



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

August 6, 2025

KM Ranch, LLC
4208 S. 359th Street West.
Cheney, KS 67025

Lorenz Farms, LLC
34720 W. 23rd Street South
Cheney, KS 67025

Garber Surveying Service, PA
2908 N. Plum St.
Hutchinson, KS 67502

Ref: VAC2025-00015: Vacation request in the County to vacate South 359th Street West between West 63rd Street South and West 71st Street South.

Dear Applicants,

At the **Wednesday, August 6, 2025**, meeting of the Sedgwick County Board of County Commissioners, the above-referenced vacation request was approved as recommended by the Metropolitan Area Planning Commission.

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 blue ink, appearing to read 'S Deetz'.

Samuel Deetz
Current Plans
Associate Planner



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

June 17, 2025

KM Ranch, LLC
4208 S. 359th Street West.
Cheney, KS 67025

Lorenz Farms, LLC
34720 W. 23rd Street South
Cheney, KS 67025

Garber Surveying Service, PA
2908 N. Plum St.
Hutchinson, KS 67502

Ref: VAC2025-00015: Vacation request in the County to vacate South 359th Street West between West 63rd Street South and West 71st Street South.

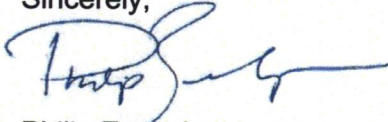
Dear Applicants,

At the **Thursday, June 12, 2025**, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

- (1) Any relocation or reconstruction of all utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense shall be to County Standards. If needed provide a private project for relocation of utilities. The approved private project number must be provided to Planning prior to the case going to County Commission and subsequent recording with the Register of Deeds. If these are franchised utilities, provide Planning with approval from the participating franchised utility
- (2) Provide original restrictive covenant(s) binding and tying the vacated portions of the described road right-of-way to applicants' abutting property. These must be provided to Planning prior to the case going to the County Commission and subsequent recording with the Register of Deeds.
- (3) Provide Planning with a legal description of the vacated road right-of-way on a Word document, via e-mail. This must be provided to Planning prior to the case going to County Commission for final action.
- (4) 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.

These conditions have **not** been met. Please provide the required documentation per Condition #2. Therefore, this case will be scheduled for final action by the Sedgwick County Board of County Commissioners at an appropriate meeting after Planning has received the conditions. 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 blue ink, appearing to read "Philip Zevenbergen", with a long horizontal flourish extending to the right.

Philip Zevenbergen
Current Plans
Division Manager



Document #: 2025-037952
Date Recorded: 08/08/2025 02:50:29 PM
Pages: 3 Recording Fee: 0.00
Sedgwick County Kansas
Tonya Buckingham,
Register of Deeds

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF A
PORTION OF A PLATTED RIGHT-OF-WAY

LOCATED ALONG SOUTH 359TH STREET WEST,
BETWEEN WEST 63RD STREET SOUTH AND WEST
71ST STREET SOUTH.

CASE NO. VAC2025-00015

VACATION ORDER

NOW on this 6th day of August, 2025, at 9:00 o'clock A.M., comes the petition filed by KM Ranch, LLC and Lorenz Farms, LLC, owner(s) of property abutting the following-described portion of a platted right-of-way (collectively "Applicant"), praying for the vacation of:

The 60.00 foot right-of-way currently centered on the west line of Section 34, Township 28 South, Range 4 West of the 6th Principal Meridian, from the north right-of-way line of West 71st Street South to the south right-of-way line of West 63rd Street South.

WHEREAS, upon the filing of the petition, the Metropolitan Area Planning Commission ("Planning Commission" or "MAPC") set the petition for hearing on June 12, 2025 at 1:30 P.M., and gave notice of said hearing by publication in the official county newspaper on May 22, 2025.

WHEREAS, on June 5, 2025, the Subdivision Committee of the Planning Commission held a public hearing on the petition and voted to recommend approval of the vacation to the Planning Commission, subject to the following conditions:

1. Any relocation or reconstruction of all utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense shall be to County Standards. If needed provide a private project for relocation of utilities. The approved private project number must be provided to Planning prior to the case going to County Commission and subsequent recording with the Register of Deeds. If these are franchised utilities, provide Planning with approval from the participating franchised utility
2. Provide original restrictive covenant(s) binding and tying the vacated portions of the described road right-of-way to applicants' abutting property. These must be provided to Planning prior to the case going to the County Commission and subsequent recording with the Register of Deeds.

3. Provide Planning with a legal description of the vacated road right-of-way on a Word document, via e-mail. This must be provided to Planning prior to the case going to County Commission for final action.
4. 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.

WHEREAS, on June 12, 2025, the Planning Commission held a public hearing on the petition and voted on consent to recommend approval of the vacation to the Board of County Commissioners of Sedgwick County, Kansas, subject to the aforementioned conditions.

NOW, after being duly advised in the premises, the Board of County Commissioners of Sedgwick County, Kansas (the "Board") finds that:

1. notice has been given as required by K.S.A. 58-2613 and amendments thereto;
2. no written objections have been filed with the County Clerk by any owner of land adjoining the area to be vacated;
3. the public will suffer no loss or inconvenience by such vacation; and
4. no private rights will be injured or endangered thereby.

IT IS THEREFORE ORDERED BY THE BOARD that the portion of platted right-of-way described above is hereby vacated subject to the aforementioned conditions and all property rights of public utilities, rights-of-way, and easements for public service facilities then in existence and use are preserved and protected.

[balance of this page intentionally left blank, signature page follows]

IT IS FURTHER ORDERED that the County Clerk enter this Order on the records of proceedings of the Board and file a certified copy of this Order in the Office of the Register of Deeds of Sedgwick County.

Commissioners present and voting were:

PETER F. MEITZNER
JEFF BLUBAUGH
STEPHANIE WISE
RYAN BATY
JAMES M. HOWELL

aye
aye
aye
aye
aye

Dated this 19 day of August, 2025.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

Kelly B. Arnold
KELLY B. ARNOLD, County Clerk



Ryan Baty
RYAN BATY, Chairman
Commissioner, Fourth District

Peter F. Meitzner
PETER F. MEITZNER, Chair Pro Tem
Commissioner, First District

APPROVED AS TO FORM:

Samantha Seang 7/25/25
SAMANTHA SEANG
Assistant County Counselor

Jeff Blubaugh
JEFF BLUBAUGH
Commissioner, Second District

Stephanie Wise
STEPHANIE WISE
Commissioner, Third District

James M. Howell
JAMES M. HOWELL
Commissioner, Fifth District



Document #: 2025-030406

Date Recorded: 07/03/2025 01:32:40 PM

Pages: 2 Recording Fee: 38.00

Sedgwick County Kansas

Tonya Buckingham,

Register of Deeds

Tonya Buckingham

RESTRICTIVE COVENANT

KNOW ALL MEN BY THESE PRESENTS THAT LORENZ FARMS, LLC is the owner of the following described real property:

The Northwest Quarter of Section 34, T28S, R4W EXCEPT beginning 820.27 feet East of the Northwest corner of said Northwest Quarter; thence South 670 feet; thence East 770 feet; thence North 598.73 feet; thence Northwest 275.56 feet; thence West 498.4 feet to point of beginning.

NOW THEREFORE, in connection with the vacation of the following described right-of-way:

The West 30.00 feet of the Northwest Quarter of Section 34, Township 28 South, Range 4 West of the 6th Principal Meridian EXCEPT the North 466.69 feet thereof, Sedgwick County, Kansas,

The undersigned agrees and covenants the following:

1. The aforementioned vacated street shall be retained, held and bound together with the adjacent tract adjoining and having ownership in common with such vacated street tracts.

It is understood that this covenant shall be binding upon the undersigned, their heirs, or successors and assigns and is a covenant running with the land until such time the property is platted.

The covenants, conditions and restrictions on the property created and established in this instrument may be waived, terminated, or modified only upon written consent of the appropriate governing body. No such waiver, termination or modification shall be effective until such written consent is recorded in the office of the Register of Deeds for Sedgwick County, Kansas.

LORENZ FARMS, LLC

Daryl Lorenz, Managing Member
Daryl Lorenz, Managing Member

STATE OF KANSAS)
) SS
COUNTY OF SEDGWICK)

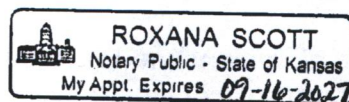
BE IT REMEMBERED, That on this 2nd day of July, 2025, before me, the undersigned, a Notary Public in and for the county and state aforesaid, came Daryl Lorenz, Managing Member of Lorenz Farms, LLC, personally known to me and he has executed this instrument of writing on the date above first written.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal, the day and year last above written.

Roxana Scott

Notary Public

My Commission Expires: 09-16-2027





Document #: 2025-028126

Date Recorded: 06/24/2025 03:04:56 PM

Pages: 2 Recording Fee: 38.00

Sedgwick County Kansas

Tonya Buckingham,
Register of Deeds

Tonya Buckingham

RESTRICTIVE COVENANT

KNOW ALL MEN BY THESE PRESENTS THAT KM RANCH, LLC is the owner of the following described real property:

The Northeast Quarter Except the North 466.69 feet of the East 466.69 feet thereof in Section 33, T28S, R4W

AND

The Southeast Quarter of Section 33, T28S, R4W

AND

The Southwest Quarter of Section 34, T28S, R4W, all in Sedgwick County, Kansas.

NOW THEREFORE, in connection with the vacation of the following described right-of-way:

The East 30.00 feet of the Northeast Quarter EXCEPT the North 466.69 feet thereof AND the East 30.00 feet of the Southeast Quarter, all in Section 33, Township 28 South, Range 4 West of the 6th Principal Meridian, Sedgwick County, Kansas

AND

The West 30.00 feet of the Southwest Quarter of Section 34, Township 28 South, Range 4 West of the 6th Principal Meridian, Sedgwick County, Kansas

The undersigned agrees and covenants the following:

1. The aforementioned vacated street shall be retained, held and bound together with the adjacent tracts adjoining and having ownership in common with such vacated street tracts.

It is understood that this covenant shall be binding upon the undersigned, their heirs, or successors and assigns and is a covenant running with the land until such time the property is platted.

The covenants, conditions and restrictions on the property created and established in this instrument may be waived, terminated, or modified only upon written consent of the appropriate governing body. No such waiver, termination or modification shall be effective until such written consent is recorded in the office of the Register of Deeds for Sedgwick County, Kansas.

KM RANCH, LLC

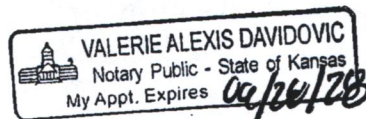


Kaleb Howell, Managing Member

STATE OF KANSAS)
) SS
COUNTY OF SEDGWICK)

BE IT REMEMBERED, That on this 29th day of June, 2025, before me, the undersigned, a Notary Public in and for the county and state aforesaid, came Kaleb Howell, Managing Member of KM Ranch, LLC, personally known to me and he has executed this instrument of writing on the date above first written.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal, the day and year last above written.


Notary Public

My Commission Expires: 06/28/28

Public notice

(Published in The Ark Valley News
May 22, 2025.)

MAPC June 12, 2025 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, June 12, 2025, 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.

CON2025-00071: Conditional Use request in the County to amend CON2001-00063 & CON2007-00002 to allow Waste Tire Collection on property zoned LI Limited Industrial District, generally located on the northeast corner of West 37th Street North and North West Street (4250 West 37th Street North).

CUP2025-00017: Request in the County to create Crestwood Landing Community Unit Plan CUP DP-363 (with ZON2025-00024 from RR to GC), generally located on the southwest corner of East 45th Street North and North Greenwich Road.

DER2025-00008: 2025 Urban Growth Area Update – Pursuant to K.S.A. 12-747 et. Seq., amendment of the Urban Growth Area as an element of the Community Investments Plan 2015-2035, the Wichita-Sedgwick County Comprehensive Plan, will be considered.

DER2025-00011: College Hill Neighborhood Plan – Pursuant to K.S.A. 12-747 et. Seq., adoption of the College Hill Neighborhood Plan as an element of the Community Investments Plan 2015-2035, the Wichita-Sedgwick County Comprehensive Plan, will be considered.

VAC2025-00015: Vacation request in the County to vacate South 359th Street West to preserve wildlife habitat, generally located between West 63rd Street South and West 71st Street South.

VAC2025-00019: Vacation request in the County to vacate a pipeline easement and a 60-foot building setback due to the release of easement, generally located at the northeast corner of West 81st Street North and North 55th Street West.

ZON2025-00024: Zone Change request in the County from RR Rural Residential to GC General Commercial (with CUP2025-00017 to create CUP DP-363), generally located on the southwest corner of East 45th Street North and North Greenwich Road.

Complete legal descriptions are

available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor. 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 May 22, 2025
Scott Wadle, Secretary
Wichita Sedgwick County
Metropolitan Area Planning Commission

Affidavit of Publication

STATE OF KANSAS,
SEDGWICK COUNTY, ss.

Chris Strunk, being first duly sworn, deposes and says: That he is Publisher of The Ark Valley News, formerly The Valley Center Index, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Sedgwick County Kansas, with a general paid circulation on a yearly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Valley Center in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said

newspaper for 1 consecutive weeks, the

first publication thereof being made as aforesaid on the 22nd day of May, 2025.

with subsequent publications being made on the

following dates:

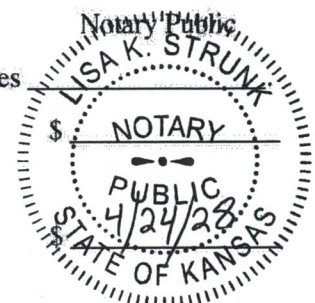
_____, 2025 _____, 2025
_____, 2025 _____, 2025
_____, 2025 _____, 2025

Subscribed and sworn to before me this 22nd day of May, 2025.

My commission expires

Additional copies

Printer's fee



STAFF REPORT

CASE NUMBER: VAC2025-00015 - County request to vacate road right-of-way

APPLICANT/AGENT: KM Ranch, LLC, Lorenz Farms, LLC (applicants) Garber Surveying Service, P.A. (agent)

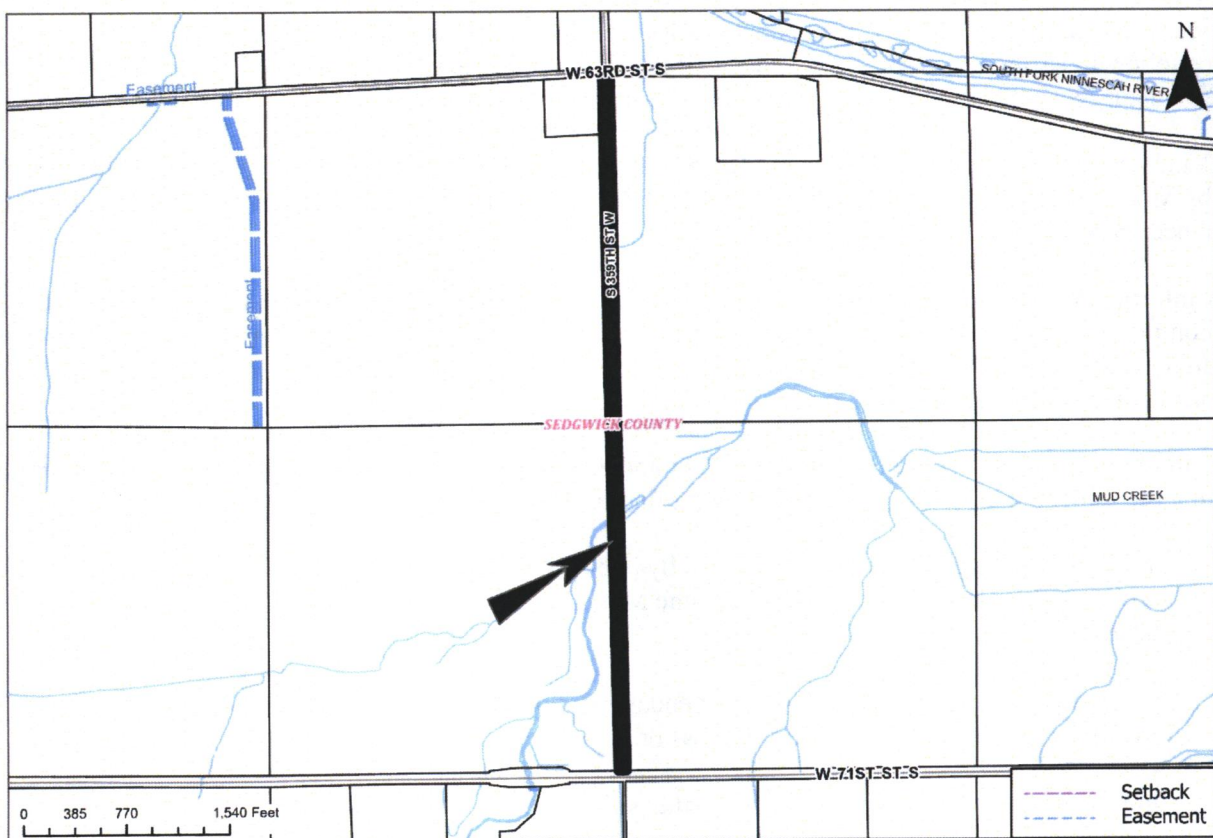
LEGAL DESCRIPTION: Generally described as vacating the South 359th Street West road right-of-way between West 63rd Street South and West 71st Street South, Sedgwick County, Kansas

LOCATION: Generally located between along South 359th Street West, between West 63rd and West 71st Streets South (BoCC #3)

REASON FOR REQUEST: To preserve wildlife habitat and bring township road under private ownership.

CURRENT ZONING: All abutting sites are zoned RR Rural Residential with the majority used for agricultural land and one used for access to an underground pipeline.

VICINITY MAP:



The applicants are requesting the vacation of South 359th Street West between West 63rd Street South and West 71st Street South. The purpose of the request is to bring the right-of-way under private ownership and maintenance in order to preserve a wildlife habitat. If approved, no property would be deprived of access as all tracts of land that abut the right-of-way have access from either West 63rd Street South or West 71st Street South. Furthermore, the drive aisle of the right-of-way could be maintained as a private drive if the adjoining owners choose.

The subject right-of-way is not platted and according to County Public Works and Utilities, it is classified as a “road.” The type of classification dictates which State Statute must be followed in order to consider vacating an unplatted right-of-way. Because the subject right-of-way is considered a “road,” Sedgwick County Charter Resolution No. 64 applies. In 2012, Sedgwick County adopted Charter No. 64, exempting the County from certain provisions of K.S.A. 68-101 *et. seq.* relating to the vacation of County roads. Charter No. 64 is attached for reference. Section B of Charter No. 64 pertains to vacation petitions initiated by adjoining landowners.

In general, Section B permits any adjoining landowner to submit a petition to vacate all or a portion of a County road. This does not require all adjoining landowners to be subject to the petition. In this case, there are three landowners that adjoin the one-mile portion of South 359th Street West being petitioned. Two of the three adjoining landowners are party to the petition. The third is not. The owner that is not is the Phillip’s Pipeline Company and they own a small tract of land on the southwest corner of West 63rd Street South and South 359th Street West. Therefore, the vacation of the entire right-of-way may be considered even though the third property owner is not party to the petition. Charter No. 64 provides a 10-day window after the Metropolitan Area Planning Commission (MAPC) public hearing for any aggrieved person to file an appeal to the Board of County Commissioners. If the vacation is approved, County Law indicates that the County will file a quitclaim deed conveying the applicable portion of the right-of-way to this third property owner. The other two owners who are party to the petition can record restrictive covenants, binding and tying the applicable portions of right-of-way to their adjoining properties.

Charter No. 64 requires the standard review requirement for review and approval of a vacation petition:

1. Notices being published in the official paper at least 20 days prior to the public hearing;
2. The public will suffer no loss or inconvenience if the right-of-way is vacated; and
3. No private rights will be injured or endangered if the right-of-way is vacated.

Sedgwick County Public Works and Utilities and Sedgwick County Fire do not object to the vacation request. The road is maintained by Morton Township. If vacated, maintenance of the subject area would become private. Comments from franchise utilities have been received. No franchise utility objects to the vacation request.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from County Public Works, Water & Sewer, 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 road right-of-way.

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 Ark Valley News, of notice of this vacation proceeding one time May 22, 2025, 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 County right-of-way 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:

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

- (1) Any relocation or reconstruction of all utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense shall be to County Standards. If needed provide a private project for relocation of utilities. The approved private project number must be provided to Planning prior to the case going to County Commission and subsequent recording with the Register of Deeds. If these are franchised utilities, provide Planning with approval from the participating franchised utility
- (2) Provide original restrictive covenant(s) binding and tying the vacated portions of the described road right-of-way to applicants' abutting property. These must be provided to Planning prior to the case going to the County Commission and subsequent recording with the Register of Deeds.
- (3) Provide Planning with a legal description of the vacated road right-of-way on a Word document, via e-mail. This must be provided to Planning prior to the case going to County Commission for final action.
- (4) 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. Letter of Opposition
2. Charter No. 64
3. Aerial Map
4. Vacation Exhibit and Legal Description

Letter of Opposition

Tim Taton
218 N Main
Viola, KS 67149
Own property in Section 28, Township 28 South, Range 04 West of Sedgwick County

To Whom It May Concern,

I am writing regarding the request by KM Ranch LLC to vacate 359th St. West between 63rd St. South and 71st St South.

While I appreciate the position of the party requesting vacation of the Right-of-Way, I categorically disagree with the proposed action.

If you look at any of the aerial photos of a 10-mile radius of this property, I believe you will see ample wildlife habitats available in this portion of the County. There are numerous creeks, rivers, pastures, ponds and such to support an abundant wildlife population. This also seems to be a very self-serving request and not in the best interest of others in the area. It would also seem inappropriate for the 2nd most populated County in the State to limit roadway access.

There are additional Emergency Services implications to Sedgwick County in the form of Sheriff Patrol and County Fire Department services reaching other's properties in the area.

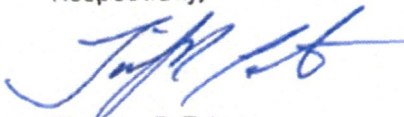
Additionally, with agriculture being a primary economic driver in this portion of the County, this action would further limit the accessibility for those farmers in the area that utilize this road for getting to and from their fields without having to travel or further clog up our paved roads on 375th and 71st Street. This change will also have a potential impact on Safety, as many farmers do their best to limit their travel on paved roads, to avoid creating an impediment to safe travel on the more heavily traveled paved roads.

The Township has done a fair job of trying to get this road improved and bringing it back from the level of disrepair that has existed previously. This road, due to its condition in the past, had been used as an off-roading paradise for 4x4's and side by sides to go mudding. Were the Township to continue to add some additional sand and continue to maintain this road, it will likely be less and less available for that sort of activity.

Lastly, I believe that many of the wildlife habitat considerations can still be achieved on these properties without having to vacate the roadway. There is still enough land to establish said habitat to support whatever aspirations the owner has for said property.

Thank you for the opportunity to express our thoughts and provide feedback for the committee.

Respectfully,



Timothy R. Taton

- SEDGWICK COUNTY, KANSAS CODE
APPENDIX A - CHARTER RESOLUTIONS
NO. 64. VACATION OF COUNTY ROADS

NO. 64. VACATION OF COUNTY ROADS

CHARTER RESOLUTION NO. 64

Effective: February 27, 2012

A CHARTER RESOLUTION EXEMPTING SEDGWICK COUNTY, KANSAS, FROM CERTAIN PROVISIONS OF K.S.A. 68-101 ET SEQ. RELATING TO THE VACATION OF COUNTY ROADS AND ADOPTING SUBSTITUTE AND ADDITIONAL PROVISIONS FOR THE SAME.

WHEREAS, K.S.A. 68-101 et seq. was originally enacted in 1911 as part of an act regarding roads; and

WHEREAS, K.S.A. 68-107 (Sec. 7 of the 1911 act) is not uniformly applicable to all counties; and

WHEREAS, under the authority of K.S.A. 19-101a and 19-101b, Sedgwick County may elect to adopt substitute and additional provisions from the whole or part of any act of the legislature that does not apply uniformly to all counties; and

WHEREAS, Kansas recognizes private land owners have a common law right of access from the owner's property to abutting public roads, which may be affected by the vacation of public roads unless adequate procedures are in place to protect that right;

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, that the following Charter Resolution be adopted.

Section 1. Sedgwick County, Kansas, is a duly organized County within the State of Kansas and by the power vested in such county by K.S.A. 19-101, 19-101a, and 19-101b, hereby exempts said County from and makes inapplicable to it certain provisions contained in the act codified at K.S.A. 68-101 et seq.; the act not being uniformly applicable to all counties, and Sedgwick County adopts substitute and additional provisions as follows.

Section 2. Sedgwick County is exempt from provisions related to the vacation of roads contained in K.S.A. 68-102, 68-103, 68-104, 68-105, 68-106, 68-107 and 68-110; roads in the unincorporated area of Sedgwick County may be vacated in substantial conformance with the following requirements.

A. *Vacation Initiated by Board of County Commissioners.*

- (1) The Board of County Commissioners (the Board) may vacate any road in the unincorporated area of the county whenever the board determines such road is not a public utility by reason of neglect, nonuse, or inconvenience or from other cause or causes where such road as a public utility does not justify the expenditure of the necessary funds to repair such road or put the same in condition for public travel. The County Counselor's office shall be responsible for preparation of the notices and other actions required by this section.
- (2) Notice of the proposed action shall be published once in the official county newspaper; and notice shall also be mailed by first class mail to each landowner adjoining the road, or part thereof, proposed for vacation, at the address where the owner's tax statement is sent.
 - (a) Notice shall also be provided to the township(s) where the road or part thereof proposed for vacation is located.
 - (b) If the road or part thereof proposed to be vacated is located within three miles of the city limits of Wichita, notice shall be provided to the City of Wichita governing body and the Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC).

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NO. 64. VACATION OF COUNTY ROADS

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- (c) If the road or part thereof proposed to be vacated is located in any other city's zoning area of influence, or in a city's extra-territorial subdivision jurisdiction, notice shall be provided to the city governing body and planning commission.
 - (3) The notice shall describe the road or part thereof proposed for vacation, and set the day and time for consideration of the matter by the Board, which shall be at least 30 days after the publication and mailing of the notice.
 - (4) The Board may refer the matter to the MAPC for review and recommendation.
 - (5) On the day set, the Board shall consider the matter, and make findings whether:
 - (a) All required notices of the consideration of the proposed vacation were provided as required by this resolution.
 - (b) The road does not provide any public utility by reason of neglect, nonuse or inconvenience, or other cause or causes.
 - (c) Any present or future public utility does not justify the expenditure of necessary funds to repair the road or put it in condition for public travel.
 - (d) The public will not suffer any unreasonable loss or inconvenience and no private rights will be endangered or injured.
 - (6) The Board shall direct the County Counselor to prepare an order consistent with the findings made for signature by the Chairman of the Board.
 - (7) The order shall be recorded with the Register of Deeds.
- B. *Vacation Initiated by Petition of An Adjoining Landowner.*
- (1) Any adjoining landowner may petition the Board to vacate a road or portion thereof. The petition shall be filed with the Metropolitan Area Planning Department (MAPD) and shall be accompanied by a filing fee in the amount set for applications of this type.
 - (2) Upon the filing of the petition the MAPC shall fix a time for the hearing of the petition and give notice of the hearing by publication in the official county newspaper. Such notice shall be published at least one time at least 20 days prior to the date of the hearing. If the road or part thereof proposed for vacation is located in a city's zoning area of influence, or in a city's extra-territorial subdivision jurisdiction, notice shall be provided to the city governing body and planning commission. Additional notice may be provided in conformance with MAPC policies.
 - (3) At the hearing, the MAPC shall determine whether:
 - (a) The required notices were sent;
 - (b) The public will suffer any loss or inconvenience; and
 - (c) Any private rights will be injured or endangered.
 - (4) The MAPC shall then forward its recommendation to the Board for final action. Any person aggrieved by the recommendation of the MAPC on said petition for vacation may appeal the recommendation to the Board by filing a written appeal with the MAPD within 10 days of the decision of the MAPC. Upon submission of an appropriate written appeal, a public hearing will be scheduled before the Board by giving 20 days notice in writing to all persons present and on

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record at the public hearing before the MAPC concerning said vacation petition. No further publication of a hearing notice shall be required.

- (5) Following final action by the Board, a copy of the Board's order shall be recorded with the Register of Deeds.

Section 3. This resolution shall be published once each week for two consecutive weeks in the official county newspaper.

Section 4. This charter resolution shall take effect sixty-one (61) days after final publication unless a sufficient petition for referendum is filed and a referendum held on the resolution as provided by K.S.A. 19-101(b), in which case the resolution shall become effective if approved by a majority of the electors voting thereon.

Commissioners present and voting were:

DAVID M. UNRUH: Aye

TIM R. NORTON: Aye

KARL PETERJOHN: Aye

RICHARD RANZAU: Aye

JAMES B. SKELTON: Aye

Dated this 14th day of December, 2011.

BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS

DAVID M. UNRUH, Chairman
Commissioner, First District

TIM R. NORTON,
Chair Pro Tem
Commissioner, Second District

KARL PETERJOHN
Commissioner, Third District

RICHARD RANZAU
Commissioner, Fourth District

JAMES B. SKELTON
Commissioner, Fifth District

ATTEST:

KELLY B. ARNOLD,
County Clerk

APPROVED AS TO FORM:

ROBERT W. PARNACOTT
Assistant County Counselor

Aerial Map

VAC2025-15

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



Vacation Exhibit and Legal Description

Main Office
2908 North Plum Street
Hutchinson, KS 67502
Office: (620) 665-7032
Fax: (620) 663-7401



Garber Surveying Service, P.A.

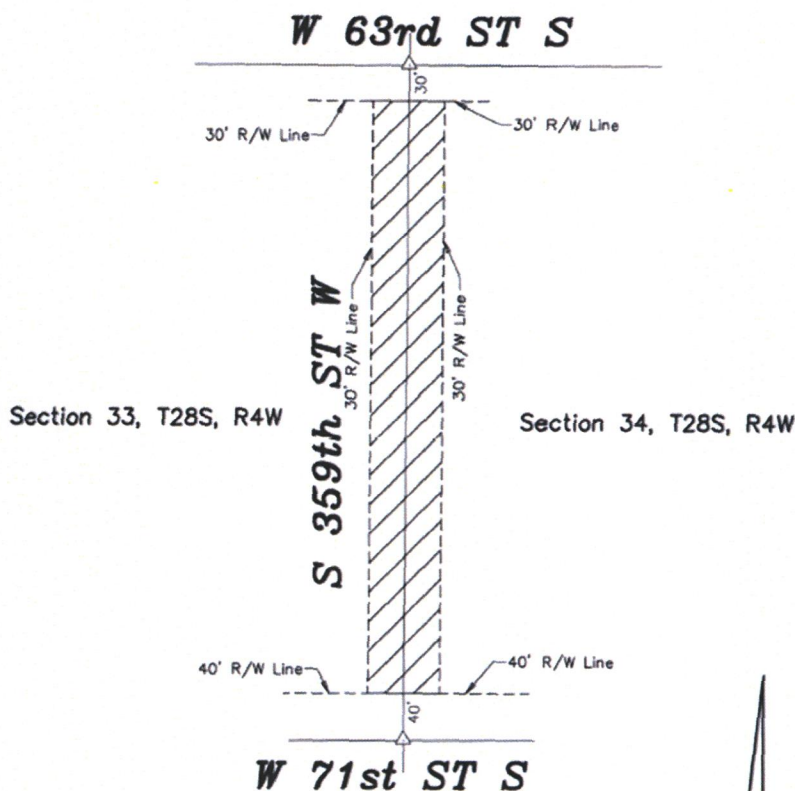
Branch Offices
Manhattan 785-320-4810
McPherson 620-241-4441
Newton 316-283-5053
Salina 785-404-6302
Wichita 316-260-9933

SURVEY FOR: KALEB HOWELL

Project No. G2025-270

DESCRIPTION:

To vacate the 80.00 foot right-of-way currently centered on the west line of Section 34, Township 28 South, Range 4 West of the 6th Principal Meridian, from the north right-of-way line of West 71st Street South to the south right-of-way line of West 63rd Street South.



NORTH

BASIS OF BEARING
= NAD 83 KANSAS
SOUTH ZONE

SURVEYOR'S CERTIFICATE:

I hereby certify this plat to be a true, correct and complete representation of the property described above as surveyed under my supervision.
Dated: April 4, 2025

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Daniel E. Garber, PS #683

