



Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30298023

Receipt #: 2419753
Pages Recorded: 2

Recording Fee: \$0.00

Cashier: ephillip

Authorized By: *Tonya Buckingham*

Date Recorded: 03/25/2024 02:36:05 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 UTILITY EASEMENT

GENERALLY LOCATED ON THE WEST SIDE OF NORTH
HOOVER AVENUE AND WITHIN ONE-BLOCK NORTH OF
WEST CENTRAL AVENUE

VAC2024-00005

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 19th day of March 2024, comes on for hearing the petition for vacation filed by Global PDR Solutions, LLC (owner) praying for the vacation of a portion of a platted utility easement, to wit:

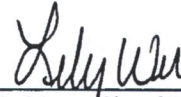
A tract of land lying within Lots 1 and 2, Block A, S.H. Sampson Addition, to Wichita, Sedgwick County, Kansas as prepared by Baughman Company, P.A., CLS 58, State of Kansas, County of Sedgwick, more particularly described as the north 5.00 feet of said Lot 1; TOGETHER with the South 5.00 feet of said Lot 2; EXCEPT the west 13.5 feet of said Lot 1, and EXCEPT the west 8.00 feet of said Lot 2.

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 February 1, 2024, 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 utility easement should be approved.

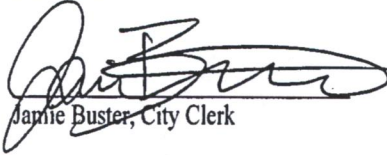
March 19, 2024
VAC2024-00005

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

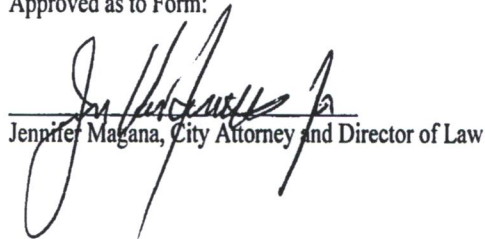


Lily Wu, Mayor, City of Wichita

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 UTILITY EASEMENT)**

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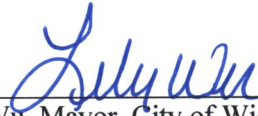
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The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on February 1, 2024, 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 utility easement should be approved.

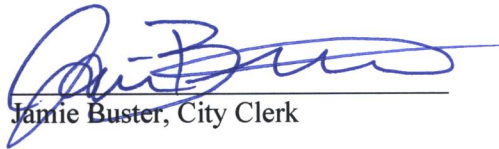
March 19, 2024
VAC2024-00005

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

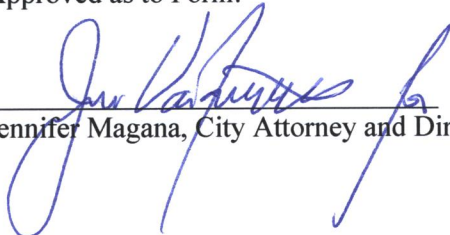
ATTEST:



Jamie Buster, City Clerk



Approved as to Form:



Jennifer Magana, City Attorney and Director of Law

March 19, 2024
VAC2024-00005



Wichita-Sedgwick County Metropolitan Area Planning Department

April 10, 2024

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

RE: VAC2024-00005: Request in the City to vacate a portion of a utility easement to allow for development on property zoned GC General Commercial (PO 282 & 416), generally located on the northwest corner of North Hoover Avenue and West Central Avenue (715 N & 721 N Hoover Ave.).

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: Global PDR Solutions, LLC, 5600 W. Central Ave., Wichita, KS 67203



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

February 22, 2024

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

Ref: VAC2024-00005: Vacation request in the City to vacate a portion of a utility easement to allow for development on property zoned GC General Commercial (PO 282 & 416), generally located on northwest corner of North Hoover Avenue & West Central Avenue (715 N & 721 N Hoover Ave).

Jay,

At the **Thursday, February 22, 2024**, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

- (1) Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the described portion of a utility easement shall be to City Standards and shall be the responsibility and at the expense of the applicant. The applicant shall provide a Private Project Sewer to Public Works and Utilities. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) As needed provide Planning with 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) Per the approval of Public Works, vacate the described portion of platted 10-foot utility easement located between Lots 1 and 2, Block A, S. H. Sampson Addition, Wichita, Sedgwick County, Kansas.
- (5) Provide Planning with a legal description of the vacated portion of the platted utility easement on a Word document via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Council for final action.
- (6) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void.

VAC2024-00005: Vacation request in the City to vacate a portion of a utility easement to allow for development on property zoned GC General Commercial (PO 282 & 416), generally located on northwest corner of North Hoover Avenue & West Central Avenue (715 N & 721 N Hoover Ave).
February 22, 2024
Page 2

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 **March 07, 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, AICP
Current Plans Division Manager

PZ:kw

cc: Global PDR Solutions, LLC, 5600 W Central, Wichita KS 67203

MAPC
February 22, 2024

2-1. <u>SUB2024-00002: One-Step Final Plat – BUNKER HILL ADDITION;</u> located East of South Oliver Avenue, 900-ft south of the intersection of South Oliver Avenue and South George Washington Boulevard (City). MOTION BY A.FOX SECOND BY C.MILES	APPROVED 14-0
2-2. <u>SUB2024-00004: One-Step Final Plat – AZMI ADDITION;</u> located West along North Hillside Avenue and 825-ft South of East 85th Street North (COUNTY). MOTION BY A.FOX SECOND BY C.MILES	APPROVED 14-0
2-3. <u>SUB2024-00005: One-Step Final Plat – BALLPARK VILLAGE 2ND ADDITION;</u> located Northwest and Northeast corners of West Maple Street and South McLean Boulevard (City). MOTION BY A.FOX SECOND BY C.MILES	APPROVED 14-0
3-1. <u>VAC2024-00001: Vacation request in the City to vacate a portion of a utility easement to allow for a walking connection between two buildings on property zoned LI Limited Industrial District,</u> generally located on southeast corner of Esthner Avenue and Meridian Avenue (2621 W Esthner Ct). MOTION BY J.BLICK SECOND BY J.WILLIAMS-BEY	APPROVED 14-0
3-2. <u>VAC2024-00002: Vacation request in the City to vacate a sewer easement under an existing building,</u> located approximately 680 feet east of the intersection of S. Seneca St. and West 31st St. S. (928 W. 31st St. S.). MOTION BY J.BLICK SECOND BY J.WILLIAMS-BEY	APPROVED 14-0
3-3. <u>VAC2024-00003: Vacation request in the City to vacate a portion of a utility easement to develop a warehouse on existing property zoned GI General Industrial District,</u> generally located on southwest corner of 37th Street N & Saint Francis Street. MOTION BY J.BLICK SECOND BY J.WILLIAMS-BEY	APPROVED 14-0
3-4. <u>VAC2024-00004: Vacation request in the City to vacate a portion of Oak Street Right-of-Way to allow to create a private parking area for a commercial campus,</u> generally located on within one-block north of West Douglas Avenue and one block west of North Sycamore (130 N Oak St). MOTION BY J.BLICK SECOND BY J.WILLIAMS-BEY	APPROVED 14-0
3-5. <u>VAC2024-00005: Vacation request in the City to vacate a portion of a utility easement to allow for development on property zoned GC General Commercial (PO 282 & 416),</u> generally located on northwest corner of North Hoover Avenue & West Central Avenue (715 N & 721 N Hoover Ave). MOTION BY J.BLICK SECOND BY J.WILLIAMS-BEY	APPROVED 14-0
3-6. <u>VAC2024-00006: Vacation request in the County to vacate a portion of access control to permit a new driveway;</u> generally located on the south side of West MacArthur Road and within one-quarter mile east of South 135th Street West (13301 West MacArthur Road). MOTION BY J.JOHNSON SECOND BY C.MILES	APPROVED 14-0

McClatchy

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
23834	514932	Print Legal Ad-IPL01573790 - IPL0157379		\$206.32	3	82 L

Attention: MANDY HEBERT

CITY OF WICHITA / MABCD
271 W 3RD ST N
3RD FLOOR STE 301
WICHITA, KS 67202
kgonzalez@wichita.gov

LEGAL PUBLICATION

OCA 150004

Published in The Wichita Eagle on February 1, 2024
(One Time Only)

MAPC/BZA February 22, 2024
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, February 22, 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, 3rd 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.

BZA2024-00002: Variance request in the City to allow 9 ft masonry wall and equipment footings within zoning setback for expansion of utility substation on property zoned SF-5 Single Family Residential District, generally located on the west side of North Hoover Road and West 1st Street North (255 N Hoover Road).

CON2024-00001: Conditional Use request in the City to allow Correctional Placement Residence, Limited with additional restrictions, with ZON2024-00001 from SF-5 Single-Family to GO General Office; located on the north side of West 31st Street South and within one-quarter mile east of South Seneca (928 W 31st St).

CON2024-00002: Conditional Use request in the City to allow Utility Major on property zoned SF-5 Single Family Residential District, generally located on the west side of North Hoover Road and West 1st Street North (255 N Hoover Road).

CUP2024-00001: Request in the City to Amend the Killarney West CUP DP-156 to permit a Kennel/Boarding/Breeding/Training facility on Parcel 6 on property zoned LC Limited Commercial; located on the east side of North Woodlawn Avenue, within one-quarter mile north of East K-96 Highway (3590 N. Woodlawn).

CUP2024-00002: Request in the City for a Major amendment to CUP DP-108 to create two new parcels and permit Entertainment Establishment in the City, located on the southwest corner of East 29th Street North and North Rock Road.

DER2023-00017: Unified Zoning Code amendment (City and County) to the Use Regulations pertaining to requirements for all Solar Energy Conversion Systems (SECS) applications.

VAC2024-00001: Vacation request in the City to vacate a portion of a utility easement to allow walking for a walking connection between two buildings on property zoned LI Limited Industrial District, generally located on southeast corner of Esthner Avenue and Meridian Avenue (2621 W Esthner Ct).

VAC2024-00002: Vacation request in the City to vacate a sewer easement under an existing building, located approximately 680 feet east of the intersection of S. Seneca St. and West 31st St. S. (928 W. 31st St. S.).

VAC2024-00003: Vacation request in the City to vacate a portion of a utility easement to develop a warehouse on existing property zoned GI General Industrial District, generally located on southwest corner of 37th Street N & Saint Francis Street.

VAC2024-00004: Vacation request in the City to vacate a portion of Oak Street Right-of-Way to allow to create a private parking area for a commercial campus, generally located on within one-block north of West Douglas Avenue and one block west of North Sycamore (130 N Oak St).

VAC2024-00005: Vacation request in the City to vacate a portion of a utility easement to allow for development on property zoned GC General Commercial (PO 282 & 416), generally located on northwest corner of North Hoover Avenue & West Central Avenue (715 N & 721 N Hoover Ave).

ZON2024-00001: Zone Change request in the City from SF-5 Single-Family to GO General Office with CON2024-00001 to allow Correctional Placement Residence, Limited with additional restrictions; located on the north side of West 31st Street South, within one-quarter mile east of South Seneca (928 W. 31st St South).

ZON2024-00002: Zone change request in the City from SF-5 Single-Family Residential to TF-3 Two-Family Residential for duplex on property located within 237 ft northwest of the intersection of West 2nd Street North and North Doris Street (321 N Doris St).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 3rd 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, 3rd 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 February 1, 2024

Scott Wadle, Secretary

Wichita-Sedgwick County

Metropolitan Area Planning Commission

IPL0157379

Feb 1 2024

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

1 insertion(s) published on:

02/01/24

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 02/01/2024 to 02/01/2024.

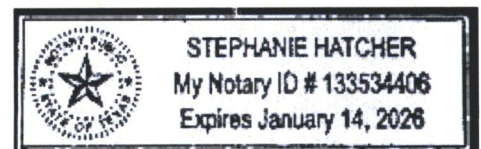
Stefani Beard

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

DATED: 02/05/2024

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!

METROPOLITAN AREA PLANNING COMMISSION

AGENDA REPORT NO. 3.5
February 22, 2024

STAFF REPORT

CASE NUMBER: VAC2024-00005 - Request to vacate a portion of a platted utility easement.

OWNER/APPLICANT: Global PDR Solutions, LLC (applicant)/ Baughman Company, P.A. (Agent)

LEGAL DESCRIPTION: Generally described as vacating the platted 10-foot utility easement between Lots 1 and 2, Block A, S.H. Sampson Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located on the west side of North Hoover Avenue and within one-block north of West Central Avenue (between 715 & 721 N. Hoover Ave.).

REASON FOR REQUEST: To allow for development across property lines under common ownership.

CURRENT ZONING: The subject site and properties to the north and south area zoned GC General Commercial District with Protective Overlays 282 and 416. Properties to the east are zoned SF-5 Single-Family Residential District and TF-3 Two-Family Residential District and are developed with residential uses. Property to the east is I-235.

VICINITY MAP:



The applicant proposes to vacate a 10-foot platted utility easement located between Lots 1 and 2, Block A, S. H. Sampson Addition, see legal description and exhibits. The subject site is located on the west side of North Hoover Avenue, within one-block north of West Central Avenue (715 and 721 North Hoover Avenue). If approved, the vacation of the utility easement would permit the applicant to developed over the property line on lots under common ownership. There are no public utilities in the subject easement.

Public Works and Utilities does not object to the vacation request. Neither Evergy nor Cox object to the vacation request. They do not have any lines or equipment in the vacation area. The Bridgeport Industrial Park 1st Addition was recorded on March 20, 1985.

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 utility easement.

- 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 February 1, 2024, 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 utility easement and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the described portion of a utility easement shall be to City Standards and shall be the responsibility and at the expense of the applicant. The applicant shall provide a Private Project Sewer to Public Works and Utilities. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) As needed provide Planning with 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) Per the approval of Public Works, vacate the described portion of platted 10-foot utility easement located between Lots 1 and 2, Block A, S. H. Sampson Addition, Wichita, Sedgwick County, Kansas.

- (5) Provide Planning with a legal description of the vacated portion of the platted utility easement on a Word document via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Council for final action.
- (6) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval per staff recommendations.

Attachments: Aerial Map, Vacation Exhibit, Legal Description

- VAC2024-00005**
- 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 1/16/2024

It is understood that while the City of Wichita, Sedgwick County, and the City of Wichita, Kansas, have no indication and reason to believe that there are inaccuracies in information incorporated in this map, the Data Users acknowledge the possibility of errors or omissions in the information or data displayed on this map and intend to be responsible for the information or data displayed on this map in not intended to be inclusive



BAUGHMAN COMPANY
315 Ellis St. Wichita, KS 67211 316-262-7271
BaughmanCo.com

January 10, 2023

Legal Description

Utility Easement Vacation— BOUNDARY DESCRIPTION

12 January, 2024

A tract of land lying within Lots 1 and 2, Block A, S.H. Sampson Addition, to Wichita, Sedgwick County, Kansas as prepared by Baughman Company, P.A., CLS 58, State of Kansas, County of Sedgwick, more particularly described as the north 5.00 feet of said Lot 1; TOGETHER with the South 5.00 feet of said Lot 2; EXCEPT the west 13.5 feet of said Lot 1, and EXCEPT the west 8.00 feet of said Lot 2.