



Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30338138

Receipt #: 2446415
Pages Recorded: 2

Recording Fee: \$0.00

Authorized By: *Tonya Buckingham*

Cashier: ttepe

Date Recorded: 10/03/2024 03:29:03 PM



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

**IN THE MATTER OF THE VACATION OF A PORTION OF A)
PLATTED UTILITY EASEMENT)**

**GENERALLY LOCATED ON THE EAST OF SOUTH)
CLIFTON AVENUE AND APPROXIMATELY ONE-QUARTER)
MILE NORTH OF EAST 63RD STREET NORTH)**

VAC2024-00036

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 17th day of September 2024, comes on for hearing the petition for vacation filed by Eric Gilbert (owner) praying for the vacation of a portion of a platted utility easement, to wit:

Portion of platted utility easement to be vacated:

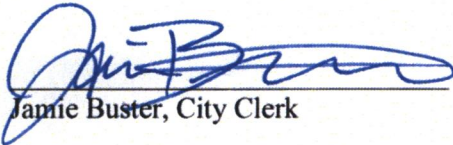
The West 70 feet of the 5 foot wide utility easement as platted on Lot 8, Block B, Swaney Farm Addition, City of Wichita, Sedgwick County, Kansas.

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:

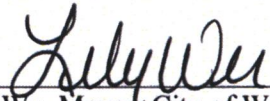
1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on August 1, 2024, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the described portion of a platted utility easement and 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 17th day of September 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.

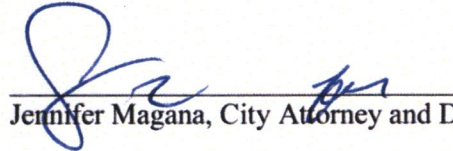
ATTEST:


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 UTILITY EASEMENT)**

**GENERALLY LOCATED ON THE EAST OF SOUTH)
CLIFTON AVENUE AND APPROXIMATELY ONE-QUARTER)
MILE NORTH OF EAST 63RD STREET NORTH)**

VAC2024-00036

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 17th day of September 2024, comes on for hearing the petition for vacation filed by Eric Gilbert (owner) praying for the vacation of a portion of a platted utility easement, to wit:

Portion of platted utility easement to be vacated:
The West 70 feet of the 5 foot wide utility easement as platted on Lot 8, Block B, Swaney Farm Addition, City of Wichita, Sedgwick County, Kansas.

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 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 17th day of September 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**

August 22, 2024

Professional Engineering Consultants, P.A.
303 South Topeka
Wichita, KS 67202

Ref: 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.

Dear Applicant,

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) Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the described portion of a utility easement shall be to City Standards and shall be the responsibility and at the expense of the applicant. The applicant shall provide a Private Project Sewer to Public Works and Utilities. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) As needed provide Planning with dedication of easements by separate instruments with original signatures to go with the Vacation Order to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (3) All improvements shall be according to City Standards and at the applicants' expense.
- (4) Per the approval of Public Works, vacate the described portion of platted 5-foot utility easement located on Lot 8, Block B, Swaney Farms 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.

All of the above conditions have been 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.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Eatherly", with a stylized flourish at the end.

Brad Eatherly
Senior Planner Current Plans

BE: JM



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 Sheriac Street and South Covington Street (11404 West Sheriac 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 to 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.

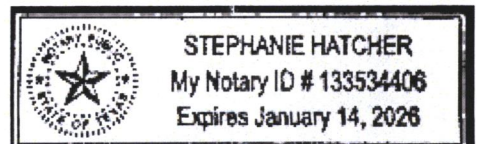
Mary Castro

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!

STAFF REPORT

CASE NUMBER: VAC2024-00036 - Request to vacate a portion of a platted utility easement.

OWNER/APPLICANT: Eric Gilbert (applicant) / Professional Engineering Consultants, P.A. (agent)

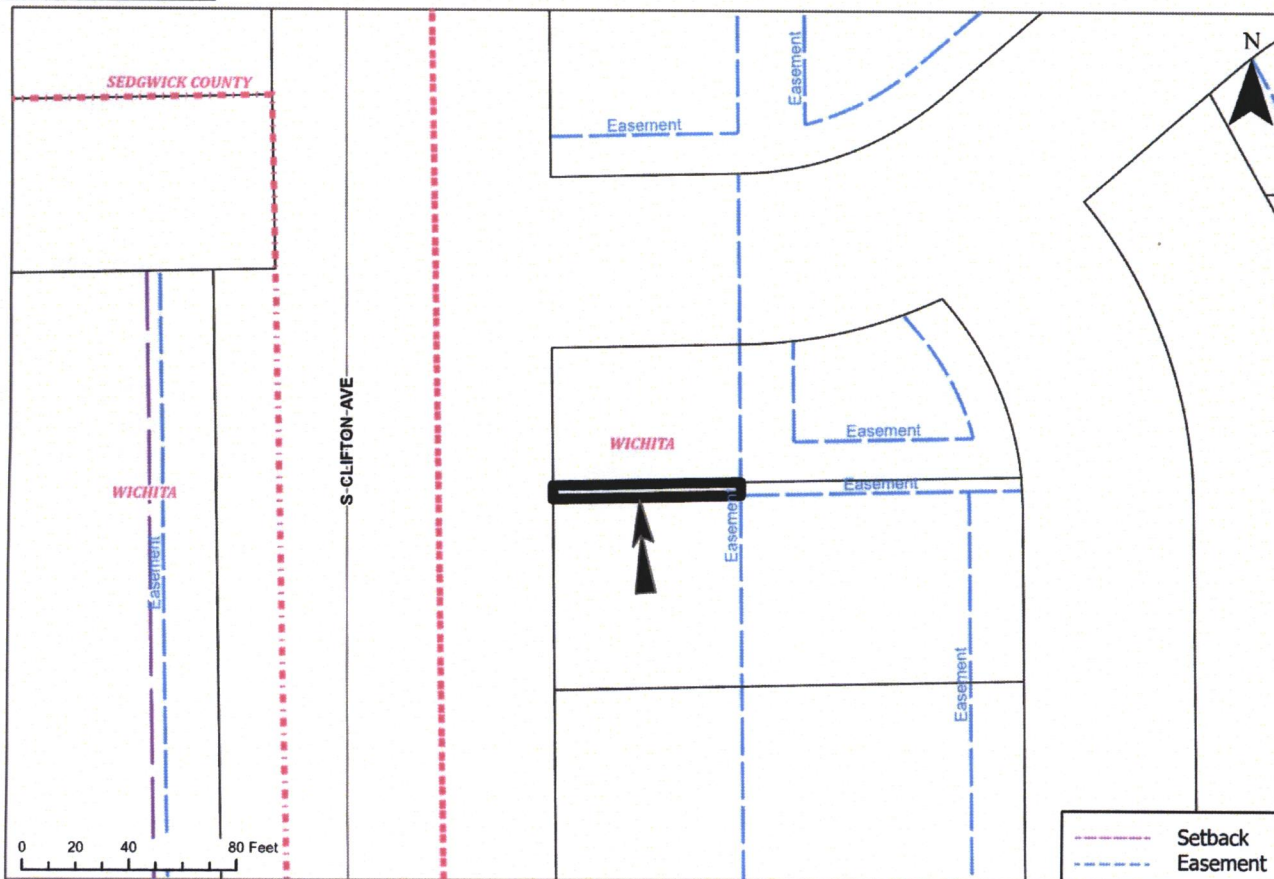
LEGAL DESCRIPTION: Generally described as vacating a portion of the platted 5-foot utility easement located on the north five feet of Lot 8, Block B, Swaney Farm Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located on the east of South Clifton Avenue and approximately one-quarter mile north of East 63rd Street South.

REASON FOR REQUEST: At the request of Evergy, to avoid possible utility conflicts adjacent to an existing transmission pole.

CURRENT ZONING: The subject site and properties to the north, south and east are zoned TF-3 Two-Family Residential District. Properties to the west, across South Clifton Avenue, are zoned MF-18 Multi-Family Residential District and are undeveloped.

VICINITY MAP:



The applicant proposes to vacate the west 70 feet of a 5-foot platted utility easement located on Lots 8, Block B, Swaney Farm Addition, see legal description and exhibits. The subject site is generally located on the east side of South Clifton Avenue and approximately one-quarter mile north of East 63rd Street South. This request is from Evergy to avoid possible utility conflicts adjacent to an existing transmission pole. There are no public utilities in the subject easement.

Public Works and Utilities does not object to the vacation request. Evergy has no existing facilities in the platted setback being vacated. Kevin Rieschick is the area representative and can be contacted at (785) 410-2986 for this item. The Swaney Farm Addition was recorded on April 9, 2024.

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 December 29, 2016, 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 street side yard setback and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the described portion of a utility easement shall be to City Standards and shall be the responsibility and at the expense of the applicant. The applicant shall provide a Private Project Sewer to Public Works and Utilities. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) As needed provide Planning with dedication of easements by separate instruments with original signatures to go with the Vacation Order to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (3) All improvements shall be according to City Standards and at the applicants' expense.
- (4) Per the approval of Public Works, vacate the described portion of platted 5-foot utility easement located on Lot 8, Block B, Swaney Farms 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

VAC2024-00036 - Request to vacate a portion of a platted utility easement.

August 22, 2024

Page 3

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:

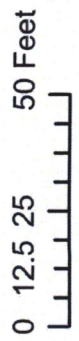
Aerial Map

Vacation Exhibit

Legal Description

VAC2024-36

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





Legal Description

EXHIBIT

Vacation of Portion of Utility Easement Lot 8, Block B, Swaney Farm Addition.

Legal Description:

The west 70 feet of the 5 foot wide utility easement as platted on Lot 8, Block B, Swaney Farm Addition, City of Wichita, Sedgwick County, Kansas.