



Wichita-Sedgwick County Metropolitan Area Planning Department

October 18, 2023

Paul Kelsey
Kick "N" Development Corp.
719 N. 119th Street West, Ste. 108
Wichita, KS 67212

John Amrein
KPC Pipeline, LLC
14799 Woodend Rd.
Bonner Springs, KS 66012

Phil Meyer
Baughman Company, P.A.
315 Ellis Street
Wichita, KS 67211

RE: VAC2023-00027: Request in the City to vacate a portion of platted complete access control on property zoned TF-3 Two-Family Residential; generally located on the east side of South 167th Street West and within one-half mile north of West US-54/400

Dear Applicant;

At its regular meeting on **October 17, 2023**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the vacation request.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Philip Zevenbergen'.

Philip Zevenbergen, AICP
Current Plans
Division Manager



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

FILE COPY

August 24, 2023

Baughman Company, P.A.
Attn: Phil Meyer
315 Ellis
Wichita, KS 67211

Ref: VAC2023-00027: Vacation request in the City to vacate a portion of a platted access control on property zoned TF-3 Two-Family Residential District, generally located on the east side of 167th Street West, 1500 feet north of U.S. Highway 54.

Phil,

At the Thursday, August 24, 2023, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was **approved** subject to the following conditions:

- (1) 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.
- (2) All improvements shall be according to City Standards and at the applicants' expense.
- (3) Vacation of the described portion of platted complete access control located on and running parallel with the west property line of Reserve A, Abilene Place Addition, is contingent on approval by the Traffic Engineer and the Fire Department.
- (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.

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 7, 2023**, (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,

Philip Zevenbergen
Current Plans Division Manager

PZ:kw

cc: Kick N Development Corp, Paul Kelsey, 719 N 119th Street W, Ste 108, Wichita KS 67212
KPC Pipeline LLC, John Amrein, 14799 Woodend Rd, Bonner Springs KS 66012
Unified School District 265, PO Box 249, Goddard KS 67052
Paul R & Mary Joan Weninger Revocable Living Trust, 25215 W 29th St, Andale KS 67001



Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30270866

Receipt #: 2401258
Pages Recorded: 2

Recording Fee: \$0.00

Cashier: vbunch
Authorized By: Tonya Buckingham
Date Recorded: 10/19/2023 02:10:49 PM



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

IN THE MATTER OF THE VACATION OF A PORTION)
OF PLATTED ACCESS CONTROL)

GENERALLY LOCATED ON THE EAST SIDE OF SOUTH)
167TH STREET WEST AND WITHIN ONE-QUARTER)
MILE NORTH OF WEST US-54/400)

VAC2023-00027

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 17th day of October 2023, comes on for hearing the petition for vacation filed by Kick "N" Development Corp. (owner) praying for the vacation of a portion of platted access control, to wit:

A 30-foot vacation of Complete Access Control along the Western boundary of Reserve "A", Abilene Place Addition, Wichita, Sedgwick County, Kansas as prepared by Baughman Co. P.A. Professional Surveyors, CLS 58, in aforesaid County and State, as described as COMMENCING at the northwest corner of said Reserve "A", said corner being on the eastern boundary line of South 167th Street West; THENCE South 00°44'02"W, coincident with the western line of said Reserve "A", a distance of 32.50 feet, to the POINT OF BEGINNING; THENCE South 00°44'02"W, coincident with the western line of said Reserve "A", a distance of 30.00 feet; to a point 62.50 feet south of the Northwest corner of Reserve "A", and the POINT OF TERMINATION.

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 3, 2023, which was at least 20 days prior to the public hearing.

October 17, 2023
VAC2023-00027


2. No private rights will be injured or endangered by the vacation of the described portion of complete access control and the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner(s), the prayer of the petition 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.

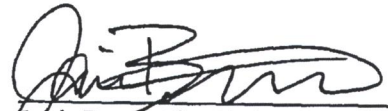
5. The vacation of the described portion of complete access control should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 17th day of October 2023, ordered that the above-described portion of complete access control 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.



Brandon J. Whipple, Mayor, City of
Wichita

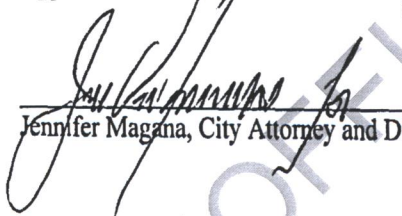
ATTEST:



Jamie Buster, City Clerk



Approved as to Form:



Jennifer Magana, City Attorney and Director of Law

October 17, 2023
VAC2023-00027

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

**IN THE MATTER OF THE VACATION OF A PORTION)
OF PLATTED ACCESS CONTROL)**

**GENERALLY LOCATED ON THE EAST SIDE OF SOUTH)
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VAC2023-00027

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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 3, 2023, which was at least 20 days prior to the public hearing.

October 17, 2023
VAC2023-00027

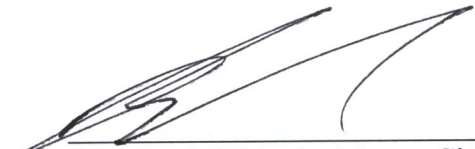
2. No private rights will be injured or endangered by the vacation of the described portion of complete access control and the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner(s), the prayer of the petition 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 complete access control should be approved.


IT IS, THEREFORE, BY THE CITY COUNCIL, on this 17th day of October 2023, ordered that the above-described portion of complete access control 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.



Brandon J. Whipple, Mayor, City of Wichita

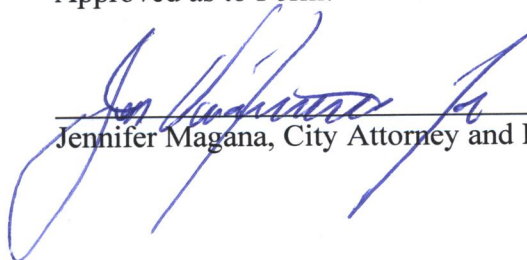


ATTEST:



Jamie Buster, City Clerk

Approved as to Form:



Jennifer Magana, City Attorney and Director of Law



Beaufort Gazette
 Belleville News-Democrat
 Bellingham Herald
 Bradenton Herald
 Centre Daily Times
 Charlotte Observer
 Columbus Ledger-Enquirer
 Fresno Bee

The Herald - Rock Hill
 Herald Sun - Durham
 Idaho Statesman
 Island Packet
 Kansas City Star
 Lexington Herald-Leader
 Merced Sun-Star
 Miami Herald

el Nuevo Herald - Miami
 Modesto Bee
 Raleigh News & Observer
 The Olympian
 Sacramento Bee
 Fort Worth Star-Telegram
 The State - Columbia
 Sun Herald - Biloxi

Sun News - Myrtle Beach
 The News Tribune Tacoma
 The Telegraph - Macon
 San Luis Obispo Tribune
 Tri-City Herald
 Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	450498	Print Legal Ad-IPL01335930 - IPL0133593		\$213.88	3	85 L

Attention: MANDY HEBERT
 CITY OF WICHITA/PLANNING DEPT
 271 WEST THIRD ST., 2ND FL, SU 203
 WICHITA, KS 67202

MHEBERT@wichita.gov

LEGAL PUBLICATION

OCA 150004
 Published in The Wichita Eagle on August 3, 2023
 (One Time Only)
 MAPC/BZA August 24, 2023
 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, August 24, 2023, 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 at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation may also occur through virtual methods (specified at the end 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. CON2023-00033: Conditional Use request in the City to permit a Car Wash; generally located on the northwest corner of East Funston Street and South Rock Road (1717 South Rock Road).

CON2023-00037: Conditional Use request in the City for Utility, Major on property zoned TF-3 Two-Family Residential District; generally located on the east side of 167th Street, within 1500 feet north of U.S. Highway 54.
 RUD2023-00008: RUD Amendment in the City to RUD #95 to amend the existing RUD boundary to include the approved platted boundary of the Courtyards at the Moorings Second Addition; generally located on the west side of Meridian Avenue, north of 42nd Street.

VAC2023-00027: Vacation request in the City to vacate a portion of a platted access control on property zoned TF-3 Two-Family Residential District; generally located on the east side of 167th Street West, 1500 feet north of U.S. Highway 54.
 VAC2023-00028: Vacation request in the City to vacate a retained Utility and Drainage Easement from a vacated platted railroad easement; generally located 2750 feet west of East 34th Street North and North Webb Road.

ZON2023-00044: Zone change request in the City from L1 Limited Industrial District to SF-5 Single-Family Residential District to allow residential development; generally located on the northeast corner of East 59th Street South and South Midland Avenue (5950 South Midland Avenue).

ZON2023-00045: Zone change request in the City from SF-5 Single-Family Residential District to MF-18 Multi-Family Residential District for multi-family development; generally located on the east side of North Florence Street, within 200 feet north of West Douglas Avenue.

ZON2023-00046: Zone change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District and LG Limited Commercial District for residential and commercial development; generally located on the southwest corner of 53rd Street North and Seneca Street (5355 North Seneca St.)

ZON2023-00047: Zone change request in the City from SF-5 Single-Family and TF-3 Two-Family to GC General Commercial, subject to Protective Overlay #416, for expansion of existing automotive repair and body shop facility; located between North Hoover Avenue and Highway Interstate 235 (721 North Hoover).

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 (see below):

- 1) Participate virtually
- 2) Attend in-person at the Ronald Reagan Building
- 3) Submit comments ahead of time

Participate Virtually

Join Zoom Meeting

<https://us06web.zoom.us/j/4089866967?pwd=e0k3bW0ySjBibFJQTDFvV0xPVDBXUT09>

Meeting ID: 408 986 6967

Passcode: 094136

One tap mobile

+186898006833, 4089866967#...*094136# US (San Jose)

+17193594580, 4089866967#...*094136# US

Meeting ID: 408 986 6967

Passcode: 094136

Find your local number: <https://us06web.zoom.us/j/4089866967>

Attend In-Person

You may also participate in the hearing in-person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202. The in-person option is primarily intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-268-4464) by 5pm, 3 days prior to the meeting.

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

WITNESS MY HAND on August 3, 2023

Scott Wadle, Secretary

Wichita-Sedgwick County

Metropolitan Area Planning Commission

IPL0133593

Aug 3 2023

In The STATE OF KANSAS
 In and for the County of Sedgwick

1 insertion(s) published on:
 08/03/23

STATE OF KANSAS)

SS

County of Sedgwick)

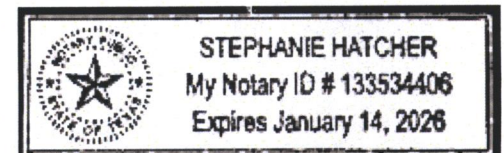
Hayley Martin, of lawful age, being first duly sworn, deposes and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterrupted 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 08/03/2023 to 08/03/2023.

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

DATED: 08/03/2023

Stephanie Hatcher

Notary Public in and for the state of Texas, residing in Dallas County

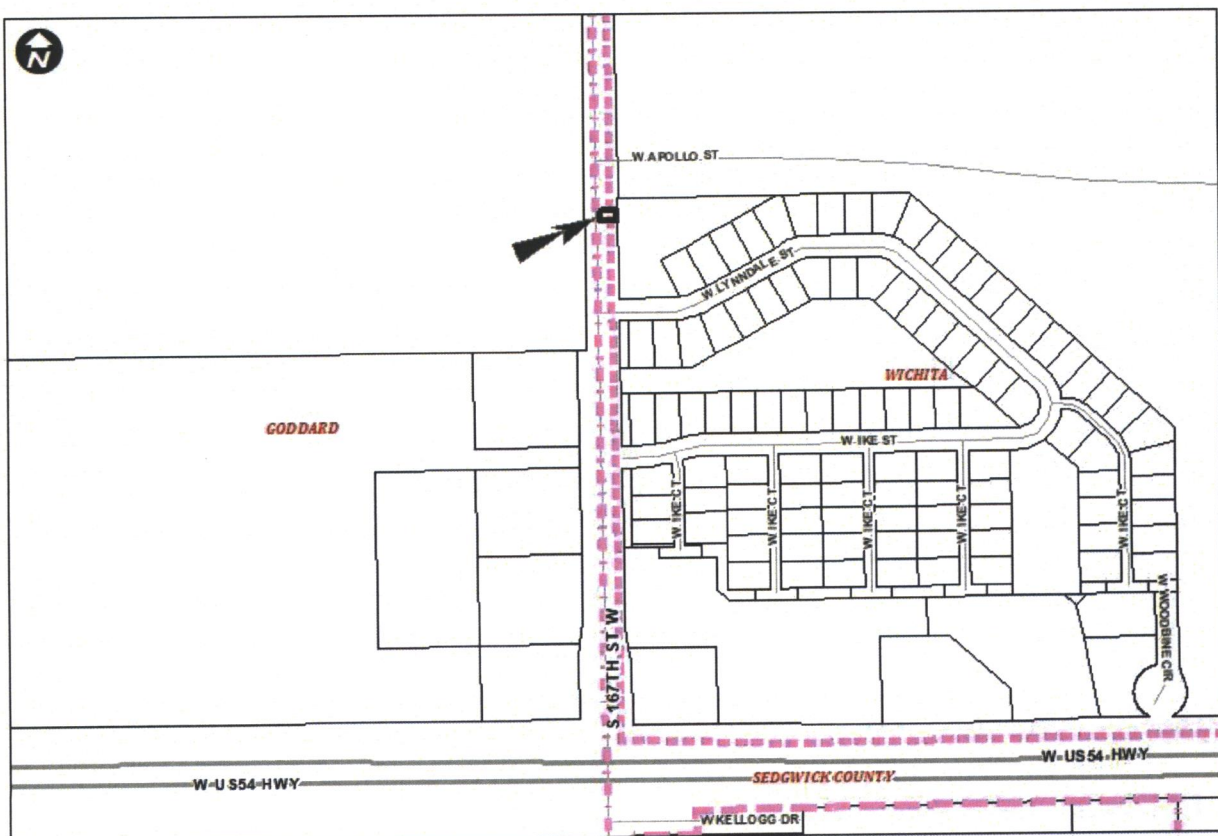


Extra charge for lost or duplicate affidavits.
 Legal document please do not destroy!

STAFF REPORT

- CASE NUMBER:** VAC2023-00027 – Vacation Request in the City to Vacate a Portion of Platted Complete Access Control on Property Zoned TF-3 Two-Family Residential District
- OWNER/APPLICANT:** Kick N Development Corp (applicant); KPC Pipeline, LLC (applicant); Baughman Company P.A. (agent).
- LEGAL DESCRIPTION:** Generally described as vacating 30 feet of platted complete access control onto South 167th Street West located on the west property line of Reserve A, Abilene Place Addition, Wichita, Sedgwick County, Kansas. (See attached full legal description).
- LOCATION:** Generally located on the east side of South 167th Street West and within one-half mile north of West US-54/400. (WCC IV)
- REASON FOR REQUEST:** Permit utility access drive for a gas regulator.
- CURRENT ZONING:** Properties to the east and south are zoned TF-3 Two-Family Residential District with CUP DP-241 and are platted for residential lots. Property to the north is zoned SF-5 Single-Family Residential District and developed with a school campus. Property to the west is zoned R-1 Single-Family Residential District (City of Goddard) and is undeveloped.

VICINITY MAP:



The applicant is requesting a vacation of a portion of platted access control to permit a 30-foot full movement utility access drive for a future gas regulator that intends to be constructed on a portion of Reserve A, Abilene Place Addition. This vacation request was submitted in connection with CON2023-00037, which is a Conditional Use request to permit Utility, Major for the intended construction of the gas regulator. If this vacation request is approved, the applicant indicates that the site would be accessed once per week on average.

There are no drive access points across the street on the west side of South 167th Street West. If approved, the proposed 30-foot drive access would be approximately 275 feet north of the platted Lynndale Street right-of-way (full movement, not constructed) and approximately 157 feet south of the private Apollo Drive, full movement access to the school. South 167th Street West has been improved to include a right turn lane onto Apollo Drive. The location of the proposed utility access drive would be able to utilize this right turn lane.

Portions of the South 167th Street West right-of-way at this location are in the City of Wichita and other portions are in Sedgwick County. Both City Traffic Engineering and Sedgwick County Public Works do not oppose the request since access in and out of the site will be minimal. Both entities require that sufficient space be provided along the utility access drive between the edge of the street asphalt to the security gate to accommodate the largest service vehicle. This will ensure the service vehicle does not obstruct traffic while on-site.

Neither Evergy nor Cox have objections to this request. Neither have lines or equipment in the area. The Abilene Place Addition was recorded June 10, 2021.

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 portions of the platted complete access control.

- 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 3, 2023, 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 access control 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) 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.
- (2) All improvements shall be according to City Standards and at the applicants' expense.
- (3) Vacation of the described portion of platted complete access control located on and running parallel with the west property line of Reserve A, Abilene Place Addition, is contingent on approval by the Traffic Engineer and the Fire Department.

VAC2023-00027 – City request to vacate complete access control for utility access drive.

August 24, 2023

Page 3

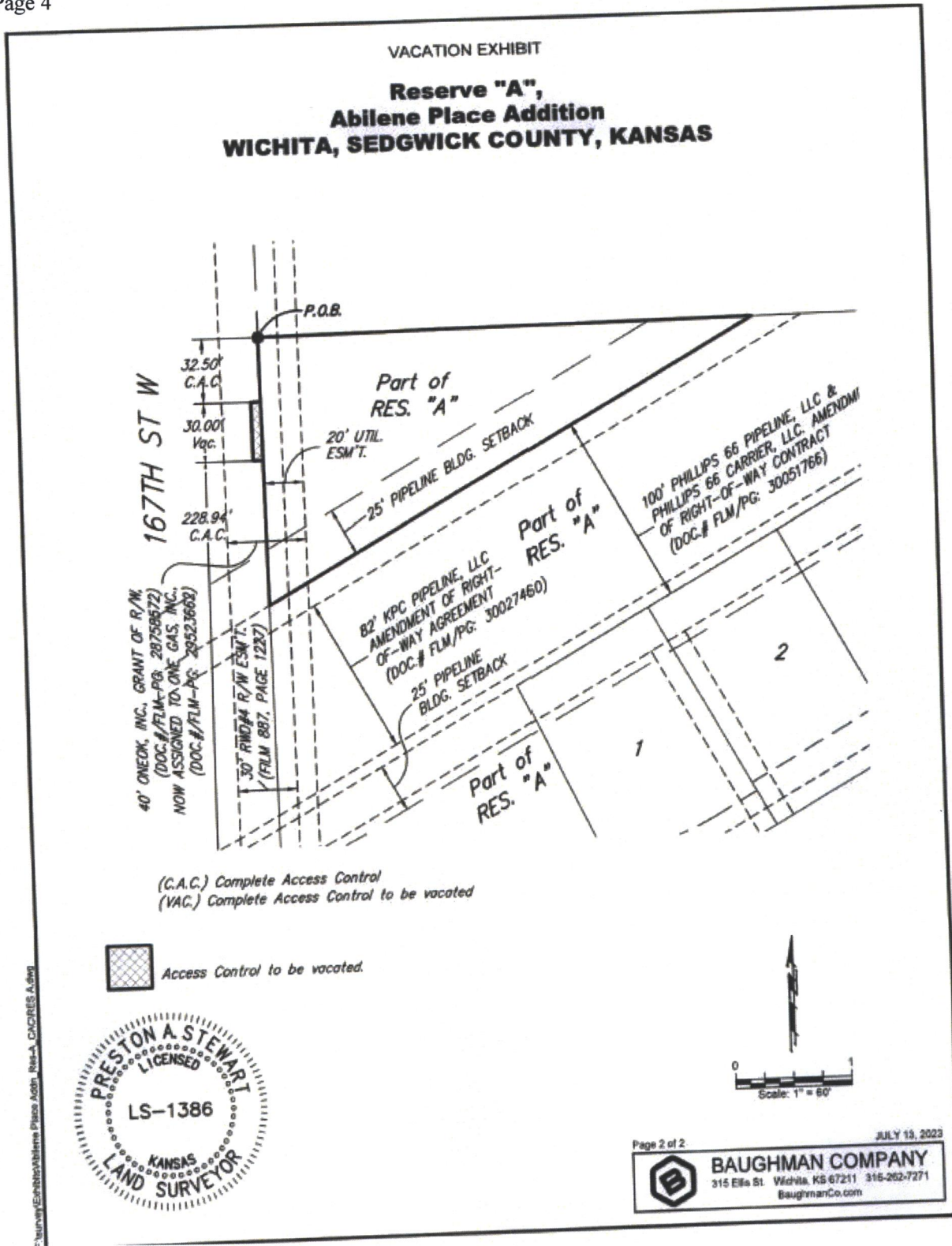
- (4) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken 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. Vacation Exhibit
2. Plat Detail
3. Aerial Map
4. Legal Description
5. Site Photos

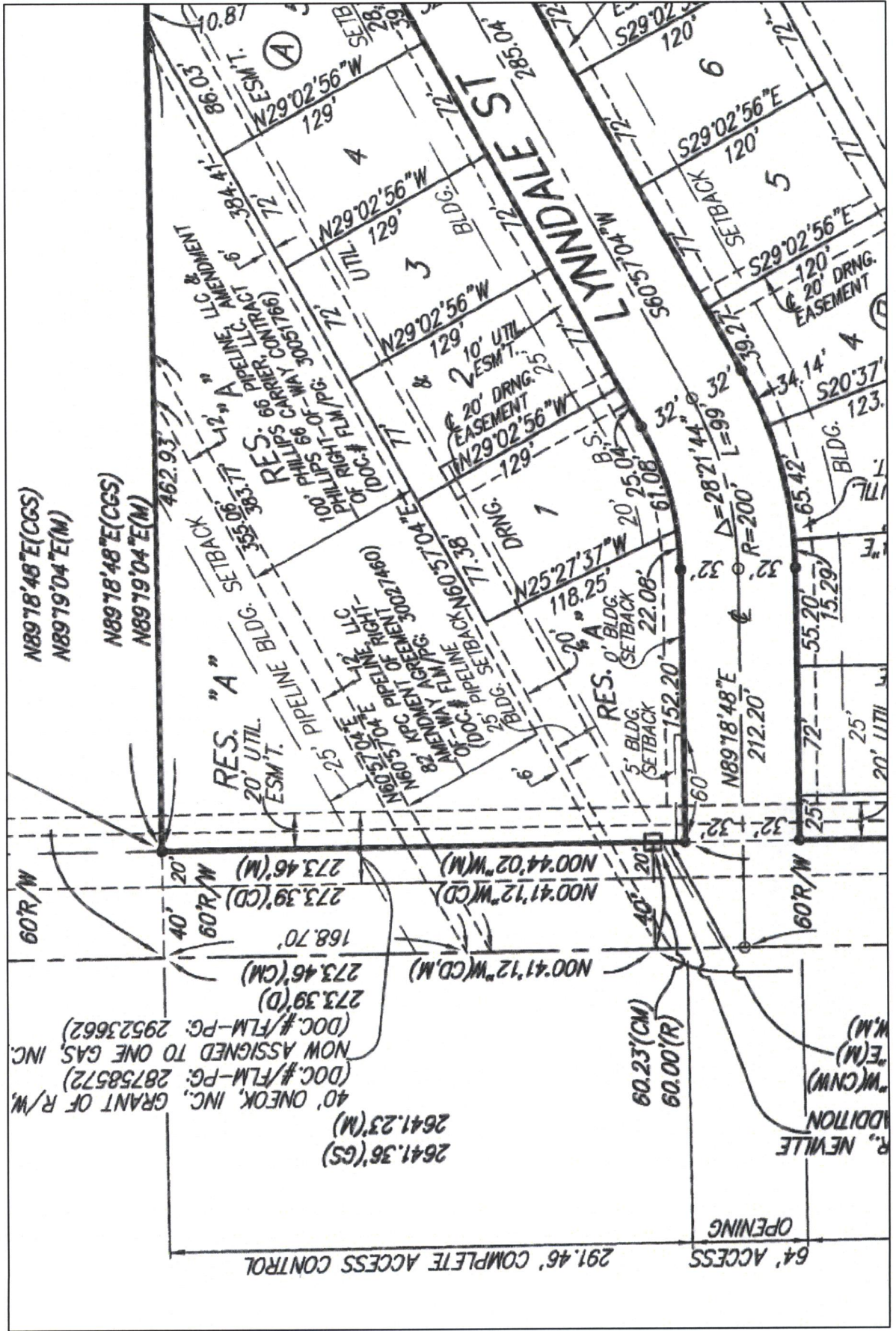













VAC2023-00027 - City request to vacate complete access control for utility access drive.

August 24, 2023

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Plat Detail



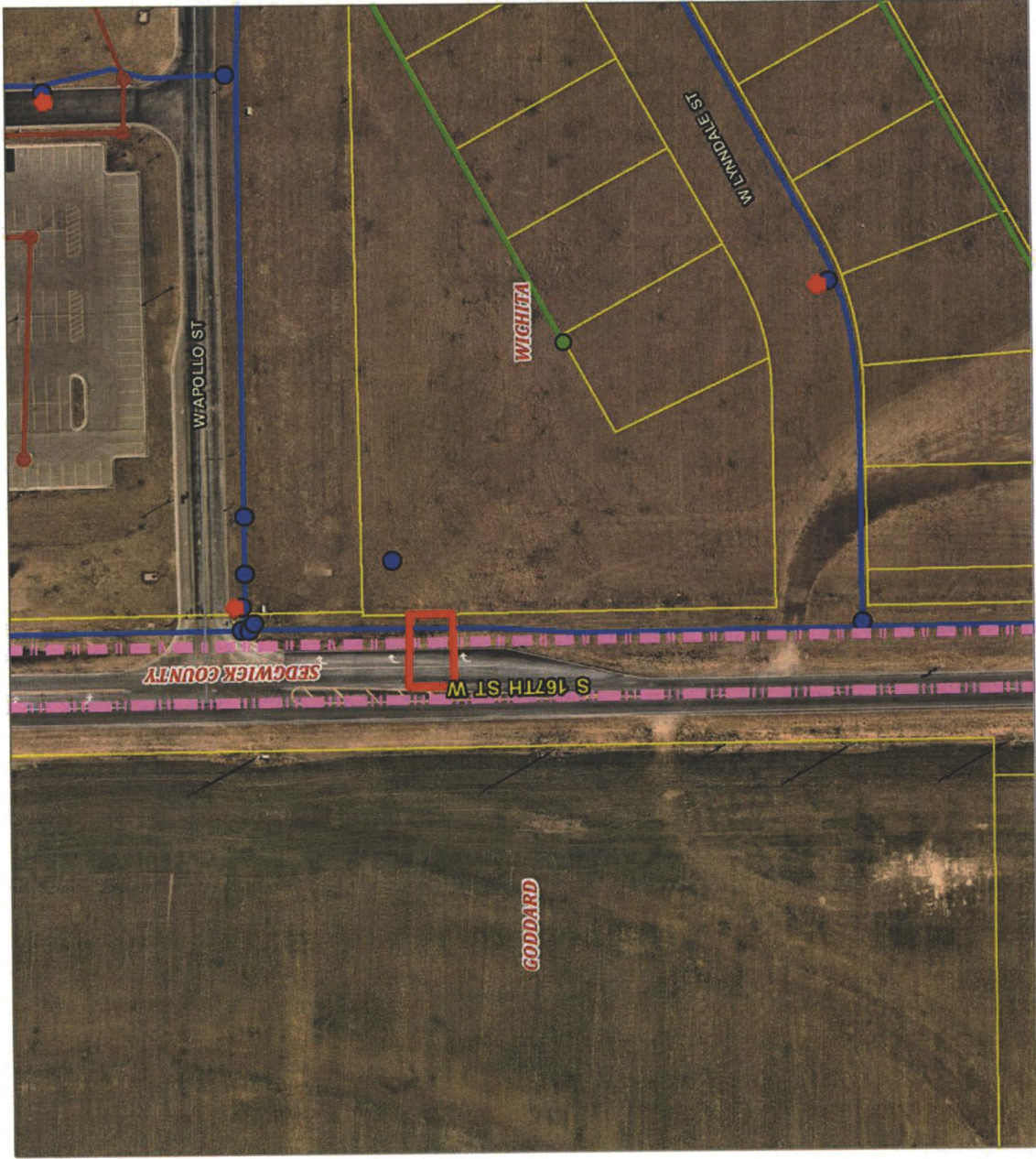
-  VAC2023-00027
-  Storm Structures
-  Enclosed Gravity Pipe
-  Force Main
-  Open Channel
-  Siphon
-  Water Hydrants
-  Sewer Manholes
-  Sewer Mains
-  Water Valves
-  Water Mains



Software: ArcGIS

Map Data Sources:
 City of Wichita
 Sedgwick County

Prepared: 7/17/2023



It is understood that while the City of Wichita Data Center Geographical Information Systems Department have no indication and reason to believe that there are inaccuracies in information incorporated in the base map, the Data Center does not warrant the accuracy, completeness, information, other expressed or implied, with respect to the information or data displayed.
 Note: Public property represented on this map is not intended to be inclusive.

Legal Description

LEGAL DESCRIPTION

Access Control to be Vacated

A 30 foot vacation of the Complete Access Control along the Western boundary of Reserve "A", Abilene Place Addition, Wichita, Sedgwick County, Kansas, as prepared by Baughman Co. P.A. Professional Surveyors, CLS 58, in aforesaid County and State, as described as COMMENCING at the northwest corner of said Reserve "A", said corner being on the eastern boundary line of 167th Street West; THENCE South 00°44'02" West, coincident with the western line of said Reserve "A", a distance of 32.50 feet, to the POINT-OF-BEGINNING; THENCE South 00°44'02" West, coincident with the western line of said Reserve "A", a distance of 30.00 feet, to a point 62.50 feet south of the Northwest corner of said Reserve "A", and the POINT-OF-TERMINATION.

VAC2023-00027 – City request to vacate complete access control for utility access drive.

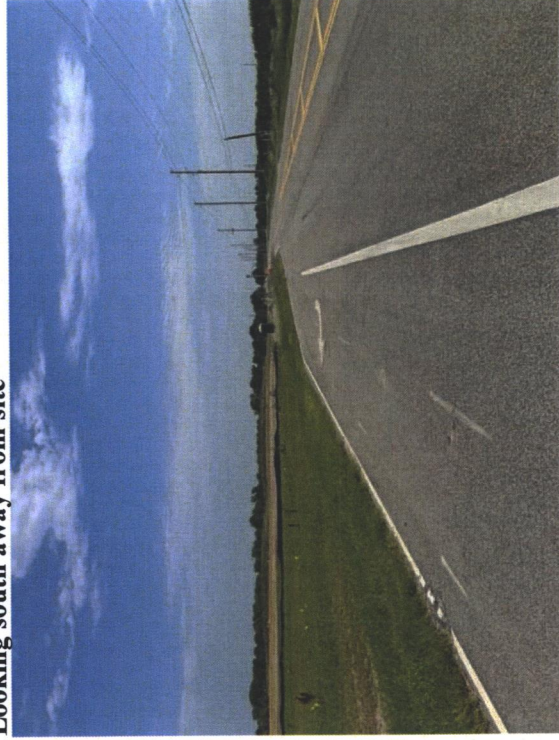
August 24, 2023

Page 8

Looking east at site



Looking south away from site



Looking north away from site

