



Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30288117

Receipt #: 2412833
Pages Recorded: 2

Recording Fee: \$0.00

Cashier: vbunch

Authorized By *Tonya Buckingham*

Date Recorded: 01/29/2024 03:38:30 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 EAST SIDE OF)
NORTH ROCK ROAD AND WITHIN ONE-HALF)
MILE NORTH OF EAST 45TH STREET NORTH)**

VAC2023-00051

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 23rd day of January 2024, comes on for hearing the petition for vacation filed by Sawmill Properties, LLC (owner) praying for the vacation of a portion of a platted complete access control, to wit:

Vacating the south 35 feet of the north 55 feet of complete access control over and across the west line, Reserve A, Sawmill Creek Addition, Wichita, 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 December 7, 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 the platted complete access, 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.

January 23, 2024
VAC2023-00051

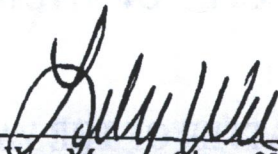
6. The vacation of the described portion of the platted complete access should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 23rd day of January 2024, ordered that the above-described portion of the platted complete access 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.

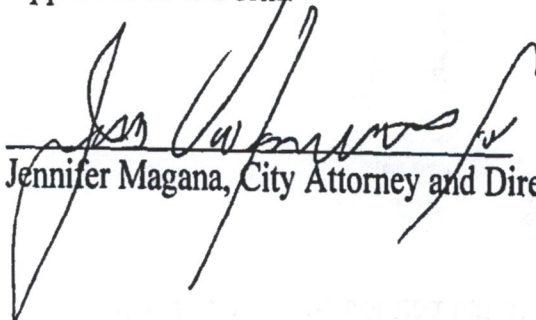
ATTEST:


Jamie Buster, City Clerk




Lily Wu, Mayor, City of Wichita

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 EAST SIDE OF)
NORTH ROCK ROAD AND WITHIN ONE-HALF)
MILE NORTH OF EAST 45TH STREET NORTH)**

VAC2023-00051

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 23rd day of January 2024, comes on for hearing the petition for vacation filed by Sawmill Properties, LLC (owner) praying for the vacation of a portion of a platted complete access control, to wit:

Vacating the south 35 feet of the north 55 feet of complete access control over and across the west line, Reserve A, Sawmill Creek Addition, Wichita, 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 December 7, 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 the platted complete access, 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.

January 23, 2024
VAC2023-00051

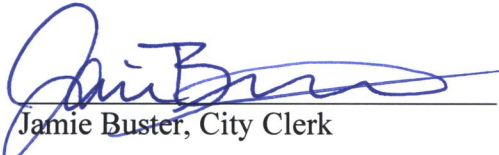
6. The vacation of the described portion of the platted complete access should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 23rd day of January 2024, ordered that the above-described portion of the platted complete access 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

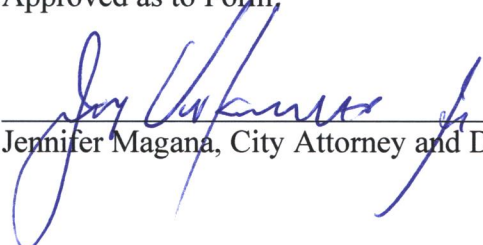
ATTEST:



Jamie Buster, City Clerk



Approved as to Form:



Jennifer Magana, City Attorney and Director of Law



Wichita-Sedgwick County Metropolitan Area Planning Department

January 24, 2024

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

Sawmill Properties, LLC
Attn: Emad Barakeh
9235 E. Harry St., Ste. 100
Wichita, KS 67207

RE: VAC2023-00051: Request in the City to vacate access control of the south 35 feet of the north 55 feet of Reserve A on property zoned SF-5 Single-Family Residential District; generally located on the east side of North Rock Road and within one-half mile North of East 45 Street North.

Dear Applicant;

At its regular meeting on **January 23, 2024**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the vacation request.

Sincerely,

Philip Zevenbergen, AICP
Current Plans
Division Manager



FILE COPY

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

December 28, 2023

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

Ref: VAC2023-00051: Vacation request in the City to vacate access control of the south 35 feet of the north 55 feet of Reserve A on property zoned SF-5 Single-Family Residential District, generally located on the east side of North Rock Road, within one-half mile south of East 45th Street North.

Kirk,

At the **Thursday, December 28, 2023**, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

- (1) Final spacing and design and design of the driveway shall meet the standards of the municipal code that governs the right-of-way at the time of permitting.
- (2) 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.
- (3) All improvements shall be according to City Standards and at the applicants' expense.
- (4) Vacation of the described portion of platted complete access control located on and running parallel with the west property line of Reserve A, Sawmill Creek Addition, is contingent on approval by the Traffic Engineer and the Fire Department.
- (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.

VAC2023-00051: Vacation request in the City to vacate access control of the south 35 feet of the north 55 feet of Reserve A on property zoned SF-5 Single-Family Residential District, generally located on the east side of North Rock Road, within one-half mile south of East 45th Street North.

December 28, 2023

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 11, 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: Sawmill Properties LLC, Emad Barakeh, 9235 E Harry St, Ste 100, Wichita KS 67207
Sawmill Creek Homeowners Association, 15413 McCormick, Goddard KS 67052



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	496666	Print Legal Ad-IPL01505650 - IPL0150565	OCA 150004	\$188.68	3	75 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 7, 2023
(One Time Only)
MAPC/BZA December 28, 2023
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, December 28, 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 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.

CON2023-00064: Conditional Use request in the City to permit Tavern and drinking establishment uses on property zoned CBD Central Business District, generally located on the east side of N St Francis Avenue, 62 ft north of East Douglas Avenue (114 N Saint Francis Ave).

CON2023-00065: Conditional Use request in the City to allow vehicle storage facility for parking inoperable vehicles, generally located on the east side of South Broadway and within one-eighth of a mile north of Interstate 235 (4204 South Broadway Avenue).

VAC2023-00048: Vacation request of the South 10 feet of the North 35 feet of the platted North setback, generally located at the Southwest corner of West 21st Street North and North Hoover Road (2131 North Hoover Road).

VAC2023-00049: Request in the City to vacate the platted alley located between South Broadway Ave. and South Topoka Ave and between East English St. on the south and East William St. on the north to facilitate redevelopment of the block.

VAC2023-00050: Vacation request in the City to vacate ten feet of a 25-foot platted setback on property zoned MF-29 Multi-Family Residential District, generally located south of East 36th Street North and west of North Rock Road.

VAC2023-00051: Vacation request in the City to vacate access control of the south 35 feet of the north 55 feet of Reserve A on property zoned SF-5 Single-Family Residential District, generally located on the east side of North Rock Road, within one-half mile south of East 45th Street North.

VAC2023-00052: Vacation request in the City to vacate platted access controls along North Greenwich Road located on the southeast corner of North Greenwich Road and East 13th Street North.

ZON2023-00068: Zone change request in the City from SF-5 Single-Family Residential District to NR Neighborhood Retail District with Protective Overlay #424 for commercial development, generally located on the east side of North Rock Road, within one-half mile north of East 45th Street North.

ZON2023-00070: Zone change request in the City from NO to LC to maintain usage rights in the NO district with PO 425 to allow Animal Care, Limited in accordance with LC district, generally located on the west side of Maize Road North and one-third of a mile south of West 21st Street North. (1901 Maize Road North).

ZON2023-00071: Zone Change request in the City from SF-5 Single-Family Residential, GC General Commercial and LC Limited Commercial to LI Limited Industrial for Wrecking/Salvage Yard use; generally located on the east side of South Broadway and within one-eighth of a mile of Interstate 235 (4204 South 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 Department 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 7, 2023

Scott Wadle, Secretary

Wichita-Sedgwick County

Metropolitan Area Planning Commission

IPL0150565

Dec 7 2023

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

1 insertion(s) published on:

12/07/23

STATE OF KANSAS)

SS

County of Sedgwick)

Stefani Beard, of lawful age, being first duly sworn, deposeth 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 12/07/2023 to 12/07/2023.

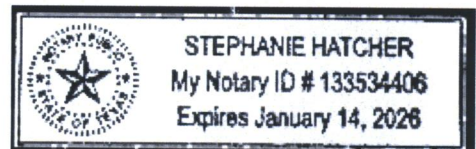
Stefani Beard

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

DATED: 12/07/2023

Stephanie Hatcher

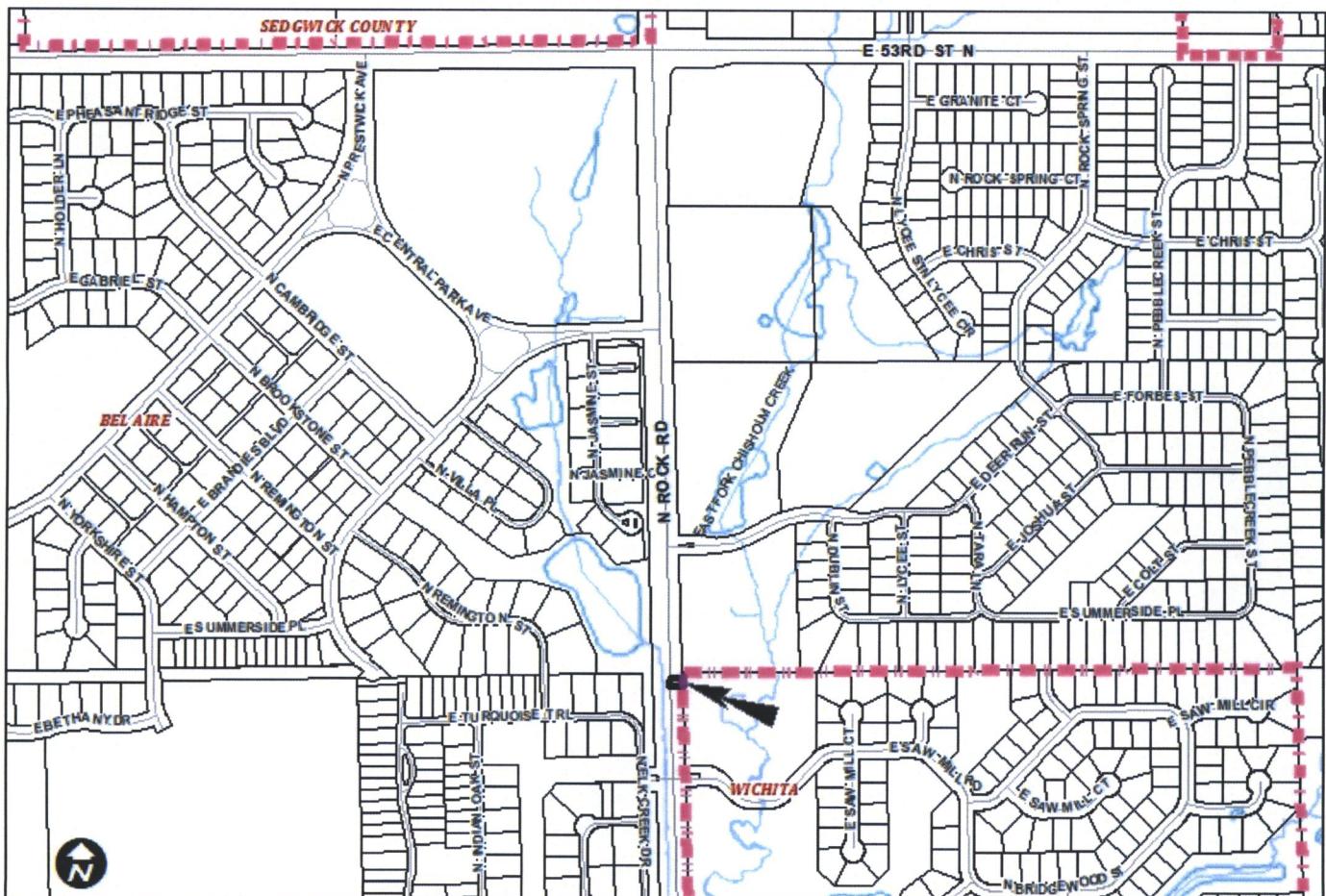
Notary Public in and for the state of Texas, residing in
Dallas County



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

STAFF REPORT

<u>CASE NUMBER:</u>	VAC2023-00051 – Request to vacate a portion of platted complete access control.
<u>OWNER/APPLICANT:</u>	Sawmill Properties, LLC (applicant); K.E. Miller Engineering, P.A. (agent).
<u>LEGAL DESCRIPTION:</u>	Generally described as vacating the south 35 feet of the north 55 feet of complete access control over and across the west line, Reserve A, Sawmill Creek Addition, Wichita, Sedgwick County, Kansas.
<u>LOCATION:</u>	Generally located on the on the east side of North Rock Road, within one-half mile north of East 45 th Street North. (District II)
<u>REASON FOR REQUEST:</u>	Permit access drive for future commercial development.
<u>CURRENT ZONING:</u>	The subject site and all abutting and adjacent properties are zoned residentially. Properties to the north, east, and south are undeveloped. Properties to the west are single-family dwellings in the City of Bel Aire.
<u>VICINITY MAP:</u>	



The applicant is requesting a vacation of a portion of platted complete access control to permit a 35-foot drive onto Reserve A, Sawmill Creek Addition. This will provide access to an undeveloped lot, which intended to assist in future commercial development. This vacation case is associated with ZON2023-00068 which is requesting a zone change from SF-5 Single-Family Residential to NR Neighborhood Retail to permit a limited number of commercial uses on the site.

The entire west property line of Reserve A and platted access control. If approved, the proposed full-movement drive would be approximately 400 feet north of the center of East Sawmill Road/ East Elk Creek rights-of-way. This portion of North Rock Road is in the City of Bel Aire. The plat that established the access control is in Wichita. Therefore, the MAPC is the property body to review the request to change the access control. That being said, in order to not supersede any differences between Wichita and Bel Aire's Access Control regulations, a condition of approval of this vacation is that the final spacing and design of the drive must meet the standards of the municipal code that governs the right-of-way on which the access would be granted.

There is a Wichita waterline in the right-of-way at this location. The construction of the drive overtop the waterline is permissible. Wichita Public Works and Utilities commented that there is an air release valve near this location. Any raising, lowering, or relocation of the air release valve will be at the applicant's expense. Wichita Traffic Engineering and Wichita Fire do not object to this vacation. Evergy and Cox have lines in or near the access control in question, but do not object to the vacation. Their lines may not be in conflict with the request. Any removal or relocation of the equipment is at the applicant's expense, or the applicant can maintain that area as an easement. Steven Chronister, Design Representative, is Evergy's contact for this area. He can be reached at 785-508-2682. The Sawmill Creek Addition was recorded January 24, 2001.

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 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 December 7, 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 platted 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) Final spacing and design and design of the driveway shall meet the standards of the municipal code that governs the right-of-way at the time of permitting.
- (2) 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.
- (3) All improvements shall be according to City Standards and at the applicants' expense.
- (4) Vacation of the described portion of platted complete access control located on and running parallel with the west property line of Reserve A, Sawmill Creek Addition, is contingent on approval by the Traffic Engineer and the Fire Department.

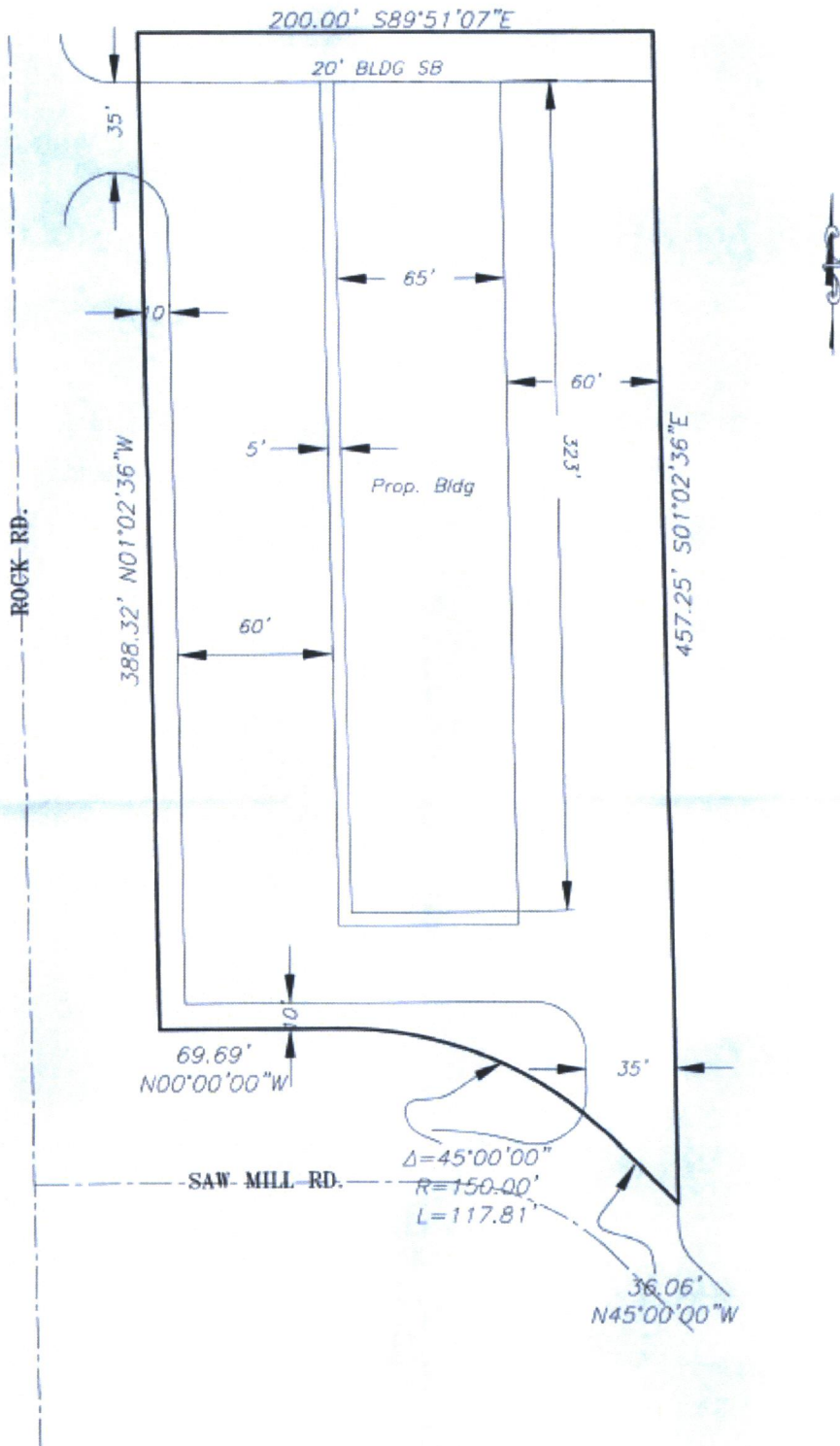
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken 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.

Attachments:

1. Vacation Exhibit
2. Aerial Map

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval per staff recommendations.



- VAC2023-00051
- 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: 11/17/2023

It is understood that while the City of Wichita Data Center Geographical Information Systems Department have no indication and reason to believe that there are inaccuracies in information incorporated in the base map, the Data Center-GIS personnel make no warranty or representation, either expressed or implied, with respect to the accuracy or completeness of the information displayed. Note: Public property represented on this map is not intended to be inclusive.

