



Sedgwick County
Register of Deeds - Tonya Buckingham
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Authorized By: Tonya Buckingham



BEFORE THE COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF A
PORTION OF A PLATTED UTILITY EASEMENT

LOCATED ON THE EAST SIDE OF SOUTH 15TH
STREET WEST AND WITHIN ONE-QUARTER MILE
NORTH OF WEST MAPLE STREET

CASE NO. VAC2024-00033

VACATION ORDER

NOW on this 16th day of October 2024, comes the petition filed by James K. Snook Revocable Trust,
owner of the subject property, praying for the vacation of the following-described portion of a platted 15-foot
utility easement, to-wit:

A portion of the 15.00 foot wide Utility Easement, lying within Lot 1, Block A, Snook Addition,
Sedgwick County, Kansas, as prepared by Baughman Company, P.A., CLS 58, State of
Kansas, County of Sedgwick; described as commencing at the northwest corner of Lot 1, in
said Block A; thence S01°00'27"E, coincident with the west line of Lot 1, in said Block A,
15.00 feet; thence N89°17'54"E, coincident with the south line of said 15.00 foot wide Utility
Easement, 359.68 feet, to the Point of Beginning; thence N00°12'01"E, 10.00 feet; thence
N89°17'54"E, parallel with the north line of Lot 1, in said Block A, 88.42 feet; thence
S00°12'01"W, 10.00 feet to a point in the south line of said 15.00 foot wide Utility Easement;
thence S89°17'54"W, coincident with the south line of said 15.00 foot wide Utility Easement,
88.42 feet to the Point of Beginning.

UPON the filing of the petition, the Metropolitan Area Planning Commission ("Planning Commission")
set the petition for hearing on July 25, 2024, at 1:30p P.M., and gave notice of said hearing by publication in
the official county newspaper on July 3, 2024. On July 25, 2024, the Planning Commission held a public
hearing on the petition. The Planning Commission recommends approval of the vacation requested to the
Board.

After being duly advised in the premises, the Board of County Commissioners of Sedgwick County,
Kansas finds that:

1. notice has been given as required by K.S.A. 58-2613 and amendments thereto;
2. no written objections have been filed with the County Clerk by adjoining properties or any

- municipality whose subdivisions are applicable;
3. the public will suffer no loss or inconvenience by such vacation; and
 4. no private rights will be injured or endangered thereby.

IT IS THEREFORE ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS that:

- A. the portion of the utility easement described above is hereby vacated;
- B. this order shall be entered on the records of proceedings of the Board;
- C. the County Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County; and
- D. all property rights of public utilities, rights-of-ways, and easements for public service facilities then in existence and use within the vacated area shall remain and are protected.

Commissioners present and voting were:

PETER F. MEITZNER
SARAH LOPEZ
DAVID T. DENNIS
RYAN K. BATY
JAMES M. HOWELL

Aye
Aye
Absent
Aye
Aye

Dated this 16th day of October, 2024.

ATTEST:

Kelly B. Arnold
KELLY B. ARNOLD, County Clerk



APPROVED AS TO FORM:

Samantha Seang 10/1/24
SAMANTHA SEANG
Assistant County Counselor

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

Ryan K. Baty
RYAN K. BATY, Chairman
Commissioner, Fourth District

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

Jim Howell
JIM HOWELL
Commissioner, Fifth District

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

Pete Meitzner
PETE MEITZNER
Commissioner, First District

- municipality whose subdivisions are applicable;
3. the public will suffer no loss or inconvenience by such vacation; and
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Commissioners present and voting were:

PETER F. MEITZNER
SARAH LOPEZ
DAVID T. DENNIS
RYAN K. BATY
JAMES M. HOWELL

Aye
Aye
Absent
Aye
Aye

Dated this 16th day of October, 2024.

ATTEST:

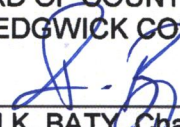

KELLY B. ARNOLD, County Clerk

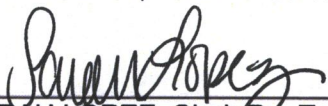


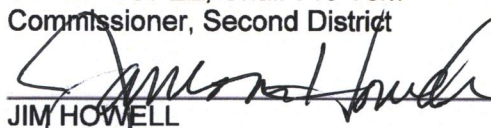
APPROVED AS TO FORM:


SAMANTHA SEANG
Assistant County Counselor

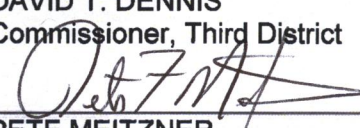
BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS


RYAN K. BATY, Chairman
Commissioner, Fourth District


SARAH LOPEZ, Chair Pro Tem
Commissioner, Second District


JIM HOWELL
Commissioner, Fifth District

Absent
DAVID T. DENNIS
Commissioner, Third District


PETE MEITZNER
Commissioner, First District



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

July 26, 2024

James K. Snook Rev. Trust
270 S. 151st Street West
Goddard, KS 67052

Baughman Company, P.A.
Attn: Jay Cook
315 S Ellis Ave.
Wichita, KS 67211

Ref: VAC2024-00033: Vacation request in the County to vacate a portion of a platted 15-foot utility easement on property zoned SF-20 Single-Family Residential; located on the east side of South 151st Street West and one-quarter mile north of West Maple Street (270 South 151st Street West).

Dear Applicant,

At the **Thursday, July 25, 2024**, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

- (1) Per the approval of City and County Public Works, vacate only that portion of the platted utility easement in which the existing garage is encroaching. Provide planning staff with revised legal descriptions of the approved utility easement on a Word document via e-mail to be used on the Vacation Order. The legal descriptions must be provided to planning staff prior to the case going to the Sedgwick County Board of County Commissioners for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be to County Standards and the responsibility of the owner and at the expense of the owner, including the relocation of any power poles, equipment, or public utilities and drainage. Provide approval from those utilizes of any relocation of those impacted utilities prior to the case going to the Sedgwick County Board of County Commissioners for final action.
- (3) All improvements shall be according to County Standards and at the applicant's expense.
- (4) 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.

• **VA62024-00033:** Vacation request in the County to vacate a portion of a platted 15-foot utility easement on property zoned SF-20 Single-Family Residential; located on the east side of South 151st Street West and one-quarter mile north of West Maple Street (270 South 151st Street West).

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All of the above conditions have been completed. This case will be scheduled for final action by the Sedgwick County Board of County Commissioners. 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, AICP
Current Plans Division Manager

METROPOLITAN AREA PLANNING COMMISSION

**AGENDA REPORT NO.
July 25, 2024**

STAFF REPORT

CASE NUMBER:

VAC2024-00033- Request in the County to vacate a portion of a platted 15-foot utility easement.

APPLICANT/AGNET:

James K. Snook Rev. Trust (applicant)/ Baughman Company, P.A. (agent)

LEGAL DESCRIPTION:

Generally described as vacating a 15-foot by 515-foot portion of a platted utility easement on Lot 1, Block A, Snook Addition, Sedgwick County, Kansas.

LOCATION:

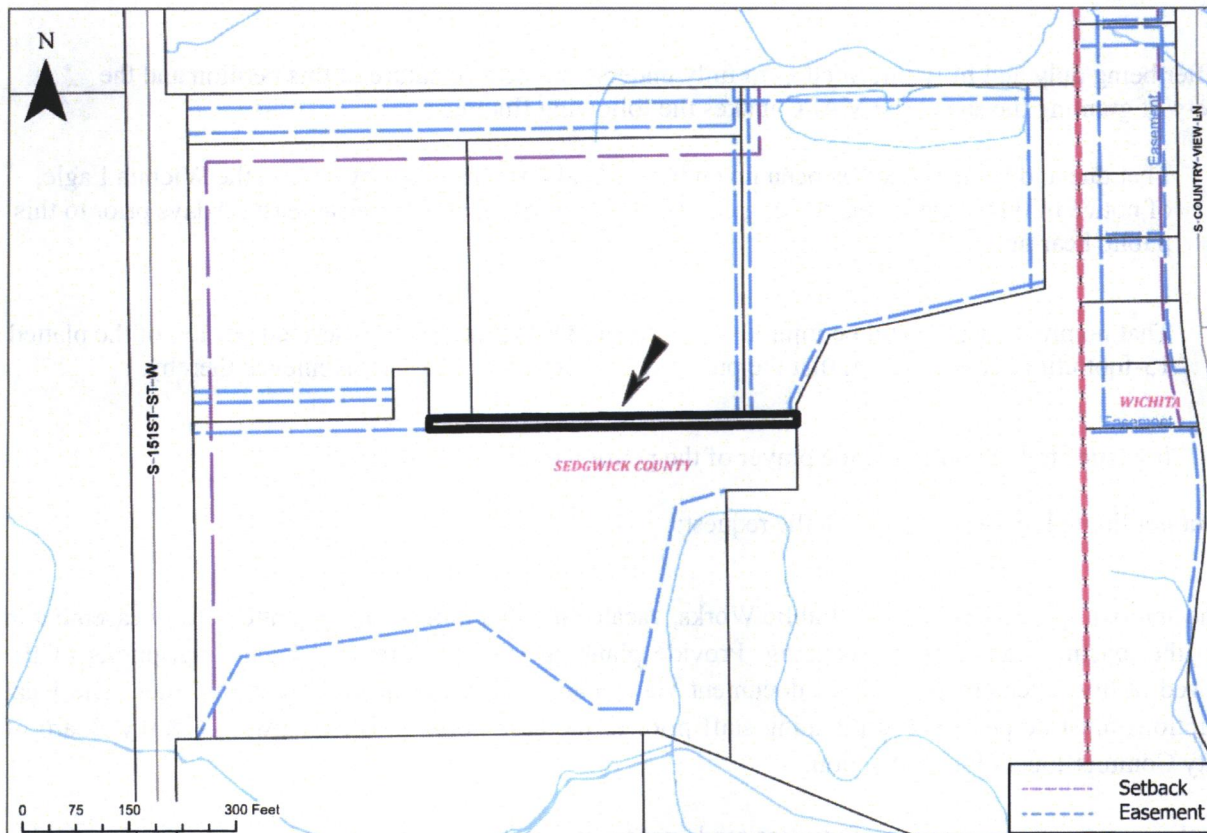
Generally located east of South 151st Street West and within one-half mile north of West Maple Street (271 S. 151st Street West).

REASON FOR REQUEST:

To bring an existing detached garage into compliance.

CURRENT ZONING:

The subject site and all surrounding properties are zoned SF-20 Single-Family Residential District and are developed with large lot residential.



The applicant is requesting to vacate a 15-foot by 515-foot portion of a platted utility easement on property zoned SF-20 Single-Family Residential District (SF-20), east of South 151st Street West and within one-half mile north of West Maple Street. The purpose of the request is to bring a partially constructed detached garage into compliance. The detached garage received a building permit. After construction commenced, the presence of the platted 15-foot utility easement was discovered, and the building permit was paused. If the vacation is approved, the applicant will need to submit an Administrative Adjustment to reduce the zoning setback along the north line from 10 feet to 8 feet to bring the detached garage in compliance with the Unified Zoning Code.

Comments from utility providers is as follows:

- Sedgwick County Public Works and Sedgwick County Fire have no objection to the vacation request.
- The subject site is within the 3-mile ring of the City of Wichita and in Wichita's Subdivision Jurisdiction. Wichita Public Works reviewed the request and commented that they would like to retain the east 83.28 feet of the easement. What they would like to retain does not impact the placement of the garage.
- AT&T currently does not have any equipment in the subject easement. However, they plan to bring fiber into this development next year and will need access to the utility easement to provide service to the other lots. AT&T does not want the entire easement vacated, but only that portion in which the garage is encroaching. This would give them space to get passed the garage and have the remainder of the easement to serve the other lots.
- Neither Evergy nor Cox object to the vacation request. They do not have lines or equipment in the area.
- Condition #2 covers all utilities. Vehicular traffic, pedestrian traffic, public safety, and utilities should not be impacted by this vacation request if approved with the listed conditions.

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 portion of the platted 15-foot 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 July 3, 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 15-foot 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) Per the approval of City and County Public Works, vacate only that portion of the platted utility easement in which the existing garage is encroaching. Provide planning staff with revised legal descriptions of the approved utility easement on a Word document via e-mail to be used on the Vacation Order. The legal descriptions must be provided to planning staff prior to the case going to the Sedgwick County Board of County Commissioners for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be to County Standards and the responsibility of the owner and at the expense of the owner, including the relocation of any power

poles, equipment, or public utilities and drainage. Provide approval from those utilizes of any relocation of those impacted utilities prior to the case going to the Sedgwick County Board of County Commissioners for final action.

- (3) All improvements shall be according to County Standards and at the applicant's expense.
- (4) 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 per staff recommendations.

Attachments:

- 1) Aerial Map, 2) Vacation Exhibit, 3) Vacation Exhibit—City Comments

VAC2024-33

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

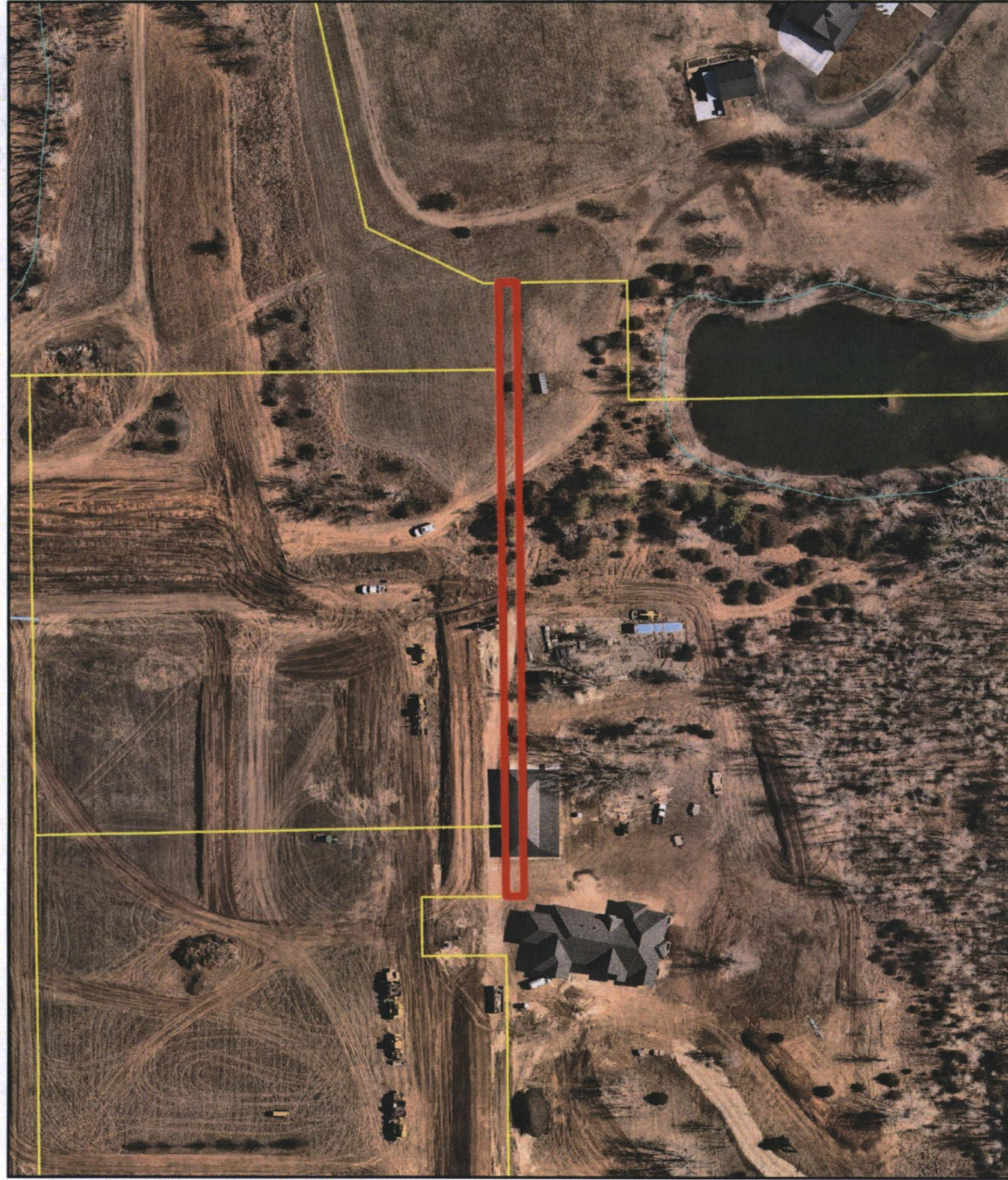


EXHIBIT
PORTION OF LOT 2 & LOT 3, BLOCK A, SNOOK ADDITION,
WICHITA, SEDGWICK COUNTY, KANSAS

