



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

August 13, 2024

Joshua Blecher
14841 W 70h Ct. North
Colwich, KS 67030

Ref: VAC2024-00027: Vacation request in the City to vacate the platlor's text to amend the uses allowed in Reserve A, NW Pump Station Addition, generally located on the south side of West 21st Street North and within one-block east of North 135th Street West.

Joshua,

At the **Tuesday, August 13, 2024**, meeting of the Wichita City Council, the above-referenced vacation request was **approved**.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Philip Zevenbergen', written over the typed name and title.

Philip Zevenbergen, AICP
Current Plans Division Manager



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

July 17, 2024

Joshua Blecher
14841 W 70h Ct. North
Colwich, KS 67030

Ref: VAC2024-00027: Vacation request in the City to vacate the platlor's text to amend the uses allowed in Reserve A, NW Pump Station Addition, generally located on the south side of West 21st Street North and within one-block east of North 135th Street West.

Joshua,

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

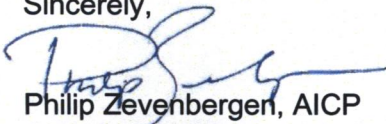
- (1) Vacate the platlor's text to permit private ownership and maintenance; permit the uses within the underlying zoning district for the north 141.83 feet; and change ownership and maintenance of the south 90 feet of platted Reserve A, NW Pump Station Addition, while retaining that Reserve A will continue to be used for drainage, landscaping, pedestrian improvements, signage, and utilities confined to easements
- (2) As needed provide easements for public and franchised utilities. As needed provide letters/conformation from franchised utility representatives stating that their utilities are protected by the appropriate easements. Easements for public utilities, with original signatures, must be provided to Planning prior to VAC2024-00027 proceeds to the City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- (3) As needed provided Public Works, including Stormwater (and any other utility located within the subject reserve) with a private project plan for sidewalks located within the subject reserve for review and approval. The side walk(s) shall be constructed to City Standards and at the applicant's expense. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to VAC2024-00027 proceeds to the City Council for final action.
- (4) All improvements shall be according to City Standards and at the applicants' expense.
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

All of the above conditions have been completed. This case will be scheduled for final action by the Wichita City Council **August 11, 2024**. 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.

VAC2024-00027: Vacation request in the City to vacate the platlor's text to amend the uses allowed in Reserve A, NW Pump Station Addition, generally located on the south side of West 21st Street North and within one-block east of North 135th Street West.

Page 2

Sincerely,

A handwritten signature in blue ink, appearing to read "Philip Zevenbergen", written over the printed name.

Philip Zevenbergen, AICP
Current Plans Division Manager



Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30328829

Receipt #: 2440112
Pages Recorded: 2

Recording Fee: \$0.00

Cashier: KVENATOR

Authorized By: *Tonya Buckingham*

Date Recorded: 08/20/2024 04:14:42 PM



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

**IN THE MATTER OF THE VACATION OF THE PLATTOR'S
TEXT OF A PLATTED RESERVE**

**GENERALLY LOCATED ON THE SOUTH SIDE OF WEST
21ST STREET NORTH AND WITHIN ONE-QUARTER MILE
EAST OF NORTH 135TH STREET WEST**

VAC2024-00027

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 13th day of August 2024, comes on for hearing the petition for vacation filed by the City of Wichita (owner) praying for the vacation of the plattor's text for Reserve "A", to wit:

The plattor's text for Reserve A, NW Pumpstation Addition, Wichita Sedgwick County, Kansas shall hereby state:

Reserve "A" is hereby platted for drainage, landscaping, pedestrian improvements, signage, and utilities confined to easements. Uses within the north 141.83 feet of Reserve "A" shall also include those uses permitted in the underlying zoning district. The North 141.83 feet of Reserve "A" shall be privately owned and maintained. The South 90 feet of Reserve "A" shall be owned and maintained by the City of Wichita.

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:

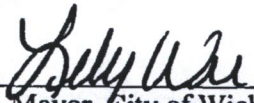
1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on May 23, 2024, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the described plattor's text and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petitioner ought to be granted.
4. No written objection to said vacation has been filed with the City Clerk by any owner or

August 13, 2024
VAC2024-00027

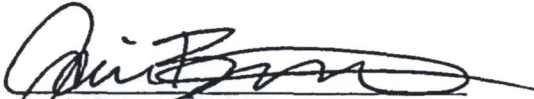
adjoining owner who would be a proper party to the petition.

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

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13th day of August 2024, ordered that the above-described plattor's text for Reserve "A" 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.

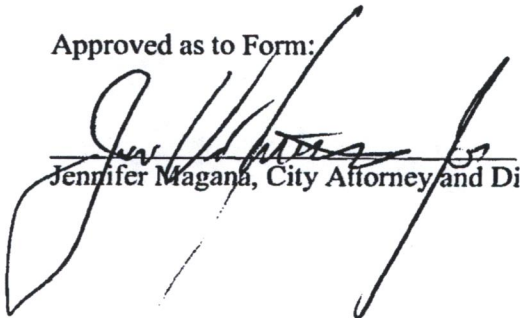

Lily Wu, Mayor, City of Wichita

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 THE PLATTOR'S
TEXT OF A PLATTED RESERVE**

**GENERALLY LOCATED ON THE SOUTH SIDE OF WEST
21ST STREET NORTH AND WITHIN ONE-QUARTER MILE
EAST OF NORTH 135TH STREET WEST**

VAC2024-00027

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 13th day of August 2024, comes on for hearing the petition for vacation filed by the City of Wichita (owner) praying for the vacation of the plattor's text for Reserve "A", to wit:

The plattor's text for Reserve A, NW Pumpstation Addition, Wichita Sedgwick County, Kansas shall hereby state:

Reserve "A" is hereby platted for drainage, landscaping, pedestrian improvements, signage, and utilities confined to easements. Uses within the north 141.83 feet of Reserve "A" shall also include those uses permitted in the underlying zoning district. The North 141.83 feet of Reserve "A" shall be privately owned and maintained. The South 90 feet of Reserve "A" shall be owned and maintained by the City of Wichita.

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 May 23, 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 plattor's text and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petitioner ought to be granted.
4. No written objection to said vacation has been filed with the City Clerk by any owner or

August 13, 2024
VAC2024-00027

adjoining owner who would be a proper party to the petition.

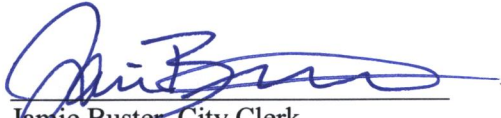
5. The vacation of the described plattor's text should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13th day of August 2024, ordered that the above-described plattor's text for Reserve "A" 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

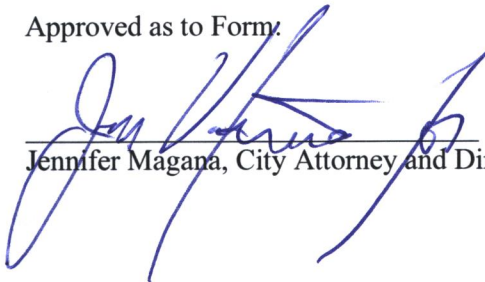
ATTEST:



Jamie Buster, City Clerk



Approved as to Form:



Jennifer Magana, City Attorney and Director of Law



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenot 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	554268	Print Legal Ad-IPL01740880 - IPL0174088	OCA 150004	\$201.86	3	80 L

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

MHEBERT@wichita.gov

OCA 150004
Published in The Wichita Eagle on May 23, 2024
(One Time Only)
MAPC/BZA June 13, 2024
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, June 13, 2024, no earlier than 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held in person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation is encouraged (see instructions below). Virtual participation is not available. If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421.

BZA2024-00022: Variance request in the City to allow an Electronic Message Sign on property zoned TF-3 Two-Family Residential District; generally located at the intersection of North River Boulevard and West Briggs Avenue (1101 West River Boulevard).

BZA2024-00027: Variance request in the City to permit a Sexually Oriented Business within 500 feet of residential zoning on property zoned GC General Commercial; located on the east side of South Broadway Avenue and one-quarter mile south of East 47th Street South (4950 South Broadway).

BZA2024-00028: Variance request in the City to reduce the minimum lot size to build a duplex in TF-3 Two-Family Residential zoning from 6,000 square feet to approximately 3,000 square feet on property located one block south of West 21st Street North and one block east of North Arkansas Ave (512 West 20th Street North).

CUP2024-00015: CUP Amendment request in the City to DP-249 to amend the permitted uses on Parcel 5 (with ZON2024-00026 from GC to LI) to permit Freight Terminal and RV Sales and Service; located south of East 47th Street South and on the west side of I-135.

PUD2024-00009: Zone Change request in the City from SF-5 Single-Family to PUD to create the Blackbear Bosin-Price PUD #126 to convert school into apartments and permit single-family, duplexes, or fourplexes on school grounds; located one-block west of North Woodlawn and two blocks south of East 13th Street North.

VAC2024-00026: Vacation request in the City of the 40-foot platted front setback; generally located on the east side of South Decker Drive and within 400 feet south of West Maple Street (346 South Decker Drive).

VAC2024-00027: Vacation request in the City to vacate Reserve A on property zoned SF-5 Single-Family Residential; located one-quarter mile east of North 135th Street West and just south of West 21st Street North (13425 West 21st Street North).

VAC2024-00028: Vacation request in the City to vacate 5 feet of a platted 25-foot street side setback to construct a detached garage on property zoned SF-5 Single-Family Residential; generally located on-block south of West Maple Street and one block west of South Woodchuck Lane (384 South Floyd).

VAC2024-00029: Vacation request in the City to reduce the platted building setback from 30 feet to 25 feet on property located between 7811 and 7837 East Pagent Lane.

VAC2024-00031: Vacation request in the City to vacate a 15-foot contingent street, drainage and utility easement and a 32-foot contingent right-of-way dedication for future development on property zoned GC General Commercial; located on the south side of East 47th Street South and West of I-135.

ZON2024-00025: Zone Change request in the City from SF-5 Single-Family Residential to TF-3 Two-Family Residential; generally located one-block east of North Hillside Avenue and within two blocks north of East 25th Street North (2710 North Holyoke Street).

ZON2024-00026: Zone Change request in the City from GC General Commercial to LI Limited Industrial (with CUP2024-00015) to permit freight terminal and RV sales and service; generally located south of East 47th Street South and on the west side of I-135.

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 May 23, 2024

Scott Wadle, Secretary

Wichita-Sedgwick County

Metropolitan Area Planning Commission

IPL0174088

May 23 2024

In The STATE OF KANSAS

In and for the County of Sedgwick

1 insertion(s) published on:

05/23/24

STATE OF KANSAS)

SS

County of Sedgwick)

Mary Castro, 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 05/23/2024 to 05/23/2024.

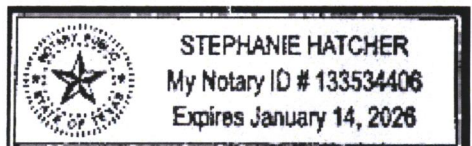
Mary Castro

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

DATED: 05/23/2024

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:

VAC2024-00027 – City Vacation of platlor’s text to amend the uses allowed in a platted reserve and amend ownership and maintenance of the reserve.

APPLICANT:

City of Wichita (Applicant)/ Joshua Belcher (contract purchaser).

LEGAL DESCRIPTION:

Generally described as vacating the platlor’s text to amend the uses allowed in the platted Reserve A, NW Pump Station Addition, Wichita, Sedgwick County, Kansas

LOCATION:

Generally located on the south side of West 21st Street North and within one-block east of North 135th Street West.(WCC V)

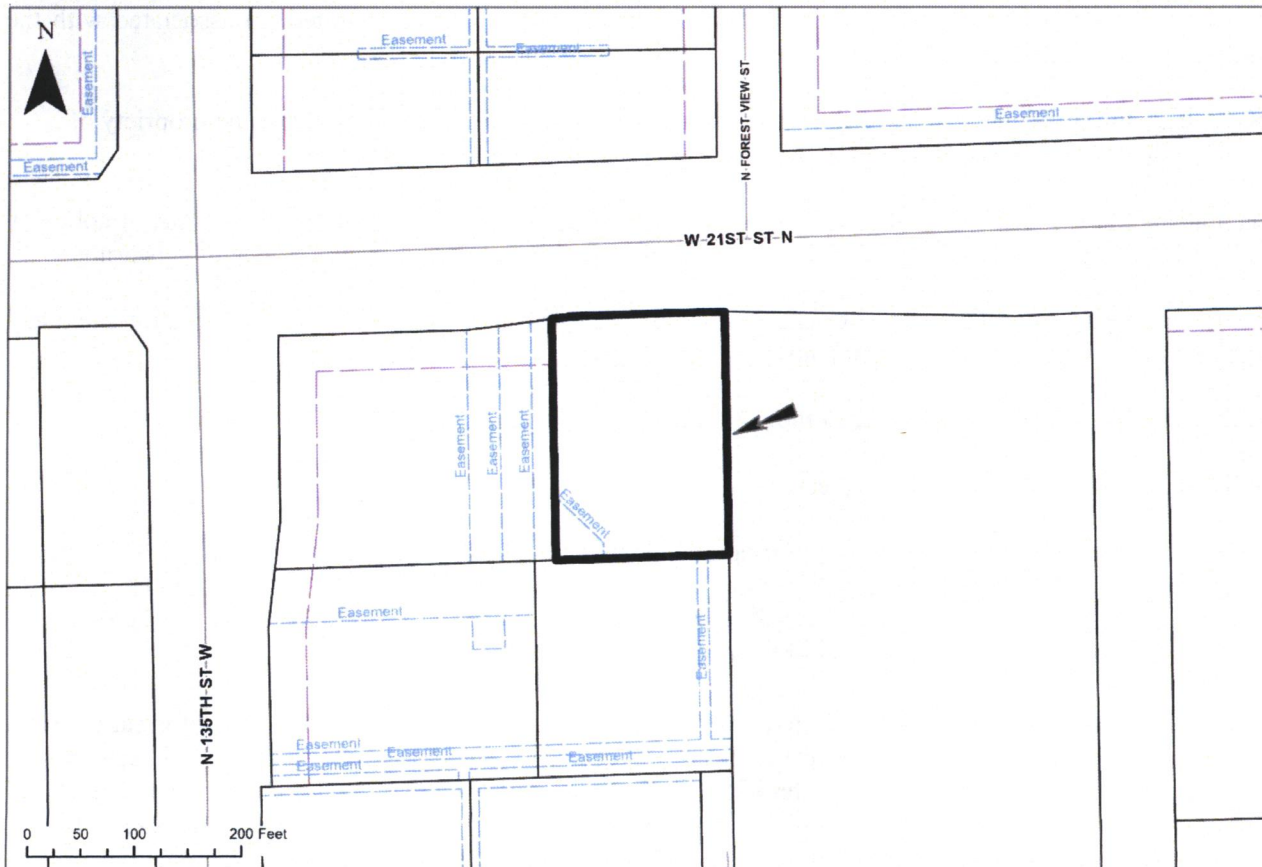
REASON FOR REQUEST:

Construct a commercial building.

CURRENT ZONING:

The subject site is zoned SF-5 Single-Family Residential District (SF-5) with CON2010-00029, which permits a 120-foot Wireless Communications Facility (not constructed). Property to the east is zoned SF-20 Single-Family Residential District (SF-20) and is an agricultural field. Properties to the south and west are zoned SF-5 and LC Limited Commercial District (LC) with CON2000-00040, which permits a treatment plant, pump station and fire station. These properties are developed with a pump station and fire station per the Conditional Use.

VICINITY MAP:



The applicant is requesting the vacation of the platlor's text to amend the uses allowed in the platted Reserve A, NW Pump Station Addition. The subject Reserve is located directly south of West 21st Street North and within one-block east of North 135th Street West. If approved, the applicant is proposing to construct a commercial building within the north 141.83 feet. The subject site is currently zoned SF-5, and a zone change would need to be approved prior to the issuance of a commercial building permit.

The platlor's text for Reserve A states: "Reserve 'A' is hereby platted for drainage, landscaping, pedestrian improvements, signage, and utilities confined to easements. The applicant is proposing to include the following text, "Uses within the north 141.83 feet of Reserve A shall also include those uses permitted within the underlying zoning district." As stated before, the current underlying zoning district is SF-5, and therefore it would allow uses within the SF-5 District. The proposed language supports any type of zone change that would permit additional uses based on whatever zoning district is established in the future. The proposed text does not eliminate the existing text.

The platlor's text further states that "Reserve 'A' shall be owned and maintained by an owner's association to be formed within NW Main Pump Station." Reserve A is currently owned and maintained by the City of Wichita. The City is proposing to sell the north 141.83 feet of Reserve A to the contract purchaser on this application. The applicant is requesting that this portion of the platlor's text to be changed to state, "The south 90 feet of Reserve 'A' shall be owned and maintained by the City of Wichita. The north 143.83 feet of Reserve 'A' shall be privately owned and maintained."

Wichita Public Work and Utilities, Wichita Fire, Wichita Traffic Engineering, and Wichita Stormwater do not object to the vacation of platlor's text. Neither Everygy nor Cox object to the vacation request. The NW Pump Station Addition was recorded August 30, 2001.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works, Water & Sewer, Stormwater, Traffic, 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 platlor's text of a platted reserve.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time May 23, 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 platlor's text and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Vacate the platlor's text to permit private ownership and maintenance; permit the uses within the underlying zoning district for the north 141.83 feet; and change ownership and maintenance of the south 90 feet of platted Reserve A, NW Pump Station Addition, while retaining that Reserve A will continue to be used for drainage, landscaping, pedestrian improvements, signage, and utilities confined to easements
- (2) As needed provide easements for public and franchised utilities. As needed provide letters/conformation from franchised utility representatives stating that their utilities are protected by the appropriate easements. Easements for public utilities, with original signatures, must be provided to Planning prior to VAC2024-00027 proceeds to the City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.

- (3) As needed provided Public Works, including Stormwater (and any other utility located within the subject reserve) with a private project plan for sidewalks located within the subject reserve for review and approval. The side walk(s) shall be constructed to City Standards and at the applicant's expense. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to VAC2024-00027 proceeds to the City Council for final action.
- (4) All improvements shall be according to City Standards and at the applicants' expense.
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval per staff recommendations.

Attachments:

1. Vacation Exhibit
2. Aerial Map

