



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

January 7, 2025

K.E. Miller Engineering, P.A.  
Attn: Kirk Miller  
117 E. Lewis St.  
Wichita, KS 67202

**Ref: VAC2023-00039:** Vacation request in the city, to vacate an existing Roadway easement, zoned SF-5 Single Family Residential, generally located to the east of Jackson Heights Street and 690 feet north of E Douglas Avenue (200 N Jackson Heights Street, 250 N Jackson Heights Street).

Kirk,

At the **Thursday, January 7, 2025**, 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  
Current Plans Division Manager

cc: Build Wichita Inc., PO Box 780789, Wichita KS 67278  
Pattie A Richardson Living Trust, 250 N Jackson Heights St, Wichita KS 67206



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

October 13, 2023

K.E. Miller Engineering, P.A.  
Attn: Kirk Miller  
117 E. Lewis St.  
Wichita, KS 67202

**Ref: VAC2023-00039:** Vacation request in the city, to vacate an existing Roadway easement, zoned SF-5 Single Family Residential, generally located to the east of Jackson Heights Street and 690 feet north of E Douglas Avenue (200 N Jackson Heights Street, 250 N Jackson Heights Street).

Kirk,

At the **Thursday, October 12, 2023**, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

- (1) Dedicate a 30-foot driveway easement by separate instrument, with original signatures along the south line of Lot 14, Gilder's Gardens Addition. This easement may contain a condition that permits it to be temporary until such time that Lot 14 is redeveloped and either access to the rear parcel is no longer needed or permanent access is established. This must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds
- (2) 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.
- (3) 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.

**VAC2023-00039:** Vacation request in the city, to vacate an existing Roadway easement, zoned SF-5 Single Family Residential, generally located to the east of Jackson Heights Street and 690 feet north of E Douglas Avenue (200 N Jackson Heights Street, 250 N Jackson Heights Street).

October 13, 2023

Page 2

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 **October 26, 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, AICP  
Current Plans Division Manager

PZ:kw

cc: Build Wichita Inc., PO Box 780789, Wichita KS 67278  
Pattie A Richardson Living Trust, 250 N Jackson Heights St, Wichita KS 67206



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

**IN THE MATTER OF THE VACATION OF A DRIVEWAY  
 EASEMENT BY SEPARATE INSTRUMENT** )  
 )  
 )  
 )  
 )  
 )

**GENERALLY LOCATED WITHIN ONE-HALF MILE NORTH  
 OF EAST DOUGLAS AVENUE AND ONE-HALF MILE WEST  
 OF NORTH 127<sup>TH</sup> STREET EAST** )  
 )  
 )  
 )  
 )  
 )

VAC2023-00039

**MORE FULLY DESCRIBED BELOW**

**VACATION ORDER**

NOW on this 7<sup>th</sup> day of January 2025, comes on for hearing the petition for vacation filed by Build Wichita, Inc. and Pattie A. Richardson Living Trust (owners) praying for the vacation of a driveway easement dedicated by separate instrument, to wit:

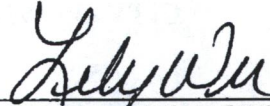
Vacating the 60-foot driveway easement as recorded on Flm./PG. # 382/690 described as the South 30 feet of Lot 14 Gilders Gardens Addition, together with the North 30 feet of Lots 1, 3, 4, 5, 6, 7, 8 & 9, Block A, Jackson Heights Townhomes 2<sup>nd</sup> Addition, City of Wichita, Sedgwick County, Kansas.

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 September 21, 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 portion of the driveway easement dedicated by separate instrument 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.
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 driveway easement dedicated by separate instrument should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 7<sup>th</sup> day of January 2025, ordered that the above-described portion of a driveway easement dedicated by separate instrument 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.

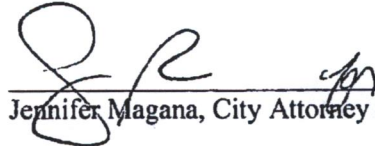
  
Lily Wu, Mayor, City of Wichita

ATTEST:

  
Shinita Rice, Deputy City Clerk



Approved as to Form:

  
Jennifer Magana, City Attorney and Director of Law

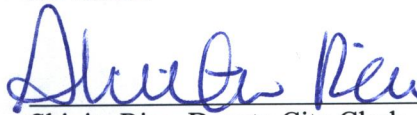



5. The vacation of the described driveway easement dedicated by separate instrument should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 7<sup>th</sup> day of January 2025, ordered that the above-described portion of a driveway easement dedicated by separate instrument 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.

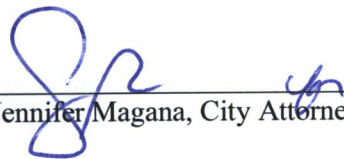
  
\_\_\_\_\_  
Lily Wu, Mayor, City of Wichita

**ATTEST:**

  
\_\_\_\_\_  
Shinita Rice, Deputy 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	468101	Print Legal Ad-IPL01401430 - IPL0140143		\$218.92	3	87 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 September 21, 2023  
 (One Time Only)  
 MAPC/BZA October 12, 2023  
 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, October 12, 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.

CON2023-00048: Conditional Use request to allow a detached Accessory Apartment to a single-family dwelling in the TF-3 Two-Family Residential District; generally located on the southwest corner of East 2nd Street North and North Yale Avenue (247 North Yale).

CON2023-00049: Conditional Use request in the City for Accessory Apartment; located within one-half mile southwest of the intersection of West Central Avenue and North Tyler Road (357 North Westfield).

CUP2023-00030: CUP Amendment in the City to remove residential property from the Neville Property CUP DP-241 (associated with ZON2023-52 from LC to GC), permit indoor/outdoor storage, and permit billboards; generally located on the northeast corner of West Kellogg Drive and South 167th Street West.

PLD2023-00009: Amendment to PLD #115 to add two parcels to reflect the approved plat; generally located one-quarter mile west of West 135th Street, on the south side of West 21st Street North.

VAC2023-00037: Vacation request within the City to allow vacation of a portion of the platted Right of Way and a platted building setback to build duplex on property, generally located at the intersection of South Dodge Avenue and West 44th Street South (1132 W 44th St South, 1206 W and 44th St S).

VAC2023-00038: Vacation request in the city to vacate 42 feet of platted 67 feet front building setback to allow for redevelopment of the property, in LC Limited Commercial Zone; generally located on the North of E Harry Street and 666 feet East of South Clifton Avenue (3802 E Harry).

VAC2023-00039: Vacation request in the city to vacate an existing Roadway easement, zoned SF-5 Single Family Residential; generally located to the east of Jackson Heights Street and 690 feet north of E Douglas Avenue (200 N Jackson Heights Street, 250 N Jackson Heights Street).

ZON2023-00052: Zone change request in the City from LC Limited Commercial to GC General Commercial to permit Vehicle Storage Yard as a permitted use within CUP DP-241 (with CUP2023-30); generally located on the northeast corner of West Kellogg and South 167th Street West.

ZON2023-00053: Zone change request in the City from SF-5 Single Family Residential to TF-3 Two Family Residential to build duplexes on Lots 28-41, Block C, Angel Fire Addition; generally to the east of South Kessler Street and south of West Angel Street.

ZON2023-00054: Zone change request in the City from LC Limited Commercial to GC General Commercial to permit a microbrewery in the existing restaurant/bar; located on the northeast corner of East Douglas Avenue and North Oliver Avenue (4800 East Douglas Avenue).

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=a0k3bW0ySjRlbnFJQTdFYV0xPVBkXUJ0T0>

Meeting ID: 408 986 6967

Passcode: 094136

One tap mobile

+1669900833,4089866967#...\*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 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 September 21, 2023

Scott Wadle, Secretary

Wichita-Sedgwick County

Metropolitan Area Planning Commission

PLD140143

Sep 21 2023

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

1 insertion(s) published on:  
 09/21/23

STATE OF KANSAS)

SS

County of Sedgwick)

Stefani Beard, 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 09/21/2023 to 09/21/2023.

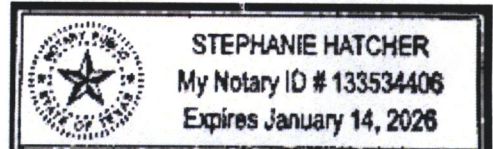
*Stefani Beard*

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

DATED: 09/21/2023

*Stephanie Hatcher*

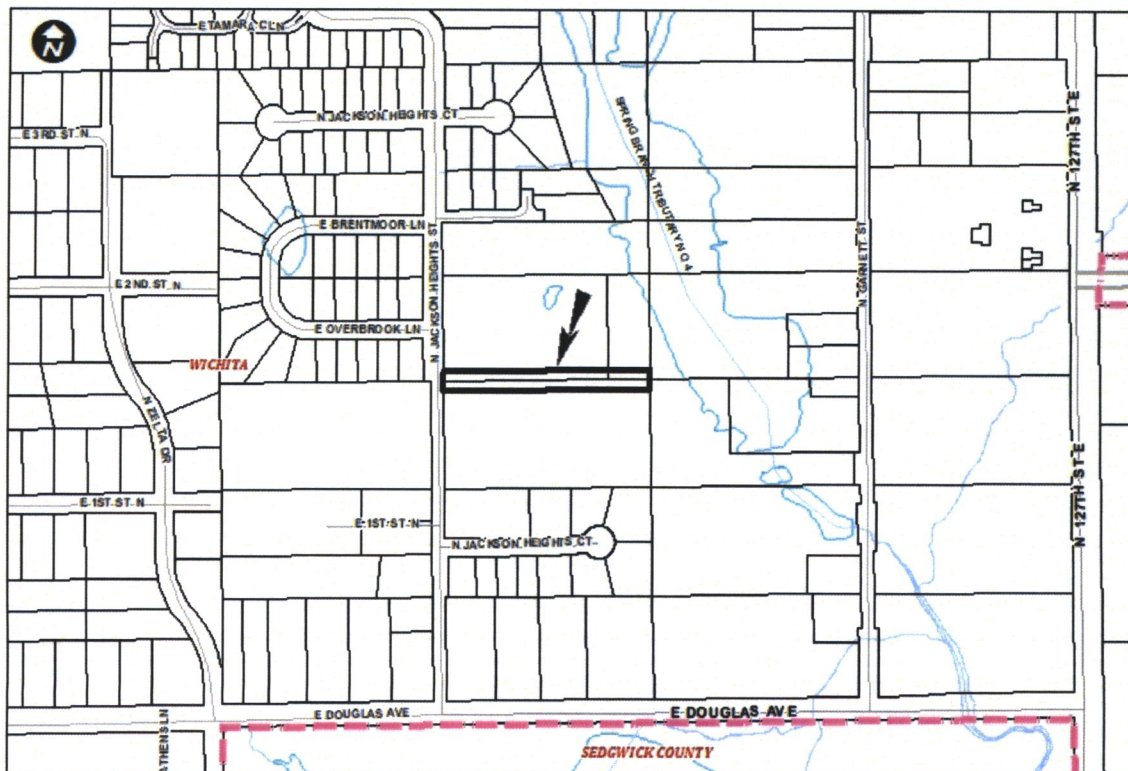
Notary Public in and for the state of Texas, residing in  
 Dallas County



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

**STAFF REPORT**

- CASE NUMBER:** VAC2023-00039 - City Vacation of driveway easement dedicated by separate instrument.
- APPLICANT/AGENT:** Build Wichita, INC.; Pattie A Richardson Living Trust (applicants) / K.E. Miller Engineering, P.A. (agent)
- LEGAL DESCRIPTION:** General described as vacating the 60-foot driveway easement dedicated on FLM/PG 382/690 on Lots 14 and 16, Gilder's Gardens Addition.
- LOCATION:** Generally located within one-half mile north of East Douglas Avenue and one-half mile west of North 127<sup>th</sup> Street East (250 North Jackson Heights Street). (WCC District 2)
- REASON FOR REQUEST:** To redevelopment of Lot 16 (replat pending).
- CURRENT ZONING:** The subject site is zoned TF-3 Two-Family Residential District and is undeveloped. Surrounding properties are a mixture of SF-5 Single-Family Residential District and TF-3 and developed with a mixture of single-family and duplex development.
- VICINITY MAP:**



The applicants are requesting to vacate a 60-foot driveway easement dedicated on FLM/PG 382/690 that has a centerline along the shared property line between Lots 14 and 16, Gilder's Gardens Addition. The subject site is generally located within one-half mile north of East Douglas Avenue and one-half mile west of North 127<sup>th</sup> Street East. The purpose of the request is to remove the driveway easement due to redevelopment of Lot 16.

Lot 16 was recently the subject of a replat with a one-step final plat to establish the Jackson Heights Townhomes 2<sup>nd</sup> Addition (SUB2023-00024). This plat will create a cul-de-sac street with 18 developable lots. On July 13, 2023, the MAPC approved the one-step final plat. The plat has yet to be recorded—awaiting the dedications to be approved by Wichita City Council and final signatures on the mylar. The south 30 feet of the subject driveway easement would overlay the north 30 feet of the side yard of Lot 1 and the rear 30 feet of Lots 3-8 in the Jackson Heights Townhomes 2<sup>nd</sup> Addition. Vacation of the easement will remove any encumbrance from these lots as it is no longer needed.

As seen on the attached aerial, the east 132 feet of Lot 14 is a separate parcel from the western portion of Lot 14 and does not have access to any public right-of-way. Both parcels of Lot 14 are under common ownership. An approximately 8-foot driveway is constructed along the south lot line of Lot 14 within the subject driveway easement, which provides access to the dwelling unit on the eastern parcel of Lot 14. The driveway has a loop terminus that traverses over the parcel line and portions of the loop are outside the bounds of the driveway easement on the western parcel. The western parcel, fronting North Jackson Heights Street is not developed with a dwelling. Since the two parcels of Lot 14 can be bought and sold separately, staff is recommending that a 30-foot driveway easement be rededicated along the south 30 feet of Lot 14 to protect access to the landlocked, eastern parcel.

There are no public utilities located within the easement. Neither Evergy nor Cox object to this vacation. Their equipment are on poles in the road right-of-way on the west side of Jackson Heights. Conditions 1-3 cover Evergy and Cox. Standard language applies that any relocation or removal of existing equipment due to this request will be at the applicant's expense. LaDonna Vanderford, Area Design Representative will be the contact for this item. She can be contacted at (316) 261-6290 for this vacation request and any project related to it.

The Gilder's Gardens Addition was recorded December 29, 1923.

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 driveway easement dedicated by separate instrument.

- 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 September 21, 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 driveway easement dedicated by separate instrument 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) Dedicate a 30-foot driveway easement by separate instrument, with original signatures along the south line of Lot 14, Gilder's Gardens Addition. This easement may contain a condition that permits it to be temporary until such time that Lot 14 is redeveloped and either access to the rear parcel is no longer needed or permanent access is established. This must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds
- (2) 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.
- (3) 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. Easement Document
2. Aerial Map
3. Vacation Exhibit, overlayed on pending Jackson Heights Townhomes 2<sup>nd</sup> Addition (SUB2023-00024)

FORM 382 PAGE 690

EASEMENT

THIS AGREEMENT made this 13<sup>th</sup> day of July, 1979 between Clyde W. Dawson and Ruth N. Dawson, husband and wife, and Davie A. Richardson and Pattie A. Richardson, husband and wife, all of the City of Wichita, Sedgwick County, Kansas;

WHEREAS, the parties have interests in adjoining real estate situated in Sedgwick County, Kansas, to-wit:

Lots 14, 16, & 31 in Gilder's Garden Addition to Wichita, Sedgwick County, Kansas; and,

WHEREAS, the parties to this agreement desire to create a common roadway between lots 14 and 16 described above for the mutual benefit of them;

NOW, THEREFORE, the parties agree as follows:

1. An easement for a common roadway is hereby granted and created over the following described real property, to-wit:

The South 30 feet of Lot 14 and the North 30 feet of Lot 16, Gilder's Gardens Addition to Wichita, Sedgwick County, Kansas,

for the purpose of creating a common roadway sixty (60) foot in width for the benefit of Lots 14, 16 & 31.

2. This easement is superior and paramount to the rights of any of the parties hereto in their respective servient estates so created.

3. The parties further agree that this is a covenant that shall run with the land and shall be binding upon the heirs, successors, administrators, executors and assigns of the parties hereto.

IN WITNESS WHEREOF, have executed this agreement on the date and year first above written.

Clyde W. Dawson  
CLYDE W. DAWSON

Ruth N. Dawson  
RUTH N. DAWSON

Davie A. Richardson  
DAVIE A. RICHARDSON

Pattie A. Richardson  
PATTIE A. RICHARDSON

STATE OF KANSAS }  
SEDGWICK COUNTY }  
FILED FOR RECORD AT  
AUG 23 1979  
1 11:26:33  
BY  
BETTE F. McCART  
REGISTER OF DEEDS

*Pat Kettler  
Deputy*



- VAC2023-00039
- 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: 9/6/2023

It is understood that while the City of Wichita Data Center Geographical Information Systems Department makes every effort to ensure the accuracy of the information represented in the base map, the Data Center GIS personnel make no warranty or representation, either expressed or implied, with respect to the information or data displayed.  
 Note: Public property represented on the map is not intended to be inclusive.

