



Sedgwick County  
 Register of Deeds - Tonya Buckingham  
 Doc.#/Film-Pg: 30316639  
 Receipt #: 2432118  
 Pages Recorded: 2

Recording Fee: \$0.00

Authorized By: *Tonya Buckingham*

Cashier: ttopo  
 Date Recorded: 06/24/2024 02:17:49 PM



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

**IN THE MATTER OF THE VACATION OF A PORTION OF A  
 PLATTED FLOODWAY** )

**GENERALLY LOCATED WITHIN ONE-QUARTER MILE  
 SOUTH OF EAST 21<sup>ST</sup> STREET NORTH AND WITHIN ONE-  
 QUARTER MILE EAST OF NORTH ROCK ROAD** )

VAC2024-00024

**MORE FULLY DESCRIBED BELOW**

**VACATION ORDER**

NOW on this 18<sup>th</sup> day of June 2024, comes on for hearing the petition for vacation filed by Bret and Abigail Heinz (owners) praying for the vacation of a portion of a platted floodway, to wit:

Portion of platted floodway to be vacated:

That part of Lot 14, Block 3, Wilson Farms Addition, Wichita, Sedgwick County, Kansas, described as follows: COMMENCING at the southeast corner of said Lot 14, THENCE S61°13'10"W along the southerly line of said Lot 14, a distance of 166.56 feet to a point on an existing platted floodway line, said point being the point of BEGINNING; THENCE S61°13'10"W continuing along said Southerly line, a distance of 29.00 feet; THENCE N27°14'59"W, a distance of 66.00 feet; THENCE N34°28'37"E, a distance of 62.00 feet to a point on the existing platted floodway line; THENCE S12°05'56"E along said floodway line, a distance of 98.00 feet to the point of BEGINNING.

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 May 2, 2024, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the described portion of a platted floodway and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petitioner ought to be granted.

June 18, 2024  
 VAC2024-00024

4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

5. The vacation of the described portion of a platted floodway should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 18<sup>th</sup> day of June 2024, ordered that the above-described portion of a platted floodway is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Sedgwick County Register of Deeds for recording.

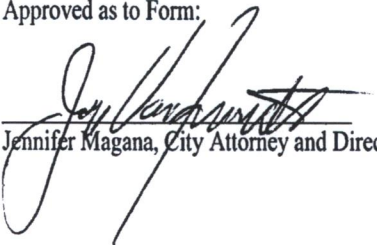
  
Lily Wu, Mayor, City of Wichita

ATTEST:

  
Jamie Buster, City Clerk



Approved as to Form:

  
Jennifer Magana, City Attorney and Director of Law

UNOFFICIAL COPY

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June 18, 2024  
VAC2024-00024


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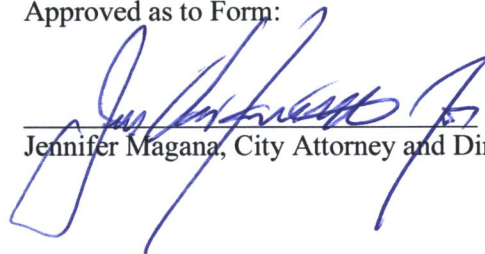
  
\_\_\_\_\_  
Lily Wu, Mayor, City of Wichita

**ATTEST:**

  
\_\_\_\_\_  
Jamie Buster, City Clerk



Approved as to Form:

  
\_\_\_\_\_  
Jennifer Magana, City Attorney and Director of Law

June 18, 2024  
VAC2024-00024



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

June 18, 2024

Bret and Abigail Heinz  
1907 N. Red Brush St.  
Wichita, KS 67206

Armstrong Land Survey, P.A.  
1601 E. Harry Street  
Wichita, KS 67211

**Ref: VAC2024-00024:** Vacation request in the City to vacate a portion of a platted floodway, located on the west side of North Red Brush Street and within one-quarter mile south of East 21<sup>st</sup> Street North (1907 North Red Brush Street).

Bret and Abigail,

At the **Tuesday, June 18, 2024**, meeting of the Wichita City Council, the above-referenced vacation request was approved.

Sincerely,

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

Philip Zevenbergen, AICP  
Current Plans Division Manager

PZ:IJ



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

May 24, 2024

Bret and Abigail Heinz  
1907 N. Red Brush St.  
Wichita, KS 67206

Armstrong Land Survey, P.A.  
1601 E. Harry Street  
Wichita, KS 67211

**Ref: VAC2024-00024:** Vacation request in the City to vacate a portion of a platted floodway, located on the west side of North Red Brush Street and within one-quarter mile south of East 21<sup>st</sup> Street North (1907 North Red Brush Street).

Bret and Abigail,

At the **Thursday, May 23, 2024**, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

- (1) If any utility services are found to be located within the area of the proposed Vacation, these services shall be relocated at the owner's expense, to city standards, and the applicant shall provide Planning with the dedication of utility easements by separate instruments to go with the Vacation Order to be filed with the Register of Deeds. If relocation is not possible then this Vacation shall be rendered void as the current easement must remain in place.
- (2) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

All of the above conditions have been completed. This case will be scheduled for final action by the Wichita City Council **June 18, 2024**. This letter also serves as a reminder that the vacation notification signs should now be removed from the property. If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,

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

Philip Zevenbergen, AICP  
Current Plans Division Manager

PZ:IJ



The Beaufort Gazette  
 The Belleville News-Democrat  
 Bellingham Herald  
 Centre Daily Times  
 Sun Herald  
 Idaho Statesman  
 Bradenton Herald  
 The Charlotte Observer  
 The State  
 Ledger-Enquirer

Durham | The Herald-Sun  
 Fort Worth Star-Telegram  
 The Fresno Bee  
 The Island Packet  
 The Kansas City Star  
 Lexington Herald-Leader  
 The Telegraph - Macon  
 Merced Sun-Star  
 Miami Herald  
 El Nuevo Herald

The Modesto Bee  
 The Sun News - Myrtle Beach  
 Raleigh News & Observer  
 Rock Hill | The Herald  
 The Sacramento Bee  
 San Luis Obispo Tribune  
 Tacoma | The News Tribune  
 Tri-City Herald  
 The Wichita Eagle  
 The Olympian

## AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	547086	Print Legal Ad-IPL01710010 - IPL0171001		\$121.14	2	72L

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

MHEBERT@wichita.gov

**OCA 150004**  
 Published in The Wichita Eagle on May 2, 2024  
 (One Time Only)  
**MAPC/BZA May 23, 2024**  
**OFFICIAL HEARING NOTICE**

NOTICE IS HEREBY GIVEN that on Thursday, May 23, 2024, no earlier than 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held in person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation is encouraged (see instructions below). Virtual participation is not available. If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421.

PUD2024-00008: Zone Change in the City from TF-3 Two Family Residential to PUD to create the Baalman 5th PUD to allow a multi-family residential zoning district with non-standard side yard setbacks, located west side of South Maize Road and approximately one-half mile south of West Pawnee Avenue.

VAC2024-00022: Vacation request in the City to vacate a portion of the front setback, located on the northeast corner of East Central Avenue and North Armour Drive (507 North Armour Drive).

VAC2024-00024: Vacation request in the City to vacate a portion of a platted floodway, generally located on the west side of North Red Brush Street and within one-third of a mile south of East 21st Street North (1907 North Red Brush Street).

VAC2024-00025: Vacation case in the City to vacate the northwesterly 10-feet of a platted 30-foot setback zoned SF-Single Family Residential located 1250-feet west of South 151 Street West and 550-feet south of West Maple Street (355 South Wind Rows Lake Drive).

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:

- 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.
- 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](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

- 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 2, 2024

Scott Wadle, Secretary

Wichita-Sedgwick County

Metropolitan Area Planning Commission

IPL0171001

May 2 2024

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

1 insertion(s) published on:

05/02/24

STATE OF KANSAS)

SS

County of Sedgwick)

Mary Castro, 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 05/02/2024 to 05/02/2024.

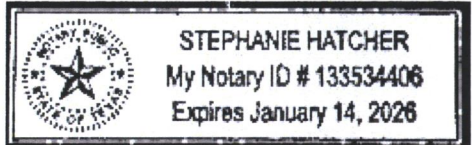
*Mary Castro*

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

DATED: 05/02/2024

*Stephanie Hatcher*

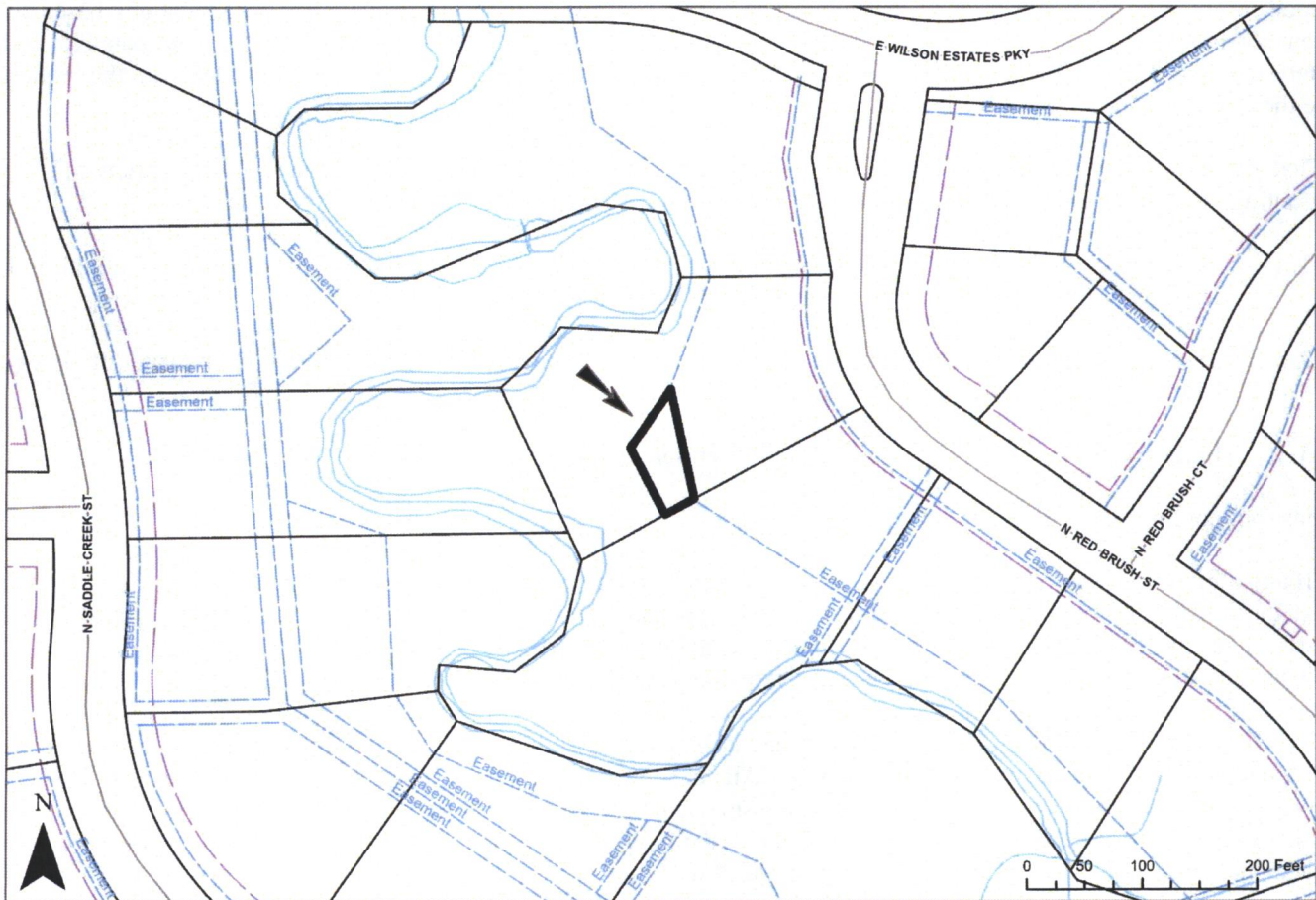
Notary Public in and for the state of Texas, residing in Dallas County



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

**STAFF REPORT**

- CASE NUMBER:** VAC2024-00024 - City vacation of a platted floodway.
- APPLICANT/AGENT:** Bret and Abigail Heinz (applicant)/ Armstrong Land Survey, P.A. (agent)
- LEGAL DESCRIPTION:** Generally described as vacating a portion of a platted floodway on the west side of Lot 14, Block 3, Wilson Farms Addition, Wichita, Sedgwick County, Kansas. (See Attached Legal Description)
- LOCATION:** Generally located within one-quarter mile south of East 21<sup>st</sup> Street North and within one-quarter mile east of North Rock Road (1907 N. Red Brush St.). (WCC II)
- REASON FOR REQUEST:** To allow for construction of in-ground pool.
- CURRENT ZONING:** The site and all surrounding properties are zoned SF-5 Single-Family Residential with CUP DP-201 and are developed with single-family dwellings.
- VICINITY MAP:**



The applicants are requesting the vacation of a portion of a platted floodway on Lot 14, Block 3, Wilson Farms Addition. The purpose of the vacation is to allow for construction of an in-ground pool. The plat denotes the vacation area as a “floodway,” which essentially functions as an easement. The platted floodway on Lot 14 encompasses approximately the west 50 percent of the lot. The request is to vacate a portion in the southeast area of the platted floodway.

The platlor’s text states the following regarding the platted floodway, “The floodway as indicated on the accompanying plat shall be the responsibility of the owners until such time as the governing body exercising jurisdiction elects to assume the responsibility for the maintenance and improvements of the drainage, providing further, that no structure shall be constructed on or within the floodway, nor shall any fill, change of grade, creation of channel or other work be carried out without the permission of the City Engineer.

This area of the platted floodway is within the 100-year floodplain—demarked as AE on the FEMA flood map. No portion of the vacation area is within the actual FEMA floodway. The floodway is farther west.

Wichita Stormwater does not object to this vacation. The applicant provided a signed letter from the Kansas Department of Agriculture indicating the State fill permit has been approved with conditions that must be adhered to for construction. Neither Everygy nor Cox object to this vacation. They do not have any lines or equipment in the vacation area. The Wilson Farms Addition was recorded with the Register of Deeds July 14, 1997.

The applicants’ property is with CUP DP-201, but the platted floodway is not indicated on the face of the CUP. Therefore, if the vacation is approved, no action is required to update the CUP. All CUP development standards for construction of structures still apply.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Stormwater, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of the platted floodway.

- 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 May 2, 2024, 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 floodway 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) If any utility services are found to be located within the area of the proposed Vacation, these services shall be relocated at the owner’s expense, to city standards, and the applicant shall provide Planning with the dedication of utility easements by separate instruments to go with the Vacation Order to be filed with the Register of Deeds. If relocation is not possible then this Vacation shall be rendered void as the current easement must remain in place.
- (2) 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.

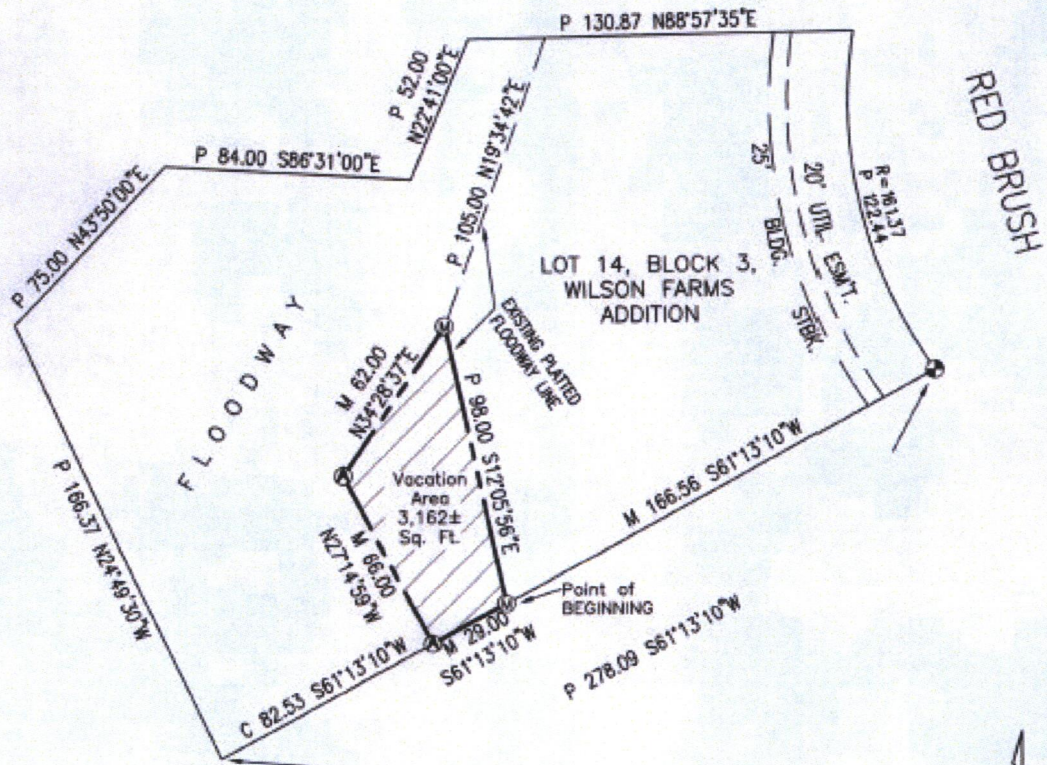
**Attachments:**

1. Vacation Exhibit
2. Legal Description
3. Aerial Map
4. Floodplain Map

# SITE PLAN FOR VACATION REQUEST


1907 N Red Brush St, Wichita, KS 67206

A portion of Lot 14, Block 3, Wilson Farms Addition, an Addition to Wichita, Sedgwick County, Kansas.



- ⊗ - "ARMSTRONG" capped rebar set
- ⊕ - "ARMSTRONG" capped rebar found
- ⊙ - "MKEC" capped rebar found
- C - Calculated bearing and distance
- M - Measured bearing and distance
- P - Platted bearing and distance

  
 SCALE 1"=50'  
 W.O. #42816  
 Page 1 of 2



**ARMSTRONG  
LAND SURVEY, P.A.**

P.O. Box 181038  
 WICHITA, KS 67218  
 PH. (316) 263-0082  
[info@armstrongsurvey.com](mailto:info@armstrongsurvey.com)

**Armstrong Land Survey, P.A.**



P.O. Box 161039  
WICHITA, KS 67216

Ph. (316)263-0082  
info@armstrongsurvey.com

**LEGAL DESCRIPTION FOR VACATION AREA**

State of Kansas            )  
County of Sedgwick        ) SS

I, Jordan M. Doom, registered and authorized to practice Land Surveying in said state and county do hereby certify that I caused to be surveyed the following to describe an area to be vacated:

That part of Lot 14, Block 3, Wilson Farms Addition, an Addition to Wichita, Sedgwick County, Kansas, described as follows: COMMENCING at the Southeast corner of said Lot 14, THENCE S61°13'10"W along the Southerly line of said Lot 14, a distance of 166.56 feet to a point on an existing platted floodway line, said point being the Point of BEGINNING; THENCE S61°13'10"W continuing along said Southerly line, a distance of 29.00 feet; THENCE N27°14'59"W, a distance of 66.00 feet; THENCE N34°28'37"E, a distance of 62.00 feet to a point on the existing platted floodway line; THENCE S12°05'56"E along said floodway line, a distance of 98.00 feet to the Point of BEGINNING.

The accompanying sketch is a true and correct exhibit of said survey.



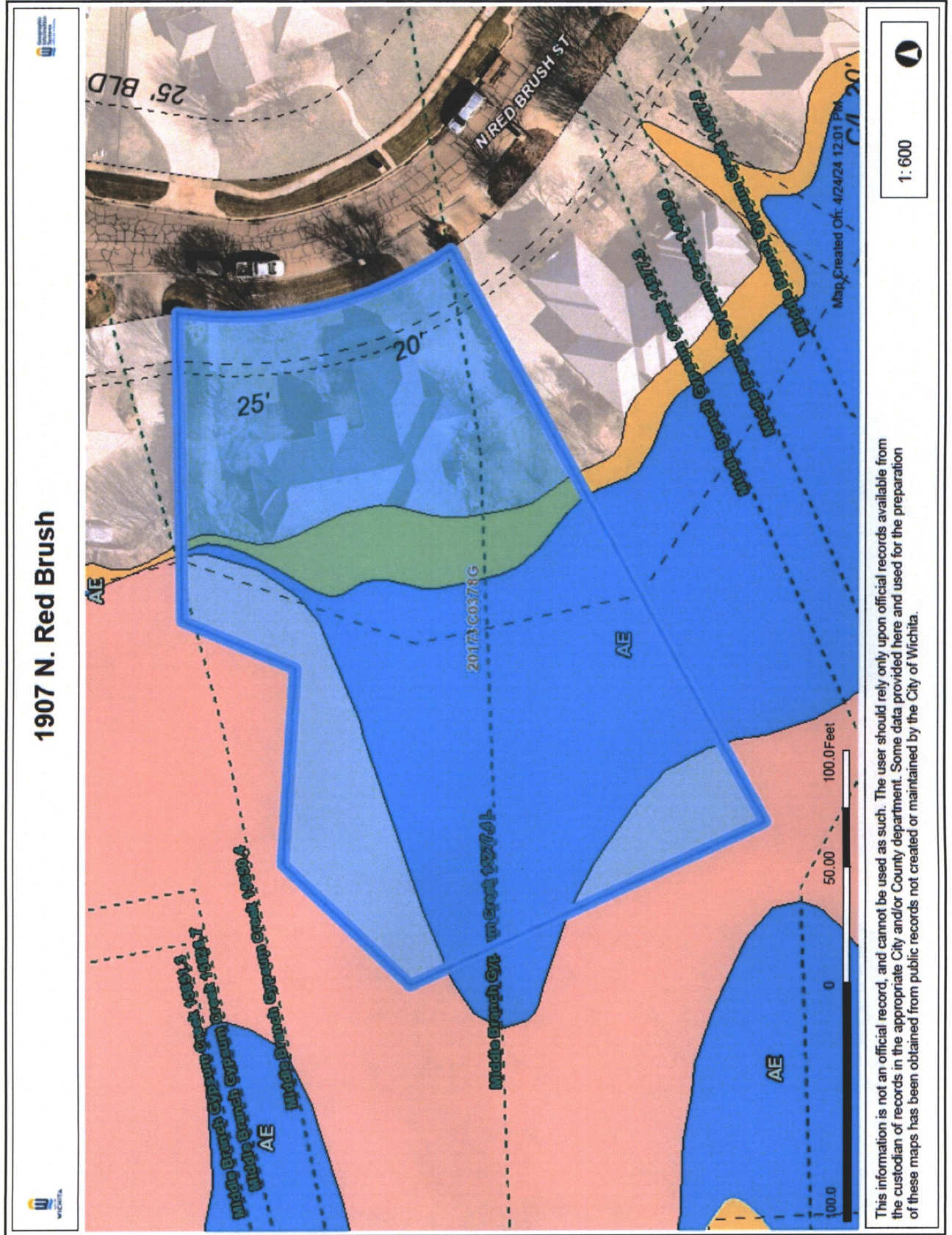
Date of Survey: March 28, 2024

Jordan M. Doom P.S. #1723

# VAC2024-24

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





This information is not an official record, and cannot be used as such. The user should rely only upon official records available from the custodian of records in the appropriate City and/or County department. Some data provided here and used for the preparation of these maps has been obtained from public records not created or maintained by the City of Wichita.