



Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30298018

Receipt #: 2419753
Pages Recorded: 2

Recording Fee: \$0.00

Cashier: ephillip

Authorized By: *Tonya Buckingham*

Date Recorded: 03/25/2024 02:36:00 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 COMPLETE ACCESS CONTROL**

**GENERALLY LOCATED ON THE SOUTH SIDE OF WEST
37TH STREET NORTH AND WITHIN ONE-QUARTER MILE
WEST OF NORTH RIDGE ROAD**

VAC2023-00003

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 19th day of March 2024, comes on for hearing the petition for vacation filed by Michael and Elizabeth Wawrzewski (owners) praying for the vacation of a portion of a platted complete access control, to wit:

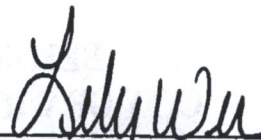
The east 28 feet of the west 89 feet of platted complete access control on Lot 8, Block 1, Hoskinsons 2nd Addition, Sedgwick County, Kansas.

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 March 2, 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 platted utility easement, 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 a platted complete access control should be approved.

March 19, 2024
VAC2023-00003

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 19th day of March 2024, ordered that the above-described portion of a platted complete access control 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.

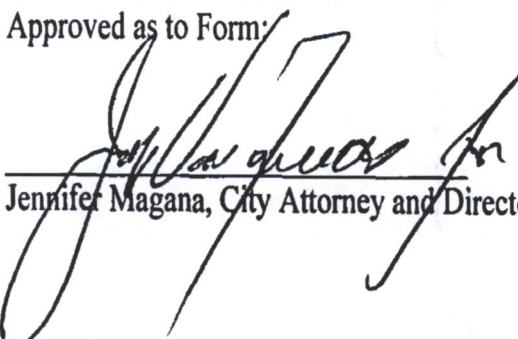

Lily Wu, Mayor, City of Wichita

ATTEST:


Jamie Buster, City Clerk



Approved as to Form:


Jennifer Magana, City Attorney and Director of Law

UNOFFICIAL COPY

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

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

**GENERALLY LOCATED ON THE SOUTH SIDE OF WEST)
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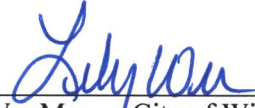
The east 28 feet of the west 89 feet of platted complete access control on Lot 8, Block 1, Hoskinsons 2nd Addition, Sedgwick County, Kansas.

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1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on March 2, 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 platted utility easement, 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 a platted complete access control should be approved.

March 19, 2024
VAC2023-00003

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Lily Wu, Mayor, City of Wichita

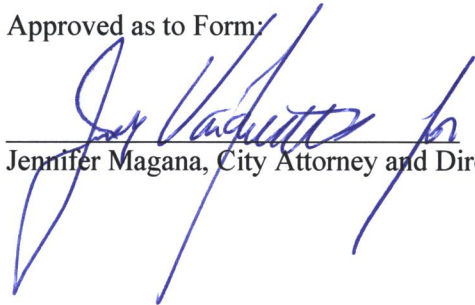
ATTEST:



Jamie Buster, City Clerk



Approved as to Form:



Jennifer Magana, City Attorney and Director of Law



Wichita-Sedgwick County Metropolitan Area Planning Department

April 10, 2024

K.E. Miller Engineering, P.A.
Attn: Kirk Miller
117 E. Lewis
Wichita, KS 67202

RE: VAC2023-00003: Request in the City to vacate a portion of platted access control, located on the south side of West 37th Street North and 800 feet west of North Ridge Road.

Dear Applicant;

At its regular meeting on **March 19, 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

cc: Elizabeth & Michael J. Wawrzewski, 2102 W. Timbercreek Court, Wichita, KS 67204



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

March 24, 2023

K.E. Miller Engineering, P.A.
Attn: Kirk Miller
117 E. Lewis
Wichita, KS 67202

RE: VAC2023-00003: Request in the City to vacate a portion of platted access control, located on the south side of West 37th Street North and 800 feet west of North Ridge Road.

Phil,

At the **Thursday, March 23, 2023**, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

- (1) Vacation of the east 28 feet of the west 89 feet of platted complete access control located on and running parallel with the north property line of as Lot 8, Block 1, Hoskinsons 2nd Addition, is contingent on approval by the Traffic Engineer and the Fire Department. 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.
- (2) The drive shall be constructed to City Standards and at the owner's expense. Provide planning staff with legal descriptions of the approved vacated portion of the platted setback on a Word document via e-mail to be used on the Vacation Order. The legal descriptions must be provided to planning staff prior to the case going to Council for final action.
- (3) The reconstruction of the sidewalk and the replacement of any right-of-way trees shall be the applicant's responsibility, at the applicant's expense and to City Standards.
- (4) Any relocation or reconstruction of utilities made necessary by this vacation shall be to City Standards and the responsibility of the owner and at the expense of the owner, including the relocation of any power poles, equipment, or public utilities and drainage. Provide approval from those utilizes of any relocation of those impacted utilities prior to the case goes to City Council for final action.
- (5) Provide Planning with any needed easements dedicated by separate instrument with original signatures for recording with the Register of Deeds. All original dedications will go with the Vacation Order to City Council for final action and filling with the Sedgwick County Register of Deeds. These conditions must be completed prior to the case going

VAC2023-00003: Request in the City to vacate a portion of platted access control, located on the south side of West 37th Street North and 800 feet west of North Ridge Road.

March 24, 2023

Page 2

to Council for final action.

- (6) All improvements shall be according to City Standards and at the applicant's expense.
- (7) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC, or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council, or the Sedgwick County Board of County Commissioners have taken final action on the request and the Vacation Order, and all required documents have been provided to the City, County, and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

When all of the above conditions have been completed and there are no other documents requested; this case will be scheduled for final action by the Wichita City Council at the first appropriate date after **April 6, 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: Elizabeth & Michael J. Wawrzewski, 2102 W. Timbercreek Court, Wichita, KS 67204



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	388316	Print Legal Ad-IPL01115600 - IPL0111560		\$152.67	2	91L

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 March 2, 2023
(One Time Only)
MAPC/EZA March 23, 2023
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, March 23, 2023, no earlier than 1:30 p.m., the WichitaSedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation may also occur through virtual methods (specified at the end of this notice). If you have any questions regarding the meeting or items on this notice, please call the WichitaSedgwick County Metropolitan Area Planning Department at (316) 2684421.

CON2023-00003: Conditional Use request in the City to Vehicle and Equipment Sales on property zoned LC Limited Commercial District; generally located on the northeast corner of West Central Avenue and North Ridge Road (7136 West Central).

CON2023-00004: Conditional Use request in the City to permit the service of alcohol as an accessory use to a hair salon (defined as "Tavern/Drinking Establishment"), on property zoned LC Limited Commercial; located on the southwest corner of East Douglas Ave and South Oliver Street (4717 E Douglas).
DER2022-00012: Public Hearing to consider the proposed adoption of an Ordinance Changing a Street Name from West Squaw Lane to West Delano Avenue.
DER2023-00004: An Amendment to the Wichita-Sedgwick County Unified Zoning Code (UJC) to remove one parcel from the Old Town Overlay District and require the property owner enter into a contract with the City of Wichita for parking in the Old Town Overlay District area. The parcel is located on North Mosley Avenue, approximately one block north of East Douglas Avenue (111 North Mosley Avenue).

VAC2023-00003: Vacation request in the City for Access Control located on West 37th Street, west of North Ridge Road.

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

Topic: Wichita-Sedgwick County Metropolitan Planning Commission

Time: 1:30 PM

Join Zoom Meeting
<https://us06web.zoom.us/j/4089866967?pwd=a0k3bW0ySjBhbnFJOTdFV0xPVDc0X0U0R0p0>

Meeting ID: 408 986 6967

Passcode: 094136

One tap mobile

+16699006833,4089866967#,,,,094136# US (San Jose)

+17193584580,4089866967#,,,,094136# US

Meeting ID: 408 986 6967

Passcode: 094136

Find your local number: <https://us06web.zoom.us/j/kc65codfb1>

Attend In-Person

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

Submit Comments Ahead of Time

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

Email Planning@wichita.gov

Mailing Address Wichita-Sedgwick County Metropolitan Area Planning Department

Attn: Scott Wadle

271 W. 3rd Street - Suite 201

Wichita, KS 67202

Phone 316.268.4421

Fax 316.858.7764

WITNESS MY HAND on March 2, 2023

Scott Wadle, Secretary

WichitaSedgwick County

Metropolitan Area Planning Commission

IPL0111560

Mar 2 2023

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

1 insertion(s) published on:

03/02/23

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 03/02/2023 to 03/02/2023.

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

DATED: 03/02/2023

Stephanie Hatcher

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



STEPHANIE HATCHER
My Notary ID # 133534406
Expires January 14, 2026

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

METROPOLITAN AREA PLANNING COMMISSION

**AGENDA REPORT NO.
March 23, 2023**

STAFF REPORT

CASE NUMBER: VAC2023-00003- Request in the City to vacate a portion of platted access control located along West 37th Street.

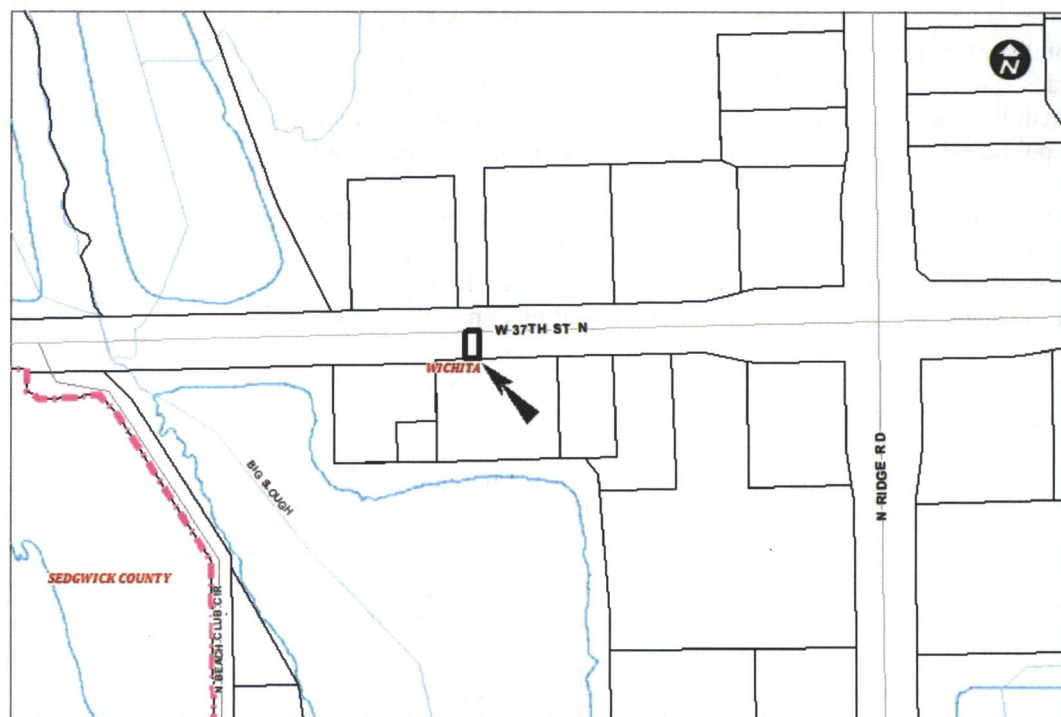
APPLICANTS: Michael and Elizabeth Wawrzewski (applicant), K.E. Miller Engineering, P.A. (Agent)

LEGAL DESCRIPTION: Generally described as vacating a portion of platted access control along West 37th Street, located on the north side of Lot 8, Block 1, Hoskinson's 2nd Addition (see attached legal).

LOCATION: Generally located on the south side of West 37th Street, approximately 800-feet west of North Ridge Road.

REASON FOR REQUEST: For site development.

CURRENT ZONING: The subject property is zoned LC Limited Commercial District with CUP DP-242. Properties to the north of the subject site are zoned LC Limited Commercial District with CUP DP-250 and are being developed with multi-family residences. South of the subject site is property zoned SF-5 Single-Family Residential with CUP DP-245 developed with a retention pond, and further south, residences. Property east of the subject site is zoned LC Limited Commercial District with CUP DP-242 and is undeveloped. West of the subject site is property zoned LC Limited Commercial District with CUP DP-245 and PO-147, and developed with offices.



The applicant proposes to vacate the east 28 feet of the west 89 feet of platted complete access control located on and running parallel with the north property line of Lot 8, Block 1, Hoskinsons 2nd Addition to permit a drive onto West 37th Street North.

Complete access control is platted along the north line of Lot 8, permitting no drives onto West 37th Street North from the subject site (See attachment 1, Excerpt from Hoskinsons 2nd Addition). The proposed 28-foot drive would be located approximately 750 feet west of the West 37th Street North – North Ridge Road intersection. At this location, West 37th Street North is a four lane arterial street, with a center turn lane, and no median.

Per the plat, Hoskinsons 2nd Addition is permitted two drives onto West 37th Street North along its north frontage. A permitted 40-foot right-in-right-out drive has been constructed approximately 510 feet east of the proposed drive, and a second 50-foot full movement drive is currently permitted between Lots 5 & 7, approximately 241 feet east of the proposed drive.

Access to the multi-family residences north of the subject site from West 37th Street North will be provided by two drives permitted by the Northridge Plaza Addition plat. A 40-foot permitted drive lines up with the existing 40-foot drive on the south side of the street, and a 60-foot permitted opening lines up with the 28-foot proposed drive (See attachment 2, Northridge Plaza Addition)

The commercial strip located west of the subject site is platted as Hoskinsons 3rd Addition, and is accessed from a 40-foot full movement opening approximately 220 feet west of the proposed drive (See attachment 3, Hoskinsons 3rd Addition).

The current Access Management standards require a 200-foot minimum offset for drives not lined up on opposite sides of arterials and not having conflicting left turns, 400-foot spacing for full-turning movement drives on the same side of the street, and a 400-foot setback from arterial intersections for the first full-turning movement driveway. Article 10- 104 of the Subdivision Regulations, Modification of Design Criteria, states that the MAPC may modify design criteria. The proposed 28-foot drive does not meet Access Management standards. City Traffic Engineering has reviewed the request. Though the proposed north driveway does not align with arterial access management standards, City Traffic Engineering is supportive of permitting the drive.

City sewer is located in the 35-foot platted building setback along the north property line of the subject property. City water and stormwater are located in the West 37th Street North right-of-way, and sidewalks run parallel to the street on both sides. Comments from all franchised utilities have not been received and are needed to determine whether franchise equipment is located within the described area. Conditions #3, #4, and #5 cover all utilities. Vehicular traffic, pedestrian traffic, public safety, and utilities should not be impacted by this vacation request if approved with the listed conditions.

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

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time March 2, 2023, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the described portion of access control and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Vacation of the east 28 feet of the west 89 feet of platted complete access control located on and running parallel with the north property line of as Lot 8, Block 1, Hoskinsons 2nd Addition, is contingent on approval by the Traffic Engineer and the Fire Department. 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.
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- (3) The reconstruction of the sidewalk and the replacement of any right-of-way trees shall be the applicant's responsibility, at the applicant's expense and to City Standards.
- (4) Any relocation or reconstruction of utilities made necessary by this vacation shall be to City Standards and the responsibility of the owner and at the expense of the owner, including the relocation of any power poles, equipment, or public utilities and drainage. Provide approval from those utilizes of any relocation of those impacted utilities prior to the case goes to City Council for final action.
- (5) Provide Planning with any needed easements dedicated by separate instrument with original signatures for recording with the Register of Deeds. All original dedications will go with the Vacation Order to City Council for final action and filling with the Sedgwick County Register of Deeds. These conditions must be completed prior to the case going to Council for final action.
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SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

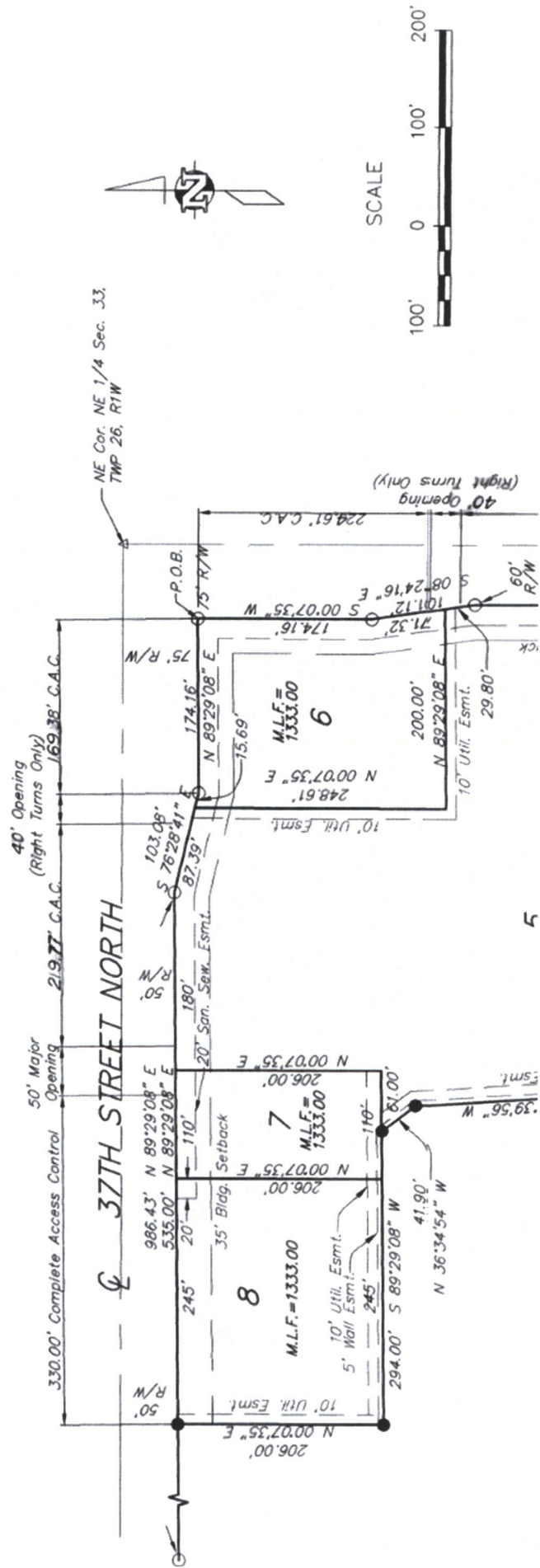
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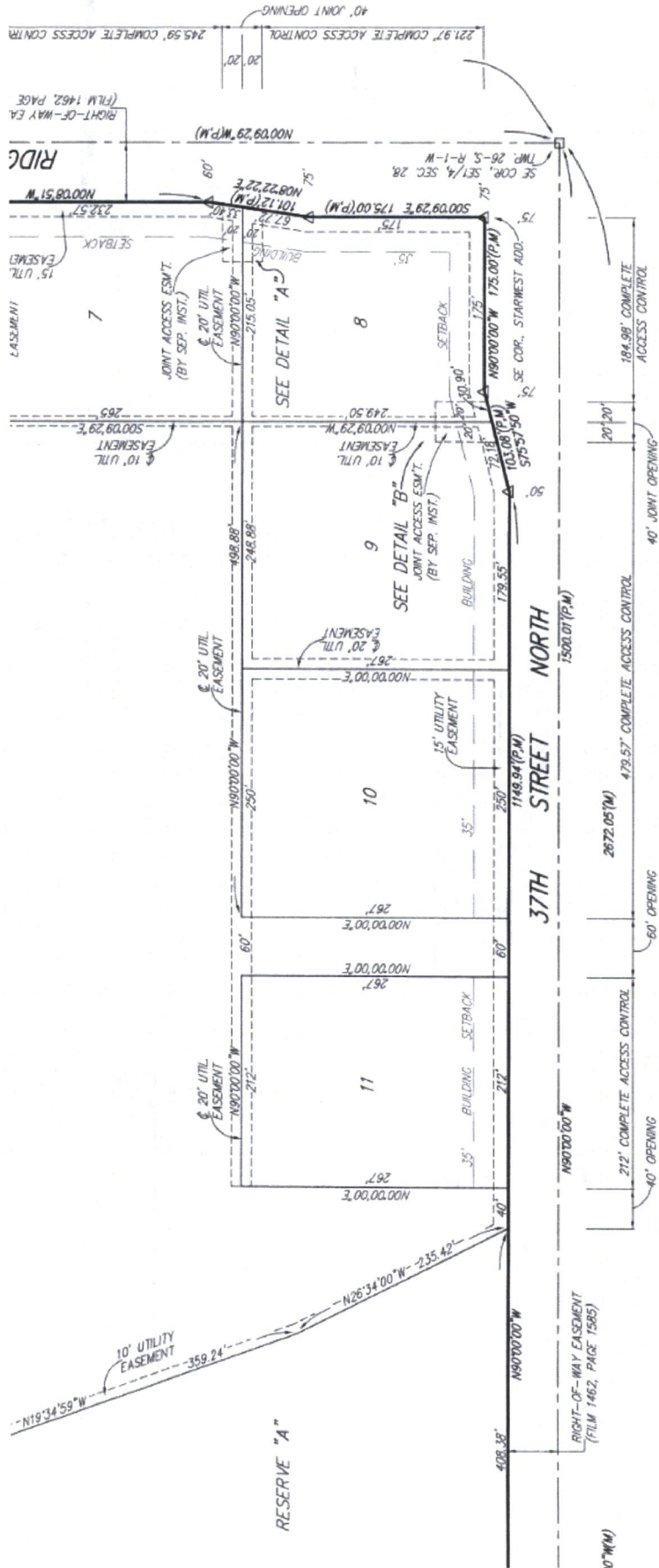
Attachments:

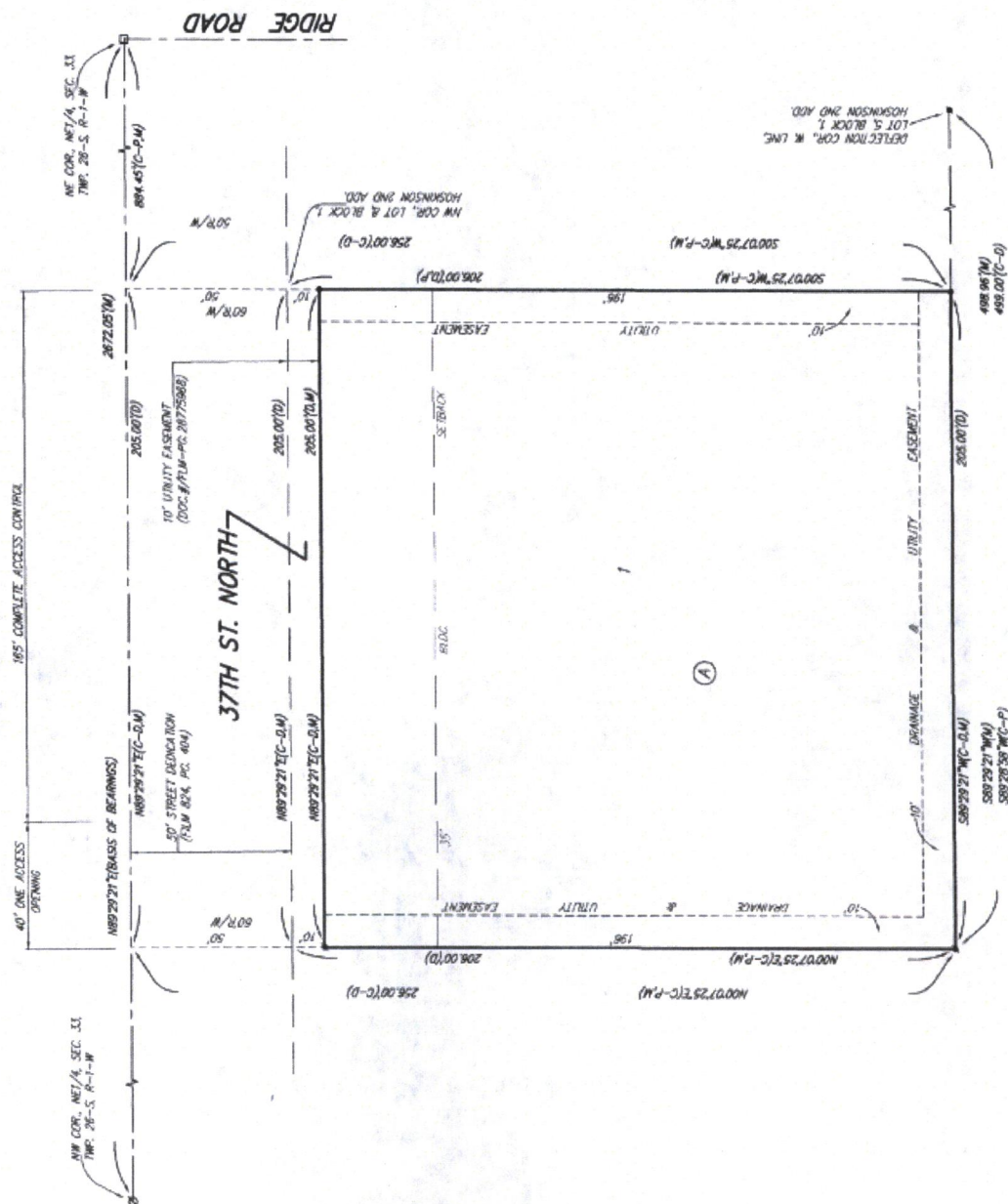
1. Excerpt from Hoskinsons 2nd Addition
2. Excerpt from Northridge Plaza Addition
3. Excerpt from Hoskinsons 3rd Addition
4. Aerial Map
5. Site Plan
6. Site Photos
7. Legal Description

Attachment 1. Excerpt from Hoskinsons 2nd Addition

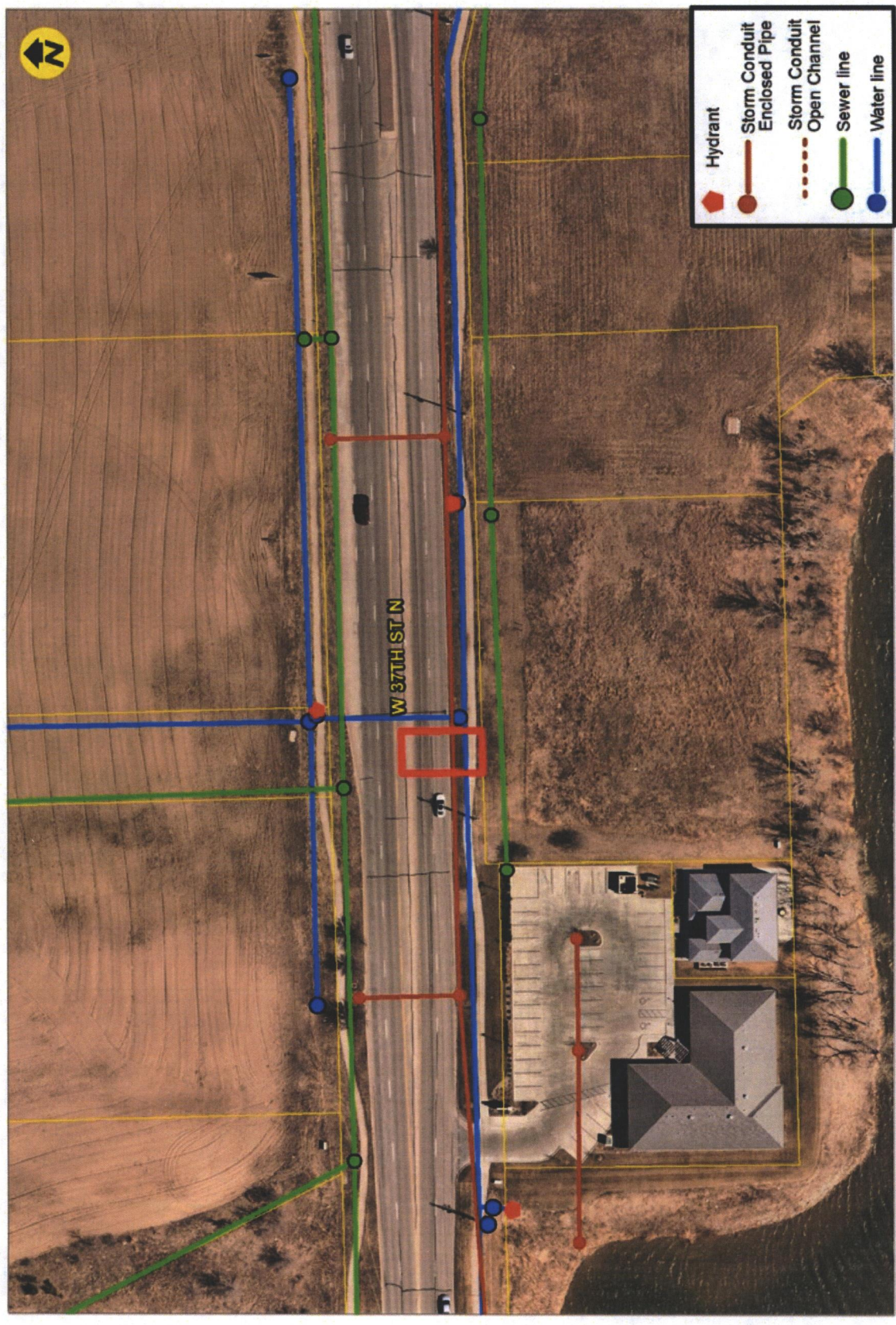


Attachment 2. Excerpt from Northridge Plaza Addition

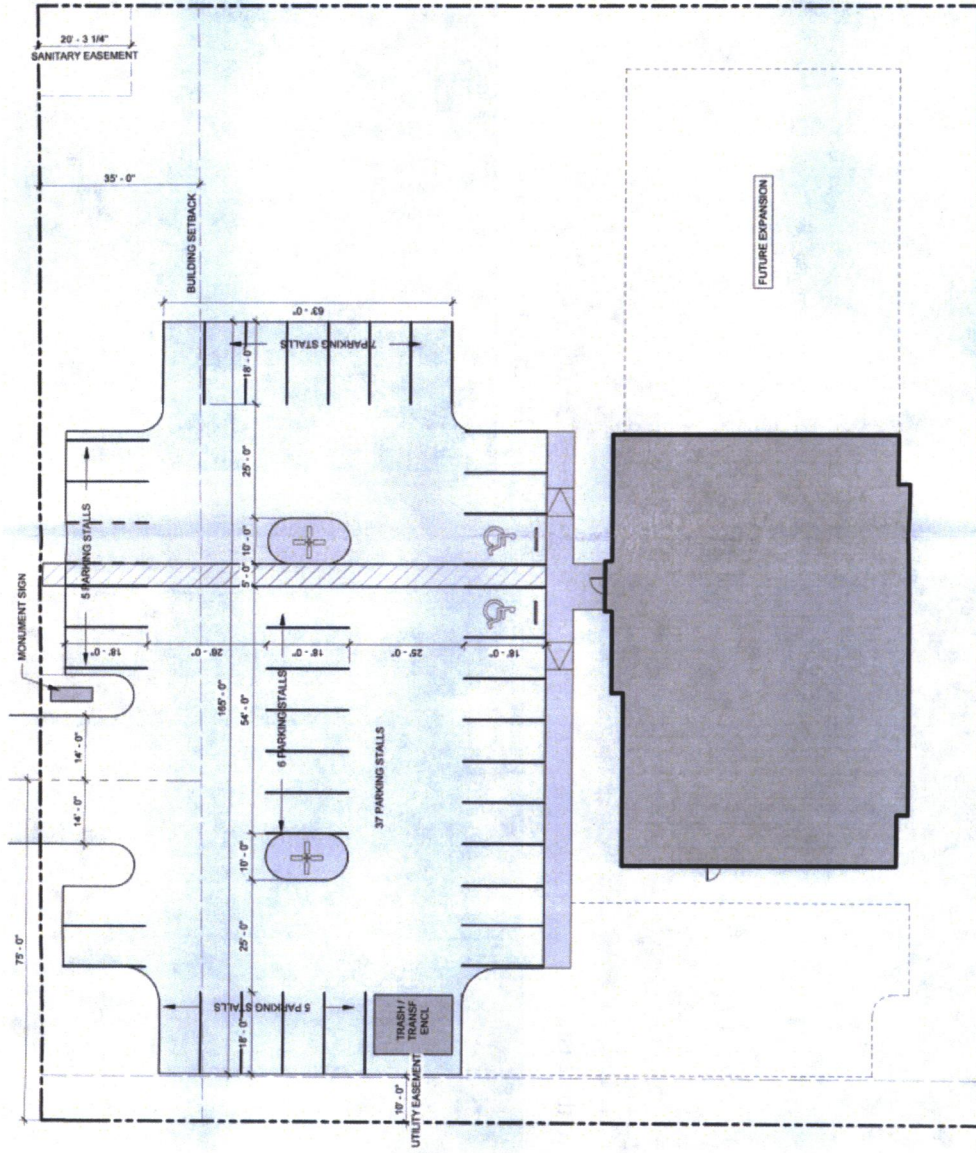


Attachment 3. Excerpt from Hoskinsons 3rd Addition

Attachment 4. Aerial Map



Attachment 5. Site Plan



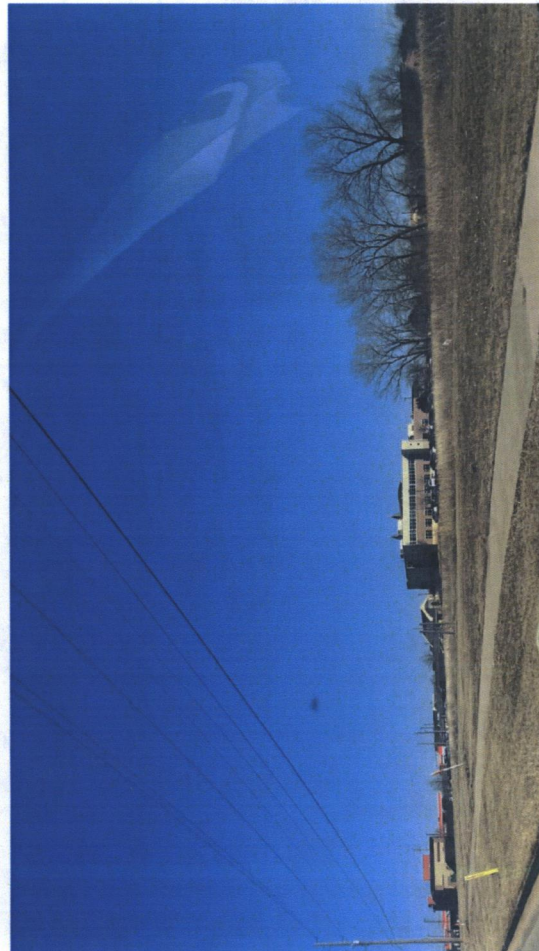
DATE: 02/08/23
 DWG NO: A0.4
 RE:

WAWRZEWSKI DENTAL

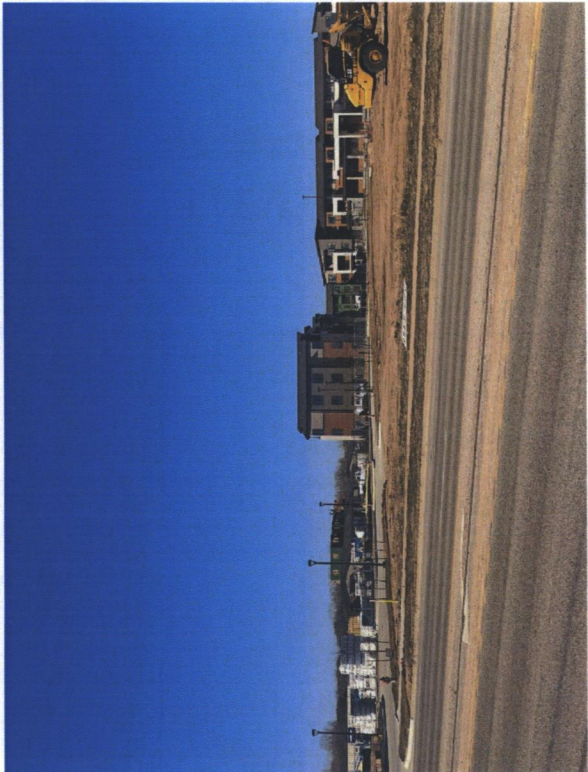
PROJECT NO. 22-0025

LSHIELDEN
 ARCHITECTURE
 100 E. FIVE, SUITE 100, MINNEAPOLIS, MN 55402 763.553.4300
 SHIELDENARCHITECTURE.COM

Attachment 6. Site Photos



The subject site and property to the east.



North of the subject site.



South of the subject site.



West of the subject site.

Legal Description:

The east 28 feet of the west 89 feet of platted complete access control on Lot 8, Block 1, Hoskinsons 2nd Addition, Sedgwick County, Kansas.