

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

**IN THE MATTER OF THE VACATION OF THE PLATTOR'S
TEXT FOR A PORTION OF RESERVE A, ABILENE PLACE
ADDITION**

**GENERALLY LOCATED ON THE EAST SIDE OF SOUTH
167TH STREET WEST AND WITHIN ONE-QUARTER MILE
NORTH OF WEST US-54/400**

VAC2023-00053

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 27th day of February 2024, comes on for hearing the petition for vacation filed by KPC Pipeline, LLC and Abilene Place Properties (owners) praying for the vacation of the plattor's text for a portion of Reserve A, to wit:

Reserves "A", "B", "C", "D", "E", "F", "G", "H", "I", "J", "K", "L", and "M" shall be owned and maintained by the homeowners association for the Addition except for the following legally described tract which shall be maintained by the owner of said tract; That part of Reserve "A", Abilene Place Addition, Wichita, Sedwick County, Kansas, more particularly described as follows: Beginning at the northwest corner of Reserve "A", in said Abilene Place Addition; THENCE N89°19'04"E, coincident with the north boundary line of said Abilene Place Addition, a distance of 252.45 feet, to the northwesterly line of a 100 foot Phillips 66 Pipeline right-of-way as described in DOC.#FLM/PG: 30051766 as filed with the Sedgwick County Register of Deeds; THENCE S60°57'04"W, coincident with the northerly line of said 100 foot right-of-way, a distance of 286.76 feet, to the west boundary line of said Abilene Place Addition, said boundary line also being the east right-of-way line of 167th Street West; THENCE N00°44'02"W, coincident with said west boundary line, a distance of 136.25 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:

February 27, 2024
VAC2023-00053

1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on December 21, 2023, which was at least 20 days prior to the public hearing.

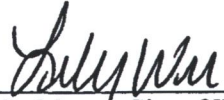
2. No private rights will be injured or endangered by the vacation of the described portion of plattor's text, and the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner, the prayer of the petitioner ought to be granted.

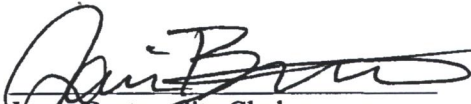
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

5. The vacation of the described portion of plattor's text should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 27th day of February 2024, ordered that the above-described portion of plattor's text 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.

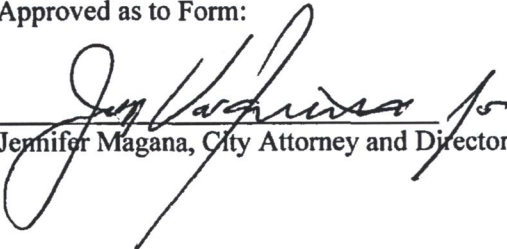

Lily Wu, Mayor, City of Wichita

ATTEST:


Jamie Buster, City Clerk



Approved as to Form:


Jennifer Magana, City Attorney and Director of Law



Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30293578

Receipt #: 2416638
Pages Recorded: 3

Recording Fee: \$0.00

Authorized By: *Tonya Buckingham*

Cashier: vbunch

Date Recorded: 02/29/2024 04:14:44 PM



Please do not remove this cover page, it has become part of this document

Grantor	WICHITA CITY OF
Grantee	KPC PIPELINE LLC
Type of Document	PLAT.VORD
Recording Fees	\$0.00
Mtg Reg Tax	\$0.00
Total Amount	\$0.00
Return Address	CITY OF WICHITA CITY CLERK 13TH FLOOR

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

**IN THE MATTER OF THE VACATION OF THE PLATTOR'S)
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Reserves "A", "B", "C", "D", "E", "F", "G", "H", "I", "J", "K", "L", and "M" shall be owned and maintained by the homeowners association for the Addition except for the following legally described tract which shall be maintained by the owner of said tract; That part of Reserve "A", Abilene Place Addition, Wichita, Sedwick County, Kansas, more particularly described as follows: Beginning at the northwest corner of Reserve "A", in said Abilene Place Addition; THENCE N89°19'04"E, coincident with the north boundary line of said Abilene Place Addition, a distance of 252.45 feet, to the northwesterly line of a 100 foot Phillips 66 Pipeline right-of-way as described in DOC.#FLM/PG: 30051766 as filed with the Sedgwick County Register of Deeds; THENCE S60°57'04"W, coincident with the northerly line of said 100 foot right-of-way, a distance of 286.76 feet, to the west boundary line of said Abilene Place Addition, said boundary line also being the east right-of-way line of 167th Street West; THENCE N00°44'02"W, coincident with said west boundary line, a distance of 136.25 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:

February 27, 2024
VAC2023-00053

1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on December 21, 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 plattor's text, and the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner, 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 plattor's text should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 27th day of February 2024, ordered that the above-described portion of plattor's text 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.

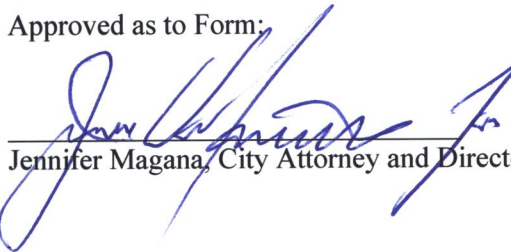

Lily Wu, Mayor, City of Wichita

ATTEST:


Jamie Buster, City Clerk



Approved as to Form:


Jennifer Magana, City Attorney and Director of Law



Wichita-Sedgwick County Metropolitan Area Planning Department

February 29, 2024

KPC Pipeline
Attn: John Amrein
19970 W. 161st St.
Olathe, KS 66062

Baughman Company, P.A.
Attn: Jay Cook
315 Ellis St.
Wichita, KS 67211

RE: VAC2023-00053: Vacation request in the City to vacate the platlor's text in Reserve A on property zoned TF-3 Two-Family Residential District; generally located on the east side of South 167th Street West, within 1,500 feet north of U.S. Highway 54.

Dear Applicant;

At its regular meeting on **February 27, 2024**, 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



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

January 11, 2024

Baughman Company, P.A.
Attn: Jay Cook
315 Ellis St
Wichita, KS 67211

Ref: VAC2023-00053: Vacation request in the City to vacate the platlor's text in Reserve A on property zoned TF-3 Two-Family Residential District, generally located on the east side of South167th Street West, within 1500 feet north of U.S. Highway 54.

Jay,

At the **Thursday, January 11, 2024**, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

- (1) Vacate the platlor's text to exempt the described portion of Reserve A, Abilene Place Addition from being owned and maintained by the homeowner's association. All other requirements of the platlor's text of Reserve A remain unchanged and any development shall adhere to this text.
- (2) Provide Planning Staff with a legal description of the building setback and platter's text on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. All provided to Planning prior to the case going to the Wichita City Council for final action.
- (3) Abandonment or relocation/reconstruction of any/all utilities made necessary by the development of the property 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.
- (4) All improvements shall be according to City Standards and at the applicant's expense.
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

VAC2023-00053: Vacation request in the City to vacate the plat's text in Reserve A on property zoned TF-3 Two-Family Residential District, generally located on the east side of South 167th Street West, within 1500 feet north of U.S. Highway 54.

January 11, 2024

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 **January 25, 2024**, (end of the two-week protest period). This letter also serves as a reminder that the vacation notification signs should now be removed from the property. If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,

Philip Zevenbergen
Current Plans Division Manager

PZ:kw

cc: KPC Pipeline, John Amrein, 19970 W 161st St, Olathe KS 66062
Abilene Place Properties LLC, Jayson Russell, PO Box 75450, Wichita KS 67275



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	501875	Print Legal Ad-IPL01524820 - IPL0152482		\$144.27	2	86 L

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

MHEBERT@wichita.gov

LEGAL PUBLICATION

OCA 150004
Published in The Wichita Eagle on December 21, 2023
(One Time Only)
MAPC/BZA January 11, 2024
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, January 11, 2024, no earlier than 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held in person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation is encouraged (see instructions below). Virtual participation is not available. If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421.

BZA2023-00065: Variance request in the City to remove the landscape buffer requirements on the north and south sides of the property zoned TF-3 Two-Family Residential District, generally located on the east side of South 167th Street West, south of West Apollo Street.

CUP2023-00046: Minor Amendment to CUP DP-21 to allow a car wash on Parcel 14 zoned LC Limited Commercial, generally located on the west side of South Seneca Street and within one-quarter mile south of West Pawnee Avenue.

VAC2023-00053: Vacation request in the City to vacate the plat's text in Reserve A on property zoned TF-3 Two-Family Residential District, generally located on the east side of South 167th Street West, within 1500 feet north of U.S. Highway 54.

VAC2023-00054: Request in the City to vacate a portion of the front building setback for a Carwash on property zoned LC Limited Commercial District, generally located on the west side of South Seneca Street and within one-quarter mile south of West Pawnee Avenue.

ZON2023-00072: Request in the City to amend Protective Overlay #11 to permit additional uses on property zoned LC Limited Commercial; located on the north side of West Maple Street, within one-quarter mile west of South 135th Street West (13710 West Maple St.).

ZON2023-00073: Zone change request in the City from NO Neighborhood Office and MF-29 Multi-Family Residential to LC Limited Commercial to allow for a mixed-use building, generally located on the east side of North Waco Avenue, within 150 feet south of West 9th Street North.

ZON2023-00074: Zone Change request in the City from LC Limited Commercial to OW Office Warehouse for contractor warehousing, generally located 300 feet north of 13th Street North and on the west side of North Broadway (1451 North Broadway).

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:

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

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

Email: Planning@wichita.gov

Mailing Address

Wichita-Sedgwick County Metropolitan Area Planning Department

Attn: Scott Wadle

271 W. 3rd Street - Suite 201

Wichita, KS 67202

Phone: 316.268.4421

Fax: 316.858.7764

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

Option to View Remotely (Not Participate)

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

WITNESS MY HAND on December 21, 2023

Scott Wadle, Secretary

Wichita-Sedgwick County

Metropolitan Area Planning Commission

IPL0152482

Dec 21 2023

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

1 insertion(s) published on:

12/21/23

STATE OF KANSAS)

SS

County of Sedgwick)

Stefani Beard, 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 12/21/2023 to 12/21/2023.

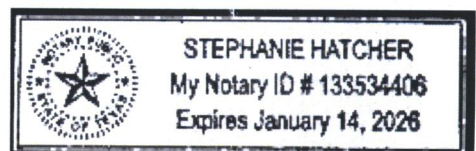
Stefani Beard

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

DATED: 01/03/2024

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!

CASE NUMBER: VAC2023-00053 – City request to vacate plattor’s text.

APPLICANT/AGENT: KPC Pipeline, LLC, Abilene Place Properties (applicants)/ Baughman Company, P.A. (agent)

LEGAL DESCRIPTION: Generally described as vacating platlor's text for a portion of Reserve A, Abilene Place Addition, Wichita Sedgwick County, Kansas.

LOCATION: Generally located on the east side of South 167th Street East and within one-quarter mile north of West US-54/400. (WCC IV)

REASON FOR REQUEST: To allow development of a Utility, Major

CURRENT ZONING: The subject site and properties to the east and south are zoned TF-3 Two-Family Residential District. The subject site was approved for Utility, Major for a gas regulator. Property east and south is a pipeline. Property to the north is zoned SF-5 Single-Family Residential District and is developed with a school campus. Property to the west is in the City of Goddard, zoned R-1 Single-Family Residential District, and is undeveloped.

The applicant is requesting to vacate platlor's text for a portion of platted Reserve A of the Abilene Place Addition to allow for ownership and maintenance of that portion by a different entity other than the homeowner's association. According to the plat, all reserves within the Abilene Place Addition "shall be owned and maintained by the homeowner's association for the addition." Reserve A is located in the northwest corner of the plat. The majority of Reserve A is owned by the developer (Abilene Place Properties, LLC) and contains a 100-foot pipeline easement. The northwest corner of Reserve A is a triangular-shaped parcel owned by KPC Pipeline, LLC, which lies between the 100-foot pipeline easement and the north property line. In 2023, CON2023-00037 was approved to permit a Utility, Major on this parcel in the form of a gas regulator facility. The attached revised platlor's text includes the legal description the exempts this portion of Reserve A from being owned and maintained by the homeowner's association of the addition. All portions of Reserve A shall still adhere to the other requirements of Reserve A as detailed in the following platlor's text:

- "Reserve A is hereby reserved for open space, landscaping, drainage purposes, berms walking paths, sidewalks, entry monuments, signage, parking, swimming pools, and related appurtenances, water lines, and related appurtenances as confined to easement, pipelines and related appurtenances as confined to easements, and utilities as confined to easements;"
- "No regrading within abutting rights-of-way shall be allowed with the construction of berms allowed within Reserves 'A', 'B', etc..."
- "The berms within said Reserves 'A', 'B', etc... cannot impact access to or bury manholes or water valves and/or meters.

Any utilities in Reserve A are required to be confined to easements. This vacation of platlor's text does not affect any existing utilities as confined to easements. Any future development of this property will be subject to those easements. Neither Evergy nor Cox have any equipment in the area and they do not opposed the vacation. The Abilene Place Addition was recorded with the Register of Deeds on June 11, 2021.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works, 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 platlor's text of the described portion of the platted reserve.

- 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 December 21, 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 the platlor's text 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) Vacate the platlor's text to exempt the described portion of Reserve A, Abilene Place Addition from being owned and maintained by the homeowner's association. All other requirements of the platlor's text of Reserve A remain unchanged and any development shall adhere to this text.
- (2) Provide Planning Staff with a legal description of the building setback and platlor's text on a Word document, via e-

mail, to be used on the Vacation Order and Vacation Petition. All provided to Planning prior to the case going to the Wichita City Council for final action.

- (3) Abandonment or relocation/reconstruction of any/all utilities made necessary by the development of the property 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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SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval per staff recommendations.

Attachments:

1. Aerial Map
2. Plat Excerpt
3. Proposed Revised Plattor's Text

VAC2023-00053 – Request to vacate the platlor's text for a portion of a platted Reserve.

January 11, 2024

Page 4

- VAC2023-00053
- 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:

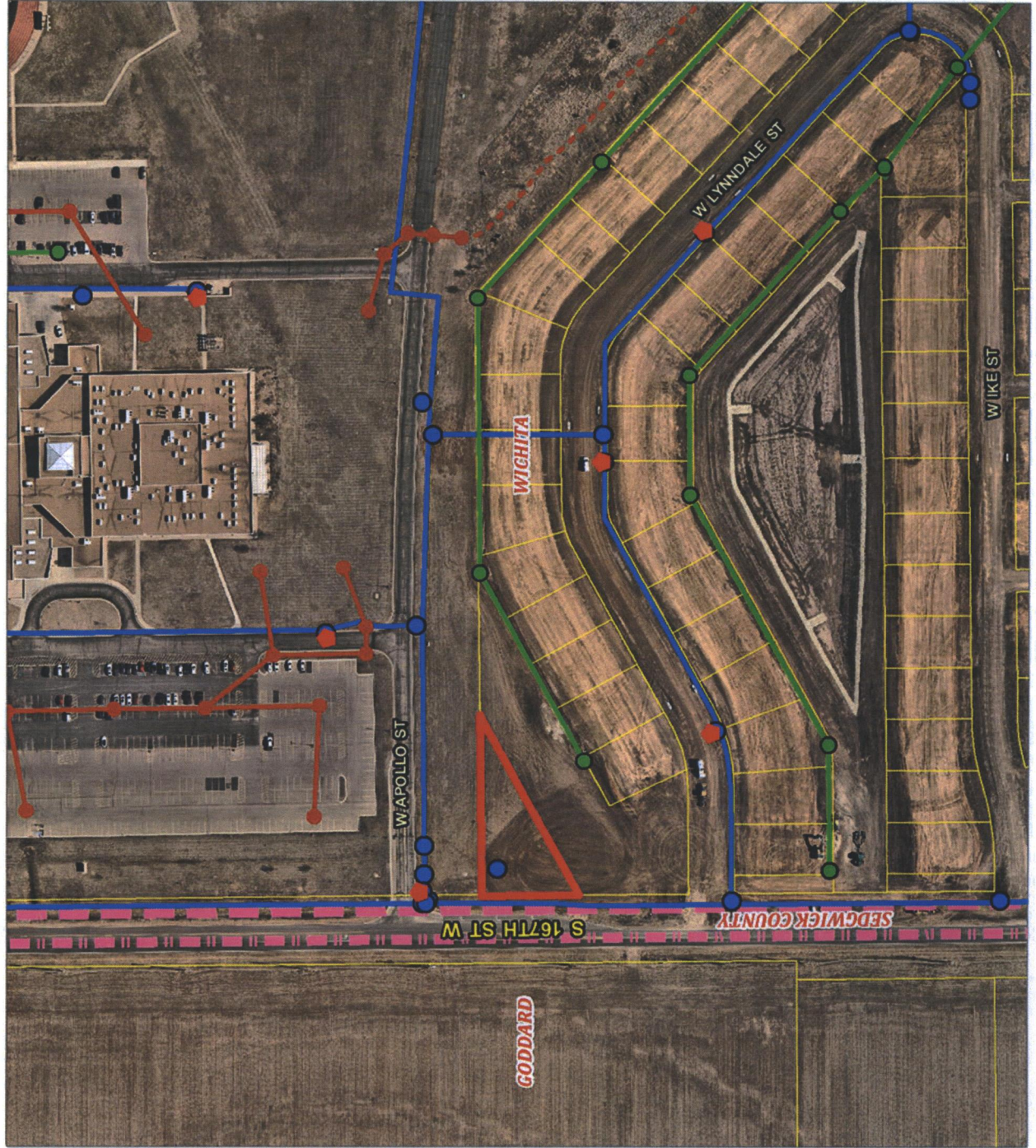
City of Wichita

Sedgwick County

Prepared: 12/5/2023

It is understood that while the City of Wichita Data Center personnel have made every effort to ensure the accuracy of the information incorporated in the base map, the Data 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.



VACATED PLATTOR'S TEXT IN RESERVE "A"

Reserves "A", "B", "C", "D", "E", "F", "G", "H", "I", "J", "K", "L", and "M" shall be owned and maintained by the homeowners association for the addition.

RE-DEDICATED PLATTOR'S TEXT IN RESERVE "A"

Reserves "A", "B", "C", "D", "E", "F", "G", "H", "I", "J", "K", "L", and "M" shall be owned and maintained by the homeowners association for the addition except for the following legally described tract shall be maintained by the owner of said tract; That part of Reserve "A", Abilene Place Addition, Wichita, Sedwick County, Kansas, more particularly described as follows: Beginning at the northwest corner of Reserve "A", in said Abilene Place; THENCE N89°19'04"E, coincident with the north boundary line of said Abilene Place, a distance of 252.45 feet, to the northwesterly line of a 100 foot Phillips 66 Pipeline right-of-way as described in DOC.#FLM/PG: 30051766 as filed with the Sedgwick County register of deeds; THENCE S60°57'04"W, coincident with the northerly line of said 100 foot right-of-way, a distance of 286.76 feet, to the west boundary line of said Abilene Place, said boundary line also being the east right-of-way line of 167th Street West; THENCE N00°44'02"W, coincident with said west boundary line, a distance of 136.25 feet, to the point of beginning.