



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

April 10, 2025

Wondering Oaks, LLC  
Attn: Brock Beran  
8401 E. Oak Knoll  
Wichita, KS 67207

**Ref: VAC2024-00040:** Vacation request in the County to vacate a platted drainage easement on property zoned RR Rural Residential District, generally located within one-half mile east of South Greenwich Road and within one-half mile south of East 47<sup>th</sup> Street North.

Dear Applicant,

At the **Wednesday, April 9, 2025**, meeting of the Sedgwick County Board of County Commissioners, the above-referenced vacation request was **approved**.

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  
Current Plans  
Division Manager

PZ: JM



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

September 12, 2024

Wondering Oaks, LLC  
Attn: Brock Beran  
8401 E. Oak Knoll  
Wichita, KS 67207

**Ref: VAC2024-00040:** Vacation request in the County to vacate a platted drainage easement on property zoned RR Rural Residential District, generally located within one-half mile east of South Greenwich Road and within one-half mile south of East 47<sup>th</sup> Street North.

Dear Applicant,

At the **Thursday, September 12, 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 County Public Works, vacate the described portion of the platted drainage easement. Provide planning staff with legal descriptions of the approved drainage 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) Per County Public Works, a cross-lot drainage agreement between Lots 3 and 4, Block 3, Estates at Wandering Oaks Addition and shall include language that prevents the property owner of Lot 4 from berming, blocking, or obstructing the natural flow of runoff from Lot 3 to Lot 4. The document shall be provided to Planning prior to the case going to the Sedgwick County Board of County Commissioners for final action.
- (3) 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.
- (4) All improvements shall be according to County 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.

**VAC2024-00040:** Vacation request in the County to vacate a platted drainage easement on property zoned RR Rural Residential District, generally located within one-half mile east of South Greenwich Road and within one-half mile south of East 47<sup>th</sup> Street North.  
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When all of the above conditions have been completed—namely the dedication of a new cross lot drainage agreement, 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  
Current Plans  
Division Manager

PZ: JM



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

- A. the platted drainage 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	<u>Abstain</u>
JEFF BLUBAUGH	<u>Aye</u>
STEPHANIE WISE	<u>Aye</u>
RYAN BATY	<u>Aye</u>
JAMES M. HOWELL	<u>Aye</u>

Dated this 9th day of April, 2025.

BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS

ATTEST:

Kelly B. Arnold  
KELLY B. ARNOLD, County Clerk



Ryan Baty  
RYAN BATY, Chairman  
Commissioner, Fourth District

Peter F. Meitzner  
PETER F. MEITZNER, Chair Pro Tem  
Commissioner, First District

APPROVED AS TO FORM:

Samantha Seang 3/21/25  
SAMANTHA SEANG  
Assistant County Counselor

Jeff Blubaugh  
JEFF BLUBAUGH  
Commissioner, Second District

Stephanie Wise  
STEPHANIE WISE  
Commissioner, Third District

James M. Howell  
JAMES M. HOWELL  
Commissioner, Fifth District



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- B. this order shall be entered on the records of proceedings of the Board;
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- 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	<u>A08tain</u>
JEFF BLUBAUGH	<u>AUE</u>
STEPHANIE WISE	<u>AUE</u>
RYAN BATY	<u>AUE</u>
JAMES M. HOWELL	<u>AUE</u>

Dated this 17th day of April, 2025.

ATTEST:

[Signature]  
KELLY B. ARNOLD, County Clerk



BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS

[Signature]  
RYAN BATY, Chairman  
Commissioner, Fourth District

[Signature]  
PETER F. MEITZNER, Chair Pro Tem  
Commissioner, First District

APPROVED AS TO FORM:

[Signature] 3/21/25  
SAMANTHA SEANG  
Assistant County Counselor

[Signature]  
JEFF BLUBAUGH  
Commissioner, Second District

[Signature]  
STEPHANIE WISE  
Commissioner, Third District

[Signature]  
JAMES M. HOWELL  
Commissioner, Fifth District



**Document #: 2025-006718**  
**Date Recorded: 03/10/2025 03:45:11 PM**  
**Pages: 2 Recording Fee: 38.00**  
**Sedgwick County Kansas**  
**Tonya Buckingham,**  
**Register of Deeds**

*Tonya Buckingham*

## RECORDED

**Instrument Number:** 2025-006718

**Document Type:** AGREEMENT

**Number of Pages:** 2

**Recording Date and Time:** 03/10/2025 3:45:11 PM

I hereby certify that this instrument was RECORDED on the date and time stamped above in the OFFICIAL PUBLIC RECORDS of the REGISTER OF DEEDS, Sedgwick County, Kansas.

*Tonya Buckingham*

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**Tonya Buckingham, Register of Deeds**  
Sedgwick County, Kansas

**This cover page is PAGE 1 of your document and is part of the Official Public Record.**

CROSS LOT DRAINAGE AGREEMENT

THIS AGREEMENT made this 10 day of March, 2025, by Wandering Oaks, LLC, hereinafter referred to as the "Grantor".

WHEREAS the Grantors is the owner of the Following described real estate:

Lot 3, Block 3, Estates At Wandering Oaks, Sedgwick County, Kansas

WHEREAS, the Grantors desire to provide a perpetual cross lot drainage agreement over and across Lot 4, Block 3, Estates At Wandering Oaks, Wichita, Sedgwick County, Kansas.

NOW THEREFORE, in consideration of the premises:

Grantor hereby subjects the above described real property to allow that subject lots may drain over, under, and across each other as necessary in accordance with a final drainage plan filed with the City of Wichita, and shall not berm, block, or obstruct natural flow.

This covenant shall be binding on the owner, their heirs, or successors or assigns and is a covenant running with the land and is binding on all successors in title to the above described real property.

Owner (Lot 3 & 4, Block 3, Estates At Wandering Oaks)



Brock Beran, Owner

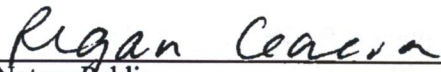
STATE OF Kansas )  
COUNTY OF Sedgwick )

SS

BE IT REMEMBERED, that on this 10<sup>th</sup> day of March, 2025, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Brock Beran, Owner, of Wandering Oaks, LLC, personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same, for and on behalf, and as the act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.



  
Notary Public

My Commission Expires 7127127



**METROPOLITAN AREA PLANNING COMMISSION**

**AGENDA REPORT NO.  
September 12, 2024**

**STAFF REPORT**

**CASE NUMBER:** VAC2024-00040- Request in the County to vacate a platted 40-foot drainage easement.

**APPLICANT/AGNET:** Wandering Oaks, LLC (applicant)

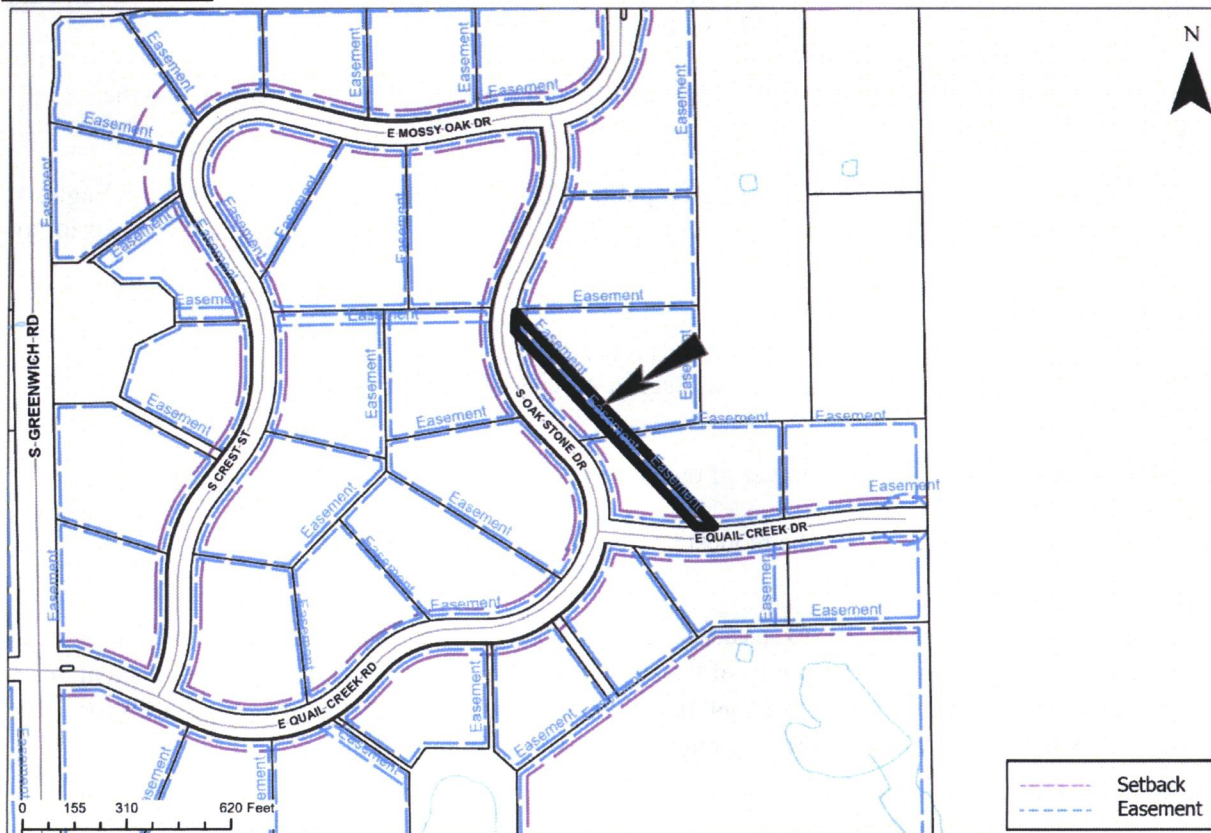
**LEGAL DESCRIPTION:** Generally described as vacating a 40-foot platted drainage easement on Lots 3 and 4, Block 3, Estates at Wandering Oaks Addition, Sedgwick County, Kansas.

**LOCATION:** Generally located within one-half mile east of South Greenwich Road and within one-half mile south of East 47<sup>th</sup> Street South.

**REASON FOR REQUEST:** To remove unnecessary easement.

**CURRENT ZONING:** The subject site and all surrounding properties are zoned RR Rural Residential District. The subject site and properties to the north, west, and south are undeveloped residential lots. Property to the east is a large lot single-family residential development.

**VICINITY MAP**



The applicant is requesting to vacate a 40-foot platted pipeline easement on property zoned RR Rural Residential District (RR), located within one-half mile east of South Greenwich Road and within one-half mile south of East 47<sup>th</sup> Street South. The subject easement traverses across Lots 3 and 4, Block 3, Estates at Wandering Oaks Addition. The purpose of the request is to remove an unnecessary easement. Both subject lots are currently owned by the developer and are undeveloped.

Attached is correspondence from Sedgwick County Stormwater. A stormwater drainage review as conducted after the easement was platted. It was determined that the current drainage patterns are generally sheet flow conditions or shallow concentrated flows and the platted easement is not necessary. County Stormwater does not object to the vacation as long as a cross-lot drainage agreement between Lots 3 and 4 is signed. This is because Lot 3 drains south onto Lot 4. The cross lot drainage agreement would prevent the owner of Lot 4 from berming, blocking, or obstructing the natural flow of runoff from Lot 3 to Lot 4.

County Public Works and County Fire do not object to this vacation. Comments from franchised utilities have been received and do not object to the vacation request. Neither Evergy nor Cox have lines or equipment in the subject easement. The Estates at Wandering Oaks Addition was recorded on September 15, 2023.

When determining a recommendation to be made to the Metropolitan Area Planning Commission (MAPC), the Subdivision and Utility Advisory Committee should consider the legal findings that are required to be made by the MAPC and Governing Body in order to grant the request. These findings are detailed in the subsequent MAPC report. *In particular, the Committee should consider whether any private rights will be injured or endangered by recommending approval of the vacation request, and whether or not the public will suffer any loss or inconvenience thereby.*

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 40-foot drainage 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 August 22, 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 drainage 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 County Public Works, vacate the described portion of the platted drainage easement. Provide planning staff with legal descriptions of the approved drainage 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) Per County Public Works, a cross-lot drainage agreement between Lots 3 and 4, Block 3, Estates at Wandering Oaks Addition and shall include language that prevents the property owner of Lot 4 from berming, blocking, or obstructing the natural flow of runoff from Lot 3 to Lot 4. The document shall be provided to Planning prior to the case going to the Sedgwick County Board of County Commissioners for final action.
- (3) 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.
- (4) All improvements shall be according to County 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 per staff recommendations.

#### **Attachments:**

1. Sedgwick County Stormwater Email Correspondence
2. Aerial Map
3. Vacation Exhibit

## Sedgwick County Stormwater Email Correspondence

From: Lindebak, Scott C. <[Scott.Lindebak@sedgwick.gov](mailto:Scott.Lindebak@sedgwick.gov)>  
Sent: Tuesday, June 18, 2024 8:31 AM  
To: Jake Vasa <[jvasa@sehinc.com](mailto:jvasa@sehinc.com)>  
Cc: Lloyd Dorzweiler <[lloyd@alphalandsurveys.com](mailto:lloyd@alphalandsurveys.com)>; Raymond Bretton <[raymond@alphalandsurveys.com](mailto:raymond@alphalandsurveys.com)>; Samantha Ghareeb <[sghareeb@sehinc.com](mailto:sghareeb@sehinc.com)>; Schrant, Daniel <[Daniel.Schranth@sedgwick.gov](mailto:Daniel.Schranth@sedgwick.gov)>; Zevenbergen, Philip <[PZevenbergen@wichita.gov](mailto:PZevenbergen@wichita.gov)>; Packer, Lynn T. <[Lynn.Packer@sedgwick.gov](mailto:Lynn.Packer@sedgwick.gov)>  
Subject: RE: (EXTERNAL)Estates at Wandering Oaks - easement removal

Hello Jake,

I have reviewed the request to vacate the existing 40-ft drainage easement through Lots 3& 4, Block 3 and I am in agreement with the vacation request, subject to the developer/lot owners signing a cross lot drainage agreement between the two lots, since Lot 3 drains south onto Lot 4. The requested agreement would prevent the owner of Lot 4 from berming, blocking, or obstructing the natural flow of runoff from Lot 3 to Lot 4. I understand the current drainage patterns are generally sheet flow conditions or shallow concentrated flows and a platted confined 40-ft drainage easement is not necessary.

To vacate the platted drainage easement, a formal request/application would need to be submitted to the Wichita/Sedgwick County Planning Dept, Philip Zevenbergen and it would need to be approved by the appropriate committees and governing bodies.












If you have any questions, please let me know.

Thank you!!



**Scott C. Lindebak, P.E. | Stormwater Manager | Sedgwick County Public Works**  
p: (316) 660-1754 | f: (316) 660-1875 | [scott.lindebak@sedgwick.gov](mailto:scott.lindebak@sedgwick.gov)  
1144 S. Sencea | Wichita, KS zip 67213 | [sedgwickcounty.org](http://sedgwickcounty.org)

# VAC2024-40

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

