



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

August 13, 2024

CDM Development, LLC
3611 North Ridge Road
Wichita, KS 67205

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

Ref: VAC2024-00032: Vacation request in the City to vacate a portion of a platted wall easement and a portion of a platted utility easement on property located on the west side of North Ridge Road and within one-quarter mile south of West 37th Street North (3611 North Ridge Road).

To Whom it May Concern,

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

Sincerely,



Philip Zevenbergen, AICP
Current Plans Division Manager

VAC2024-00032: Vacation request in the City to vacate a portion of a platted wall easement and a portion of a platted utility easement on property located on the west side of North Ridge Road and within one-quarter mile south of West 37th Street North (3611 North Ridge Road).

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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.

Sincerely,



Philip Zevenbergen, AICP
Current Plans Division Manager



Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30328828

Receipt #: 2440112
Pages Recorded: 2

Recording Fee: \$0.00

Cashier: KVENATOR

Authorized By: *Tonya Buckingham*

Date Recorded: 08/20/2024 04:14:41 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 FIVE-FOOT WALL EASEMENT AND A PORTION
OF A PLATTED TEN-FOOT UTILITY EASEMENT**

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

VAC2024-00032

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 13th day of August 2024, comes on for hearing the petition for vacation filed by CDM Development, LLC (owner) praying for the vacation of a portion of a five-foot wall easement and a portion of a 10-foot utility easement, to wit:

Vacation of a portion of the 5-foot wall easement:

A portion of the 5.00-foot-wide Wall Easement lying within Lot 9, Block 1, Hoskinson 2nd Addition, Sedgwick County, Kansas, as prepared by Baughman Company, P.A. CLS 58, State of Kansas, County of Sedgwick, more particularly described as Beginning at the southwest corner of Lot 9, in said Block 1; thence N18°44'14"W, coincident with the west line of Lot 9, in said Block 1, 218.00 feet; thence N77°23'06"E, 5.03 feet to a point in the east line of said 5.00-foot-wide Wall Easement; thence S18°44'14"E, coincident with the east line of said 5.00-foot-wide Wall Easement, 219.11 feet to a point in the south line of Lot 9, in said Block 1; thence S89°29'08"W, coincident with the south line of Lot 9, in said Block 1, 5.26 feet to the Point of Beginning.

Vacation of a portion of the 10-foot utility easement:

A portion of the 10.00-foot-wide Utility Easement lying within Lot 9, Block 1, Hoskinson 2nd Addition, 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 Lot 9, in said Block 1; thence N89°29'08"E, coincident with the south line of Lot 9, in said Block 1, 5.26 feet to a point in the west line of said 10.00-foot-wide Utility Easement, and to a point in the east line of a 5.00-foot-wide Wall Easement as platted in said Hoskinson 2nd Addition, and to the Point of Beginning; thence

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N18°44'14"W, coincident with the west line of said 10.00-foot-wide Utility Easement, and the east line of said 5.00-foot-wide Wall Easement, 219.11 feet; thence N77°23'06"E, 10.06 feet to a point in the east line of said 10.00-foot-wide Utility Easement; thence S18°44'14"E, coincident with the east line of said 10.00-foot-wide Utility Easement, 221.33 feet to a point in the south line of Lot 9, in said Block 1; thence S89°29'08"W, coincident with the south line of Lot 9, in said Block 1, 10.53 feet to the Point of Beginning.

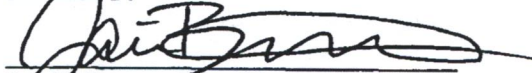
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

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 portion of a five-foot wall easement and a portion of a 10-foot 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 five-foot wall easement and a portion of a 10-foot utility easement should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13th day of August 2024, ordered that the above-described portion of a five-foot wall easement and a portion of a 10-foot utility easement are 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.

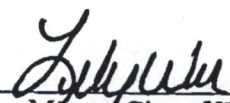
ATTEST:


Jamie Buster, City Clerk

Approved as to Form:


Jennifer Magana, City Attorney and Director of Law




Lily Wu, Mayor, City of Wichita

August 13, 2024
VAC2024-00032

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

**IN THE MATTER OF THE VACATION OF A PORTION OF A)
PLATTED FIVE-FOOT WALL EASEMENT AND A PORTION)
OF A PLATTED TEN-FOOT UTILITY EASEMENT)**

**GENERALLY LOCATED ONE-QUARTER MILE SOUTH OF)
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VAC2024-00032

MORE FULLY DESCRIBED BELOW

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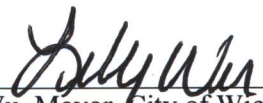
N18°44'14"W, coincident with the west line of said 10.00-foot-wide Utility Easement, and the east line of said 5.00-foot-wide Wall Easement, 219.11 feet; thence N77°23'06"E, 10.06 feet to a point in the east line of said 10.00-foot-wide Utility Easement; thence S18°44'14"E, coincident with the east line of said 10.00-foot-wide Utility Easement, 221.33 feet to a point in the south line of Lot 9, in said Block 1; thence S89°29'08"W, coincident with the south line of Lot 9, in said Block 1, 10.53 feet to the Point of Beginning.

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:

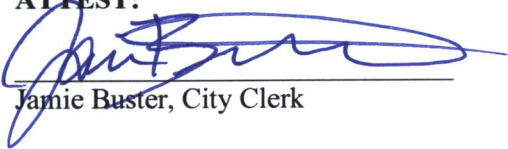
1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on May 23, 2024, which was at least 20 days prior to the public hearing.
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3. In justice to the petitioner, the prayer of the petitioner ought to be 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 five-foot wall easement and a portion of a 10-foot utility easement should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13th day of August 2024, ordered that the above-described portion of a five-foot wall easement and a portion of a 10-foot utility easement are 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.

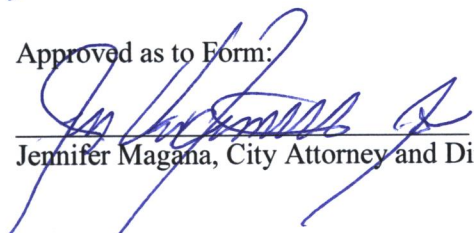

Lily Wu, Mayor, City of Wichita

ATTEST:


Jamie Buster, City Clerk



Approved as to Form:


Jennifer Magana, City Attorney and Director of Law

August 13, 2024
VAC2024-00032

STAFF REPORT

CASE NUMBER: VAC2024-00032 - Request to vacate a portion of a platted wall easement and a utility easement.

OWNER/APPLICANT: CDM Development, LLC (Applicants)/ Baughman Company, P.A. (Agent)

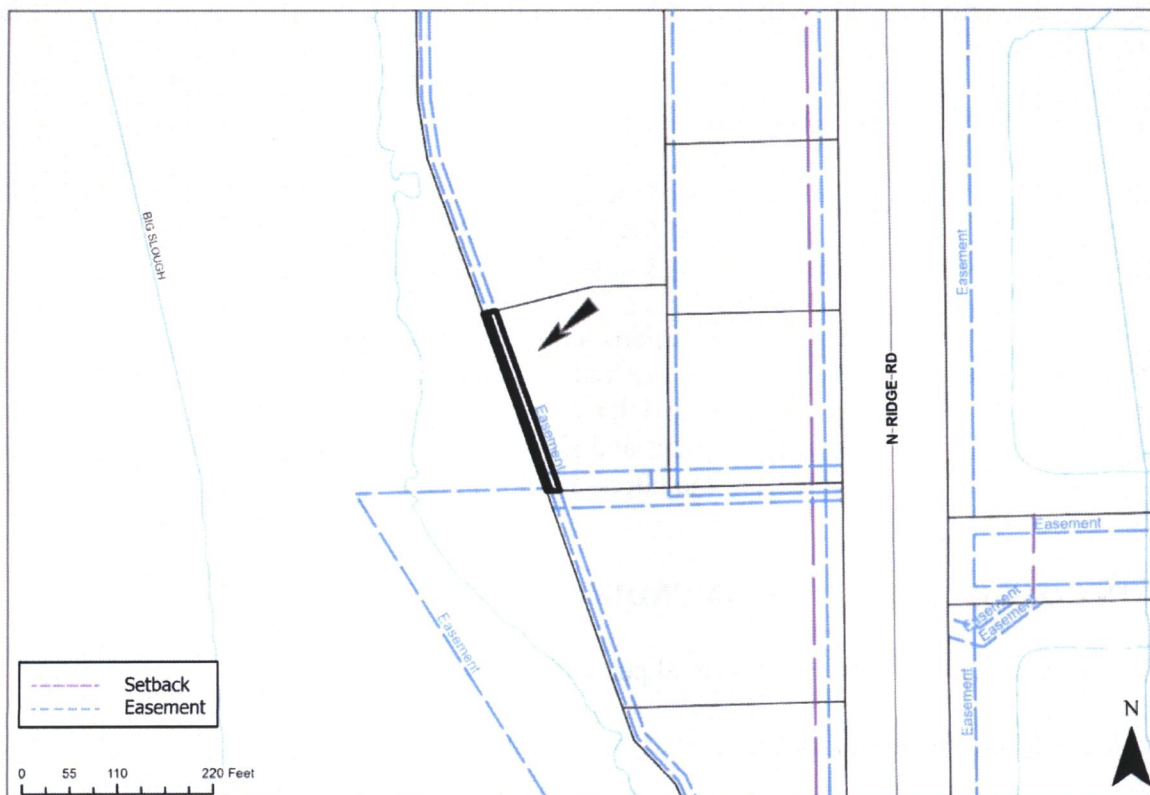
LEGAL DESCRIPTION: Generally described as vacating a portion of the platted 5-foot wall easement and a 10-foot utility easement on Lot 9, Block 1, Hoskinson 2nd Addition, Sedgwick County, Kansas (See attached legal description).

LOCATION: Generally located a ¼-mile south of West 37th Street North and on the west side of North Ridge Road (3611 North Ridge Road). (WCC V)

REASON FOR REQUEST: To permit construction to add to the rear footprint of the building.

CURRENT ZONING: The subject site and properties on the north and south sides are zoned NR Neighborhood Retail District with CUP DP-242 and are developed with commercial uses. Property to the west of the subject site is zoned SF-5 Single Family Residential District and is in use as a reserve/detention pond. Property to the east of the subject site is zoned LC Limited Commercial District with CUP DP-242 and is developed with commercial use.

VICINITY MAP:



The applicant proposes to vacate a portion of the platted 5-foot wall easement and a 10-foot utility easement on Lot 9, Block 1, Hoskinson 2nd Addition, see legal description and exhibits. If approved the applicants are intending to add to the rear footprint of the building on the subject site.

Within the south 20 feet of the subject easement, there is a storm sewer line that runs perpendicular to the subject easements within a platted 40-foot access easement. The storm sewer line drains storm run-off from the parking lot on the subject site to the detention point to the west. The applicant indicates that this storm sewer line is private. Wichita Stormwater has no objection to the vacation request. Conditions 1 and 2 cover all utilities. If any relocation of this line is required, it would be at the applicant's expense. Public Works and Utilities does not object to the vacation request. City Traffic does not object to the vacation request. Comments from franchised utilities have been received and do not object to the vacation request. Evergy has no objection to this vacation request. The Hoskinson 2nd Addition was recorded on April 20, 2000.

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 wall and utility easement.

- (1) Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the described portion of a wall easement and 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) 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.
- (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.

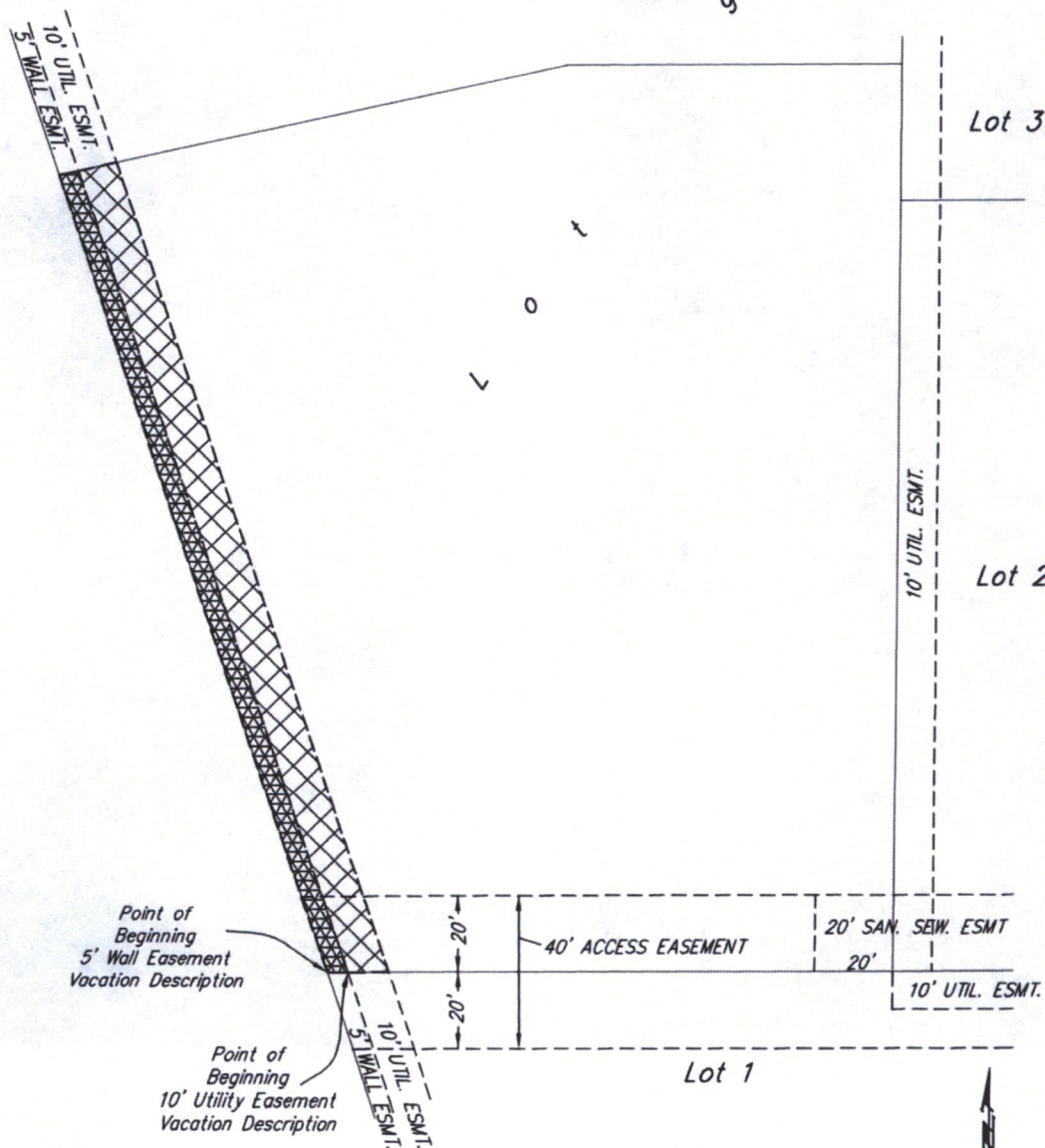
Attachments: Aerial Map, Vacation Exhibit, Legal Description

VAC2024-32

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



EXHIBIT
Lot 9, Block 1
Hoskinson 2nd Addition
SEDGWICK COUNTY, KANSAS



INDICATES AREA OF
10' Utility Easement
Vacation Description

INDICATES AREA OF
5' Wall Easement
Vacation Description

0 40'
Scale: 1" = 40'

May 30, 2024



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

Legal Description



HOSKINSON'S SECOND ADDITION

Legal Description of Easements to Be Vacated

5-foot-wide Wall Easement vacation:

A portion of the 5.00 foot wide Wall Easement lying within Lot 9, Block 1, Hoskinson 2nd Addition, Sedgwick County, Kansas, as prepared by Baughman Company, P.A., CLS 58, State of Kansas, County of Sedgwick, more particularly described as Beginning at the southwest corner of Lot 9, in said Block 1; thence N18°44'14"W, coincident with the west line of Lot 9, in said Block 1, 218.00 feet; thence N77°23'06"E, 5.03 feet to a point in the east line of said 5.00 foot wide Wall Easement; thence S18°44'14"E, coincident with the east line of said 5.00 foot wide Wall Easement, 219.11 feet to a point in the south line of Lot 9, in said Block 1; thence S89°29'08"W, coincident with the south line of Lot 9, in said Block 1, 5.26 feet to the Point of Beginning.

Subject property contains 1,092.8 square feet.

10-foot-wide Utility Easement vacation:

A portion of the 10.00 foot wide Utility Easement lying within Lot 9, Block 1, Hoskinson 2nd Addition, 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 Lot 9, in said Block 1; thence N89°29'08"E, coincident with the south line of Lot 9, in said Block 1, 5.26 feet to a point in the west line of said 10.00 foot wide Utility Easement, and to a point in the east line of a 5.00 foot wide Wall Easement as platted in said Hoskinson 2nd Addition, and to the Point of Beginning; thence N18°44'14"W, coincident with the west line of said 10.00 foot wide Utility Easement, and the east line of said 5.00 foot wide Wall Easement, 219.11 feet; thence N77°23'06"E, 10.06 feet to a point in the east line of said 10.00 foot wide Utility Easement; thence S18°44'14"E, coincident with the east line of said 10.00 foot wide Utility Easement, 221.33 feet to a point in the south line of Lot 9, in said Block 1; thence S89°29'08"W, coincident with the south line of Lot 9, in said Block 1, 10.53 feet to the Point of Beginning.

Subject property contains 2,202.2 square feet.

