Date Recorded: 11/17/2023 09:39:45 AM



**DEDICATION**

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, Prairie Lakes Project, LLC, a Kansas limited liability company being the owner of the following described real estate in the City of Wichita, Sedgwick County, Kansas, to wit:

A tract of land lying within a portion of Lot 2, Rockwood South Third Addition, Wichita, Sedgwick County, Kansas, said tract being more particularly described as follows:  
 Beginning at the northwest corner of said Lot 2;  
 Thence S01°55'21"E on an assumed bearing as described on DOC.#/FLM-PG: 29225359, on the east line of Towne East Mall Drive (formerly Armour Street) for distance of 20 feet;  
 Thence northeasterly to a point lying on the north line of said Lot 2, said point lying twenty (20) feet east of said northwest corner of said Lot 2;  
 Then S89°12'12"W on the north line of said Lot 2 to the point of beginning.

does hereby dedicate the above-described real property to the City of Wichita, Kansas, for street improvements.

Executed this 22<sup>nd</sup> day of September, of 2023.

Prairie Lakes Project, LLC  
  
 Timothy R. Austin, Manager

STATE OF KANSAS        )  
                                  )        SS  
COUNTY OF SEDGWICK )

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of September, 2023 by Timothy R. Austin, Manager, Prairie Lakes Project, LLC, personally known to me.

Kristy Biggs \_\_\_\_\_, Notary Public  
(signature of notary officer)

My appointment expires: December 23<sup>rd</sup>, 2024



Reviewed and approved by City Engineer:

Matt Schuman 10/26/23  
FOR Paul Gunzelman, PE

UNOFFICIAL COPY

FILE COPY

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, Prairie Lakes Project, LLC, a Kansas limited liability company being the owner of the following described real estate in the City of Wichita, Sedgwick County, Kansas, to wit:

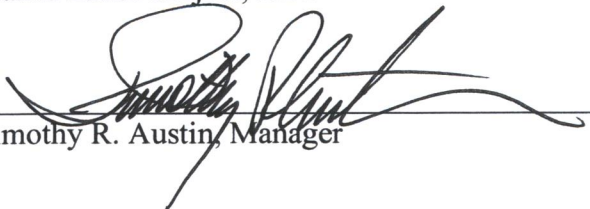
A tract of land lying within a portion of Lot 2, Rockwood South Third Addition, Wichita, Sedgwick County, Kansas, said tract being more particularly described as follows:

BEGINNING at the northwest corner of said Lot 2; thence along the north line of said Lot 2 on an assumed bearing of N89°12'12"E, 321.05 feet, as described on DOC.#/FLM-PG: 29225359; thence S01°15'48"E, 225.24 feet; thence S88°44'12"W, 309.28 feet to a point on the east right-of-way line of Towne East Mall Drive (formerly Armour Street) as now established; thence along said east right-of-way line, N05°32'18"W, 144.78 feet to the west line of said Lot 2; thence along said west line and said east right-of-way line, N01°55'21"W, 83.48 feet to the POINT OF BEGINNING.

does hereby dedicate to the City of Wichita, Kansas, abutter's rights of access from the above-described real property to Towne East Mall Drive, except for one (1) thirty-foot opening described as being the south 30 feet of the north 115 feet of the above-described property.

Executed this 20<sup>th</sup> day of September, of 2023.

Prairie Lakes Project, LLC

  
Timothy R. Austin, Manager

STATE OF KANSAS            )  
  )  
COUNTY OF SEDGWICK    )

SS

The foregoing instrument was acknowledged before me this 2<sup>nd</sup> day of September, 2023 by Timothy R. Austin, Manager, Prairie Lakes Project, LLC, personally known to me.

Kristy Biggs  
(signature of notary officer) \_\_\_\_\_, Notary Public

My appointment expires: December 23<sup>rd</sup>, 2024



Reviewed and approved by City Engineer:

Matt Schmitz 10/26/23  
FOR Paul Gunzelman, PE



Sedgwick County  
 Register of Deeds - Tonya Buckingham  
 Doc.#/Flm-Pg: 30276252  
 Receipt #: 2404894 Recording Fee: \$38.00  
 Pages Recorded: 2

Cashier: kmiligs Authorized By: Tonya Buckingham  
 Date Recorded: 11/17/2023 09:39:44 AM



**DEDICATION**

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, Prairie Lakes Project, LLC, a Kansas limited liability company being the owner of the following described real estate in the City of Wichita, Sedgwick County, Kansas, to wit:

A tract of land lying within a portion of Lot 2, Rockwood South Third Addition, Wichita, Sedgwick County, Kansas, said tract being more particularly described as follows:

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does hereby dedicate to the City of Wichita, Kansas, abutter's rights of access from the above-described real property to Towne East Mall Drive, except for one (1) thirty-foot opening described as being the south 30 feet of the north 115 feet of the above-described property.

Executed this 20<sup>th</sup> day of September, of 2023.

Prairie Lakes Project, LLC

  
 Timothy R. Austin, Manager

STATE OF KANSAS        )  
                                  )     SS  
COUNTY OF SEDGWICK )

The foregoing instrument was acknowledged before me this 2<sup>nd</sup> day of September, 2023 by Timothy R. Austin, Manager, Prairie Lakes Project, LLC, personally known to me.

Kristy Biggs, Notary Public  
(signature of notary officer)

My appointment expires: December 23<sup>rd</sup>, 2024



Reviewed and approved by City Engineer:

Matt Schuyler 10/26/23  
FOR Paul Gunzelman, PE

UNOFFICIAL COPY

FILE COPY

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

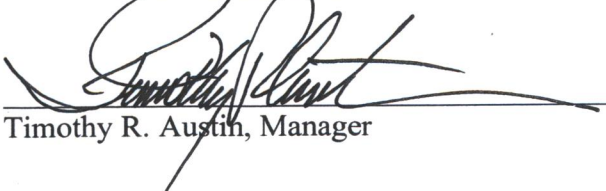
That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, Prairie Lakes Project, LLC, a Kansas limited liability company being the owner of the following described real estate in the City of Wichita, Sedgwick County, Kansas, to wit:

A tract of land lying within a portion of Lot 2, Rockwood South Third Addition, Wichita, Sedgwick County, Kansas, said tract being more particularly described as follows:  
Beginning at the northwest corner of said Lot 2;  
Thence S01°55'21"E on an assumed bearing as described on DOC.#/FLM-PG: 29225359, on the east line of Towne East Mall Drive (formerly Armour Street) for distance of 20 feet;  
Thence northeasterly to a point lying on the north line of said Lot 2, said point lying twenty (20) feet east of said northwest corner of said Lot 2;  
Then S89°12'12"W on the north line of said Lot 2 to the point of beginning.

does hereby dedicate the above-described real property to the City of Wichita, Kansas, for street improvements.

Executed this 22<sup>nd</sup> day of September, of 2023.

Prairie Lakes Project, LLC



Timothy R. Austin, Manager

FILE COPY

STATE OF KANSAS            )  
  )        SS  
COUNTY OF SEDGWICK    )

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of September, 2023 by Timothy R. Austin, Manager, Prairie Lakes Project, LLC, personally known to me.

Kristy Biggs \_\_\_\_\_, Notary Public  
(signature of notary officer)

My appointment expires: December 23<sup>rd</sup>, 2024



Reviewed and approved by City Engineer:

Matt Schuber 10/26/23  
FOR Paul Gunzelman, PE



Sedgwick County  
Register of Deeds - Tonya Buckingham

Doc.#/Flm-Pg: 30276251

Receipt #: 2404894  
Pages Recorded: 4

Recording Fee: \$72.00

Authorized By: *Tonya Buckingham*

Cashier: kmlliga

Date Recorded: 11/17/2023 09:39:43 AM



### UTILITY EASEMENT

THIS INDENTURE MADE THIS 20 day of Sept, 2023, between undersigned ("Grantor"), and the City of Wichita ("Grantee"),

WITNESSETH:

Grantor in consideration of the sum of \$1.00 and other valuable considerations, the receipt of which is hereby acknowledged, does hereby grant and convey unto Grantee a utility easement over and across the real property located in the City of Wichita, Sedgwick County, Kansas, as described on Exhibit A attached hereto, to be used for the construction, installation, maintenance, operation, and repair of Grantee's publicly owned or city franchised utilities, giving unto Grantee, its officers, agents employees, and other necessary personnel, the right of ingress and egress thereto and therefrom and the right to take thereon and remove therefrom all necessary tools, machinery, appurtenances, material, and personnel used in the construction, installation, maintenance, operation, and repair of said utilities.

IT IS AGREED AND UNDERSTOOD between the parties that Grantor retains the fee title to said real estate and may have the use of the surface thereof as superior right to that of Grantee when the same does not conflict or interfere with the right and privilege granted to Grantee herein and that this grant is binding upon and extends to the successors and assignees of Grantor.

IN WITNESS WHEREOF, Grantor has caused this indenture to be signed by its duly authorized officers and the corporate seal affixed hereto, all on the day and year first above written.

Prairie Lakes Project, LLC

By: 

Name:

Title:

*Timothy R. Astri*  
Manager

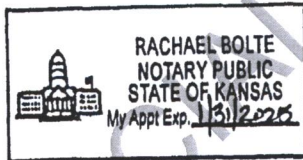
STATE OF KANSAS )  
 ) SS  
COUNTY OF SEDGWICK )

BE IT REMEMBERED, That on this 24 day of September, 2023, before me, the undersigned, a Notary Public in and for the county and state aforesaid, came Timothy R. Austin manager, Prairie Lakes Project LLC, personally known to me and he/she has executed this instrument of writing on the date above first written.

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

*Rachael Bolte*  
Notary Public  
*Rachael Bolte*  
RB

My Commission Expires: 1-31-2025



*Matt Schütz* 10/26/23  
FOR PAUL GUNZELMAN, P.E. CITY ENGINEER

Approved as to Form:

*Jennifer L. Magana*  
Jennifer L. Magana, City Attorney  
and Director of Law

**EXHIBIT A**  
**LEGAL DESCRIPTION**

A tract of land lying within a portion of Lot 2, Rockwood South Third Addition, Wichita, Sedgwick County, Kansas, said tract being more particularly described as follows:

Beginning at the northwest corner of said Lot 2;

Thence S01°55'21"E on an assumed bearing as described on DOC.#/FLM-PG: 29225359, on the east line of Towne East Mall Drive (formerly Armour Street) for distance of 83.48 feet;

Thence S05°32'18"E on the east line of Towne East Mall Drive for a distance of 144.78 feet;

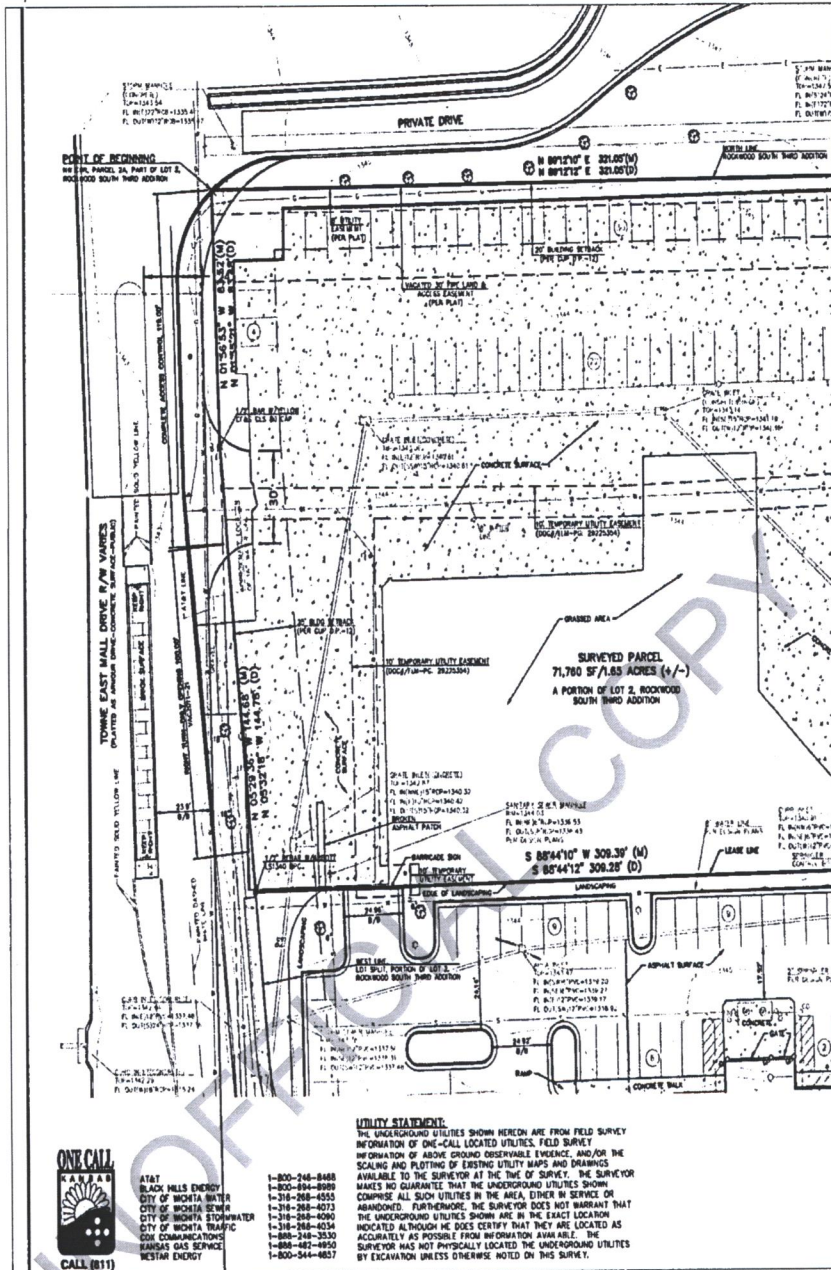
Thence northerly to a point lying thirty (30) feet south of the north line of said Lot 2 and ten (10) feet east of the east line of Towne East Mall Drive;

Thence northeasterly to a point lying on the north line of said Lot 2, said point lying thirty (30) feet east of said northwest corner of said Lot 2;

Then S89°12'12"W on the north line of said Lot 2 to the point of beginning.

UNOFFICIAL COPY

# ROCKWOOD



- AT&T  
BLACK HILLS ENERGY  
CITY OF WICHITA WATER  
CITY OF WICHITA SEWER  
CITY OF WICHITA STORMWATER  
CITY OF WICHITA TRAFFIC  
CSC COMMUNICATIONS  
KANSAS GAS SERVICE  
WESTAR ENERGY
- 1-800-246-8488
  - 1-800-854-8888
  - 1-316-268-6555
  - 1-316-268-6555
  - 1-316-268-6555
  - 1-316-268-6555
  - 1-888-346-3530
  - 1-888-482-4950
  - 1-800-544-8657

**UTILITY STATEMENT:**  
THE UNDERGROUND UTILITIES SHOWN HEREON ARE FROM FIELD SURVEY INFORMATION OF ONE-CALL LOCATED UTILITIES, FIELD SURVEY INFORMATION OF ABOVE GROUND OBSERVABLE EVIDENCE, AND/OR THE SCALING AND PLOTTING OF EXISTING UTILITY MAPS AND DRAWINGS AVAILABLE TO THE SURVEYOR AT THE TIME OF SURVEY. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. FURTHERMORE, THE SURVEYOR DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES BY EXCAVATION UNLESS OTHERWISE NOTED ON THIS SURVEY.



**FILE COPY**

**UTILITY EASEMENT**


THIS INDENTURE MADE THIS 26 day of September 2023, between undersigned ("Grantor"), and the City of Wichita ("Grantee"),

WITNESSETH:

Grantor in consideration of the sum of \$1.00 and other valuable considerations, the receipt of which is hereby acknowledged, does hereby grant and convey unto Grantee a utility easement over and across the real property located in the City of Wichita, Sedgwick County, Kansas, as described on Exhibit A attached hereto, to be used for the construction, installation, maintenance, operation, and repair of Grantee's public or franchised utilities, giving unto Grantee, its officers, agents employees, and other necessary personnel, the right of ingress and egress thereto and therefrom and the right to take thereon and remove therefrom all necessary tools, machinery, appurtenances, material, and personnel used in the construction, installation, maintenance, operation, and repair of said utilities.

IT IS AGREED AND UNDERSTOOD between the parties that Grantor retains the fee title to said real estate and may have the use of the surface thereof when the same does not conflict or interfere with the right and privilege granted to Grantee herein and that this grant is binding upon and extends to the successors and assignees of Grantor.

IN WITNESS WHEREOF, Grantor has caused this indenture to be signed by its duly authorized officers and the corporate seal affixed hereto, all on the day and year first above written.

By:   
Name: Timothy R. Austin  
Title: Manager

FILE COPY

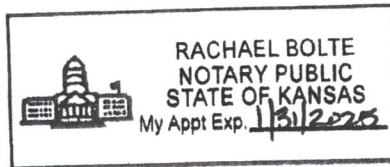
STATE OF KANSAS )  
 ) SS  
COUNTY OF SEDGWICK )

BE IT REMEMBERED, That on this 24 day of September, 2023, before me, the undersigned, a Notary Public in and for the county and state aforesaid, came Timothy R. Austin manager, Prairie Lakes Project LLC, personally known to me and he/she has executed this instrument of writing on the date above first written.

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

Rachael Bolte  
Notary Public

My Commission Expires: 1-31-2025



Matt Schutzo 10/26/23  
FOR PAUL GUNZELMAN, P.E. CITY ENGINEER

Approved as to Form:

Jennifer L. Magana  
Jennifer L. Magana, City Attorney  
and Director of Law

**EHIBIT A**  
**LEGAL DESCRIPTION**

A tract of land lying within a portion of Lot 2, Rockwood South Third Addition, Wichita, Sedgwick County, Kansas, said tract being more particularly described as follows:

Beginning at the northwest corner of said Lot 2;

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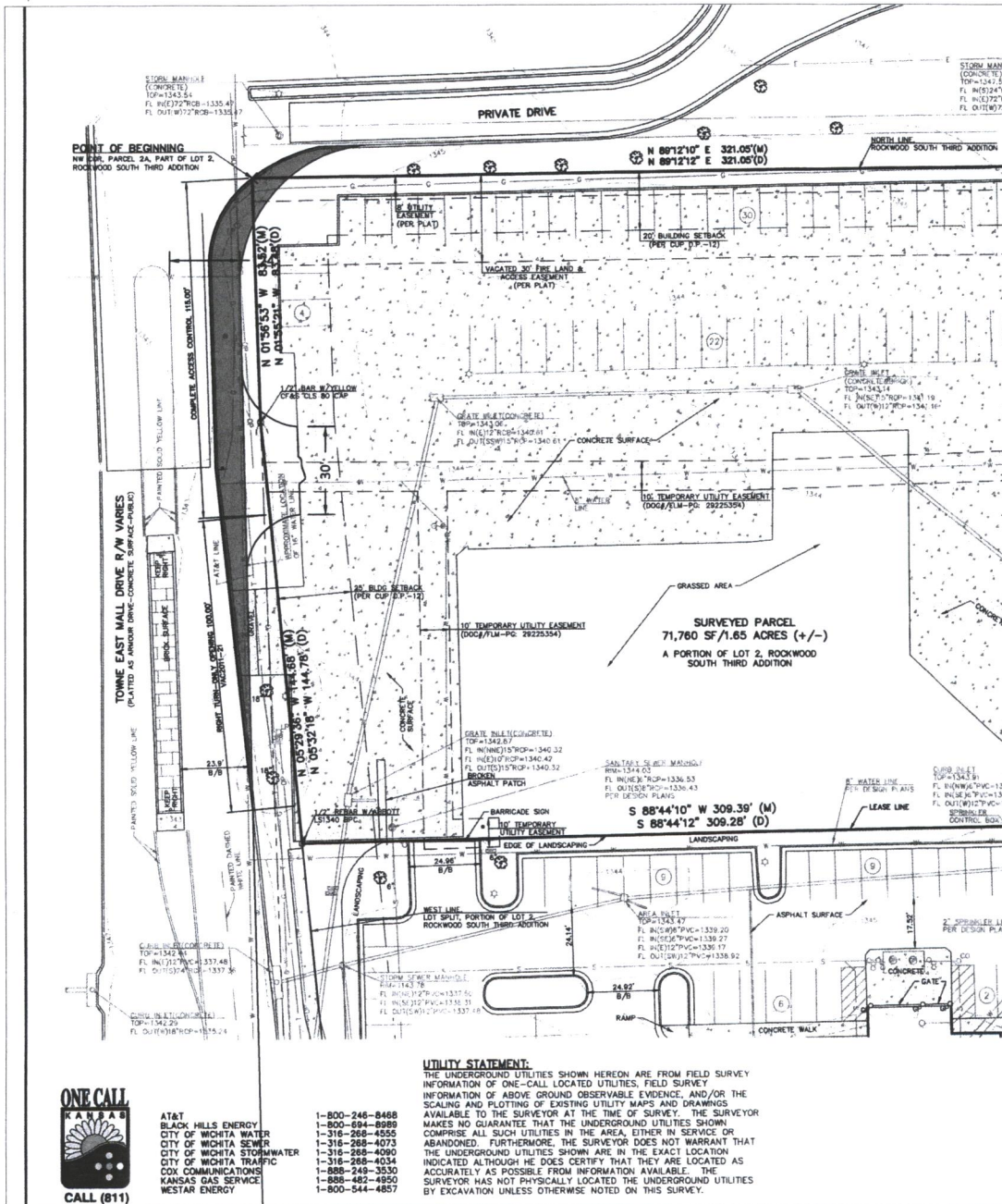
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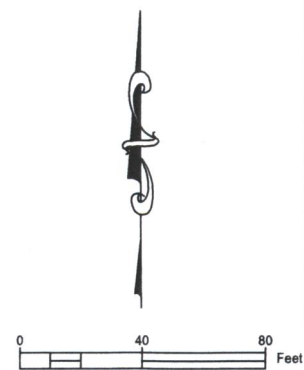
Thence northeasterly to a point lying on the north line of said Lot 2, said point lying thirty (30) feet east of said northwest corner of said Lot 2;

Then  $S89^{\circ}12'12''W$  on the north line of said Lot 2 to the point of beginning.

# ROCKWOOD



- AT&T 1-800-246-8468
- BLACK HILLS ENERGY 1-800-694-8989
- CITY OF WICHITA WATER 1-316-268-4555
- CITY OF WICHITA SEWER 1-316-268-4073
- CITY OF WICHITA STORMWATER 1-316-268-4080
- CITY OF WICHITA TRAFFIC 1-316-268-4034
- COX COMMUNICATIONS 1-888-249-3530
- KANSAS GAS SERVICE 1-888-482-4850
- WESTAR ENERGY 1-800-544-4857



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

**IN THE MATTER OF THE VACATION OF A PORTION )  
OF A COMPLETE ACCESS CONTROL DEDICATED BY )  
SEPARATE INSTRUMENT )**

**GENERALLY LOCATED ON THE EAST SIDE OF )  
TOWNE EAST MALL DRIVE AND WITHIN ONE- )  
BLOCK NORTH OF EAST KELLOGG DRIVE )**

**VAC2023-00031**

**MORE FULLY DESCRIBED BELOW**

**VACATION ORDER**

NOW on this 21st day of November 2023, comes on for hearing the petition for vacation filed by Prairie Lakes Project, LLC (owner) praying for the vacation of a portion of a complete access control dedicated by separate instrument, to wit:

Vacation of the south 30 feet of the north 115 feet of complete access control over and across the west property line of Lot 2, Rockwood South Third Addition, Wichita, Sedgwick County, Kansas, dedicated by separate instrument on DOC#/FLM-PG: 29247691

The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on August 24, 2023, 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 complete access control dedicated by separate instrument, and the public will suffer no loss or inconvenience thereby.

November 21, 2023  
VAC2023-00031

3. The owner of the described property has dedicated complete access control over and across the west line of said Lot 2 to close existing right-in/right-out drive access.

4. In justice to the petitioner(s), the prayer of the petition ought to be granted.

5. 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.


6. The vacation of the described portion of a complete access control dedicated by separate instrument, should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 21st day of November 2023, ordered that the above-described portion of a complete access control dedicated by separate instrument, is 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.

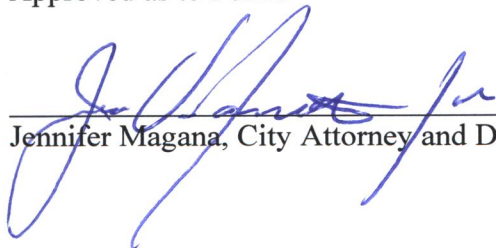


Brandon J. Whipple, Mayor, City of Wichita

**ATTEST:**

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

Approved as to Form:

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



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

November 27, 2023

Troy Farha  
NAI Martens  
1330 E. Douglas  
Wichita, KS 67214

**RE: VAC2023-00031:** Request in the City to vacate access control of right-in and right-out movements on Towne East Mall Drive on property zoned LC Limited Commercial District, generally located north of Kellogg Drive and Towne East Mall Drive.

Dear Applicant;

At its regular meeting on **November 21, 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

Cc: Wichita Central Development, LLC, Larry Patel, 115 Blue Jay Drive, Suite 101, Liberty, MO 64068  
Iron Horse Development, LLC, Tim Austin, 142 North Emporia, Wichita, KS 67202



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

**FILE COPY**

September 14, 2023

NAI Martens  
Attn: Troy Farha  
1330 E. Douglas  
Wichita, KS 67214

**Ref: VAC2023-00031:** Vacation request in the City to vacate access control of right in and right out movements on Towne East Mall Drive on property zoned LC Limited Commercial District, generally located north of Kellogg Drive and Towne East Mall Drive.

Troy,

At the **Thursday, September 14, 2023**, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

- (1) As needed provide Planning with dedication 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.
- (2) All improvements shall be according to City Standards and at the applicants' expense.
- (3) Vacation of the south 30 feet of the north 115 feet of complete access control dedicated by separate instrument located on and running parallel with the west property line of Lot 2, Rockwood South Third Addition, is contingent on approval by the Traffic Engineer and the Fire Department. Approval includes the requirement to dedicate access control to close 100-foot right-in/right-out opening currently permitted over and across the west property line of Lot 2, Rockwood South Third Addition. The applicant shall provide Planning with a dedication of access control by separate instrument 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.
- (4) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

**VAC2023-00031:** Vacation request in the City to vacate access control of right in and right out movements on Towne East Mall Drive on property zoned LC Limited Commercial District, generally located north of Kellogg Drive and Towne East Mall Drive.

September 14, 2023

Page 2

FILE COPY

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 **September 28, 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,

  
Philip Zevenbergen  
Current Plans Division Manager

PZ:kw

cc: Wichita Central Development LLC, Larry Patel, 115 Blue Jay Drive, Suite 101, Liberty MO 64068  
Iron Horse Development LLC, Tim Austin, 142 N Emporia, Wichita KS 67202



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	457830	Print Legal Ad-IPL01362800 - IPL0136280		\$227.06	3	90 L

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

MHEBERT@wichita.gov

OCA 150004  
Published in The Wichita Eagle on August 24, 2023  
(One Time Only)  
MAPC/BZA September 14, 2023  
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, September 14, 2023, 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 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 Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421.

**BZA2023-00045:** Request for Variance in the City to have zero setback on a through street and to increase height of off-site sign to 54.14 feet on a property zoned GI General Industrial; generally located on the west side of North Hydraulc Avenue and East of I-135.

**CON2023-00038:** Conditional Use in the City to amend CON2022-00010 and expand Vehicle and Equipment Sales, Outdoor for the entire property in accordance to the revised site plan; generally located on the northeast corner of West Central Avenue and North Hoover Road (5534 West Central Avenue).

**CON2023-00039:** Conditional Use request in the City to permit live music and entertainment (defined as Nightclub in the City) as an accessory use to hotels and restaurants; generally located on the northeast corner of North Webb Road and Waterfront Pkwy (1720 North Webb Road).

**CON2023-00039:** Conditional Use request in the City for accessory apartment on property zoned SF-5 Single-Family Residential; generally located 400 feet north of West 25th Street West and 660 feet west of North Meridian Avenue (2642 North Edwards Street).

**CUP2023-00027:** CUP Amendment in the City to DP-218 to develop a Warehouse Self-Storage facility on property zoned LC Limited Commercial; located approximately 225 feet north of West 21st Street North and on the east side of North 119th Street West.

**DIRS2023-00004:** Unified Zoning Code amendment to the Old Town Overlay to allow Tattoo and Body Piercing Facility as a permitted use within the Old Town Overlay District, located between North Santa Fe Avenue and North Washington Avenue, and between East Douglas Avenue and East 3rd Street North.

**VAC2023-00029:** Vacation request in the City to vacate a portion of a sanitary easement by separate instrument on property zoned PUD Planned Unit Development and located at the southwest corner of South Seneca St. and West MacArthur Rd.

**VAC2023-00030:** Vacation request in the City to vacate a 15-foot platted utility easement on property zoned LC Limited Commercial; generally located on the south side of East Kellogg Drive and within one-half mile east of South Rock Road (southeast corner of East Kellogg Dr. and South Eastern Ave).

**VAC2023-00031:** Vacation request in the City to vacate access control of right in and right out movements on Towne East Mall Drive on property zoned LC Limited Commercial District; generally located north of Kellogg Drive and Towne East Mall Drive.

**VAC2023-00032:** Vacation request in the City to vacate the north 126 feet of an existing 30-foot driveway easement on property zoned LC Limited Commercial District; generally located north of East 21st Street North and West of Pinecrest Avenue (5110 East 21st Street North).

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 Wichita-Sedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

Options to participate (see below):

- 1) Participate virtually
- 2) Attend in-person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita.
- 3) Submit comments ahead of time

Participate Virtually  
Join Zoom Meeting  
<https://us06web.zoom.us/j/4089866967?pwd=a0k3bW0ySjE5bFJCTDFVODpVDBXJ0T0>  
Meeting ID: 408 986 6967  
Passcode: 094136  
One tap mobile  
+16699006833,4089866967#,,,,\*094136# US (San Jose)  
+17193594580,4089866967#,,,,\*094136# US  
Meeting ID: 408 986 6967  
Passcode: 094136  
Find your local number: <https://us06web.zoom.us/j/kc65codtb1>

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 (316-268-4464) 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 Wadle  
271 W. 3rd Street - Suite 201  
Wichita, KS 67202  
Phone  
316.268.4421  
Fax  
316.858.7764  
WITNESS MY HAND on August 24, 2023  
Scott Wadle, Secretary  
Wichita-Sedgwick County  
Metropolitan Area Planning Commission  
IPL0136280  
Aug 24 2023

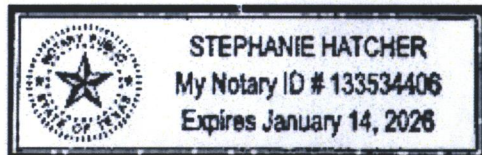
In The STATE OF KANSAS  
In and for the County of Sedgwick  
1 insertion(s) published on:  
08/24/23

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 08/24/2023 to 08/24/2023.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.  
DATED: 08/24/2023

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

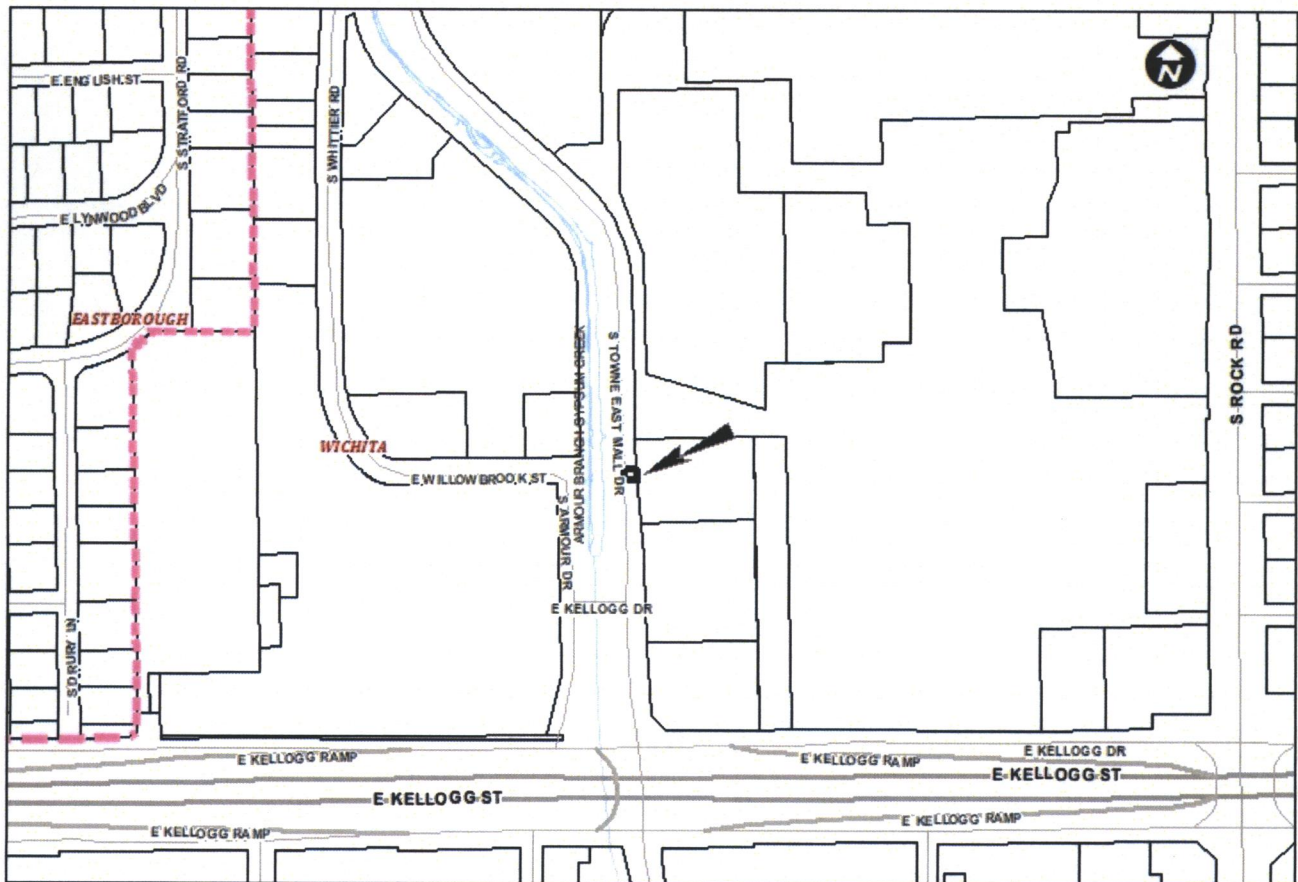


Extra charge for lost or duplicate affidavits.  
Legal document please do not destroy!

**STAFF REPORT**

- CASE NUMBER:** VAC2023-00031 – Request to vacation a portion of complete access control dedicated by separate instrument.
- OWNER/APPLICANT:** Wichita Central Development, LLC (applicant)/ NAI Martens (agent)/ Iron Horse Development, LLC (agent)
- LEGAL DESCRIPTION:** Generally described as vacating the south 30 feet of the north 115 feet of complete access control onto South Towne East Mall Drive located on the west property line of Lot 2, Rockwood South Third Addition, Wichita, Sedgwick County, Kansas.
- LOCATION:** Generally located on the east side of South Towne East Mall Drive, within one-quarter mile north of East Kellogg Drive. (WCC II)
- REASON FOR REQUEST:** Close a permitted right-in/right-out driveway and permit a full movement drive access.
- CURRENT ZONING:** The subject site and properties to the north, east and south are zoned LC Limited Commercial District with CUP DP-12 and developed with commercial uses. Property to the west is zoned PUD #16 and developed with a vehicle sales lot.

**VICINITY MAP:**



The applicant is requesting to vacate a portion of complete access control dedicated by separate instrument on DOC#/FLM-PG: 29247691. Specifically, the request is to vacate the south 30 feet of the north 115 feet of complete access control over the west property line of Lot 2, Rockwood South Third Addition in order to permit a full-movement drive access onto South Towne East Mall Drive. The subject document that dedicated access control currently permits a 100-foot, right-in/right-out access drive on to Lot 2 south of the subject vacation area. That drive was never constructed. Right-in/right-out movements would be ensured due to the construction of a raised median in the center of South Towne East Mall Drive at this location.

If approved, the vacation would permit a 30-foot full movement access drive onto Lot 2 just north of the raised center median. Center line to center line, this proposed drive would be approximately 125 feet south of the full movement entrance drive into Towne East Mall to the north and approximately 335 feet to the full movement restaurant entrance to the south. Towne East Mall Drive is not classified as an arterial street, therefore, the City's access managements standards to not apply. Traffic Engineering does not object to this request. They require that access control be dedicated by separate instrument to close the permitted 100-foot right-in/right-out opening south of the subject site.

Evergry has no objection to this vacation request but does have Street Lights and lines near the area of complete access control they are requesting to vacate but should not be in conflict if the new full access drive is in the same location as the right in-right out driveways is now located. Conditions 1-3 covers Evergry. Standard language will apply. Any relocation or removal of existing Evergry equipment will be at the applicant's expense. Abby Brungardt, Area Design Representative for this area will be the contact for this item and can be contacted at (785) 508-2715 for this vacation request and any. The Rockwood South Third Addition was recorded October 18, 1966.

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 portion of complete access control dedicated by separate instrument.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
  - 1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time August 24, 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 dedicated by separate instrument 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) As needed provide Planning with dedication 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.
- (2) All improvements shall be according to City Standards and at the applicants' expense.












- (3) Vacation of the south 30 feet of the north 115 feet of complete access control dedicated by separate instrument located on and running parallel with the west property line of Lot 2, Rockwood South Third Addition, is contingent on approval by the Traffic Engineer and the Fire Department. Approval includes the requirement to dedicate access control to close 100-foot right-in/right-out opening currently permitted over and across the west property line of Lot 2, Rockwood South Third Addition. The applicant shall provide Planning with a dedication of access control by separate instrument 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.
- (4) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

**Attachments:**

1. Aerial Map
2. Survey
3. Applicant's Exhibit
4. DOC#/FLM-PG: 29247691 Excerpt

**SUBDIVISION COMMITTEE'S RECOMMENDED ACTION**

The Subdivision Committee recommends approval per staff recommendations.

-  VAC2023-00031
-  Storm Structures
-  Enclosed Gravity Pipe
-  Force Main
-  Open Channel
-  Siphon
-  Water Hydrants
-  Sewer Manholes
-  Sewer Mains
-  Water Valves
-  Water Mains

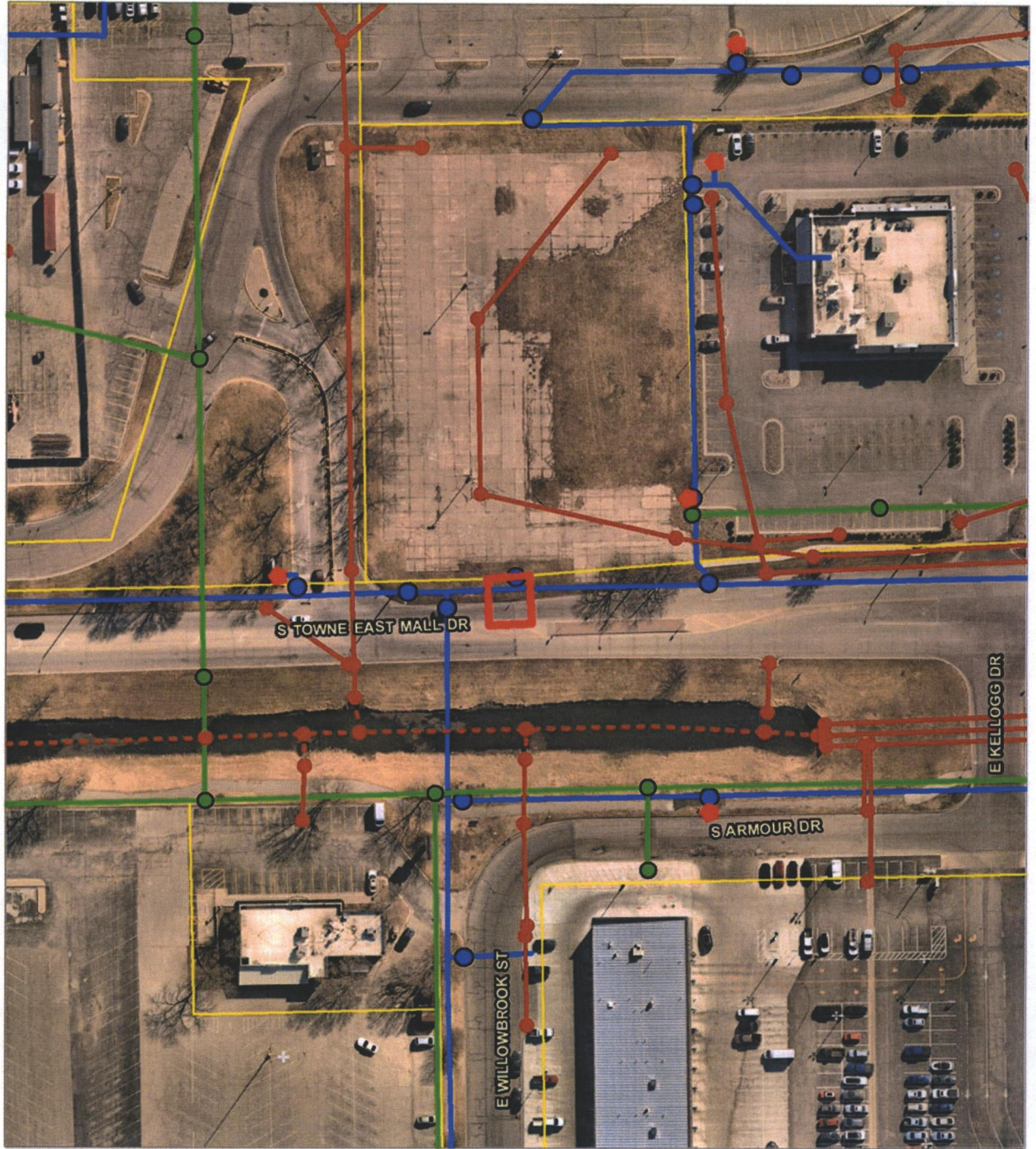


Software: ArcGIS

Map Data Sources:  
 City of Wichita  
 Sedgwick County

Prepared: 8/8/2023

It is understood that while the City of Wichita Data Center Geographical Information Systems Department has made every effort to ensure the accuracy of the information incorporated in the base map, the DMA Center-GIS personnel make no warranty or representation, either expressed or implied, with respect to the information or data displayed.  
 Note: Public property represented on this map is not intended to be inclusive.









Sedgwick County  
Register of Deeds - 8th Floor  
DOC #/FLM-PG: 28247691

Receipt #: 1788987  
Pages Recorded: 3  
Cashier Initials: KY

Recording Fee: \$12.00  
Authorized By:

Date Recorded: 10/18/2011 3:04:47 PM



Approved / Accepted By City Council

This 10-18-11

DEDICATION OF ACCESS CONTROL

KNOW ALL MEN BY THESE PRESENTS:

CITY CLERK'S ORIGINAL  
RETURN TO CITY CLERK

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, VISION PARTNERS, L.L.C., being the owner of the following described real estate in Wichita, Sedgwick County, Kansas, to-wit:

Part of Lot 2, Rockwood South Third Addition, Wichita, Sedgwick County, Kansas, TOGETHER WITH a portion of the existing right-of-way of Armour Drive, now Towne East Mall Drive, all located in the Southeast Quarter of Section 19, Township 27 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas described as follows:  
Beginning at the Northwest corner of Lot 2, Rockwood South Third Addition; thence on an assumed bearing of N89°12'12"E along the North line of said Lot 2, a distance of 321.05 feet to a point which is 88.95 feet west of the Northeast corner of said Lot 2; thence S01°15'48"E parallel with the East line of said Lot 2, a distance of 786.07 feet; thence S89°24'09"W, a distance of 247.58 feet; thence N48°03'51"W, a distance of 58.95 feet; thence along a curve to the right having a radius of 3,230.31 feet, a chord which bears N03°33'42"W, a distance of 182.04 feet, an arc distance of 182.06 feet; thence N01°56'50"W, a distance of 217.31; thence N05°32'18"W, a distance of 263.53 feet to the West line of said Lot 2; thence N01°55'21"W along said West line, a distance of 83.48 feet to the point of beginning.

Does hereby transfer and convey to the City of Wichita all abutters' right of access, ingress and egress to said property from or to Towne East Mall Drive over and across the west line of the above described tract; provided however, the following access points shall be allowed:

- One 90.00 foot right-in/right-out opening along Towne East Mall Drive, centered on a point along the west line of the above described tract 582.00 feet south of the northwest corner of said tract
- One 60.00 foot full-movement opening along Towne East Mall Drive, centered on a point along the west line of the above described tract 435.42 feet south of the northwest corner of said tract
- One 100.00 foot right-in/right-out opening along Towne East Mall Drive, centered on a point along the west line of the above described tract 165.04 feet south of the northwest corner of said tract
- One 60.00 foot right-in/right-out opening along Kellogg Drive, centered on a point along the south line of the above described tract 30.00 feet west of the southeast corner of said tract

It is understood that this conveyance is a covenant running with the land and prohibits all subsequent owners thereof and all members of the public from entering upon said property from Towne East Mall Drive over and across the west line, and from Kellogg Drive over and across the south line except for the described aforementioned three openings to Towne East Mall Drive and one opening to Kellogg Drive thereto.