



Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30298020

Receipt #: 2419753
Pages Recorded: 2

Recording Fee: \$0.00

Authorized By: *Tony Buckingham*

Cashier: ephillip

Date Recorded: 03/25/2024 02:36:02 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 WITHIN ONE-BLOCK WEST OF
SOUTH MERIDIAN AVENUE AND 500 FEET SOUTH OF
WEST ESTHNER AVENUE**

VAC2024-00001

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 19th day of March 2024, comes on for hearing the petition for vacation filed by Casamento Enterprises, 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 6, MERIDIAN INDUSTRIAL PARK 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 commencing at the southwest corner of said Lot 1; thence north coincident with the west line of said Lot 1, 11.4 feet more or less to a point 10.00 feet normally distant north of the south line of said Lot 1 and 6 and to a point in the north line of a 10.00 foot wide Utility Easement as platted in said MERIDIAN INDUSTRIAL PARK ADDITION, and to the Point of Beginning; thence southwesterly coincident with the north line of said 10.00 foot wide Utility Easement, 11.45 feet to a point 10.00 feet normally distant west of the east line of said Lot 6, and to a point in the west line of a 20.00 foot wide Utility Easement as platted in said MERIDIAN INDUSTRIAL PARK ADDITION; thence north coincident with the west line of said 20.00 foot wide Utility Easement, 123.0 feet to a point in the north line of said Lot 6; thence southeasterly coincident with the north line of said Lot 6, 11.5 feet to the eastern most northeast corner of said Lot 6; thence continue southeasterly coincident with the easterly extension of the north line of said Lot 6, 11.5 feet; thence south coincident with the east line of said 20.00 foot wide Utility Easement, 100.3 feet more or less to a point in the north line of said 10.00 foot wide Utility Easement; thence southwesterly coincident with the north line of said 10.00 foot wide Utility Easement, 11.4 feet to the Point of Beginning.

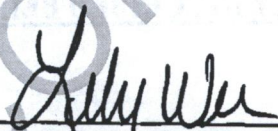
The City Council, after being duly and fully informed as to fully understand the true

March 19, 2024
VAC2024-00001

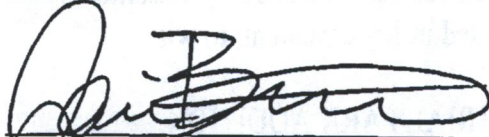
nature of this petition and the propriety of granting the same, makes the following findings:

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.

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.

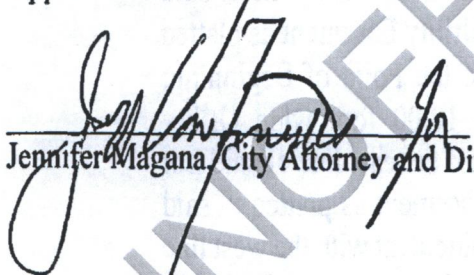

Lily Wu, Mayor, City of Wichita

ATTEST:


Jamie Buster, City Clerk



Approved as to Form:


Jennifer Magana, City Attorney and Director of Law

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

**IN THE MATTER OF THE VACATION OF A PORTION OF A)
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**GENERALLY LOCATED WITHIN ONE-BLOCK WEST OF)
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The City Council, after being duly and fully informed as to fully understand the true

March 19, 2024
VAC2024-00001

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.

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



Wichita-Sedgwick County Metropolitan Area Planning Department

April 10, 2024

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

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

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: Casamento Enterprises, LLC., 1837 S. Meridian Ave., Wichita, KS 67213



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

February 22, 2024

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

Ref: 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, generally located on the southeast corner of Esthner Avenue and Meridian Avenue (2621 W. Esthner Ct.).

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. 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 20-foot utility easement located on between Lots 1 and 6, Meridian Industrial Park 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

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, generally located on the southeast corner of Esthner Avenue and Meridian Avenue (2621 W. Esthner Ct.).
February 22, 2024
Page 2

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,

A handwritten signature in black ink, appearing to read "Philip Zevenbergen", with a long horizontal flourish extending to the right.

Philip Zevenbergen, AICP
Current Plans Division Manager

PZ:kw

cc: Casamento Enterprises, LLC., 1837 S. Meridian Ave., Wichita, KS, 67213



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.

DEF2023-00017: 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 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 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.

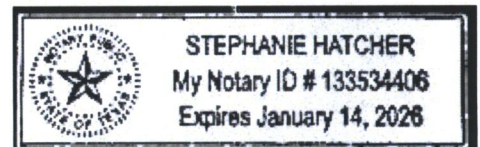
Stefani Beard

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!

STAFF REPORT

CASE NUMBER: VAC2024-00001 - Request to vacate a portion of a platted utility easement.

OWNER/APPLICANT: Casamento Enterprises, LLC (applicant)/ Baughman Company, P.A. (Agent)

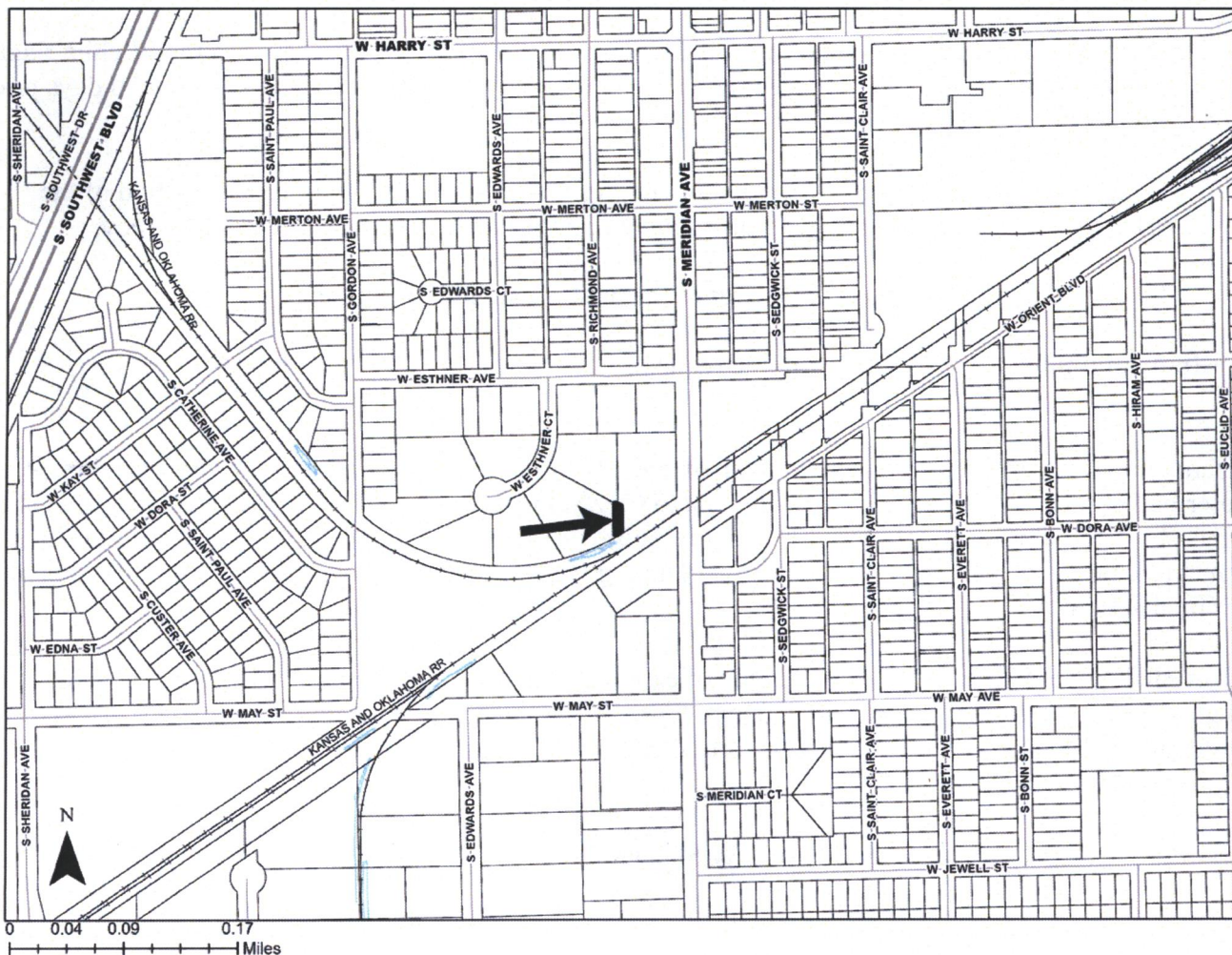
LEGAL DESCRIPTION: Generally described as vacating a portion of a platted 20-foot utility easement (see attached legal description) along the east property line.

LOCATION: Generally located within one-block west of South Meridian Avenue and approximately 500 feet south of West Esthner Avenue (2621 W. Esthner Court).

REASON FOR REQUEST: To permit a walking connection between buildings.

CURRENT ZONING: The subject site and properties to the south and west are zoned LI Limited Industrial District and are developed with commercial manufacturing and warehousing uses.

VICINITY MAP:



The applicant proposes to vacate a portion of a platted 20-foot utility easement located on the center line between Lots 1, 5, and 6, Meridian Industrial Park Addition, see legal description and exhibits. If approved the vacation will allow the owners to create a structural walking connection between the buildings addressed as 2621 West Esthner Court (Lot 6) and 1825 South Meridian Avenue (Lot 1). The request is to vacate only that portion of the utility easement that is located between Lots 1 and 6. The portion of the easement that is located between The northern portion of Lot 1 and all of Lot 5 is not part of this request. There are no public utilities located within the subject portion of the easement. Water and sewer are provided to the either in the West Esthner Court right-of-way or in a platted utility easement running along the north line of Lots 1 and 5.

Public Works and Utilities and Wichita Fire do not object to this vacation request. Neither Evergy nor Cox object to this vacation. They do not have any lines or equipment in the easement to vacated. The Meridian Industrial Park Addition was recorded on May 12, 1975.

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. 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 20-foot utility easement located

on between Lots 1 and 6, Meridian Industrial Park 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, Easement Exhibit, Legal Description

- VAC2024-00001 Storm Structures
- Enclosed Gravity Pipe
- Force Main
- Open Channel
- Siphon
- ◆ Water Hydrants
- Sewer Manholes
- Sewer Mains
- Water Valves
- Water Mains

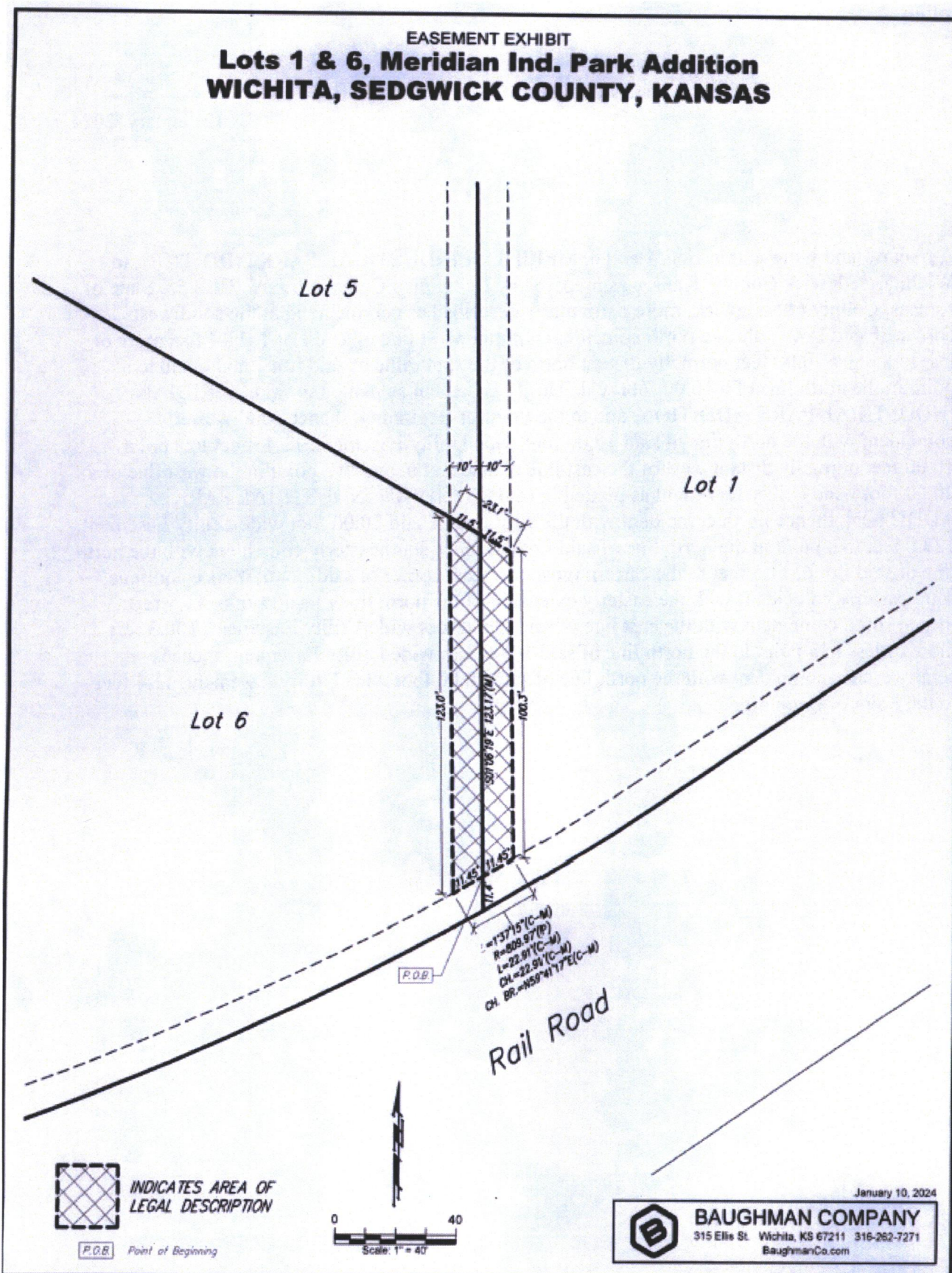


Software: ArcGIS
 Map Data Sources:
 City of Wichita
 Sedgwick County

Prepared: 1/16/2024

It is understood that while the City of Wichita Data Center GIS personnel have made every effort to ensure the accuracy of the information incorporated in this map, the Data Center-GIS personnel make no warranty or representation, either expressed or implied, with respect to the information or data displayed on this map. The information represented on this map is not intended to be inclusive.





Legal Description

Utility Easement Vacation– BOUNDARY DESCRIPTION

12 January, 2024

A tract of land lying within Lots 1 and 6, MERIDIAN INDUSTRIAL PARK 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 commencing at the southwest corner of said Lot 1; thence north coincident with the west line of said Lot 1, 11.4 feet more or less to a point 10.00 feet normally distant north of the south line of said Lot 1 and 6 and to a point in the north line of a 10.00 foot wide Utility Easement as platted in said MERIDIAN INDUSTRIAL PARK ADDITION, and to the Point of Beginning; thence southwesterly coincident with the north line of said 10.00 foot wide Utility Easement, 11.45 feet to a point 10.00 feet normally distant west of the east line of said Lot 6, and to a point in the west line of a 20.00 foot wide Utility Easement as platted in said MERIDIAN INDUSTRIAL PARK ADDITION; thence north coincident with the west line of said 20.00 foot wide Utility Easement, 123.0 feet to a point in the north line of said Lot 6; thence southeasterly coincident with the north line of said Lot 6, 11.5 feet to the eastern most northeast corner of said Lot 6; thence continue southeasterly coincident with the easterly extension of the north line of said Lot 6, 11.5 feet; thence south coincident with the east line of said 20.00 foot wide Utility Easement, 100.3 feet more or less to a point in the north line of said 10.00 foot wide Utility Easement; thence southwesterly coincident with the north line of said 10.00 foot wide Utility Easement, 11.4 feet to the Point of Beginning.