



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

April 15, 2025

Daniel J. Heflin
2505 N. Market
Wichita, KS 67219

Excel Custom Construction, LLC
150 S. Washington Ave., Ste. 200
Wichita, KS 67202

Ref: VAC2025-00002: Vacation request in the City for a portion of a access and maintenance easement and a portion of a utility easement on property located 500 feet west of North Fairview Avenue and 400 feet north of West 29th Street North.

Dear Applicant,

At the **Tuesday, April 15, 2025**, meeting of the Wichita City Council, 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 14, 2025

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2505 N. Market
Wichita, KS 67219

Excel Custom Construction, LLC
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Ref: VAC2025-00002: Vacation request in the City for a portion of a access and maintenance easement and a portion of a utility easement on property located 500 feet west of North Fairview Avenue and 400 feet north of West 29th Street North.

Dear Applicant,

At the **Thursday, March 13, 2025**, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

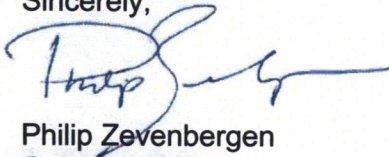
- (1) Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the described utility easement shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) All improvements shall be according to City 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 City Council 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.

These conditions have been met. Therefore, this case is scheduled for final action by the Wichita City Council on **Tuesday, April 15, 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.

VAC2025-00002: Vacation request in the City for a portion of a access and maintenance easement and a portion of a utility easement on property located 500 feet west of North Fairview Avenue and 400 feet north of West 29th Street North.

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Philip Zevenbergen
Current Plans
Division Manager



Tonya Buckingham

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

**IN THE MATTER OF THE VACATION OF A 15-FOOT ACCESS)
AND MAINTENANCE EASEMENT AND A 10-FOOT UTILITY)
EASEMENT)
)
)
)
)
)
)**

**GENERALLY LOCATED WITHIN ONE-BLOCK WEST OF)
NORTH FAIRVIEW AVENUE AND WITHIN ONE-BLOCK)
NORTH OF WEST 29TH STREET NORTH)
)
)
)
)**

VAC2025-00002

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 15th day of April 2025, comes on for hearing the petition for vacation filed by Daniel and Elizabeth Heflin (owners) praying for the vacation of a platted 15-foot access and maintenance easement and platted 10-foot utility easement, to wit:

Easements to be vacated:

Vacating existing 15-foot maintenance easement along entire 345.06 feet of the west property line and vacating existing 10-foot utility easement adjacent to and along entire 345.06 feet of east edge of said platted maintenance easement of Lot 2 and Lot 1 EXCEPT that part beginning at the southwest corner thereof; thence northerly 280.57 feet; thence east 248.47 feet to deflection point in the east line; thence southwesterly along east line 105.79 feet; thence northwesterly 1.7 feet; thence south 9.96 feet; thence southwesterly 62.04 feet; thence southwesterly 113.7 feet to the southeast corner of said Lot 1; thence west 156.53 feet to the point of beginning, all in the Nance 2nd Addition, 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 and at www.wichita.gov/LegalNotices on February 20, 2025, 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 platted 15-

April 15, 2025
VAC2025-00002

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

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AND MAINTENANCE EASEMENT AND A 10-FOOT UTILITY)
EASEMENT)**

**GENERALLY LOCATED WITHIN ONE-BLOCK WEST OF)
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VAC2025-00002

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April 15, 2025
VAC2025-00002

foot access and maintenance easement and platted 10-foot utility easement, 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 15-foot access and maintenance easement and platted 10-foot utility easement, should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 15th day of April 2025, ordered that the above-described 15-foot access and maintenance easement and platted 10-foot utility easement are 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.



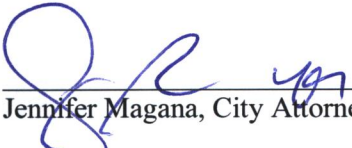
Lily Wu, Mayor, City of Wichita

ATTEST:


Paul Leeker, City Clerk



Approved as to Form:



Jennifer Magana, City Attorney and Director of Law

STAFF REPORT

CASE NUMBER: VAC2025-00002 - Request to vacate a platted 15-foot access maintenance easement and a platted 10-foot utility easement.

OWNER/APPLICANT: Elizabeth J. & Daniel G. Heflin (Applicant)/ Excel Custom Construction, LLC (Agent)

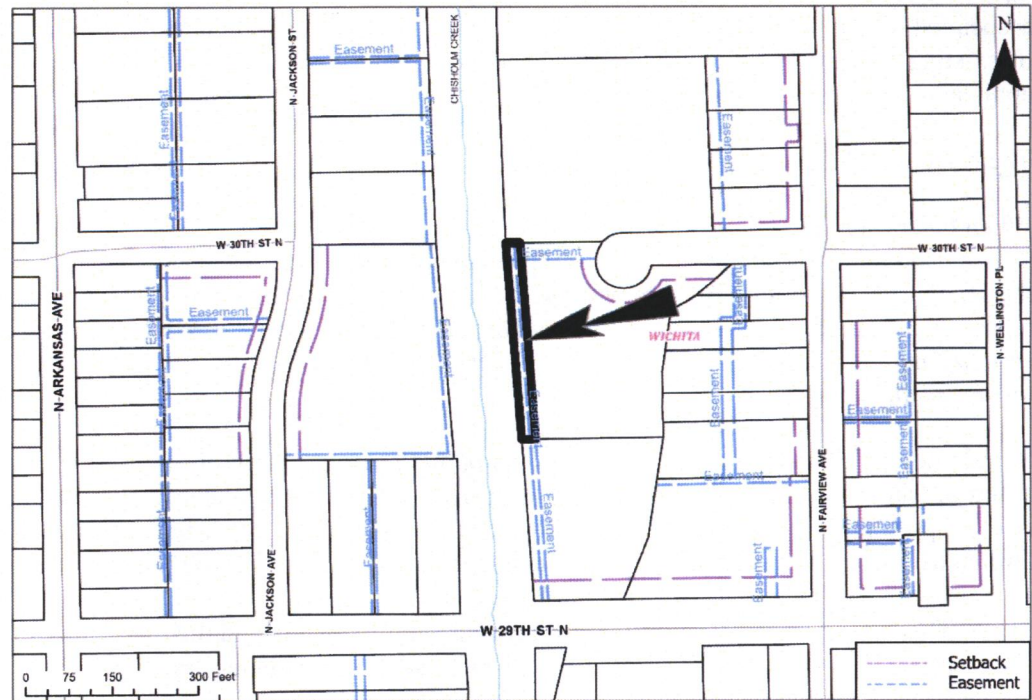
LEGAL DESCRIPTION: Generally described as vacating the entirety of a 15-foot access maintenance easement and a 10-foot utility easement on Lot 2 and vacating a portion of a 15-foot access maintenance easement and a 10-foot utility easement on Lot 1 Nance 2nd Addition, Wichita, Kansas (see attached legal description).

LOCATION: Generally located within 500 feet west of North Fairview Avenue and within 400 feet north of East 29th Street North. (WCC VI).

REASON FOR REQUEST: To allow for the future potential development of the property.

CURRENT ZONING: The subject site along with property to the south are zoned GC General Commercial District. The subject site is developed with storage buildings. Property to the south is developed with a commercial building. Property to the east is zoned MF-29 Multi-Family Residential and SF-5 Single-Family Residential and is developed with residential homes and a church. Property to the west is zoned MF-29 Multi-Family Residential and is developed with a church.

VICINITY MAP:



The applicant proposes to vacate the entirety of a 15-foot access maintenance easement and a 10-foot utility easement located on Lot 2 and to vacate a portion of a 15-foot access maintenance easement and a 10-foot utility easement located on Lot 1 Nance 2nd Addition. The proposed vacation being more specially identified as the 15-foot access maintenance easement and 10-foot utility easement running along the west line of property addressed as 354 West 29th Street North. The subject site is zoned GC General Commercial District. The vacation area is generally located within 500 feet west of North Fairview Avenue and within 400 feet north of East 29th Street North.

There currently is an existing storage building that encroaches into the platted 10-foot platted utility easement. The purpose of the vacations is to "clean-up" the encroachment of the existing building and to allow for potential future development of the property. The property is currently accessed through the south adjacent property. Although not currently developed and utilized, access to the property is also granted via the platted 30th St. No. Circle. The platted 15-foot access maintenance easement is currently not utilized.

The City of Wichita GIS indicated no water or sanitary sewer mains within the 10-foot platted utility easement.

Wichita Public Works, Wichita Stormwater Management do not object to the vacation.

Comments from franchised utilities have been received. Cox has no objection to this vacation and has no lines or equipment in the vacation area.

Evergy has reviewed this vacation request and has no objection to vacating the 15-foot access maintenance easement and has no equipment in that easement. Evergy does have existing equipment in the 10-foot utility easement on Lot 1 on the south end of the easement that serves a restaurant. Any relocation of this equipment will be at the applicant's expense. Evergy is working on with the applicant to install a spot pole and 25KVA transformer just south of the area on the site plan that shows the far west building encroaching into the 10-foot utility easement. Brandon Chadd , Area Designer will be the contact for this vacation request and any project associated with it. He can be reached at (785) 508-2700. Standard language will apply; Any relocation or removal of existing Evergy equipment due to this vacation requests will need to be discussed before and will be at the applicant's expense. NO TRANSMISSION IN OR NEAR THE AREA.

The Nance 2nd Addition was recorded on June 27, 1979

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 platted 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 February 20, 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 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) Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the described utility easement shall be to City 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 City Council for final action.
- (2) All improvements shall be according to City 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 City Council 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.

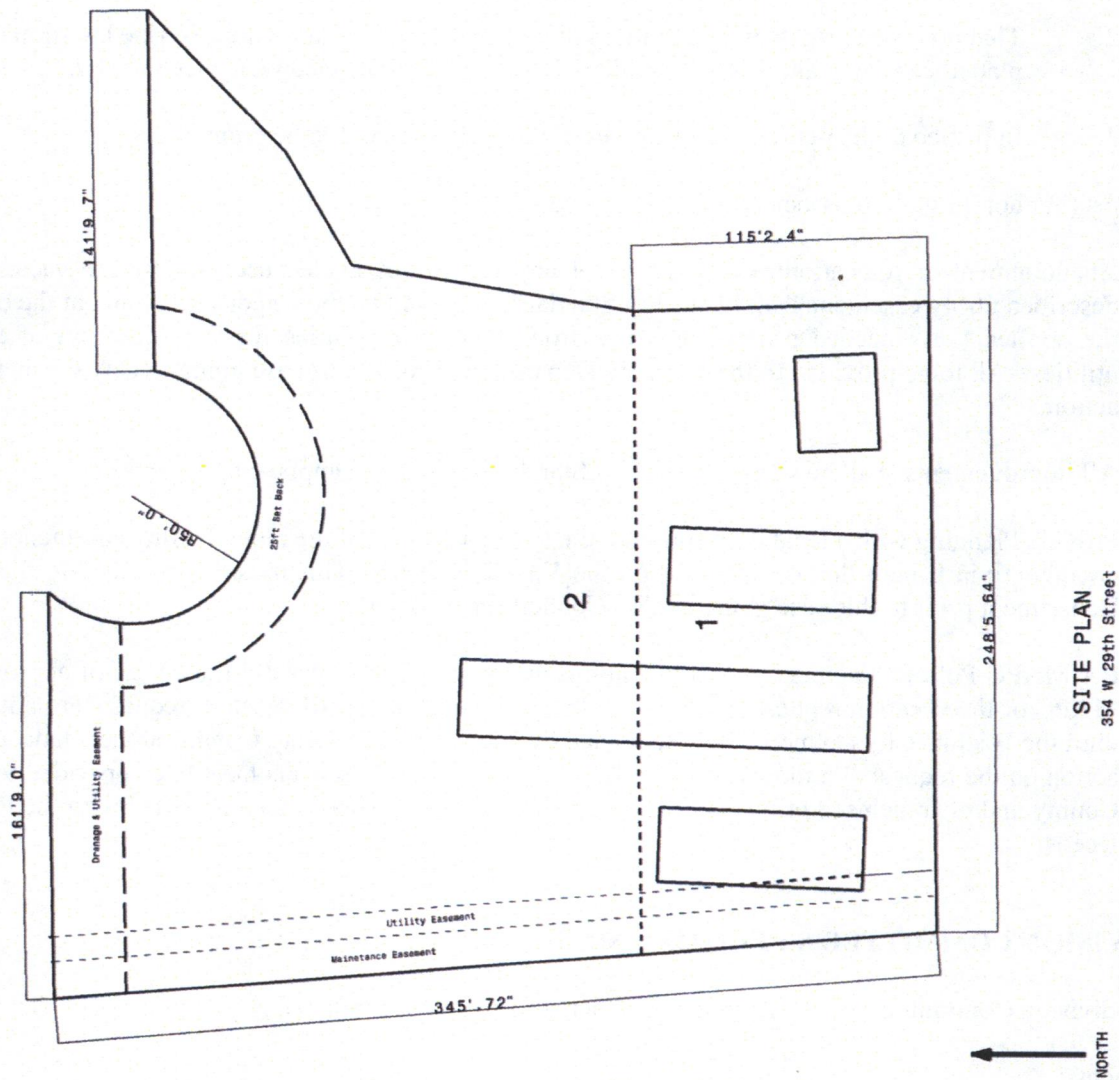
SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval per staff recommendations.

Attachments:

1. Vacation Exhibit
2. Aerial Map
3. Subdivision Plat
4. Legal Description

Vacation Exhibit



Aerial Map

VAC2025-02

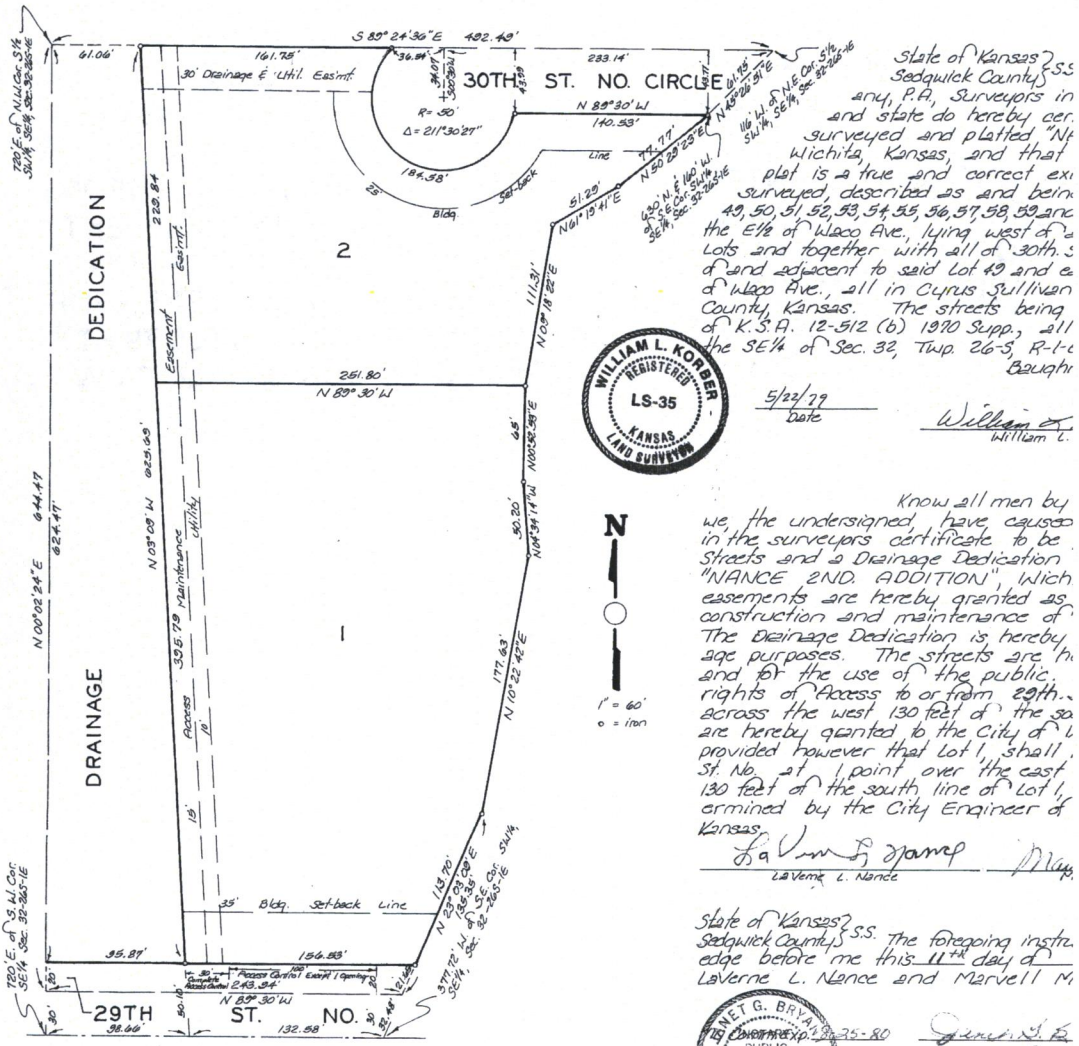
- City Limits
- Storm Structures
- Enclosed Gravity Pipe
- Force Main
- Open Channel
- Siphon
- Water Hydrants
- Sewer Manholes
- Sewer Mains
- Water Valves
- Water Mains



Subdivision Plat

NANCE 2ND. ADDITION

WICHITA, KANSAS.



State of Kansas, ss. Sedwick County, ss. any, P.A., Surveyors in and state do hereby certify surveyed and platted "NANCE 2ND. ADDITION" plat is a true and correct ex. surveyed, described as and being 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59 are the E 1/2 of Waco Ave., lying west of a lot and together with all of 30th S of land adjacent to said Lot 49 and e of Waco Ave., all in Cyrus Sullivan County, Kansas. The streets being of K.S.A. 12-512 (b) 1970 Supp., all the SE 1/4 of Sec. 32, Twp. 26-S, R-1-C



5/22/77
Date
William L. Korber
William L.



Know all men by we the undersigned, have caused in the surveyors certificate to be streets and a Drainage Dedication "NANCE 2ND. ADDITION", which easements are hereby granted as construction and maintenance of. The Drainage Dedication is hereby age purposes. The streets are for and for the use of the public. rights of Access to or from 29th. across the west 130 feet of the 30 are hereby granted to the City of provided however that Lot 1, shall. St. No. at 1 point over the east 130 feet of the south line of Lot 1, ermined by the City Engineer of Kansas.

Laverne L. Nance
Laverne L. Nance
Marvell M. Nance
Marvell M.

State of Kansas, ss. The foregoing instr. edge before me this 11th day of Laverne L. Nance and Marvell M. Nance



Janet G. Bryant
Janet G.

this plat of "NANCE 2ND. ADDITION"

H-2 7-17

Legal Description

State of Kansas)
County of Sedgwick) SS

RE: Vacation of Maintenance Easement and Utility Easement of 354 W 29th St. N.
Wichita Kansas 67204

I, Darrell E Leffew, in said state and county do hereby certify that I prepared the following to describe a maintenance easement vacation and utility easement vacation.

“ VACATING EXISTING 15 FT MAINTENANCE EASEMENT ALONG ENTIRE 345.06 FT WEST PROPERTY LINE AND VACATING EXISTING 10 FT UTILITY EASEMENT ADJACENT TO AND ALONG ENTIRE 345.06 FT OF EAST EDGE OF VACATING MAINTENANCE EASEMENT OF LOT 2 & LOT 1 EXC PT COMM SW COR THEREOF NLY 280.57 FT E 248.47 FT TO DEFLECTION PT IN E LI SWLY ALG E LI 105.79 FT NWLY 1.7 FT S 9.96 FT SWLY 62.04 FT SWLY 113.7 FT TO SE COR SAID LOT 1 W 156.53 FT TO BEG NANCE 2ND ADDITION”