



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

October 15, 2025

DSI Properties, LLC
Attn: Larry Higgins
3919 S. West St.
Wichita, KS, 67217

Ref: VAC2025-00034: Vacation request in the County of the west 5 feet of the 20 foot drainage and utility easement located on the west side of property zoned SF-20 Single Family Residential, generally located at South 135th Street West and West 35th Street South.

Dear Applicant,

At the **Wednesday, October 15, 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 'S. Deetz'.

Samuel Deetz
Current Plans
Associate Planner



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

September 11, 2025

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Attn: Larry Higgins
3919 S. West St.
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Ref: VAC2025-00034: Vacation request in the County of the west 5 feet of the 20 foot drainage and utility easement located on the west side of property zoned SF-20 Single Family Residential, generally located at South 135th Street West and West 35th Street South.

Dear Applicant,

At the **Thursday, September 11, 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 drainage and 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 Board of County Commissioners I 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 drainage and 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 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.

These conditions have been met. Therefore, this case is scheduled for final action by the Sedgwick County Board of County Commissioners on **Wednesday, October 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.

Sincerely,

Samuel Deetz
Current Plans
Associate Planner



BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF A)
DRAINAGE AND UTILITY EASEMENT)

LOCATED ON THE SOUTHEAST CORNER OF)
SOUTH 135TH STREET WEST AND WEST 35TH)
STREET SOUTH.)

) CASE NO. VAC2025-00034
)
)
)
)

VACATION ORDER

NOW on this 15th day of October, 2025, comes the petition filed by DSI Properties, LLC, owner(s) of the subject property ("Applicant"), praying for the vacation of the following-described drainage and utility easement to-wit:

The West 5 feet of the 20-foot Drainage and Utility Easement located on the west side of Lots 11, 12, 13 and 14, Block B, Bruch Creek Estates Addition, Sedgwick County, Kansas.

Upon the filing of the petition, the Metropolitan Area Planning Commission ("Planning Commission") set the petition for hearing on September 11, 2025 at 1:30 P.M., and gave notice of said hearing by publication in the official county newspaper on August 21, 2025.

On September 4, 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) Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the described drainage and 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 need 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 made according to County Standards and at the applicant's expense.
- (3) Provide Planning with a legal description of the vacated portion of the platted drainage and 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.

On September 11, 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 drainage and utility 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.

[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>	<u>aye</u>
STEPHANIE WISE	<u>aye</u>	
RYAN BATY	<u>aye</u>	<u>aye</u>
JAMES M. HOWELL	<u>aye</u>	

Dated this 15 day of October, 2025.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

[Signature]
KELLY B. ARNOLD, County Clerk



[Signature]
RYAN BATY, Chairman
Commissioner, Fourth District

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

APPROVED AS TO FORM:

[Signature] 9/15/25
SAMANTHA SEANG
Assistant County Counselor

[Signature]
JEFF BLUBAUGH
Commissioner, Second District

[Signature]
STEPHANIE WISE
Commissioner, Third District

[Signature]
JAMES M. HOWELL
Commissioner, Fifth District

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 21st day of August, 2025, with subsequent publications being made on the following dates:

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

Chris Strunk

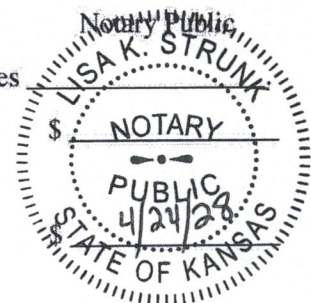
Subscribed and sworn to before me this 21st day of August, 2025.

Lisa K. Strunk

My commission expires

Additional copies

Printer's fee



Sedgwick Co. public notice

(Published in The Ark Valley News
Aug. 21, 2025.)

MAPC September 11, 2025 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, September 11, 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.**

CON2025-00106: Conditional Use request in the County to allow an Accessory Apartment on property zoned RR Rural Residential generally located 500 feet south of West 21st Street North and 800 feet west of North 263rd Street West. (26555 West 21st Street North).

PUD2025-00018: Amendment to PUD #27 in the County to add parcels to the PUD for multi-use development; generally located on the northeast corner of North 151st Street West and West 21st Street North (14800 West Saint Teresa Street).

VAC2025-00034: Vacation Request in the County of the west 5 feet of the 20 foot drainage and utility easement located on the west side of property zoned SF-20 Single Family Residential, generally located at South 135th Street West and West 35th Street South.

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 August 21, 2025

Scott Wadle, Secretary
Wichita Sedgwick County
Metropolitan Area Planning Commission

STAFF REPORT

CASE NUMBER: VAC2025-00034 - Request to vacate a drainage and utility easement.

OWNER/APPLICANT: DSI Properties, LLC (Applicant)

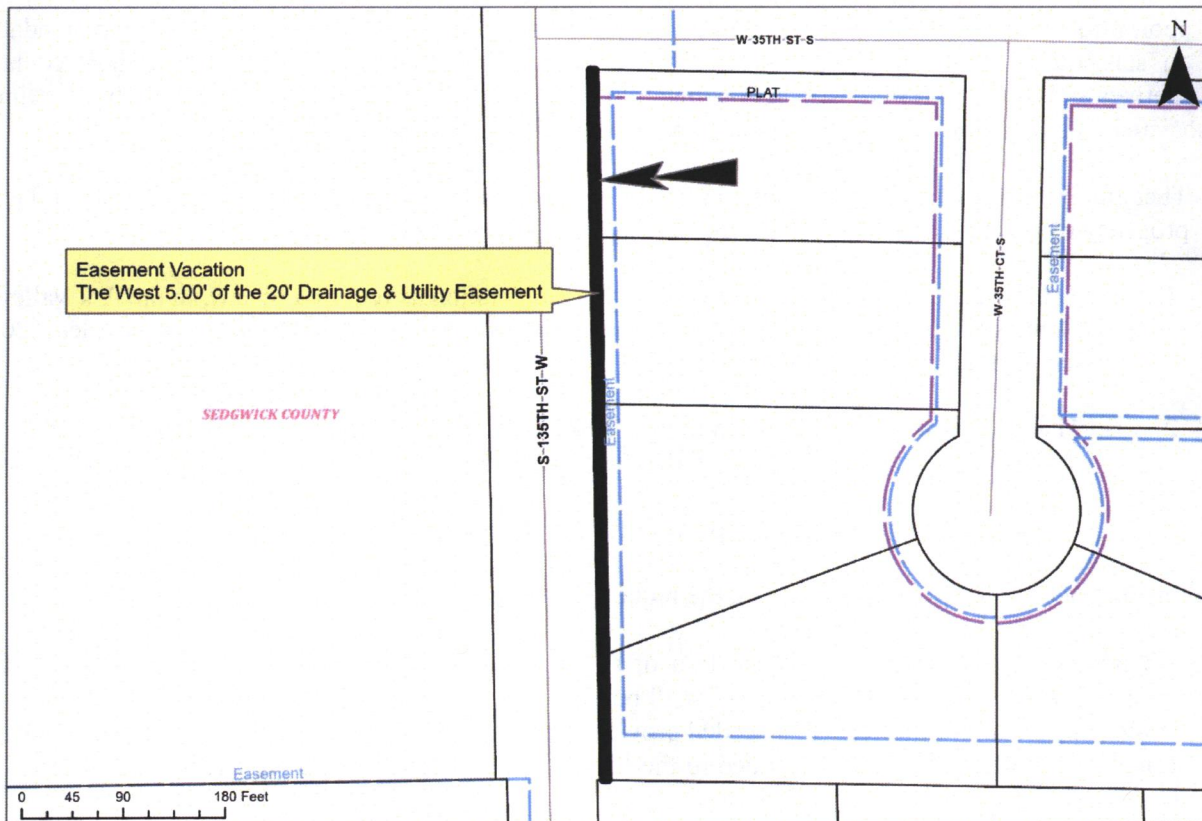
LEGAL DESCRIPTION: Generally described as vacating the west 5 feet of the 20-foot drainage and utility easement located on the west side of Lots 11, 12, 13, and 14, Block B, Brush Creek Estates Addition, Sedgwick County, Kansas.

LOCATION: Generally located east of South 135th Street West and one half-mile south of West 31st Street South.

REASON FOR REQUEST: To allow construction of a concrete wall.

CURRENT ZONING: The subject site along with properties to the north, east, and south are zoned SF-20 Single Family Residential (SF-20). Property to the west is zoned RR Rural Residential (RR). The subject site and properties to the north and west are vacant. Properties to the east and south are developed with single-family dwellings.

VICINITY MAP:



The applicant proposes to vacate the west 5 feet of the 20-foot drainage and utility easement running north-south along the west property line of Lots 11, 12, 13, and 14, Block B, Brush Creek Estates Addition. The site is generally located east of South 135th Street West and one half-mile south of West 31st Street South. The site is zoned SF-20 Single Family Residential (SF-20) and is undeveloped. The purpose of the vacation is to allow construction of a concrete wall. There are additional easements on the property, however these will not be affected by this request.

There are no public utilities in the vacation area. Sedgwick County Public Works and Utilities, and Stormwater do not object to this vacation. Comments from franchised utilities have been received. Black Hills Energy, Kansas Gas, and Cox have no lines or equipment in the vacation area and therefore have no objections.

Evergy has reviewed the request and has no objection. Sammy Whalen, Area Design Representative, will be the contact for this vacation request and any project associated with it. She can be contacted at (316) 261 - 6334. Standard language will apply; **Any relocation or removal of existing Evergy equipment will need to be discussed and will be at the applicant's expense.**

The Brush Creek Estates Addition was recorded on June 23, 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 Public Works & 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 portions of the drainage and utility 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 Ark Valley News, of notice of this vacation proceeding one time August 21, 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 drainage and utility 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 drainage and 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 Board of County Commissioners I 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 drainage and 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 Board of County Commissioners for final action.
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SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

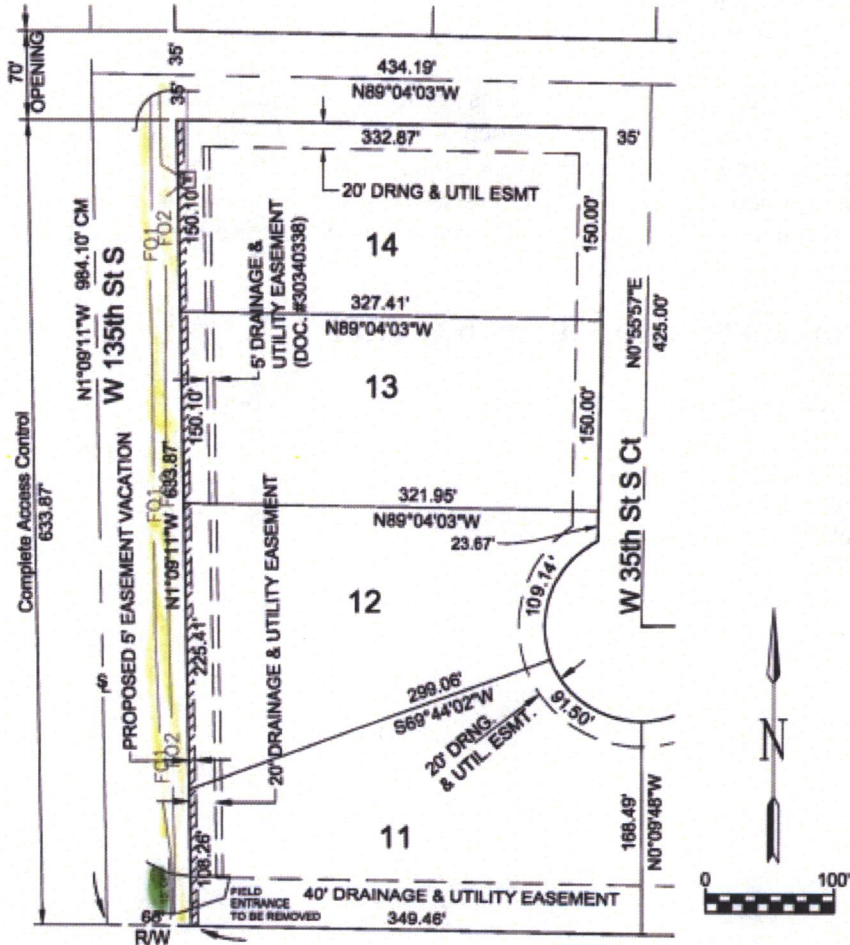
The Subdivision Committee recommends approval per staff recommendations.

Attachments:


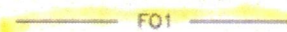


1. Vacation Exhibit
2. Public Comment
3. Aerial Map
4. Plat Exhibit

Vacation Exhibit

EASEMENT VACATION EXHIBIT



LEGEND

-  CP CULVERT PIPE
-  F01 UNDERGROUND FIBER OPTIC (COX)
-  F02 UNDERGROUND FIBER OPTIC (TWIN VALLEY)
-  FOC FIBER OPTIC MARKER

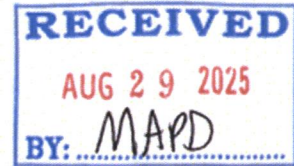
EASEMENT VACATION DESCRIPTION

The West 5.00' of the 20' Drainage & Utility Easement located on the West side of Lots 11, 12, 13 and 14, Block B, Brush Creek Estates, Sedgwick County, Kansas.

DWG FILE: Y17-2402520 SURVEYBASE
 PROJECT NO. Y17-2402520

Public Comment

Questions for City of Wichita and Larry Higgins



Fence Height and Width

Will this fence block my "line of sight of 135th? I'm concerned with my safety accessing 135th.

Will this fence have lighting?

Will the lighting be placed so that it will not interfere with my ability to see traffic on 135th as I access 135th ? Especially at night?

Fence Boundry

What is the southern most boundry of this fence?

Does this fence come to completely up to my fence line?

If this fence comes up to my fence line I will need an easement to be able to access the north side of my fence for repairs.

What company will monitor the fence? How will I contact them?

Activities include

Trash removal, right now I'm removing the trash from the construstion and building of the sites. Also any other trash that is blown in from your housing project.

Tresspassers, I've lived out here for 67 years and have know all my neighbors. I'm dealing with people I don't know who want to come into my property and I'm not sure how to deal with this.












Snow Buildup, rain runoff, If your fence causes unreasonable snow buildup or drainage on my property, who do I call to get this retified? I have dogs and I don't want them climbing snowdrifts or digging soft mud and escaping. This will cause me fines and time.

Thank you for your time.

Nancy Taylor

Aerial Map

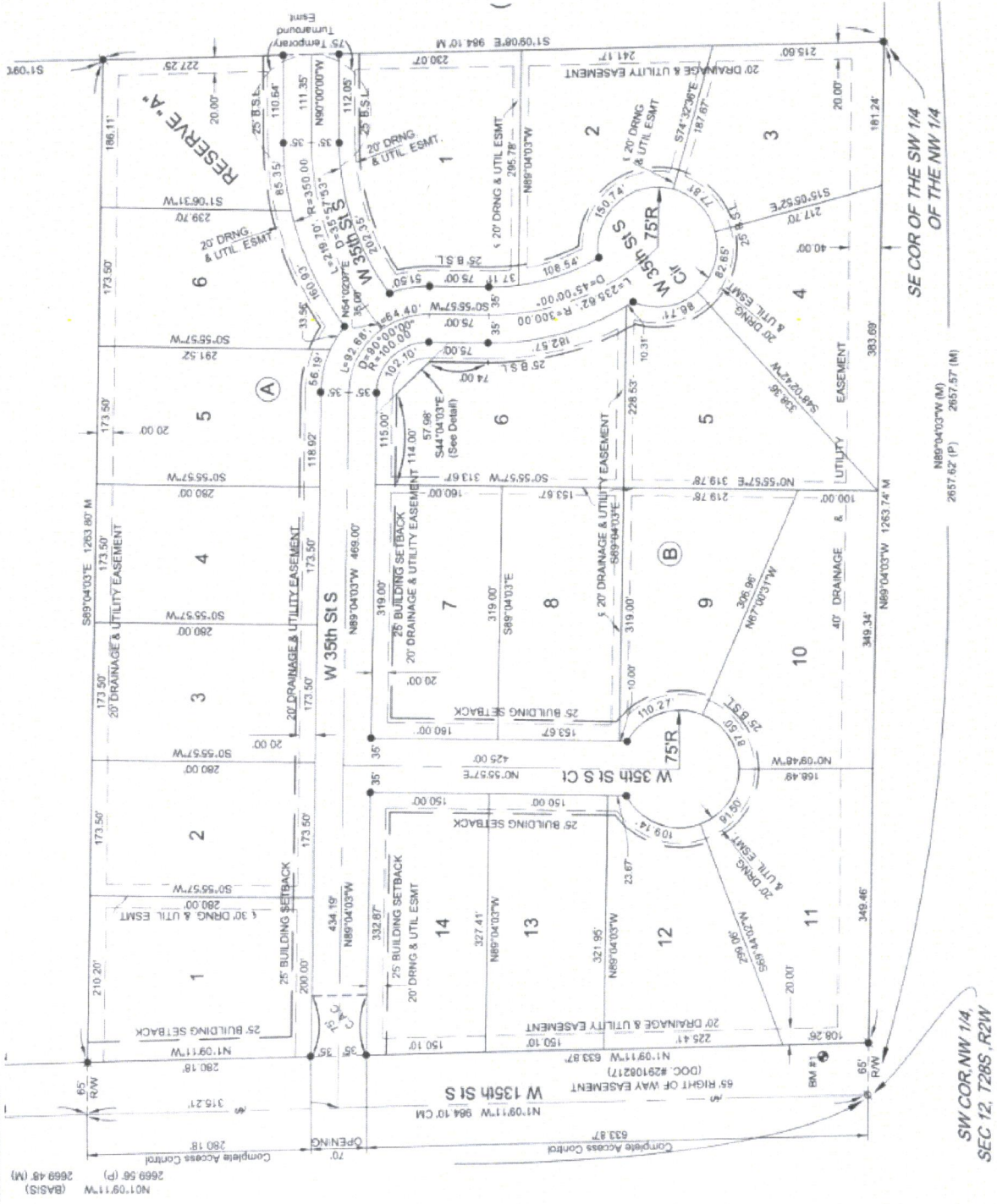
VAC2025-34

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



VAC2025-00034- Request to vacate a drainage and utility easement.
 September 11, 2025
 Page 7

Plat Exhibit



SW COR NW 1/4,
 SEC 12, T28S, R2W