



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

April 18, 2025

Donald Jr. & Jessica Martinez  
325 E. Fieldstone Ct.  
Derby, KS 67037

David & Melissa Counts  
11401 E. 55<sup>th</sup> Street South  
Derby, KS 67037

Donald & Shannan Parscal  
6629 E. Edyth Dr.  
Derby, KS 67037

Thomas Leach  
1912 S. Lorraine Ave.  
Wichita, KS 67211

Brian Ellerman & Shari Humbard  
4255 Auburn St.  
Bel Aire, KS 67220

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

**Ref: VAC2024-00060:** Vacation of a portion of a platted right-of-way in the county, generally located between Mission Road and Holmes Street and within 425 feet north of East 49th Street South.

Dear Applicant,

At the **Wednesday, April 16, 2025**, meeting of the Sedgwick County Board of County Commissioners, the above-referenced vacation request was approved as recommended by the Metropolitan Area Planning Commission.

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**

January 24, 2025

Donald Jr. & Jessica Martinez  
325 E. Fieldstone Ct.  
Derby, KS 67037

David & Melissa Counts  
11401 E. 55<sup>th</sup> Street South  
Derby, KS 67037

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Attn: Kirk Miller  
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**Ref: VAC2024-00060:** Vacation of a portion of a platted right-of-way in the county, generally located between Mission Road and Holmes Street and within 425 feet north of East 49th Street South.

Dear Applicant,

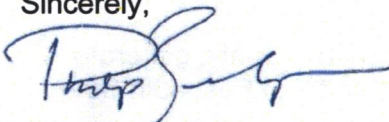
At the **Thursday, January 23, 2025**, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

- (1) Vacate the described portion of the East Edyth Drive right-of-way abutting Lots 1, 7, 8, 9, & 10, Block D, Holmes Valley View Estates Addition.
- (2) Dedicate complete access control along the north property lines of Lots 1 and 7, Block D, Holmes Valley View Estates Addition per the requirement of Sedgwick County Fire. This dedication must be submitted to Planning prior to this case going to the Board of County Commissioners for final action.
- (3) The applicants of Lots 1 and 10, Block D, Holmes Valley View Estates Addition shall dedicate an easement by separate instrument, extending the platted 16-foot easement along the common property line, to cover existing franchise utility easements. This easement shall be provided to Planning prior to this case going to the Board of County Commissioners for final action.
- (4) Provide planning staff with legal descriptions of the approved vacated portion of the platted right-of-way on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to the Board of County Commissioners for final action.
- (5) The applicants shall record restrictive covenants, binding and tying their respective portions of the subject right-of-way to their Lots. The restrictive covenants shall be provided to Planning prior to the case going to the Board of County Commissioners for final action.

- (6) All improvements shall be according to County Standards and at the applicant's expense.
- (7) 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.

These conditions are required to be met prior to this case being scheduled for final action by the Sedgwick County Board of County Commissioners. Please provide all necessary documentation to the Planning Department in order to continue this approval process. 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



Document #: 2025-014390  
 Date Recorded: 04/18/2025 02:10:03 PM  
 Pages: 3 Recording Fee: 0.00  
 Sedgwick County Kansas  
 Tonya Buckingham,  
 Register of Deeds

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
 OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF A )  
 PORTION OF A PLATTED RIGHT-OF-WAY )

LOCATED WITHIN ONE-BLOCK NORTH OF )  
 EAST 49<sup>TH</sup> STREET SOUTH AND WITHIN ONE- )  
 HALF MILE EAST OF SOUTH WOODLAWN BLVD. )

CASE NO. VAC2024-00060

VACATION ORDER

NOW on this 16<sup>th</sup> day of April 2025, at 9:00 o'clock A.M., comes the petition filed by Donald and Jessica Martinez, Donald and Shannan Parscal, Brian and Shari Humbard, David and Melissa Counts, and Thomas Leach, the owners of all property abutting the following-described portion of a platted right-of-way (collectively "Applicant"), praying for the vacation of:

The South 50 feet of Edyth Drive, Holmes Valley View Estates, Sedgwick County, Kansas, EXCEPT the East 60 feet thereof, AND TOGETHER WITH that part of Lot 7, Block D, Holmes Valley View Estates, Sedgwick County, Kansas, dedicated for Public Road Purposes (Deed Book 1539, Page 336), more particularly described as:

Lot 7, Block D, in Holmes Valley View Estates, except for that portion described as follows: Beginning at the northwest corner of said Lot 7, Block D; thence south along the west line of said Lot 7 to the south line, thence in a northeasterly direction along said south line to the west line of Holmes Street; thence north 185 feet along the east line of said Lot 7; thence west to the Point of Beginning.

WHEREAS, upon the filing of the petition, the Metropolitan Area Planning Commission ("Planning Commission") set the petition for hearing on January 23, 2025 at 1:30 P.M., and gave notice of said hearing by publication in the official county newspaper on January 2, 2025.

WHEREAS, on January 15, 2025, the Subdivision Committee of the Planning Commission held a public hearing on the petition and voted to recommend approval of the vacation to the Planning Commission, subject to the following conditions:

1. Vacate the described portion of the East Edyth Drive right-of-way abutting Lots 1, 7, 8, 9, & 10, Block D, Holmes Valley View Estates Addition.

2. Dedicate complete access control along the north property lines of Lots 1 and 7, Block D, Holmes Valley View Estates Addition per the requirement of Sedgwick County Fire. This dedication must be submitted to Planning prior to this case going to the Board of County Commissioners for final action.
3. The applicants of Lots 1 and 10, Block D, Holmes Valley View Estates Addition shall dedicate an easement by separate instrument, extending the platted 16-foot easement along the common property line, to cover existing franchise utility easements. This easement shall be provided to Planning prior to this case going to the Board of County Commissioners for final action.
4. Provide planning staff with legal descriptions of the approved vacated portion of the platted right-of-way on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to the Board of County Commissioners for final action.
5. The applicants shall record restrictive covenants, binding and tying their respective portions of the subject right-of-way to their Lots. The restrictive covenants shall be provided to Planning prior to the case going to the Board of County Commissioners for final action.
6. All improvements shall be according to County Standards and at the applicant's expense.
7. 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 January 23, 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 portion of platted right-of-way described above is hereby vacated subject to the aforementioned conditions and all property rights of public utilities, rights-of-way, and easements for public service facilities then in existence and use are preserved and protected.

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  
JEFF BLUBAUGH  
STEPHANIE WISE  
RYAN K. BATY  
JAMES M. HOWELL


Aye  
Aye  
Aye  
Aye  
Aye

Dated this 10 day of April, 2025.

BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

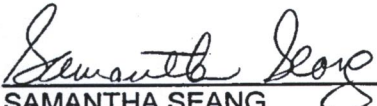
ATTEST:

  
KELLY B. ARNOLD, County Clerk  


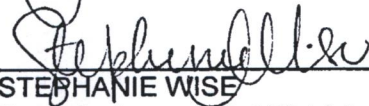
  
RYAN BATY, Chairman  
Commissioner, Fourth District


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

APPROVED AS TO FORM:

  
SAMANTHA SEANG  
Assistant County Counselor

  
JEFF BLUBAUGH  
Commissioner, Second District

  
STEPHANIE WISE  
Commissioner, Third District

  
JAMES M. HOWELL  
Commissioner, Fifth District



Document #: 2025-014006  
Date Recorded: 04/17/2025 08:03:03 AM  
Pages: 4 Recording Fee: 72.00  
Sedgwick County Kansas  
Tonya Buckingham,  
Register of Deeds  
Electronically Submitted Document

### DECLARATION OF ACCESS EASEMENT

This Declaration is made as of this 13 day of March, 2025 by the undersigned.

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, Donald L. Martinez Jr. and Jessica C. Martinez is the owner(s) of the following described real property, to wit:

**Lot 1, Block D, Holmes Valley View Estates, an Addition to Sedgwick County, Kansas.  
AND TOGETHER WITH the adjacent vacated right of way.**

WHEREAS, Donald Parscal and Shannan Parscal is the owner(s) of the following described real property, to wit:

**Lot 10, Block D, Holmes Valley View Estates, an Addition to Sedgwick County, Kansas.  
AND TOGETHER WITH the adjacent vacated right of way.**

WHEREAS, Brian J. Ellerman and Shari Humbard is the owner(s) of the following described real property, to wit:

**Lot 9, Block D, Holmes Valley View Estates, an Addition to Sedgwick County, Kansas.  
AND TOGETHER WITH the adjacent vacated right of way.**

Hereinafter collectively referred to as the "OWNERS".

WHEREAS

The aforementioned owners of Lot 1, Lot 9, and Lot 10, Block D, Holmes Valley View Estates desires that access for vehicular traffic will be across and through:

#### **"EXHIBIT A"**

NOW, THEREFORE, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, the undersigned OWNERS, does hereby grant to OWNERS, their successors, heirs, and assigns, an easement over, on and across "EXHIBIT A", for the purpose of enabling the aforementioned owners of Lot 9, Block D, Lot 10, Block D, and Lot 8, Block D, Holmes Valley View Estates AND TOGETHER WITH the adjacent vacated right of way, an Addition to Sedgwick County, Kansas, their successors, heirs, and assigns, to have and enjoy a means of ingress and egress to and from said "EXHIBIT A" to Mission Road and for no other purpose. There shall be no fence or other barrier erected which would prevent or obstruct the passage of such vehicular traffic between said lots. This Declaration shall not be construed to create any rights to the general public nor as a dedication to public to use any portion of said lots. The easements herein granted shall be deemed covenants that run with the land and shall inure to the benefit of and be binding upon the owners of said lots, their successors, heirs, and assigns.



In testimony whereof the undersigned has set their hands this 13 day of March, 2025.

By: Brian J. Ellerman  
Brian J. Ellerman  
Owner

Shari Humbard  
Shari Humbard  
Owner

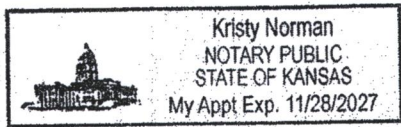
STATE OF KANSAS        )  
                                  ) SS  
COUNTY OF SEDGWICK )

BE IT REMEMBERED, that on this 13<sup>th</sup> day of March, 2025, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came, Brian J. Ellerman and Shari Humbard, is personally known to me to be the same person(s) who executed the within instrument of writing and such person duly acknowledged the execution of the same.

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

Kristy Norman  
Notary Public

My Commission Expires: 11/28/2027



# EXHIBIT "A"

## PRIVATE ACCESS EASEMENT

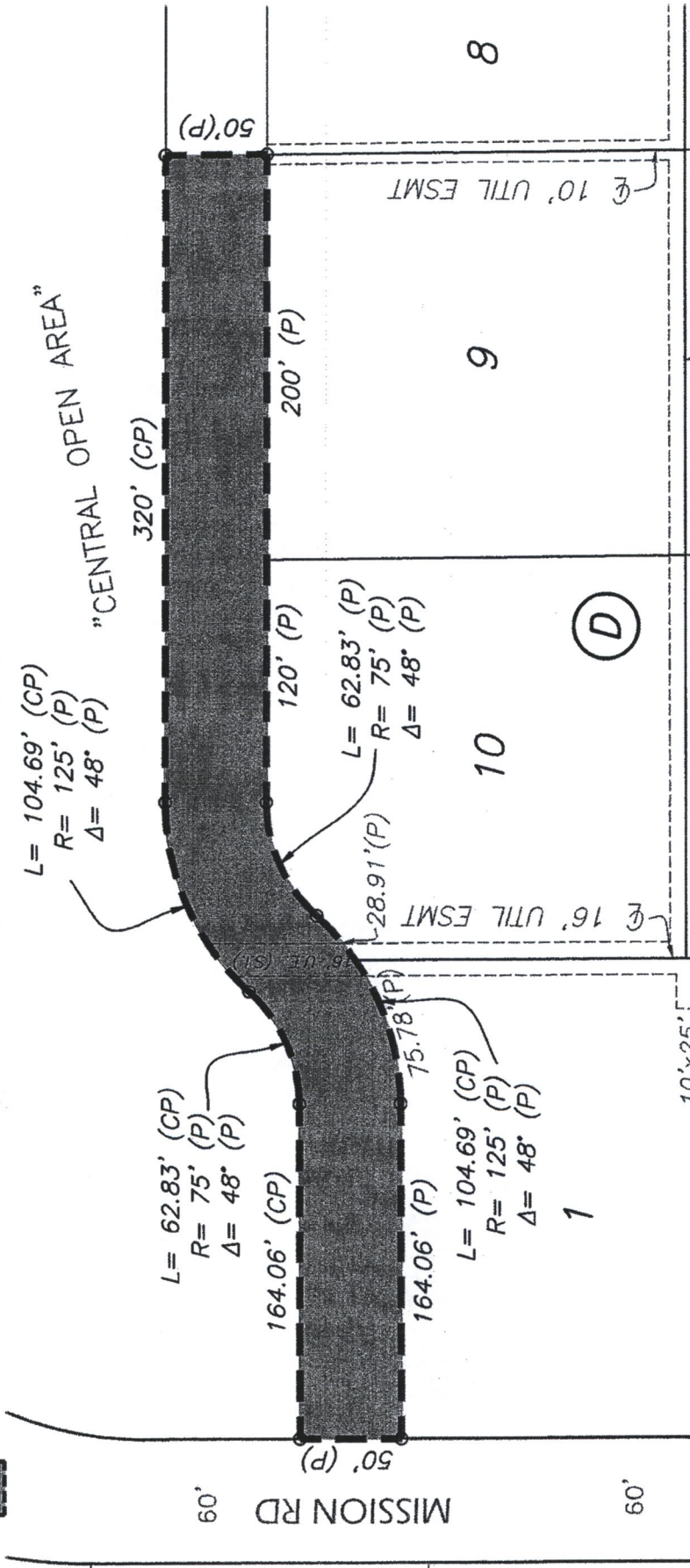
HOLMES VALLEY VIEW ESTATES  
SEDGWICK COUNTY, KANSAS

### LEGEND

(P) - Platted  
(CP) - Calculated from Platted info.



EASEMENT AREA



A Private Access Easement more particularly described as follows:

Beginning at the Northwest corner of Lot 1, Block D, Holmes Valley View Estates, an Addition to Sedgwick County, Kansas; thence north, parallel with the West line of said Lot 1, a distance of 50 feet; thence east, parallel to the north line of said Lot 1, a distance of 164.06 feet to a point being 50 feet north of the Southerly Northeast corner of said Lot 1; thence along a tangential curve to the left, said curve having a length of 62.83 feet, a radius of 75 feet, and a delta of 48°; thence along a tangential curve to the right, said curve having a length of 104.69 feet, a radius of 125 feet, and a delta of 48° to a point being 50 feet north of the Northerly Northwest corner of Lot 10, Block D, Holmes Valley View Estates; thence east, parallel to the North line of said Lot 10, a distance of 320 feet to a point being 50 feet north of the Northeast corner of Lot 9, Block D, Holmes Valley View Estates; thence south, parallel to the East line of said Lot 9, a distance of 50 feet to the Northeast corner of said Lot 9; thence west, along the north lines of said Lots 9 and 10, a distance of 320 feet to the Northerly Northwest corner of said Lot 10; thence along a tangential curve to the left, said curve having a length of 62.83 feet, a radius of 75 feet and a delta of 48°; thence along a tangential curve to the right, said curve having a length of 104.69 feet, a radius of 125 feet, and a delta of 48° to the Southerly Northeast corner of said Lot 1; thence west along the North line of said Lot 1 a distance of 164.06 feet to the Point of Beginning.





Document #: 2025-014001  
Date Recorded: 04/17/2025 08:02:45 AM  
Pages: 2 Recording Fee: 38.00  
Sedgwick County Kansas  
Tonya Buckingham,  
Register of Deeds  
Electronically Submitted Document

### RESTRICTIVE COVENANT

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED, Donald L. Martinez Jr. and Jessica C. Martinez, is the owner(s) of the following described real property to wit:

Lot 1, Block D, Holmes Valley View Estates, an Addition to Sedgwick County, Kansas.

NOW THEREFORE, in consideration of receiving approval from the appropriate government authorities for the vacation, VAC2024-00060, of a portion of a platted right of way, described as:

The South 50 feet of Edyth Drive, Holmes Valley View Estates, an Addition to Sedgwick County, Kansas.,

EXCEPT the East 60' thereof,

AND TOGETHER WITH that part of Lot 7, Block D, Holmes Valley View Estates, Sedgwick County, Kansas, Dedicated for Public Road Purposed (Deed Book 1539, Page 336), more particularly described as:

Lot 7, Block D, Holmes Valley View Estates, except for the portion described as follows:

Beginning at the northwest corner of said Lot 7, Block D; thence south along the west line of said Lot 7 to the south line; thence in a northeasterly direction along said south line to the west line of Holmes Street; thence north 185 feet along the east line of said Lot 7; thence west to the Point of Beginning.

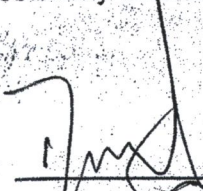
The undersigned agrees to covenant right-of-way that abuts the north side of Lot 1, Block D, Holmes Valley View Estates shall be retained, held, and bound together. It is understood that this covenant shall be binding upon the undersigned, their successors, heirs, and assigns, and is a covenant running with the land until such time the property is replatted.

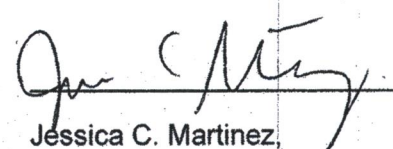
The covenants, conditions, and restrictions on the property created and established in this instrument may be waived, terminated, or modified only upon written consent of the County of Sedgwick, Kansas. No such waiver, termination or modification shall be effective until such written consent is recorded in the office of the Register of Deeds for Sedgwick County, Kansas.

IN WITNESS WHEREOF, this Covenant has been executed as of the date first above written.

In testimony whereof the undersigned has set their hands this 14 day of March, 2025.

By:

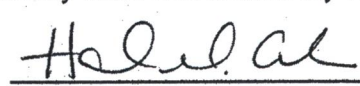
  
\_\_\_\_\_  
Donald L. Martinez Jr.,  
Owner

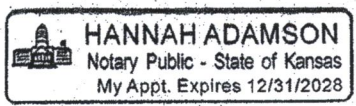
  
\_\_\_\_\_  
Jessica C. Martinez,  
Owner

STATE OF KANSAS     )  
                                  ) SS  
COUNTY OF SEDGWICK )

BE IT REMEMBERED, that on this 14 day of March, 2025, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came, Donald L. Martinez Jr. and Jessica C. Martinez, is personally known to me to be the same person(s) who executed the within instrument of writing and such person duly acknowledged the execution of the same.

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

  
\_\_\_\_\_



Notary Public

My Commission Expires: 12/31/2028



Document #: 2025-013998  
Date Recorded: 04/17/2025 08:01:54 AM  
Pages: 2 Recording Fee: 38.00  
Sedgwick County Kansas  
Tonya Buckingham,  
Register of Deeds  
Electronically Submitted Document

**DEDICATION OF ACCESS CONTROL**

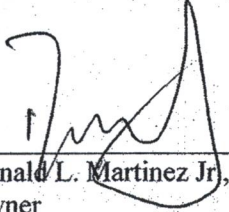
KNOW ALL MEN BY THESE PRESENTS:

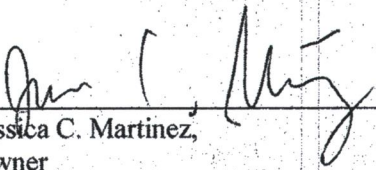
That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, Donlad L. Martinez Jr. & Jessica C. Martinez, being the owner(s) of the following described real estate in Sedgwick County, Kansas, to wit:

Lot 1, Block D, Holmes Valley View Estates, an Addition to Sedgwick County, Kansas,  
AND TOGETHER WITH adjacent vacated right-of-way.

does hereby transfer and convey to Sedgwick County, Kansas, all abutter's rights of access, ingress, and egress to said property from the aforesaid adjacent vacated right-of-way.

Executed this 14 day of March, 2025.

  
\_\_\_\_\_  
Donald L. Martinez Jr,  
Owner

  
\_\_\_\_\_  
Jessica C. Martinez,  
Owner

STATE OF KANSAS )  
 ) SS  
COUNTY OF SEDGWICK )

BE IT REMEMBERED, that on this 14 day of march, 2025 before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Donald L. Martinez Jr. and Jessica C. Martinez, Owner(s), who is personally known to me to be the same person(s) who executed the within instrument of writing and such person duly acknowledged the execution of the same.

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

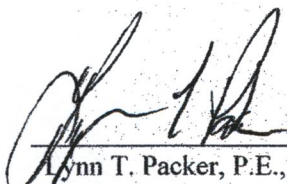


SEAL

*Hannah Adamson*  
Notary Public

(My Commission Expires: 12/31/2028)

Reviewed and Approved By:

  
\_\_\_\_\_  
Lynn T. Packer, P.E.,  
Director of Public Works

# Affidavit of Publication

STATE OF KANSAS,  
SEDGWICK COUNTY, ss.

## Sedgwick Co. public notice

(Published in The Ark Valley News on Jan. 2, 2025.)

### MAPC January 23, 2025 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, January 23, 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.**

**DER2024-00009:** Unified Zoning Code amendment creating the Short-Term Rental in the County land use and the establishment of permitting standards.

**VAC2024-00060:** Vacation of a portion of a platted right-of-way in the county, generally located between Mission Road and Holmes Street and within 425 feet north of East 49th Street South.

**ZON2024-00060:** Zone change request in the County from SF-20 Single-Family Residential District to TF-3 Two Family Residential District, generally located on the southeast corner of West 55th Street South and South Meridian Avenue. (Haysville Influence Area)

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 January 2, 2025

**Scott Wadle, Secretary**  
Wichita Sedgwick County  
Metropolitan Area Planning  
Commission

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 2nd day of January, 2025, with subsequent publications being made on the following dates:

\_\_\_\_\_, 2025 \_\_\_\_\_, 2025  
\_\_\_\_\_, 2025 \_\_\_\_\_, 2025  
\_\_\_\_\_, 2025 \_\_\_\_\_, 2025



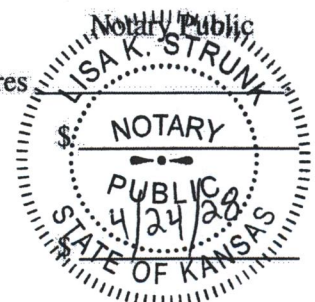
Subscribed and sworn to before me this 2nd day of January, 2025.



My commission expires

Additional copies

Printer's fee



STAFF REPORT

**CASE NUMBER:** VAC2024-00060- County Vacation of a portion of East Edyth Drive Right-of-Way.

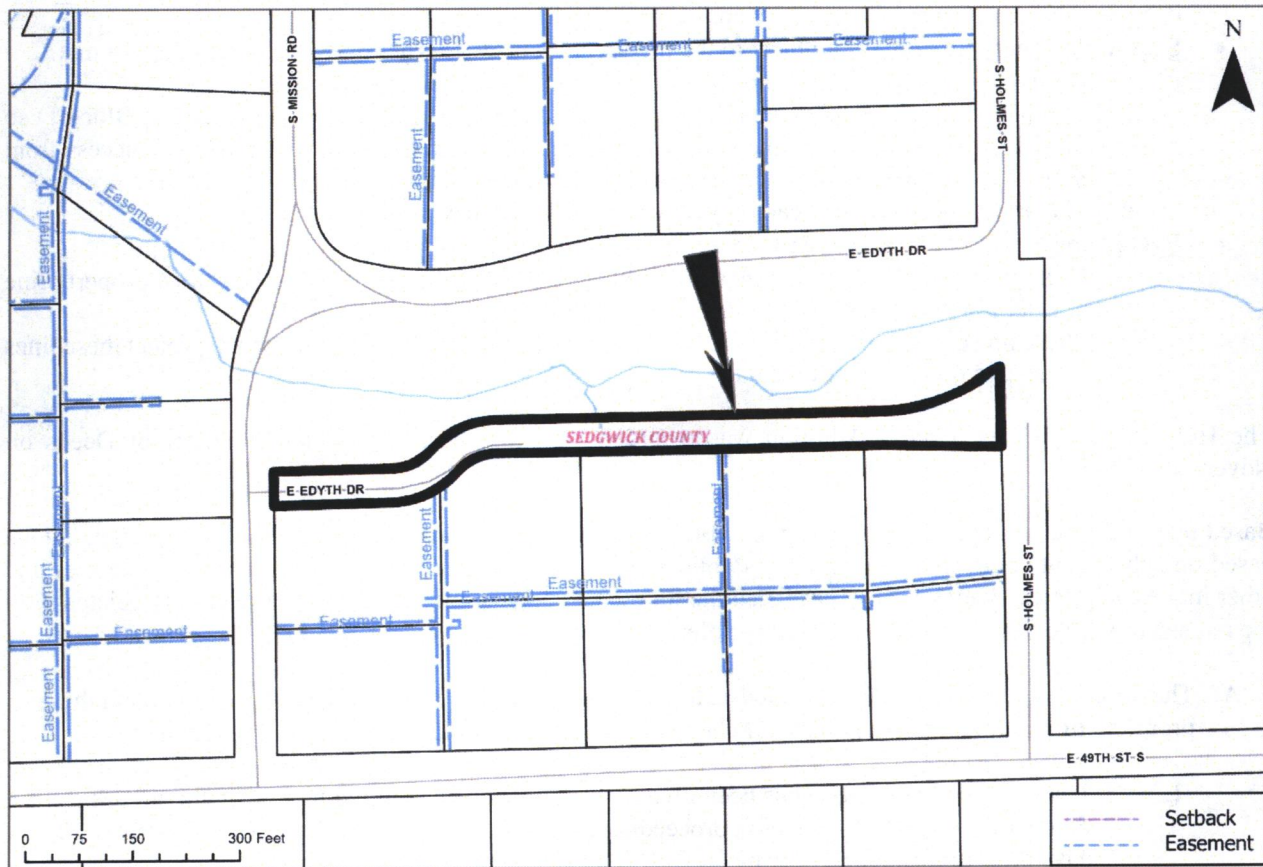
**APPLICANT/AGENT:** Donald & Jessica Martinez, Donald & Shannan Parscal, Brian & Shari Humbard, David & Melissa Counts, Thomas Leach (Applicants)/ K.E. Miller Engineering, P.A.

**LEGAL DESCRIPTION:** Generally described as vacating the South 50 feet of East Edyth Drive, abutting Lots 1, 7, 8, 9, 10, Block D, except the East 60 feet, Holmes Valley View Estates Addition, Sedgwick County Kansas.

**LOCATION:** Generally located one-block north of East 49<sup>th</sup> Street South and within one-half mile east of South Woodlawn Boulevard. (BOCC 5)

**REASON FOR REQUEST:** To convert this portion of an unimproved right-of-way to a private driveway.

**CURRENT ZONING:** The applicants' properties and all surrounding properties are zoned SF-20 Single-Family Residential District. Some are developed with single-family dwellings. Other properties are undeveloped.



The applicants are requesting the vacation of the south 50 feet the East Edyth Drive right-of-way located one-block north of East 49<sup>th</sup> Street South and within one-half mile east of South Woodlawn Boulevard. The right-of-way was platted as part of the Holmes Valley View Estates Addition. It is unique in that the entirety of the East Edyth Drive right-of-way consists of two areas for drive surfaces separated by a "center open area" that is considered part of the right-of-way. The north portion of East Edyth Drive was improved and is a gravel road serving lots on the north side of the "center open area." The south portion of East Edyth Drive was not improved east of Lot 10, Block D. It currently serves Lots 1 and 10, Block D. Lots 1, 7, 8, and 9 are currently undeveloped. All property owners abutting this portion of East Edyth Drive signed the vacation petition and are party to the application.

If approved, an access easement would be recorded in order to provide private drive access to Lots 10, 9, and 8. Lots 1 and 7 can receive access for South Mission Road (Lot 1) and South Holmes Street (Lot 7). South Holmes Street is platted, but not constructed at this time.

If approved with a requirement to record an access easement, no property would be deprived of access. Maintenance of the access drive would be private. The vacation request retains the east 60 feet, which corresponds with the platted South Holmes Street right-of-way. The unplatted property to the east could utilize South Holmes Street for access in addition to East 47<sup>th</sup> and East 49<sup>th</sup> Streets South.

There are no public utilities in the subject portion of the right-of-way. The following comments were received regarding this application:

- Sedgwick County Public Works does not object to the vacation provided that an access easement is recorded to provide private service access to all applicable lots. This access easement for a private service drive is subject to County Fire regulations.
- Sedgwick County Fire does not object to the the vacation provided the following conditions are met:
  - A private service drive can only serve a maximum of 3 residential properties.
  - Complete Access Control must be dedicated along the north lines of Lots 1 and 7, Block D so they do not have access to the proposed private service drive. They both must gain access from South Mission Road (Lot 1) and South Holmes Street (Lot 7)
  - The private service drive can only serve Lots 10, 9, and 8.
- Evergy and Cox do not object to the requested vacation.
  - Evergy has overhead power lines in the existing 16-foot easement along the shared property line of Lots 1 and 10. Cox's line is on Evergy poles.
  - These lines cross the vacation area, and an easement will need to be dedicated to protect these lines in the area that is being vacated.

The Holmes Valley View Estates Addition was recorded with the Sedgwick County Register of Deeds on November 6, 1957.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from County Public Works, County 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 street right-of-way.

- 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 January 2, 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 platted right-of-way 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) Vacate the described portion of the East Edyth Drive right-of-way abutting Lots 1, 7, 8, 9, & 10, Block D, Holmes Valley View Estates Addition.
- (2) Dedicate complete access control along the north property lines of Lots 1 and 7, Block D, Holmes Valley View Estates Addition per the requirement of Sedgwick County Fire. This dedication must be submitted to Planning prior to this case going to the Board of County Commissioners for final action.
- (3) The applicants of Lots 1 and 10, Block D, Holmes Valley View Estates Addition shall dedicate an easement by separate instrument, extending the platted 16-foot easement along the common property line, to cover existing franchise utility easements. This easement shall be provided to Planning prior to this case going to the Board of County Commissioners for final action.
- (4) Provide planning staff with legal descriptions of the approved vacated portion of the platted right-of-way on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to the Board of County Commissioners for final action.
- (5) The applicants shall record restrictive covenants, binding and tying their respective portions of the subject right-of-way to their Lots. The restrictive covenants shall be provided to Planning prior to the case going to the Board of County Commissioners for final action.
- (6) All improvements shall be according to County Standards and at the applicant's expense.
- (7) 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) Applicant's Exhibit
- 3) Plat Detail

**Aerial Map**

**VAC2024-60**

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



VAC2024-00060- Request to vacate a portion of East Edyth Drive Right-of-Way.

January 23, 2025

Page 5

Vacation Exhibit



