



Wichita-Sedgwick County Metropolitan Area Planning Department

November 3, 2022

Pat & Sheila Dixon
#11 Beaver Creek Rd
Goddard, KS 67052

Scott & Christal Schneider
#4 Beaver Creek Rd
Goddard, KS 67052

Gary & Debra Henning
#10 Beaver Creek Rd
Goddard, KS 67052

Ben & Judy Cott
#2 Beaver Creek Rd
Goddard, KS 67052

David & Cynthia Buchhloz
#8 Beaver Creek Rd
Goddard, KS 67052

Ref: VAC2022-00026: Vacation request in the County to vacate a platted 30-foot utility easement on the south line of 5 properties zoned RR Rural Residential, generally located on the east side of South 231st Street South and one-half mile south of West 47th Street South.

At its regular meeting on **Wednesday, November 2, 2022**, the Sedgwick County Commissioners considered the above-referenced vacation request. The action of the County Commission was to **APPROVE the vacation request subject to the following conditions:**

- (1) Vacate all of the platted 30-foot wide utility easement located on and running parallel to the south side of Lot 6, Block 1, Miles Country Club Estates - Miles Village Third Addition.
- (2) Vacate the north 10 feet of the platted 30-foot wide utility easement located on and running parallel to the south sides of Lot 1, 2, 3, 4, and 5 Block 1, Miles Country Club Estates - Miles Village Third Addition. The resulting 20-foot wide utility easement shall provide unobstructed surface drainage.

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 'Eryn Ebach Freund'.

Eryn Ebach Freund
Associate Planner

EE:kw



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

September 1, 2022

Pat & Sheila Dixon
#11 Beaver Creek Rd
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Ref: VAC2022-00026: Vacation request in the County to vacate a platted 30-foot utility easement on the south line of 5 properties zoned RR Rural Residential, generally located on the east side of South 231st Street South and one-half mile south of West 47th Street South.

At the Thursday, September 1, 2022, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

- (1) Vacate all of the platted 30-foot wide utility easement located on and running parallel to the south side of Lot 6, Block 1, Miles Country Club Estates - Miles Village Third Addition.
- (2) Vacate the north 10 feet of the platted 30-foot wide utility easement located on and running parallel to the south sides of Lot 1, 2, 3, 4, and 5 Block 1, Miles Country Club Estates - Miles Village Third Addition. The resulting 20-foot wide utility easement shall provide unobstructed surface drainage.
- (3) Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the platted utility easement shall be to County 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 County Commission for final action.
- (4) As needed provide Planning with dedications of easements by separate instruments with original signatures to go with the Vacation Order to County Commission 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 County Commission for final action.
- (5) As needed provide utilities with any needed project plans for the relocation of utilities for review and approval. Any relocation/reconstruction of utilities made necessary by this vacation shall be to County Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number(s) to Planning prior to the case going to County Commission for final action.

FILED

- (6) All improvements shall be according to County Standards and at the applicants' expense.
- (7) Provide Planning with a legal description of the vacated 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 County Commission for final action.
- (8) 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.

When all of the above conditions have been completed and there are no other documents requested; this case will be scheduled for final action by the Wichita City Council at the first appropriate date after **September 15, 2022** (end of the two-week protest period). 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,



Eryn Ebach Freund
Associate Planner

EE:kw



Sedgwick County
 Register of Deeds - Tenys Buckingham
 Doc.#/Flm-Pg: 30206180
 Receipt #: 2353861 Recording Fee: \$0.00
 Pages Recorded: 2

Cashier: kmiliga Authorized By: *Tenys Buckingham*
 Date Recorded: 11/22/2022 10:06:21 AM



BEFORE THE COUNTY COMMISSIONERS
 OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF A THIRTY)
 FOOT UTILITY EASEMENT)

GENERALLY LOCATED ON THE EAST SIDE OF)
 SOUTH 231st STREET WEST AND ONE-HALF MILE)
 SOUTH OF WEST 47th STREET SOUTH.)

VAC2022-00026

VACATION ORDER

NOW on this 2nd day of November, 2022, at 9:00 o'clock A.M., comes the petition filed by Pat and Shelia Dixon, Ben and Judy Cott, Scott and Christal Schneider, David and Cynthia Buchholz, and Gary and Debra Henning (owners), praying for the vacation of the following-described portions of the platted 30-foot utility easement, to wit:

The platted 30-foot wide utility easement running parallel to the south side of Lot 6, Block 1, Miles Country Club Estates - Miles Village Third Addition, Sedgwick County, Kansas

The north 10 feet of the platted 30-foot wide utility easement running parallel to the south sides of Lot 1, 2, 3, 4, and 5, Block 1, Miles Country Club Estates - Miles Village Third Addition, Sedgwick County, Kansas

WHEREUPON, it is shown that proper notice has been given by publication once at least 20 days prior to the date of hearing in the official county newspaper, the Ark Valley News, such publication having occurred on August 11, 2022; and it is further shown that proper proof of such publication has been filed herein. The Board finds that such notice is in lawful form and that it conforms to K.S.A. 58-2613, and amendments thereto.

THEREAFTER, the Board, being duly advised in the premises, finds and determines that no private rights will be injured or endangered by such vacation; that the public will suffer no loss or inconvenience thereby; that no written objections hereto have been filed with the Sedgwick County Clerk; and that, in justice to the prayer of the petitioner, the petitioner's prayer should be granted.

The Board further finds that the Metropolitan Planning Commission held a public hearing on the 1st day of September, 2022 and recommended that the vacation petition herein be approved.

THEREFORE, IT IS ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, that the described portions of platted 30-foot utility easement are hereby vacated. It is further ordered that the County Clerk shall send this original Vacation Order to the Register of Deeds of Sedgwick County for recording.

Commissioners present and voting were:

PETER F. MEITZNER
SARAH LOPEZ
DAVID T. DENNIS
LACEY D. CRUSE
JAMES M. HOWELL

aye
aye
aye
aye

Dated this 16 day of November, 2022.

ATTEST:

Kelly B. Arnold
KELLY B. ARNOLD, County Clerk



BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

David T. Dennis
DAVID T. DENNIS, Chairman
Commissioner, Third District

Sarah Lopez
SARAH LOPEZ, Chair Pro Tem
Commissioner, Second District

Peter F. Meitzner
PETER F. MEITZNER
Commissioner, First District

APPROVED AS TO FORM:

Kirk W. Spönsel
KIRK W. SPÖNSEL
Assistant County Counselor

Lacey D. Cruse
LACEY D. CRUSE
Commissioner, Fourth District

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

Public notice

(Published in The Ark Valley News on Aug. 11, 2022.)

MAPC September 1, 2022 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, September 1, 2022, no earlier than 1:30 p.m. the Wichita Sedgwick County Metropolitan Area Planning Commission (Planning Commission) will consider the following applications. The meeting will be held virtually, public participation is available in multiple ways, those without technology options can participate by going to Wichita City Hall Building - 1st Floor Council Chambers - 455 N. Main Street, Wichita, Kansas 67202 (specified at the bottom of this notice). 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.

→ **VAC2022-00026:** Vacation request in the County to vacate a platted 30 foot utility easement on the south line of 5 properties zoned RR Rural Residential, generally located on the east side of South 231st Street South and one half mile south of West 47th Street South.

ZON2022-00041: Zone change request in the County from SF-20 Single-Family Residential to GC General Commercial to permit warehouse self-storage with outdoor storage on property located on the south side of West 53rd Street North and approx. 400 feet east of North Ridge Road (7015 W. 53rd Street North).

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.

PLEASE NOTE THIS MEETING IS CONSIDERED AN EMERGENCY MEETING OF THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION DUE TO COVID-19, WHICH WILL IMPOSE SPECIAL PROCEDURES TO PARTICIPATE IN THE PUBLIC HEARING. THESE ARE AS FOLLOWS:

The meeting will be conducted "virtually" using Go-To-Meeting. You have multiple options to participate: 1) submit comments ahead of time, 2) participate remotely, or 3) attend in-person at the Wichita City Hall Building (see below).

Submit Comments Ahead of Time

You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 5pm 3 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email; letter; video; and audio message (mp3, etc.). The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department staff 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.

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

Participate Remotely

Please join my meeting from your computer, tablet or smartphone.
<https://global.gotomeeting.com/join/651544141>

You can also dial in using your phone.
United States: +1 (571) 317-3112

Access Code: 651-544-141

Join from a video-conferencing room or system.
Dial in or type: 67.217.95.2 or inroomlink.goto.com
Meeting ID: 651 544 141

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

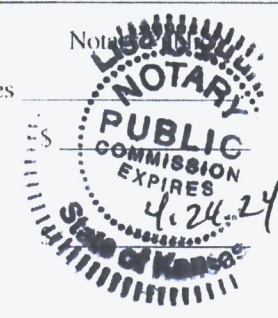
first publication thereof being made as aforesaid on the 11th day of August, 2022, with subsequent publications being made on the following dates:

_____ 2022 _____ 2022
_____ 2022 _____ 2022
_____ 2022 _____ 2022

Chris Strunk
Subscribed and sworn to before me this 11th day of August, 2022.

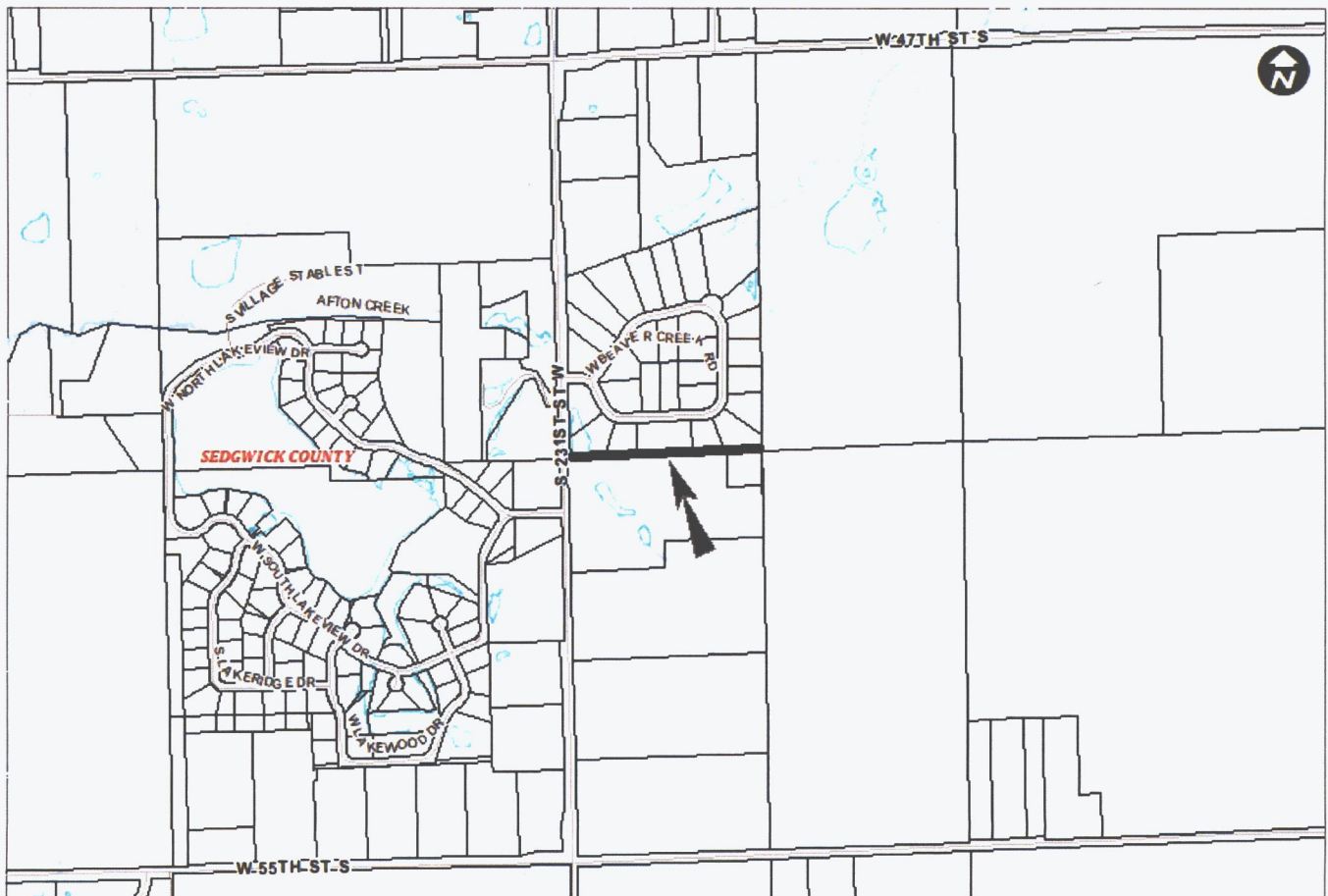
Webster

My commission expires _____
Additional copies _____
Printer's fee _____



STAFF REPORT

- CASE NUMBER:** VAC2022-00026- Request in the County to vacate a platted utility easement
- APPLICANTS:** Pat & Shelia Dixon, Scott & Christal Schneider, Gary & Debra Henning, David and Cynthia Buchholz, and Ben & Judy Cott (applicants/owners)
- LEGAL DESCRIPTION:** Generally described as vacating a platted utility easement located on and running parallel to the south property lines of Lots 1- 6, Block 1, Miles Country Club Estates - Miles Village Third Addition (see attached legal)
- LOCATION:** Generally located approximately one-half mile south of West 47th Street South, on the east side of South 231st Street West, on the south side of South Beaver Creek Road (CAB 3)
- REASON FOR REQUEST:** To allow improvements on the properties
- CURRENT ZONING:** The site is zoned RR Rural Residential and is developed with single-family residences. All abutting properties are also zoned RR and are developed with single-family residences and agricultural uses.



The applicants propose to vacate the platted 30-foot wide utility easement located on and running parallel to the south property lines of the Rural Residential (RR) zoned Lots 1-6, Block 1, Miles Country Club Estates - Miles Village Third Addition. If approved the vacation will allow the owners to make additional improvements to their properties. The subject properties are located on the east side of South 231st Street West, with frontage on South Beaver Creek Road. The Miles Country Club Estates, Miles Village Third Addition was recorded February 28th, 1978 with the Sedgwick County Register of Deeds.

Lots 1, 2, 5, and 6 are each developed with a single-family home and accessory structures. Lots 3 and 4 were combined under a single ownership, and are developed with a single-family residence and a large garage. The subject utility easement is located on the south 30 feet of the six lots, turning 90 degrees at the southeast corner of Lot 6 and extending north (see attachment 2, excerpt from Miles Country Club Estates, Miles Village Third Addition). Each property also has a second platted utility easements located along their north 10 feet, overlapping with the 30-foot platted front building setback area. In addition to the platted easements in the front and rear of the properties, a 20-foot utility easement was platted along the east property line of Lot 2 and the west property line of Lot 3. Similarly, a 20-foot utility easement was platted along the east property line of Lot 6 and the west property line of Lot 7.

Power poles for the Sedgwick County Electric Cooperative are located in the South Beaver Creek Road right-of-way. Rural Water District 4 equipment is located in a platted utility easement on the west side of the subdivision. Sewer service is on-site septic. South Beaver Creek Road is unimproved, and the sites are not served by sidewalks. The applicants have included correspondence from Kansas One Call confirming internet, telephone, and gas services are not located in the subject easement. Conditions #1, #2, #3, and #4 cover all utilities. Vehicular traffic, pedestrian traffic, public safety, and utilities should not be impacted by this vacation request if approved with the listed conditions. The subject properties and the area is located in unincorporated Sedgwick County, outside of any Cities growth area.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from County 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 portions 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 August 11, 2022, 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 portions of the platted utility easement, and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

1. Vacate all of the platted 30-foot wide utility easement located on and running parallel to the south side of Lot 6, Block 1, Miles Country Club Estates - Miles Village Third Addition.
2. Vacate the north 10 feet of the platted 30-foot wide utility easement located on and running parallel to the south sides of Lot 1, 2, 3, 4, and 5 Block 1, Miles Country Club Estates - Miles Village Third Addition. The resulting 20-foot wide utility easement shall provide unobstructed surface drainage.
3. Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the platted utility easement shall be to County 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 County Commission for final action.

4. As needed provide Planning with dedications of easements by separate instruments with original signatures to go with the Vacation Order to County Commission 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 County Commission for final action.
5. As needed provide utilities with any needed project plans for the relocation of utilities for review and approval. Any relocation/reconstruction of utilities made necessary by this vacation shall be to County Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number(s) to Planning prior to the case going to County Commission for final action.
6. All improvements shall be according to County Standards and at the applicants' expense.
7. Provide Planning with a legal description of the vacated 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 County Commission for final action.
8. 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 subject to the following conditions:

1. Vacate all of the platted 30-foot wide utility easement located on and running parallel to the south side of Lot 6, Block 1, Miles Country Club Estates - Miles Village Third Addition.
2. Vacate the north 10 feet of the platted 30-foot wide utility easement located on and running parallel to the south sides of Lot 1, 2, 3, 4, and 5 Block 1, Miles Country Club Estates - Miles Village Third Addition. The resulting 20-foot wide utility easement shall provide unobstructed surface drainage.
3. Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the platted utility easement shall be to County 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 County Commission for final action.
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6. All improvements shall be according to County Standards and at the applicants' expense.
7. Provide Planning with a legal description of the vacated 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 County

Vacation request in the County to vacate a platted 30-foot utility easement on the south line of five properties zoned RR Rural Residential, generally located approximately one-half mile south of West 47th Street South, on the east side of South 231st Street West, on the south side of South Beaver Creek Road
September 1, 2022

Page 4

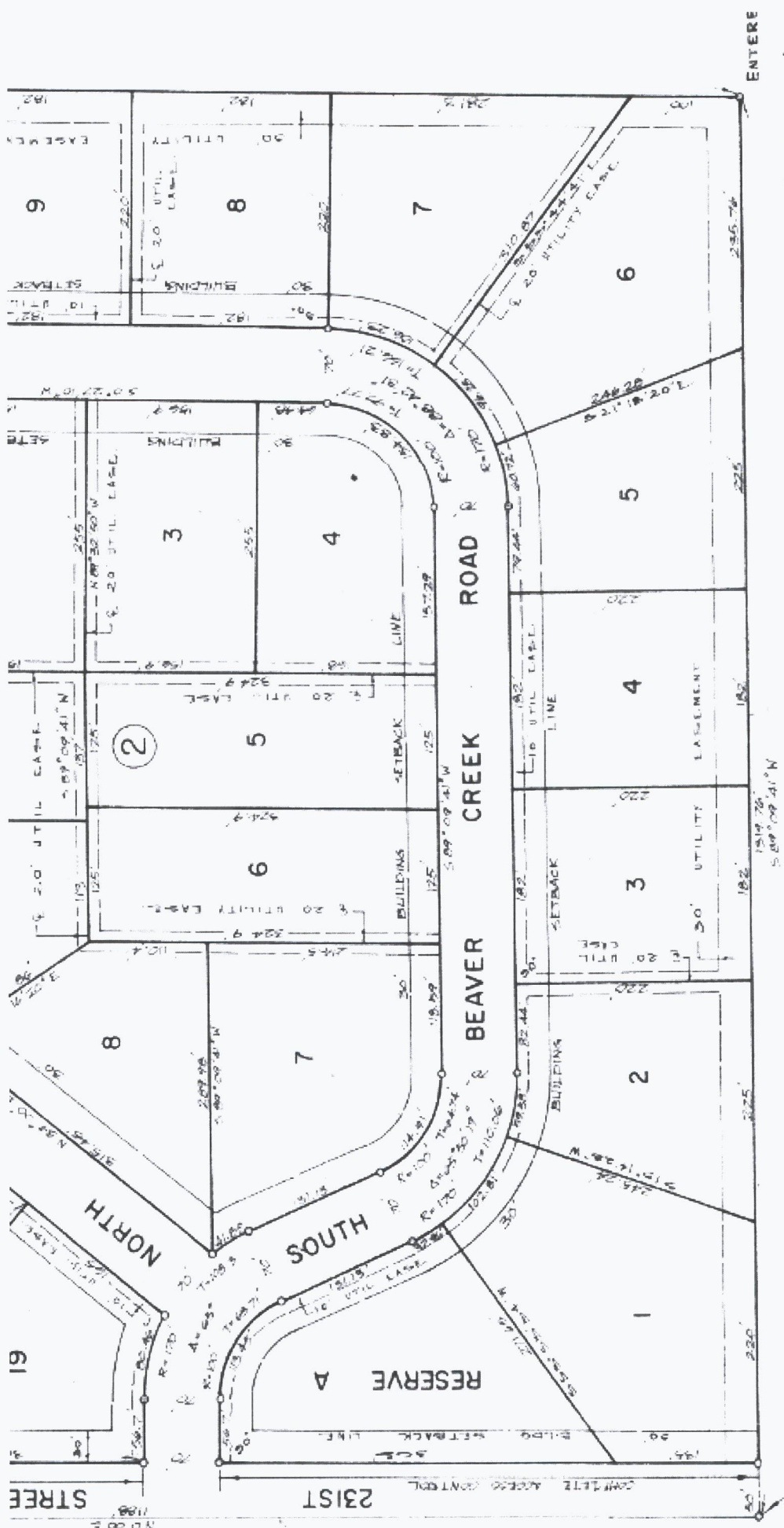
Commission for final action.

8. 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.

Attachments:

- Aerial Map,
- Excerpt from the Miles Country Club Estates, Miles Village Third Addition
- Site Photo
- Kansas One Call Correspondence
- Legal Description





ENTER

DRIVE

STREET

231ST

CONTROL ACCESS CONTROL

RESERVE A

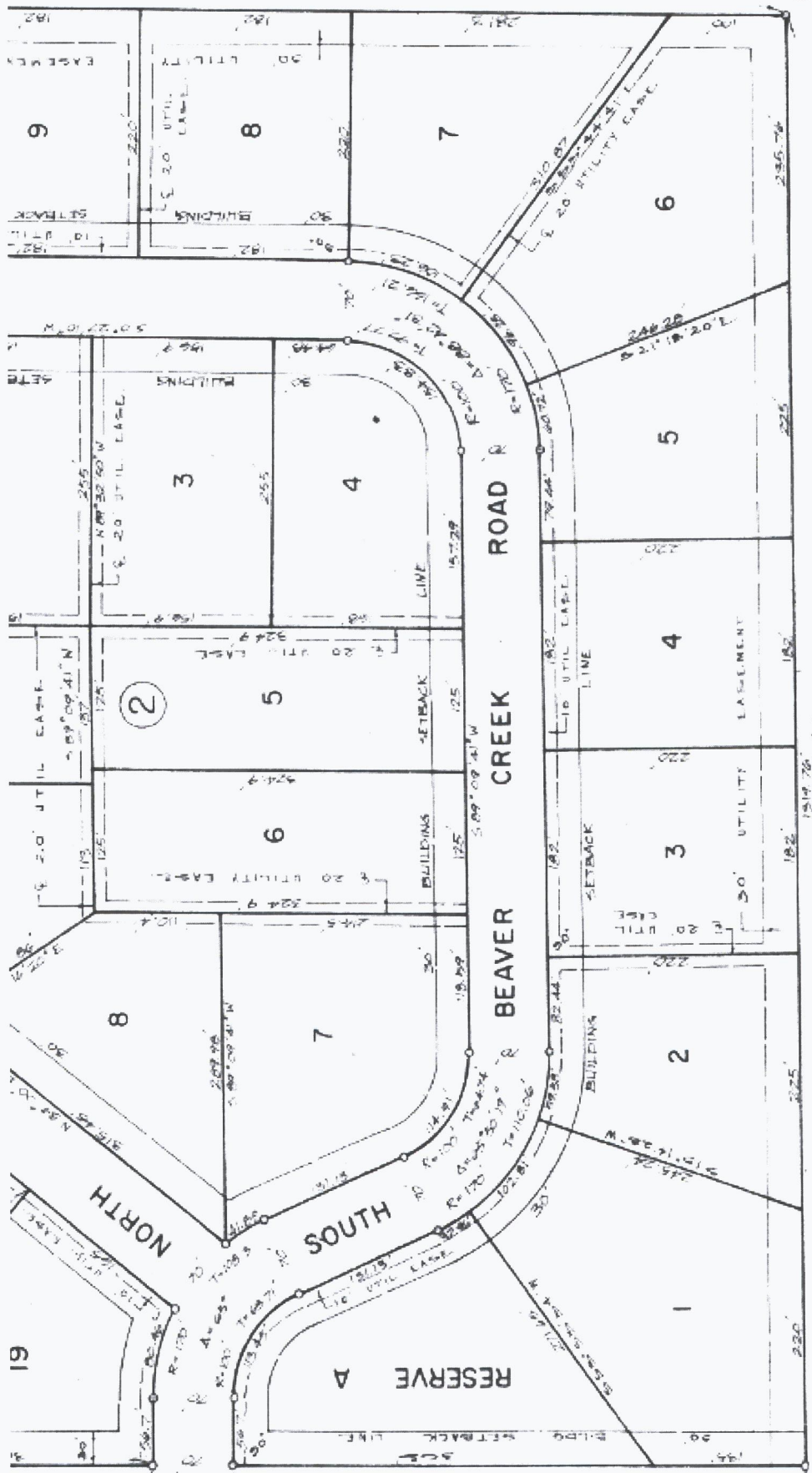
SOUTH

NORTH

BEAVER CREEK ROAD

ROAD

ROAD







Ticket Check Status for KS Ticket 22361073

7/21/2022 7:01 AM

<ks@occinc.com>
To: rangemanfan@gmail.com

Thu, Jul 21, 2022 at 7:01 AM

Kansas One Call Ticket Check Status

Ticket Number: **22361073**

Location: SOUTH BEAVER CREEK ROAD GODDARD, KS

As of **7/21/22 7:01 CDT**, participating facility owners have responded to Ticket Check as follows

Members Notified	Status
ATT DISTRIBUTION	Not yet responded
IDEATEK TELCOM LLC	Clear/No conflict
KANSAS GAS SERVICE	Clear/No conflict
SEDGWICK CTY ELEC CO	Marked RL MARKED 7/18/2022
SEDGWICK CO RWD #4	Clear/No conflict
SOUTHERN KS TELEPHONE	Clear/No conflict

[Click here to view the full status of this ticket.](#)

This is the only automated notification with ticket status that you will receive for this request. For further status updates, or for contact phone numbers for members that do not provide locate status to Ticket Check, please click here ([Ticket Link](#)). Member status information will not be available by calling 8-1-1 or 800-344-7233 (800-DIG-SAFE).



AT&T Distribution - All CLEAR/NO CONFLICT NOTIFICATION : 22361073

10/15/2022 10:00 AM

AT&T Distribution Cable Locate Notification <prod-mw@alcs.att-mail.com>

Fri, Jul 15, 2022 at 7:01 PM

Reply-to: CBus Email Microservice <cbuseb-ALCS-629ca139049a11edb6f33f64e527b315-001@cbus.att-mail.com>

To: SHEILA DIXON <rangemanfan@gmail.com>

***** THIS EMAIL IS SYSTEM GENERATED. PLEASE DO NOT RESPOND TO THIS EMAIL *****

AT&T Distribution - Damage Prevention

AT&T DISTRIBUTION UNDERGROUND/BURIED INFRASTRUCTURE LOCATE

All CLEAR/NO CONFLICT NOTIFICATION

Ticket No: 22361073

Ticket Address: SOUTH BEAVER CREEK ROAD

Place: GODDARD, KS

Caller Name: SHEILA DIXON

Caller Phone: (316)371-4551

Contractor Name: SHEILA DIXON

Contractor Phone: (316)371-4551

AT&T Distribution Membership Code: ATT301

State One Call Law Reference: Kansas Statutes Articles 18 Chapter 66

This is to notify you that for the above One Call Locate Notification Request, status of the facilities at this date and time is All Clear/No Conflict. The information in this response does not mean that another utility other than AT&T Distribution is Clear/Not in conflict or different activities at the same location would be clear. If you have any questions about this message or if you believe you have received this notification in error and that AT&T Distribution Underground Facilities are actually in the vicinity of your excavation activity, please call 1-405-317-5348

**A duplicated notice may be sent multiple times, resulting from an update of the same ticket number.*

Legal Description

The South 30 feet of Lot 6, and the North 10 feet of the South 30 feet of Lots 1, 2, 3, 4, and 5, Block 1, of Miles Country Club Estates, Miles Village Third Addition, Wichita, Sedgwick County Kansas.