



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

April 23, 2025

Kansas Pavilions, LLC
Attn: Johnny Stevens
PO Box 782257
Wichita, KS 67278

Armstrong Land Survey, P.A.
Attn: Jordan Doom
1601 E. Harry St.
Wichita, KS 67211

Ref: VAC2025-00007: Vacation request in the County to vacate a 30-foot sanitary sewer easement dedicated by separate instrument on property zoned GC General Commercial District; generally located on the northwest corner of East 77th Street North and North Hydraulic Ave.

Dear Applicant,

At the **Wednesday, April 23, 2025**, meeting of the Sedgwick County Board of County Commissioners, the above-referenced vacation request was **approved**.

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
Current Plans
Division Manager



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

March 27, 2025

Kansas Pavilions, LLC
Attn: Johnny Stevens
PO Box 782257
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Dear Applicant,

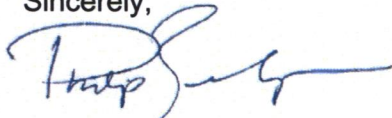
At the **Thursday, March 27, 2025**, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was **approved** subject to the following conditions:

- (1) Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the described utility easement shall be to County Standards and shall be the responsibility and at the expense of the applicant. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to the Board of County Commissioners for final action.
- (2) All improvements shall be according to County Standards and at the applicants' expense.
- (3) Provide Planning with a legal description of the vacated portion of the platted utility easement on a Word document via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to the Board of County Commissioners for final action.
- (4) 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.

VAC2025-00007: Vacation request in the County to vacate a 30-foot sanitary sewer easement dedicated by separate instrument on property zoned GC General Commercial District; generally located on the northwest corner of East 77th Street North and North Hydraulic Ave.
Page 2

These conditions have been met. Therefore, this case is scheduled for final action by the Sedgwick County Board of County Commissioners on **Wednesday, April 16, 2025**. 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", with a long horizontal flourish extending to the right.

Philip Zevenbergen
Current Plans
Division Manager

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2. All improvements shall be according to County Standards and at Applicant's expense.
3. Provide Planning with a legal description of the vacated portion of the platted utility easement on a Word document via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to the Board of County Commissioners for final action.
4. All conditions shall be completed within one year of approval by the Planning Commission, or the vacation request will be considered null and void. All vacation requests are not complete until the applicable governing body has 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.

WHEREAS, on March 27, 2025, the Planning Commission held a public hearing on the petition and voted on consent to recommend approval of the vacation to the Board of County Commissioners of Sedgwick County, Kansas, subject to the aforementioned conditions.

NOW, after being duly advised in the premises, the Board of County Commissioners of Sedgwick County, Kansas (the "Board") 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 any owner of land adjoining the area to be vacated;
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 that the 30-foot sewer easement described above is hereby vacated, subject to the aforementioned conditions; and all property rights of public utilities, rights-of-ways, and easements for public service facilities then in existence and use within the vacated area are preserved and protected.

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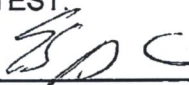
IT IS FURTHER ORDERED that the County Clerk enter this Order on the records of proceedings of the Board and file a certified copy of this Order in the Office of the Register of Deeds of Sedgwick County.

Commissioners present and voting were:

PETER F. MEITZNER	<u>Aye</u>
JEFF BLUBAUGH	<u>Aye</u>
STEPHANIE WISE	<u>Aye</u>
RYAN BATY	<u>Aye</u>
JAMES M. HOWELL	<u>Aye</u>

Dated this 23 day of April, 2025.

ATTEST:


KELLY B. ARNOLD, County Clerk



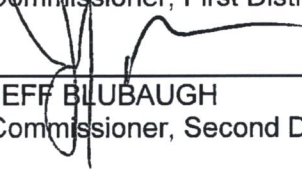
APPROVED AS TO FORM:

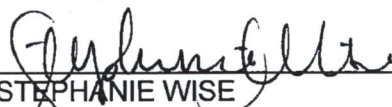

SAMANTHA SEANG
Assistant County Counselor

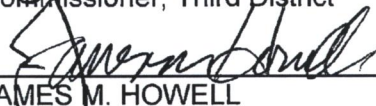
BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS


RYAN BATY, Chairman
Commissioner, Fourth District


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


JEFF BLUBAUGH
Commissioner, Second District


STEPHANIE WISE
Commissioner, Third District


JAMES M. HOWELL
Commissioner, Fifth District

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[balance of this page intentionally left blank, signature page follows]

IT IS FURTHER ORDERED that the County Clerk enter this Order on the records of proceedings of the Board and file a certified copy of this Order in the Office of the Register of Deeds of Sedgwick County.

Commissioners present and voting were:

PETER F. MEITZNER	<u>Aye</u>
JEFF BLUBAUGH	<u>Aye</u>
STEPHANIE WISE	<u>Aye</u>
RYAN BATY	<u>Aye</u>
JAMES M. HOWELL	<u>Aye</u>

Dated this 23 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

[Signature]
JEFF BLUBAUGH
Commissioner, Second District

[Signature]
STEPHANIE WISE
Commissioner, Third District

[Signature]
JAMES M. HOWELL
Commissioner, Fifth District

APPROVED AS TO FORM:

[Signature] 4/17/25
SAMANTHA SEANG
Assistant County Counselor

Sedgwick Co. public notice

(Published in The Ark Valley News
March 6, 2025.)

MAPC March 27, 2025 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, March 27, 2025, 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.

VAC2025-00007: Vacation request in the County to vacate a 30-foot sanitary sewer easement of a property zoned GC General Commercial District, generally located on the northwest corner of East 77th Street North and North Hydraulic Avenue.

VAC2025-00008: Vacation Request in the County to vacate 30 feet of a complete access control to construct a new driveway on property zoned RR Rural Residential generally located 1500 feet North of 93rd Street North and Oliver Street (9710 N Oliver Street).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor. 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:

1) 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.

2) **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
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

3) **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 March 6, 2025

Scott Wadle, Secretary
Wichita Sedgwick County
Metropolitan Area Planning Commission

Affidavit of Publication

STATE OF KANSAS,
SEDGWICK COUNTY, ss.

Chris Strunk, being first duly sworn, deposes and says: That he is Publisher of The Ark Valley News, formerly The Valley Center Index, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Sedgwick County Kansas, with a general paid circulation on a yearly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Valley Center in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 6th day of March, 2025, with subsequent publications being made on the following dates:

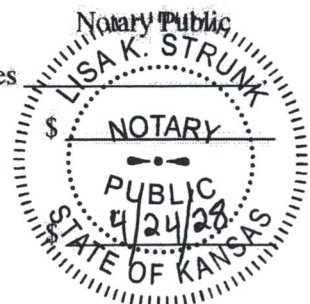
_____, 2025 _____, 2025
_____, 2025 _____, 2025
_____, 2025 _____, 2025

Subscribed and sworn to before me this 6th day of March, 2025.

My commission expires

Additional copies

Printer's fee



STAFF REPORT

CASE NUMBER:

VAC2025-00007 – Request in the County to vacate a 30-foot sewer easement dedicated by separate instrument.

OWNER/APPLICANT:

Johnny Stevens (Applicant)/ Armstrong Land Survey, P.A. (Agent)

LEGAL DESCRIPTION:

Generally described as vacating a sewer easement dedicated by separate instrument on Lot 1, Block A, Coliseum Park II Addition and Lots 3, Block A, Coliseum Park Addition, Sedgwick County, Kansas (see attached legal description).

LOCATION:

Generally located north of East 77th Street North and east of I-135 Highway. (BoCC 4).

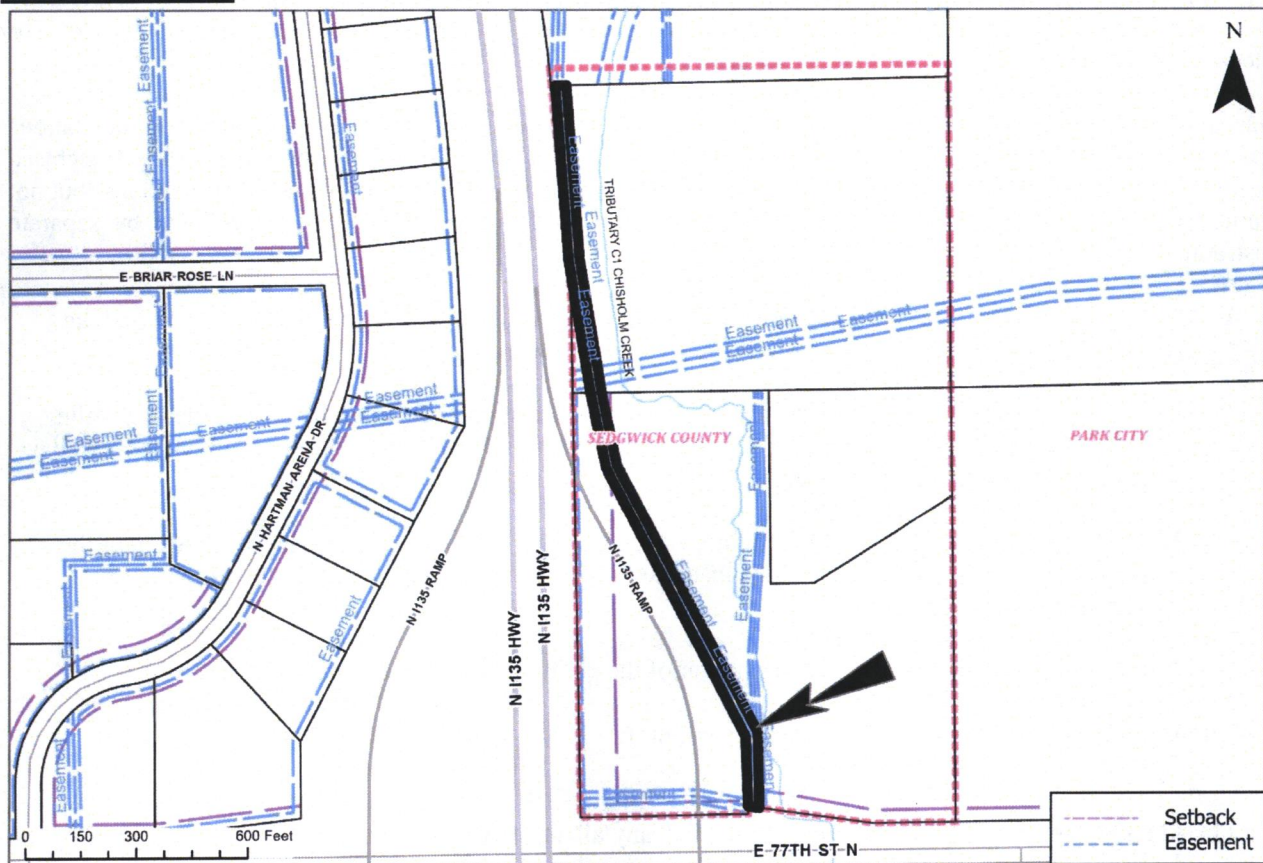
REASON FOR REQUEST:

To remove an unused easement or future development.

CURRENT ZONING:

The subject site is zoned GC General Commercial District and is mostly undeveloped except for a guywire-supported wireless communications tower.

VICINITY MAP:



The applicant proposes to vacate a 30-foot sewer easement, dedicated by separate instrument (Flm./Pg. #1805/2066), that traverses across Lot 1, Block A, Coliseum Park II Addition and Lot 3, Block A, Coliseum Park Addition. The subject site is zoned GC General Commercial District (GC) and is mostly undeveloped except for a guywire-supported wireless communications tower. The vacation area is generally located north of East 77th Street North and east of I-135 Highway. The purpose of the vacation is to remove the unused easement from the site to support future development.

County Public Works has no objection to the vacation. The County does not maintain any sewer facilities. The subject site borders the City of Park City on the north and south, but Park City does not have subdivision jurisdiction outside of their city limits. The easement likely was recorded for the benefit of extending Park City municipal services across the site. Staff contacted Park City. They do not object to the vacation. Their sanitary sewer line is within a 20-foot easement elsewhere on the site. Comments from franchised utilities have been received. Cox and Evergy do not object to the vacation. They do not have equipment in the area. Evergy lines are attached to Cox-owned poles in the existing right-of-way.

The Coliseum Park Addition was recorded on May 24, 1976. The Coliseum Park II Addition was recorded on January 10, 1989.

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 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 sewer easement 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 Ark Valley News, of notice of this vacation proceeding one time March 6, 2025, 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 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) Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the described utility easement shall be to County Standards and shall be the responsibility and at the expense of the applicant. As needed provide approval from franchised utilities for the relocation of franchised

utilities. All to be provided to the Planning Department prior to this case going to the Board of County Commissioners for final action.

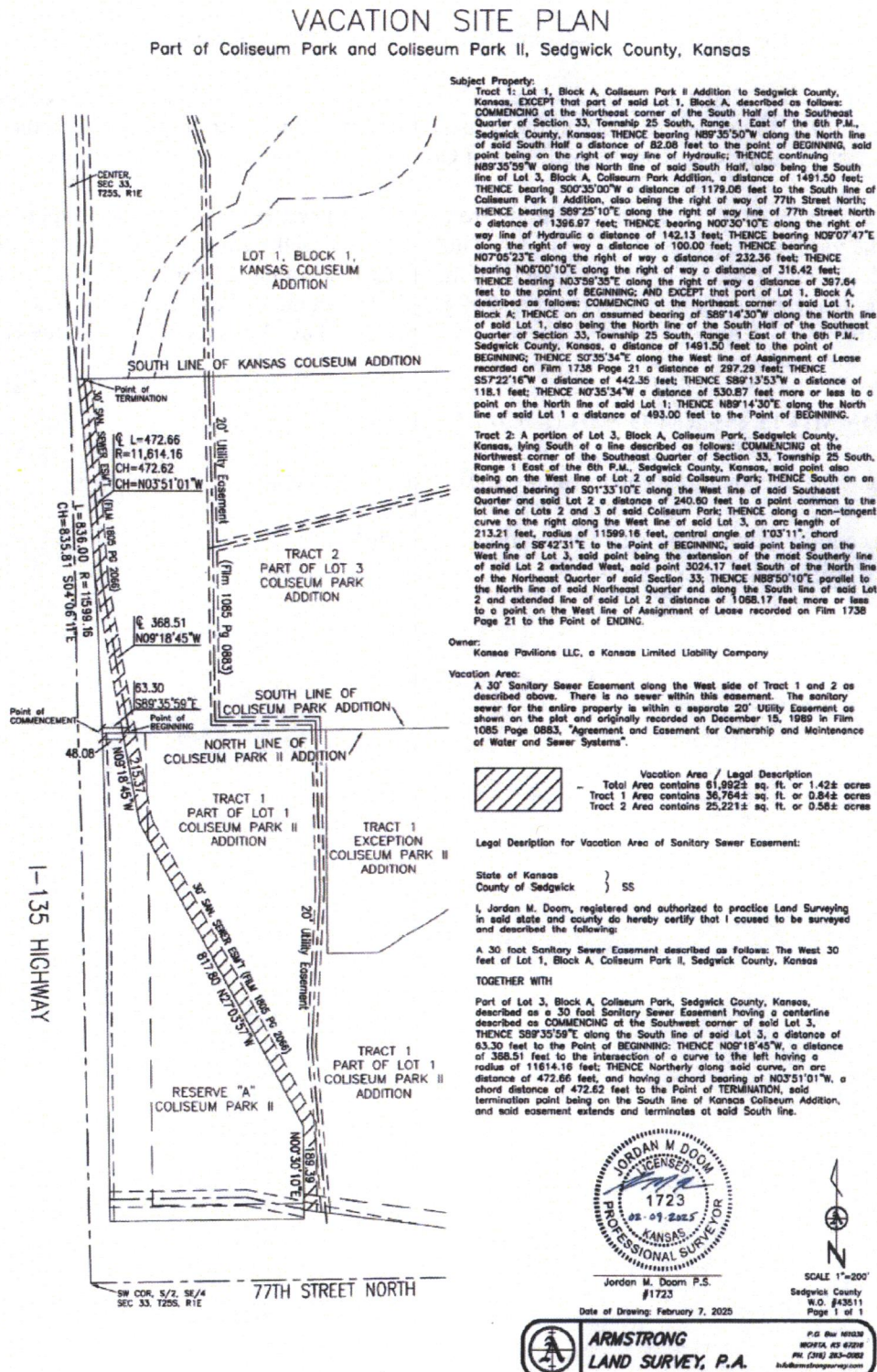
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- (4) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick 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 with Legal Description, 2) Aerial Map

Vacation Exhibit



Aerial Map

VAC2025-07

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

