



Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30338140

Receipt #: 2446415
Pages Recorded: 2

Recording Fee: \$0.00

Cashier: ttepe

Authorized By: *Tonya Buckingham*

Date Recorded: 10/03/2024 03:29:05 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 FLOODWAY)**

**GENERALLY LOCATED 375 FEET NORTH OF EAST 21ST)
STREET NORTH AND ONE-QUARTER MILE EAST)
OF NORTH OLIVER AVENUE)**

VAC2024-00034

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 17th day of September 2024, comes on for hearing the petition for vacation filed by Desi Boys & Girls Tanda, LLC (owner) praying for the vacation of a portion of a platted floodway, to wit:

Portion of platted floodway to be vacated:

Beginning at the Northwest corner of Lot 5 University Garden 2nd Addition; thence east along the north lines of said Lot 5, a distance of 41.54 feet; thence S21°45'48"E, a distance of 42.06 feet; thence S05°34'24"W, a distance of 242.49 feet; thence 57.59 feet, along a 120 foot radius curve to the right, with a chord bearing S19°33'35"W and a chord length of 57.04 feet; thence S33°04'26"W, a distance of 27.75 feet, to the west line of Lot 5; thence north along the west line of Lot 5, a distance of 140.63 feet; thence N05°34'24"E, a distance of 172.73 feet; thence N21°45'48"W, a distance of 15.69 feet; thence S89°34'12"W, a distance of 10.62 feet, to the west line of said Lot 5; thence north along the west line of said Lot 5, a distance of 30.07 feet, to the Point of Beginning, being all of the platted floodway easement within said Lot 5.

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:

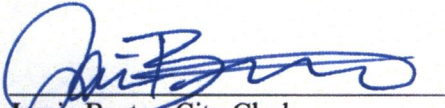
1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on August 1, 2024, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the described portion of a platted floodway and the public will suffer no loss or inconvenience thereby.

September 17, 2024
VAC2024-00034

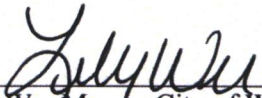
3. In justice to the petitioner, the prayer of the petitioner ought to be granted.
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.
5. The vacation of the described portion of a platted floodway should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 17th day of September 2024, ordered that the above-described portion of a platted floodway is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Sedgwick County Register of Deeds for recording.

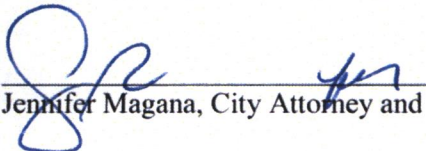
ATTEST:


Jamie Buster, City Clerk




Lily Wu, Mayor, City of Wichita

Approved as to Form:


Jennifer Magana, City Attorney and Director of Law

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

**IN THE MATTER OF THE VACATION OF A PORTION OF A)
PLATTED FLOODWAY)**

**GENERALLY LOCATED 375 FEET NORTH OF EAST 21ST)
STREET NORTH AND ONE-QUARTER MILE EAST)
OF NORTH OLIVER AVENUE)**

VAC2024-00034

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 17th day of September 2024, comes on for hearing the petition for vacation filed by Desi Boys & Girls Tanda, LLC (owner) praying for the vacation of a portion of a platted floodway, to wit:

Portion of platted floodway to be vacated:

Beginning at the Northwest corner of Lot 5 University Garden 2nd Addition; thence east along the north lines of said Lot 5, a distance of 41.54 feet; thence S21°45'48"E, a distance of 42.06 feet; thence S05°34'24"W, a distance of 242.49 feet; thence 57.59 feet, along a 120 foot radius curve to the right, with a chord bearing S19°33'35"W and a chord length of 57.04 feet; thence S33°04'26"W, a distance of 27.75 feet, to the west line of Lot 5; thence north along the west line of Lot 5, a distance of 140.63 feet; thence N05°34'24"E, a distance of 172.73 feet; thence N21°45'48"W, a distance of 15.69 feet; thence S89°34'12"W, a distance of 10.62 feet, to the west line of said Lot 5; thence north along the west line of said Lot 5, a distance of 30.07 feet, to the Point of Beginning, being all of the platted floodway easement within said Lot 5.

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 August 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 floodway and the public will suffer no loss or inconvenience thereby.

September 17, 2024
VAC2024-00034

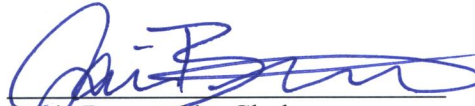
3. In justice to the petitioner, the prayer of the petitioner ought to be granted.
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.
5. The vacation of the described portion of a platted floodway should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 17th day of September 2024, ordered that the above-described portion of a platted floodway 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**

September 18, 2024

Desi Boys & Girls Tanda, LLC
1735 W. 21st St N.
Unit 200
Wichita, KS 67203

Ref: VAC2024-00034: Vacation request in the City to vacate a portion of a platted floodway easement on property zoned LC-Limited Commercial; located 375-feet north of East 21st Street North and one-quarter mile east of North Oliver Avenue (5110 East 21st Street North).

To whom it may concern,

At the **Tuesday, September 17, 2024**, meeting of the Wichita City Council, the above-referenced vacation request was approved.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brad Eatherly'.

Brad Eatherly
Senior Planner
Current Plans

BE:JM

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



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

August 22, 2024

Desi Boys & Girls Tanda, LLC
1735 W. 21st St N.
Unit 200
Wichita, KS 67203

Ref: VAC2024-00034: Vacation request in the City to vacate a portion of a platted floodway easement on property zoned LC-Limited Commercial; located 375-feet north of East 21st Street North and one-quarter mile east of North Oliver Avenue (5110 East 21st Street North).

To whom it may concern,

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

- (1) If any utility services are found to be located within the area of the proposed Vacation, these services shall be relocated at the owner's expense, to city standards, and the applicant shall provide Planning with the dedication of utility easements by separate instruments to go with the Vacation Order to be filed with the Register of Deeds. If relocation is not possible then this Vacation shall be rendered void as the current easement must remain in place.
- (2) 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.
- (3) If approved, the applicant shall submit an Administrative Adjustment to the Ridge Plaza Community Unit Plan DP-8 to reflect the vacated portions of the floodway on the face of the CUP prior to the issuance of building permits.

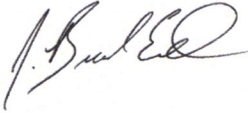
All of the above conditions, except Condition #3 have been completed. Once the vacation has been approved, Condition #3 will need to be completed. This case will be scheduled for final action by the Wichita City Council **September 17, 2024**. This letter also serves as a reminder that the vacation notification signs should now be removed from the property. If you have any questions concerning this case, please contact our office at 268-4421.

Ref: VAC2024-00034: Vacation request in the City to vacate a portion of a platted floodway easement on property zoned LC-Limited Commercial; located 375-feet north of East 21st Street North and one-quarter east of North Oliver Avenue (5110 East 21st Street North).

August 22, 2024

Page 2

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Eatherly", written in a cursive style.

Brad Eatherly
Senior Planner Current Plans

BE: JM

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



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	578567	Print Legal Ad-IPL01864400 - IPL0186440	MAPC	\$131.22	2	78 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 August 1, 2024
(One Time Only)
MAPC/BZA August 22, 2024
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, August 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, 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.

CON2024-00111: Conditional Use request in the City to allow for Accessory Dwelling Unit; generally located northeast of South Belmont Avenue and East Lewis Street (4316 East Lewis Street).

VAC2024-00034: Vacation request in the City to vacate a portion of a platted floodway easement on property zoned LC-Limited Commercial; located 375 feet north of East 21st Street North and one-quarter east of North Oliver Avenue (5110 East 21st Street North).

VAC2024-00035: Vacation request in the City to vacate a portion of a platted building setback on property zoned SF-5 Single-Family Residential District to build a detached garage, generally located on the northwest corner of West Sheriack Street and South Covington Street (11404 West Sheriack Street).

VAC2024-00036: Vacation request in the City to vacate a platted utility easement on property zoned TF-3 Two-Family Residential District, generally located west of South Clifton Avenue and north of East 63rd Street South.

VAC2024-00037: Vacation request in the City to reduce the platted setback from 30 feet to 15 feet to accommodate new retaining wall; located at the corner of North McLean Blvd and West 1st Street North (300 North McLean Blvd).

ZON2024-00037: Zone Change request in the City from SF-5 Single-Family Residential to LC Limited Commercial for development of a new commercial building, located on the south side of West 21st Street North, within one-block east of North 135th Street West (13425 West 21st Street North).

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 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 August 1, 2024

Scott Wadle, Secretary

Wichita-Sedgwick County

Metropolitan Area Planning Commission

IPL0186440

Aug 1 2024

In The STATE OF KANSAS

In and for the County of Sedgwick

1 insertion(s) published on:

08/01/24

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 08/01/2024 to 08/01/2024.

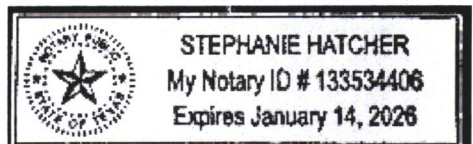
Mary Castro

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

DATED: 08/01/2024

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.

August 22, 2024

STAFF REPORT

CASE NUMBER:

VAC2024-00034 - City vacation of a platted floodway easement.

APPLICANT/AGENT:

Desi Boys & Girls Tanda, LLC (applicant)/ K.E. Miller Engineering

LEGAL DESCRIPTION:

Vacation of a platted floodway easement on the west side of Lot 5, University Garden 2nd Addition, Wichita, Sedgwick County, Kansas. (See attached legal description).

LOCATION:

Generally located 375 feet north of East 21st Street North and one-quarter mile east of North Oliver Avenue (5110 East 21st Street North) (WCC I)

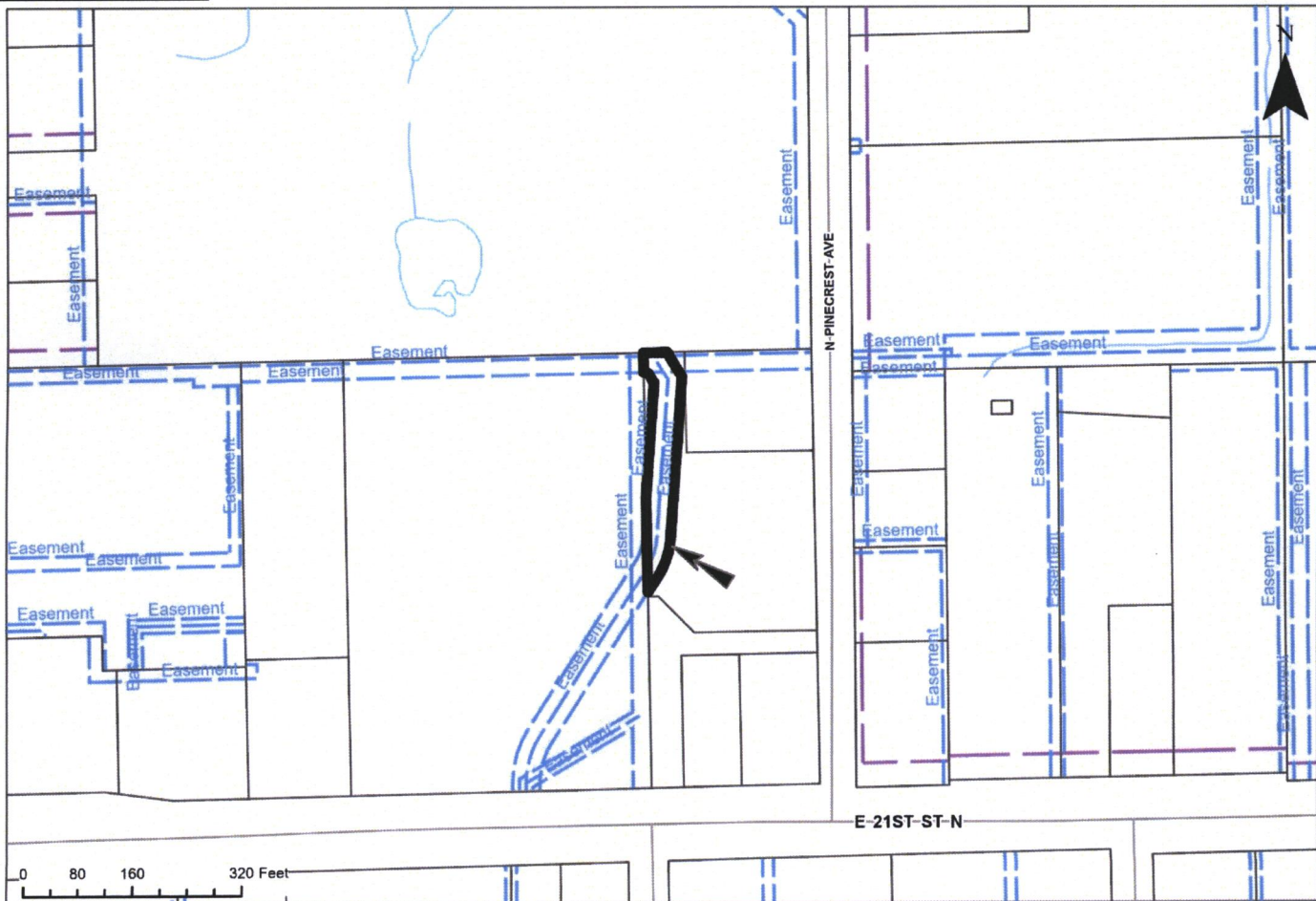
REASON FOR REQUEST:

To remove easement that is no longer needed due to new construction.

CURRENT ZONING:

The site and properties south, east and west are zoned LC Limited Commercial District with CUP DP-8 and developed with commercial and/or industrial uses. Property to the north is zoned B Multi-Family Residential District with CUP DP-8 and developed with apartments.

VICINITY MAP:



The applicant is requesting the vacation of a platted 40-foot floodway easement on the west side of Lot 5, University Garden 2nd Addition. The purpose of the vacation is to remove the easement for a duplex development. The plat denotes the vacation area as a “floodway,” which essentially functions as an easement. The platted floodway on Lot 5 encompasses approximately the west 40 feet of the lot.

The platlor’s text states the following regarding the platted floodway, “The floodway shall be the responsibility of the owners of the property in the subdivision until such time as the governing body exercising jurisdiction elects to assume the responsibility for the maintenance and improvements of the drainage, providing further, that no building shall be constructed on or within the floodway, nor shall any fill, change of grade, creation of channel or other work be carried out without the permission of the Wichita-Sedgwick County Flood Control Office or their successors (sic) of office.”

No portion of the vacation area is within the actual FEMA floodway or the 100-year floodplain. The north 30 feet of the floodway does encroach on a 30-foot-wide drainage and utility easement that will not be affected if the vacation of the floodway is approved.

Wichita Public Work and Utilities, Wichita Fire, Wichita Traffic Engineering, and Wichita Stormwater do not object to this vacation. Every, Kansas Gas Service, and Cox have no existing facilities in the platted floodway being vacated. Kevin Rieschick is the area representative and can be contacted at (785) 410-2986 for this item. The University Gardens 2nd Addition was recorded with the Register of Deeds March 2, 1977.

The applicant’s property is within CUP DP-8, and the platted floodway is indicated on the face of the CUP. Therefore, if the vacation is approved, the CUP will need to be adjusted to reflect the vacation of the floodway easement. All CUP development standards for construction of structures still apply.

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 floodway.

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 August 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 floodway 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) If any utility services are found to be located within the area of the proposed Vacation, these services shall be relocated at the owner’s expense, to city standards, and the applicant shall provide Planning with the dedication of utility easements by separate instruments to go with the Vacation Order to be filed with the Register of Deeds. If relocation is not possible then this Vacation shall be rendered void as the current easement must remain in place.
- (2) 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.

- (3) If approved, the applicant shall submit an Administrative Adjustment to the Ridge Plaza Community Unit Plan DP-8 to reflect the vacated portions of the floodway on the face of the CUP prior to the issuance of building permits.

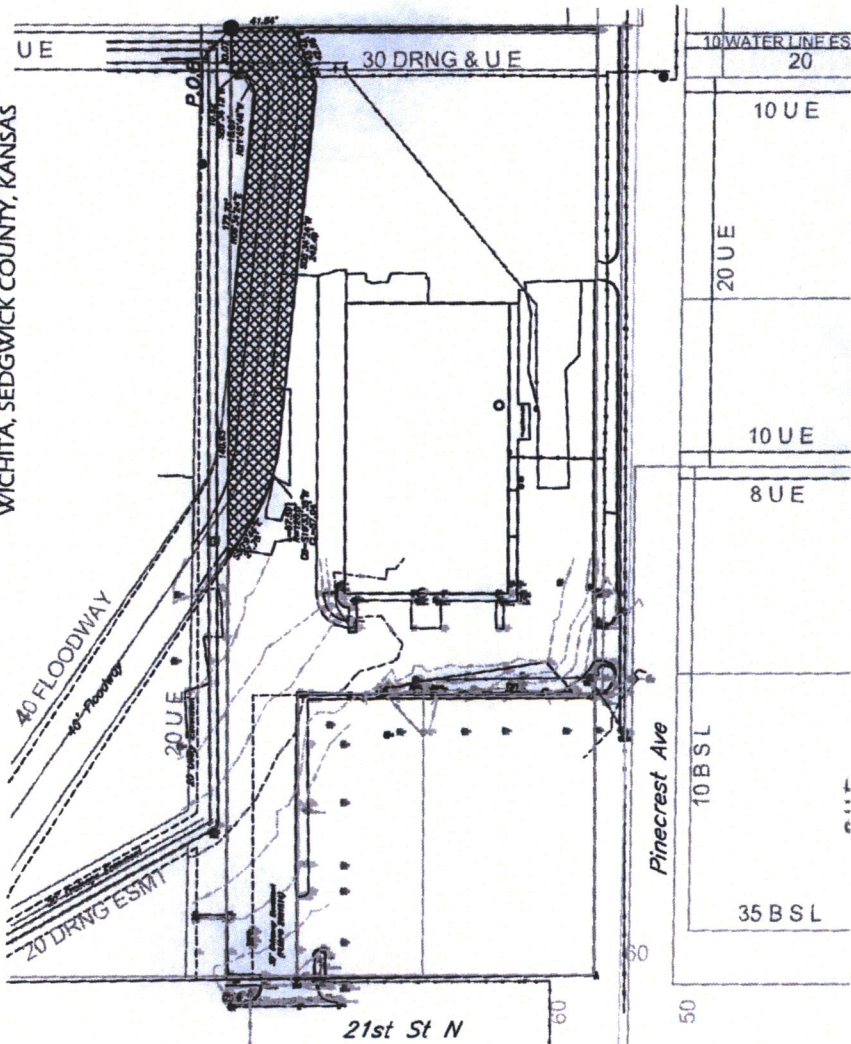
SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval per staff recommendations.

Attachments:

1. Vacation Exhibit
2. Legal Description
3. Aerial Map

EXHIBIT "A"
VACATION EXHIBIT
40' FLOODWAY EASEMENT
 LOT 5 UNIVERSITY GARDENS 2ND ADDITION
 WICHITA, SEDGWICK COUNTY, KANSAS



Vacation Legal Description:
 Beginning at the Northwest corner of Lot 5 University Gardens 2nd Addition; thence east along the north line of said Lot 5, a distance of 41.54 feet; thence S21°45'48"E, a distance of 42.06 feet; thence S05°34'24"W, a distance of 242.49 feet; thence S7°59'00"E, along a 120 foot radius curve, with a cord bearing S19°33'35"W and a cord length of 57.04 feet; thence S33°04'26"W, a distance of 27.75 feet, to the west line of Lot 5; thence north along the west line of Lot 5, a distance of 140.63 feet; thence N05°34'24"E, a distance of 172.73 feet; thence N21°45'48"W, a distance of 15.69 feet; thence S89°34'12"W, a distance of 10.62 feet, to the west line of Lot 5; thence north along the west line of Lot 5, a distance of 30.07 feet, to the Point of Beginning.

Vacation Legal Description:

Beginning at the Northwest corner of Lot 5 University Gardens 2nd Addition; thence east along the north line of said Lot 5, a distance of 41.54 feet; thence S21°45'48"E, a distance of 42.06 feet; thence S05°34'24"W, a distance of 242.49 feet; thence 57.59 feet, along a 120 foot radius curve, with a cord bearing S19°33'35"W and a cord length of 57.04 feet; thence S33°04'26"W, a distance of 27.75 feet, to the west line of Lot 5; thence north along the west line of Lot 5, a distance of 140.63 feet; thence N05°34'24"E, a distance of 172.73 feet; thence N21°45'48"W, a distance of 15.69 feet; thence S89°34'12"W, a distance of 10.62 feet, to the west line of Lot 5; thence north along the west line of Lot, a distance of 30.07 feet, to the Point of Beginning.

VAC2024-22

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

