



Sedgwick County  
Register of Deeds - Tonya Buckingham  
Doc.#/Flm-Pg: 30251676

Receipt #: 2388536  
Pages Recorded: 2

Recording Fee: \$0.00

Cashier: KVENATOR

Authorized By: *Tonya Buckingham*

Date Recorded: 07/18/2023 12:58:55 PM



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

**IN THE MATTER OF THE VACATION  
OF A PLATTED BUILDING SETBACK**

**GENERALLY LOCATED WEST OF SOUTH  
SENECA STREET AND WITHIN ONE-HALF MILE  
OF WEST HARRY STREET**

**MORE FULLY DESCRIBED BELOW**

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**VAC2023-00008**

**VACATION ORDER**

NOW on this 11<sup>th</sup> day of July, 2023, comes on for hearing the petition for vacation filed by Brent Steven (owner), praying for the vacation of the described portion of the platted building setback, to wit:

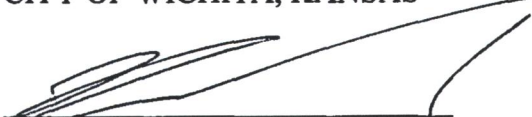
The platted 30-foot front building setback on Lot 3, Garden Villa 2<sup>nd</sup>, an Addition to the City of Wichita, Sedgwick County, Kansas.

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 April 3, 2023, 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 platted building setback 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 platted building setback should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 11<sup>th</sup> day of July, 2023, ordered that the described portion of the platted building setback is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Register of Deeds of Sedgwick County.

CITY OF WICHITA, KANSAS

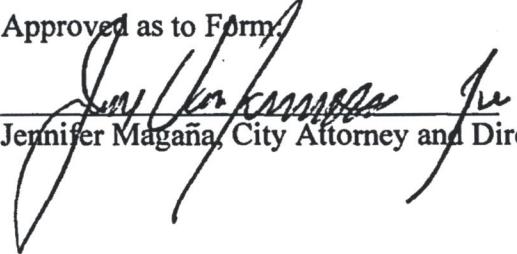
  
Brandon J. Whipple, Mayor

ATTEST:

  
Jamie Buster, City Clerk



Approved as to Form:

  
Jennifer Magaña, City Attorney and Director of Law



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

July 12, 2023

Peggy L Dalton  
1908 S. Millwood  
Wichita, KS 67213

**Ref: VAC2023-00008:** Vacation Request in the City to vacate a front building setback, generally located 1900 feet west of South Seneca Street and within one-half mile south of West Harry Street (1908 South Millwood).

Dear applicants,

At the Tuesday, July 11, 2023, meeting of the Wichita City Council the above-referenced vacation request was approved subject to the following conditions:

1. Vacate the platted 30-foot building setback on Lot 3, Garden Villa 2<sup>nd</sup>, and addition to Wichita, Sedgwick County, Kansas.
2. Provide planning staff with legal descriptions of the approved vacated portion of the platted setback on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to Council for final action.
3. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide Planning with any needed easements dedicated by separate instrument with original signatures for recording with the Register of Deeds. All original dedications will go with the Vacation Order to City Council for final action and filing with the Sedgwick County Register of Deeds. These conditions must be completed prior to the case going to Council for final action.
4. All improvements shall be according to City Standards and at the applicant's expense.
5. Per MAPC Policy Statement #7, all conditions shall 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.

Sincerely,

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

Philip Zevenbergen, AICP  
Current Plans  
Division Manger



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

April 28, 2023

Peggy L Dalton  
1908 S. Millwood  
Wichita, KS 67213

**Ref: VAC2023-00008:** Vacation Request in the City to vacate a front building setback, generally located 1900 feet west of South Seneca Street and within one-half mile south of West Harry Street (1908 South Millwood).

Dear applicants,

At the Tuesday, April 27, 2023, meeting of the Wichita -Sedgwick County Metropolitan Area Planning Commission, the above-referenced vacation request was recommended for approval subject to the following conditions:

1. Vacate the platted 30-foot building setback on Lot 3, Garden Villa 2<sup>nd</sup>, and addition to Wichita, Sedgwick County, Kansas.
2. Provide planning staff with legal descriptions of the approved vacated portion of the platted setback on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to Council for final action.
3. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide Planning with any needed easements dedicated by separate instrument with original signatures for recording with the Register of Deeds. All original dedications will go with the Vacation Order to City Council for final action and filing with the Sedgwick County Register of Deeds. These conditions must be completed prior to the case going to Council for final action.
4. All improvements shall be according to City Standards and at the applicant's expense.
5. Per MAPC Policy Statement #7, all conditions shall 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.

Sincerely,

Philip Zevenbergen, AICP  
Current Plans  
Division Manger



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	404244	Print Legal Ad-IPL01167740 - IPL0116774		\$208.84	3	83 L

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

## LEGAL PUBLICATION

**OCA 150004**  
 Published in The Wichita Eagle on April 6, 2023  
 (One Time Only)  
 MAPC/BZA April 27, 2023  
 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, April 27, 2023, no earlier than 1:30 p.m., the WichitaSedgwick 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 WichitaSedgwick County Metropolitan Area Planning Department at (316) 2684421.

CON2023-00004: Conditional Use request in the City for a Tavern/Drinking Establishment on property zoned LC Limited Commercial; generally located on the southwest corner of East Douglas Avenue and South Oliver Avenue (4717 E Douglas).

CON2023-00007: Conditional Use request for Nightclub in the City on property zoned LC Limited Commercial; located 100 feet south of East Harry Street and 150 feet west of South Hillside Avenue (1628 South George Washington).

CON2023-00008: Conditional Use request in the City for interior salvage on property zoned LI Limited Industrial District; generally located south of West Mariposa Lane and East of South Ridge Road (1515 South Yucca).

CUP2023-00011: Minor Amendment in the City to DP-4, Plaza West Shopping Center, for distance between freestanding signs; located on the west side of North West Street and south of West Central Avenue (601 North West Street).

PUD2023-00003: Zone Change request in the City from LI Limited Industrial and GI General Industrial to PUD to permit custom development standards for a travel/truck stop, RV overnight parking, EV charging, and custom sign standards; generally located on the northwest corner of East 21st Street North and I-135.

VAC2023-00008: Vacation in the City of front building setback on property zoned TF-3 Two-Family Residential; located 1900 feet west of South Seneca Street and within one-half mile south of West Harry Street (1908 South Millwood Avenue).

ZON2023-00011: Zone change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District for duplex development; generally located west of South Laura Avenue and approximately 75 feet south of East Scott Avenue (2507 South Laura Avenue).

ZON2023-00012: Zone change request in the City from LI Limited Industrial and LC Limited Commercial to TF-3 Two-Family Residential; generally located on the northeast corner of the West 29th Street North and North West Street (3350 North West Street).

ZON2023-00013: Zone change request in the City of Wichita from B-Multi-family to OW Office Warehouse; generally located approximately 219 feet south of East 3rd Street North, on Pennsylvania Avenue (342 North Pennsylvania).

ZON2023-00015: Zone change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District; generally located on the west side of North Elizabeth Street and within 150 feet south of West 2nd Street North (247 North Elizabeth).

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 WichitaSedgwick 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=a0k3bW0ySjENbFJQTDFvV0xPVDBXUT09>  
 Meeting ID: 408 986 6967  
 Passcode: 094136

One tap mobile  
 +16699008833,,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/kc65codfb1>  
 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 (316-2684464) 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](mailto: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 April 6, 2023  
 Scott Wadle, Secretary  
 WichitaSedgwick County  
 Metropolitan Area Planning Commission  
 IPL0116774  
 Apr 6 2023

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

1 insertion(s) published on:  
 04/06/23

STATE OF KANSAS)

SS

County of Sedgwick)

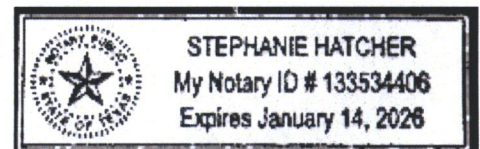
Hayley Martin, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has 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 04/06/2023 to 04/06/2023.

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

DATED: 04/06/2023

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:** VAC2023-00008- Request in the City to vacate a platted front building setback.

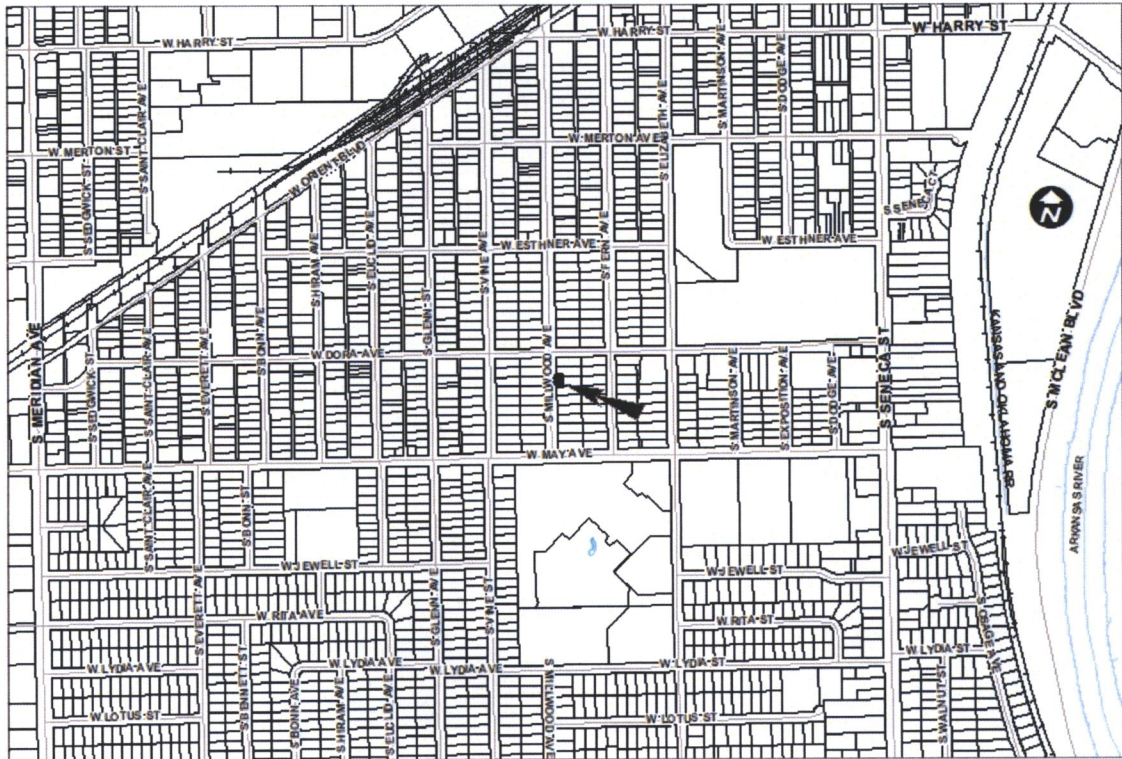
**APPLICANTS:** Peggy Dalton (owner)

**LEGAL DESCRIPTION:** Generally described as vacating the platted 30-foot building setback on Lot 3, Garden Villa 2<sup>nd</sup>, an Addition to the City of Wichita, Sedgwick County, Kansas (see attached legal).

**LOCATION:** Generally located 1900 feet west of South Seneca Street and within one-half mile south of West Harry Street (1908 South Millwood Avenue).

**REASON FOR REQUEST:** To bring an existing carport into conformance

**CURRENT ZONING:** The site and the abutting properties to the north, east, and south are zoned TF-3 Two-Family Residential District and developed as single-family residences. West of the subject site is property zoned MF-29 Multi-Family Residential District and developed with a single-family residence.



VAC2023-00008- Request in the City to Vacate a Platted Front Setback on Property Zoned TF-3 Two-Family Residential District, generally located 1900 feet west of South Seneca Street and within one-half mile south of West Harry Street (1908 South Millwood Avenue).

April 27, 2023

Page 2

The applicant is requesting the vacation of the 30-foot platted front building setback on Lot 3, Garden Villa 2<sup>nd</sup>, an Addition to the City of Wichita, Sedgwick County, Kansas to bring an existing carport into conformance. The subject property is zoned TF-3 Two-Family Residential District and is approximately 0.21-acres in size.

An 18-foot by 20-foot carport has been constructed in front of the single-family residence on the subject site. The applicant has concurrently submitted an administrative adjustment application to permit an accessory structure in front of the principal residence.

City water is located in the South Millwood Avenue right-of-way. City sewer is located in a platted 16-foot utility easement running parallel to the subject site's rear/east property line. Comments from all franchised utilities have not been received and are needed to determine whether franchise equipment is located within the described setback. Conditions #2 and #3 cover all utilities. Vehicular traffic, pedestrian traffic, and public safety should not be impacted by this vacation request if approved with the listed conditions.

The Second Garden Villa Addition was recorded with the Sedgwick County Register of Deeds on January 23, 1950.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from Public Works, Stormwater, Water and Sewer, Traffic, 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 platted building setback.

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 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 April 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 building 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. Vacate the platted 30-foot building setback on Lot 3, Garden Villa 2<sup>nd</sup>, and addition to Wichita, Sedgwick County, Kansas.

2. Provide planning staff with legal descriptions of the approved vacated portion of the platted setback on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to Council for final action.
3. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide Planning with any needed easements dedicated by separate instrument with original signatures for recording with the Register of Deeds. All original dedications will go with the Vacation Order to City Council for final action and filing with the Sedgwick County Register of Deeds. These conditions must be completed prior to the case going to Council for final action.
4. All improvements shall be according to City Standards and at the applicant's expense.
5. Per MAPC Policy Statement #7, all conditions shall 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 the platted 30-foot building setback on Lot 3, Garden Villa 2<sup>nd</sup>, and addition to Wichita, Sedgwick County, Kansas.
2. Provide planning staff with legal descriptions of the approved vacated portion of the platted setback on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to Council for final action.
3. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide Planning with any needed easements dedicated by separate instrument with original signatures for recording with the Register of Deeds. All original dedications will go with the Vacation Order to City Council for final action and filing with the Sedgwick County Register of Deeds. These conditions must be completed prior to the case going to Council for final action.
4. All improvements shall be according to City Standards and at the applicant's expense.
5. Per MAPC Policy Statement #7, all conditions shall 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.

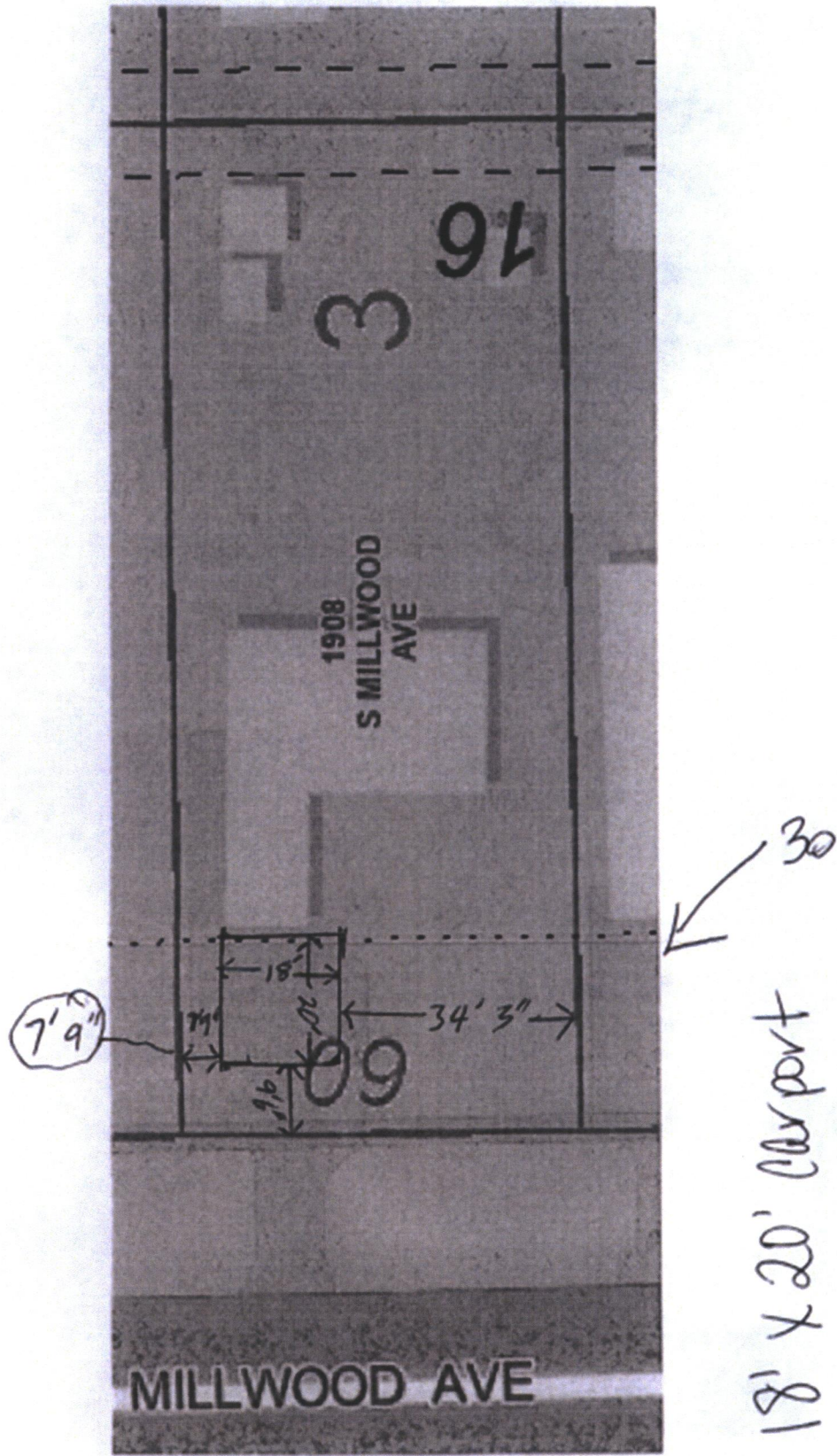
Attachments: 1) Aerial Map, 2) Applicant's Exhibit, 3) Site Photos, 4) Legal Description

Attachment 1. Aerial Map



VAC2023-00008- Request in the City to Vacate a Platted Front Setback on Property Zoned TF-3 Two-Family Residential District, generally located 1900 feet west of South Seneca Street and within one-half mile south of West Harry Street (1908 South Millwood Avenue).  
April 27, 2023  
Page 5

Attachment 2. Applicant's Exhibit

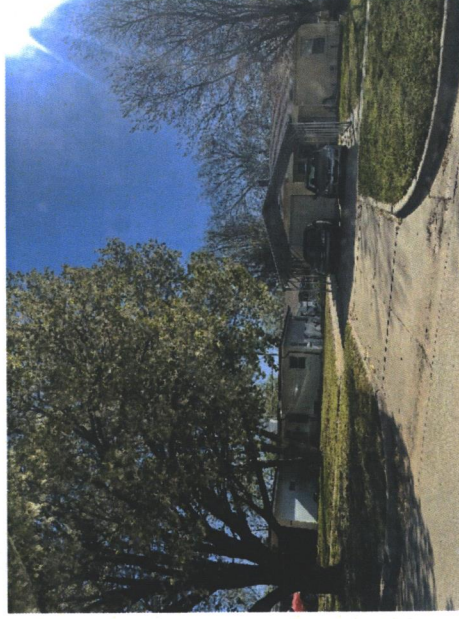


VAC2023-00008- Request in the City to Vacate a Platted Front Setback on Property Zoned TF-3 Two-Family Residential District, generally located 1900 feet west of South Seneca Street and within one-half mile south of West Harry Street (1908 South Millwood Avenue).  
April 27, 2023  
Page 6

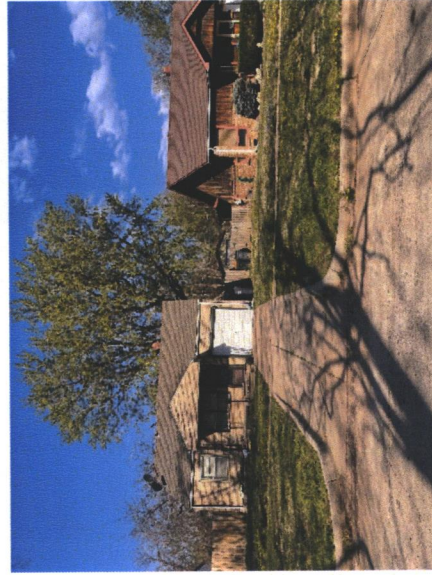
Attachment 3. Site Photos



The subject site.



The subject site and property to the north.



West of the subject site.



South of the subject site.

Legal Description

The platted 30-foot front building setback on Lot 3, Garden Villa 2<sup>nd</sup>, an Addition to the City of Wichita, Sedgwick County, Kansas.