



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

November 6, 2025

Richard B. Gould III and Tiffany E. Gould
5359 North Athenian Avenue
Wichita, KS, 67204

Ref: VAC2025-00032: Vacation request in the City to vacate a portion of a 30-foot platted setback and a portion of platted right-of-way, generally located on West 53rd Street North and 1,200 feet east of North Meridian Avenue.

Dear Applicants,

At the **Thursday, November 6, 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 'S. Deetz'.

Samuel Deetz
Current Plans
Associate Planner



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

October 13, 2025

Richard B. Gould III and Tiffany E. Gould
5359 North Athenian Avenue
Wichita, KS, 67204

Ref: VAC2025-00032: Vacation request in the City to vacate a portion of a 30-foot platted setback and a portion of platted right-of-way, generally located on West 53rd Street North and 1,200 feet east of North Meridian Avenue.

Dear Applicant,

At the **Thursday, August 28, 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 platted setback and right-of-way. Provide planning staff with legal descriptions of the approved vacated portion of the platted setback and 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 City Council for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide Planning with any needed easements dedicated by separate instrument with original signatures. These conditions must be completed prior to the case going to City Council for final action.
- (3) All improvements shall be according to City Standards and at the applicant's expense.
- (4) The applicant shall record a restrictive covenant binding and tying the described vacated right-of-way to the applicant's property. This restrictive covenant shall establish a four-foot setback on the north property line, excepting the west 30 feet and the east 131 feet. This must be provided to Planning prior to the case going to City Council for final action.
- (5) The applicant shall record a dedication of contingent right-of-way for the entire vacated right-of-way, subject to approval of the Traffic Engineer. This must be provided to Planning prior to the case going to City Council for final action.
- (6) 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.

VAC2025-00032: Vacation request in the City to vacate a portion of a 30- foot platted setback and a portion of platted right-of-way, generally located on West 53rd Street North and 1,200 feet east of North Meridian Avenue.

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These conditions have been met. Therefore, this case is scheduled for final action by the Wichita City Council on **Thursday, November 6, 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



Tony Buckingham

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

**IN THE MATTER OF THE VACATION OF A BUILDING)
SETBACK AND RIGHT-OF-WAY)**

**GENERALLY LOCATED ON WEST 53RD STREET)
NORTH AND 1,200 FEET EAST OF NORTH MERIDIAN)
AVENUE)**

VAC2025-00032

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 6th day of November, 2025, comes on for hearing the petition for vacation filed by Richard B. Gould III and Tiffany E. Gould (owners), praying for the vacation of described building setback and right-of-way, to wit:

The platted 10-foot right-of-way located on the south side of West 53rd Street North adjacent to Lot 5, Block 1, H.L. Warner 3rd Addition, Wichita, Sedgwick County, Kansas.

TOGETHER WITH

The north 30 feet of the 30-foot street side setback, excepting the west 30 feet and east 131 feet on Lot 5, Block 1, H.L. Warner 3rd 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 on August 7, 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 building setback and right-of-way, and the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner(s), the prayer of the petition 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 building setback and right-of-way, should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 6th day of November, 2025, ordered that the described building setback and right-of-way is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Register of Deeds of Sedgwick County.

CITY OF WICHITA, KANSAS



Lily Wu, Mayor

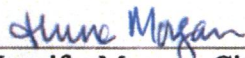
ATTEST:



Shinita Rice, City Clerk



Approved as to Form:

 FOR

Jennifer Magana, City Attorney and Director of Law

STAFF REPORT

CASE NUMBER: VAC2025-00032 - City vacation of a portion of a platted street side setback and right-of-way.

APPLICANTS: Richard B. Gould III and Tiffany E. Gould (applicants/owners)

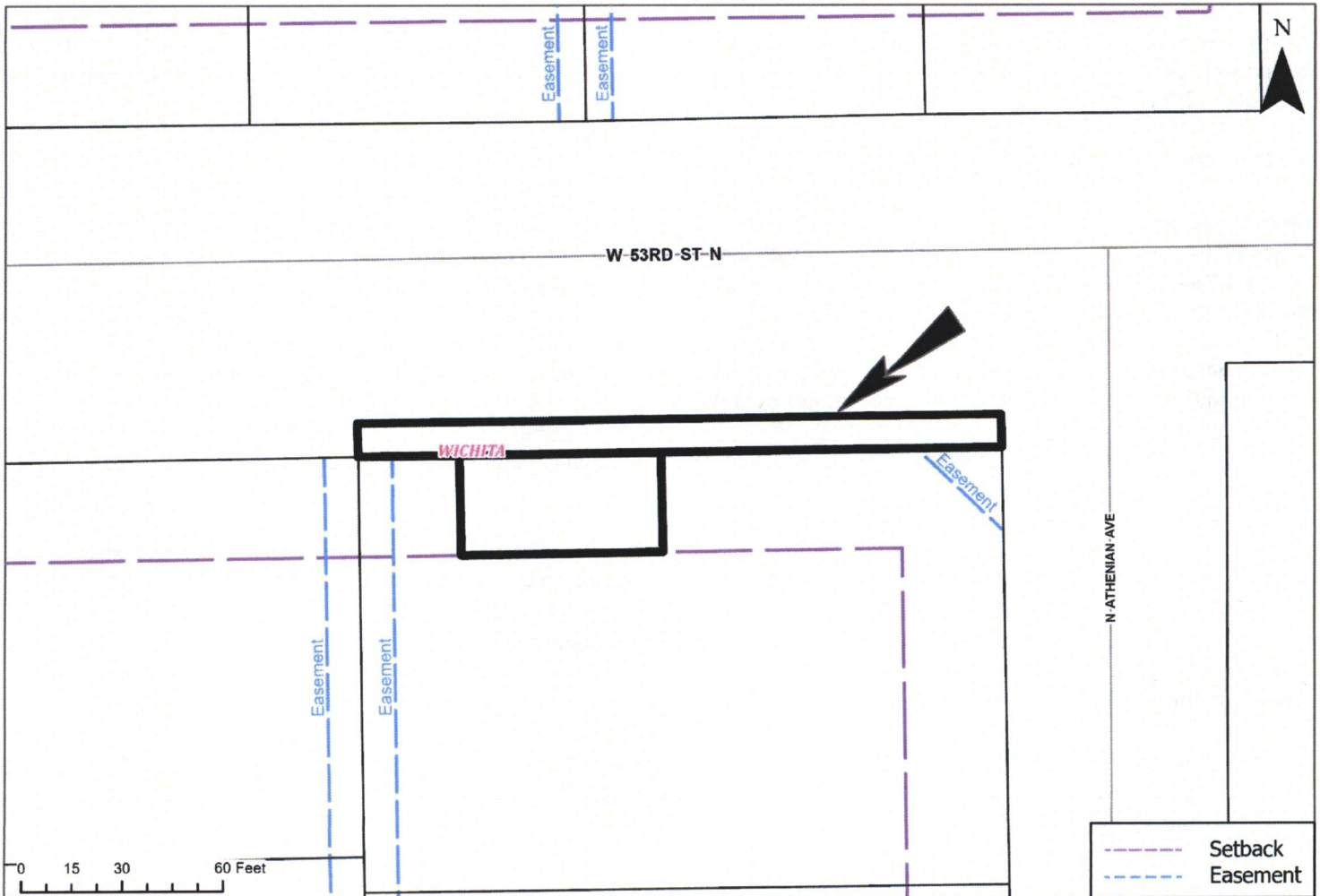
LEGAL DESCRIPTION: Vacating the north 10 feet of the right-of-way located on the south side of West 53rd Street North, and vacating the north street side setback from 30 feet to 0 feet excepting the west 30 feet and east 131 feet of Lot 5, Block 1, H.L. Warner 3rd Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located on West 53rd Street North and 1,200 feet east of North Meridian Avenue. (5359 North Athenian Avenue).

REASON FOR REQUEST: To allow the installation of a garage.

CURRENT ZONING: The subject site and all adjacent properties are zoned SF-5 Single Family Residential District (SF-5).

VICINITY MAP:



The applicants are requesting the vacation of the north 10 feet of the right-of-way located on the south side of West 53rd Street North, and vacating the north street side setback from 30 feet to 0 feet excepting the west 30 feet and east 131 feet. The property is generally located on West 53rd Street North and 1,200 feet east of North Meridian Avenue. The property is addressed 5359 North Athenian Avenue and zoned SF-5 Single Family Residential District (SF-5).

At the time the plat was dedicated, right-of-way was dedicated to West 53rd Street North. However, no nearby subdivisions dedicated right-of-way leaving this block with unutilized, excess right-of-way.

The purpose of this request is to allow the installation of a garage. The garage is proposed to extend 6 feet into the right-of-way, with 4 feet between the proposed structure and the proposed property line. While a 4-foot setback is substantially less than the SF-5 requirement of 15-feet for a street side setback, due to the unique nature of the plat, the proposed new property line will be approximately 12 feet south of the property lines of properties on adjacent blocks. In order to enforce the 4-foot setback, the required restrictive covenant that will bind and tie this right-of-way to the applicant's property shall contain a statement requiring the north 4 feet to be a building setback.

There are no public utilities in the vacation area. Wichita Public Works and Utilities, Fire, or Stormwater do not object to this vacation. Traffic Engineering requires that the proposed vacation of right-of-way be dedicated as contingent right-of-way. Structures are allowed in contingent rights-of-way; however, they may be removed without compensation if necessary for possible future expansion of West 53rd Street North. Comments from franchised utilities have been received. Neither Black Hills Energy, nor Kansas Gas object to the vacation. They do not have any lines or equipment in the vacation area. Cox has no objection to this vacation. However, Cox has aerial lines on the poles in the south right-of-way of West 53rd Street North and any relocation will be at the applicant's expense.

Everygy has no items in the areas the applicant is requesting to vacate and therefore has no objection. Brandon Chadd, Area Design Representative, will be the contact for this vacation request and any project associated with it. She can be contacted at (785) 508 - 2700.

The H.L. Warner 3rd Addition was recorded with the Register of Deeds October 30, 1974.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from Public Works, Stormwater, Water and Sewer, Traffic, 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 platted setback and 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 August 7, 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 a platted street side setback and 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 platted setback and right-of-way. Provide planning staff with legal descriptions of the approved vacated portion of the platted setback and 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 City Council for final action.

- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide Planning with any needed easements dedicated by separate instrument with original signatures. These conditions must be completed prior to the case going to City Council for final action.
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- (5) The applicant shall record a dedication of contingent right-of-way for the entire vacated right-of-way, subject to approval of the Traffic Engineer. This must be provided to Planning prior to the case going to City Council for final action.
- (6) 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. Vacation Exhibit
3. Plat Exhibit

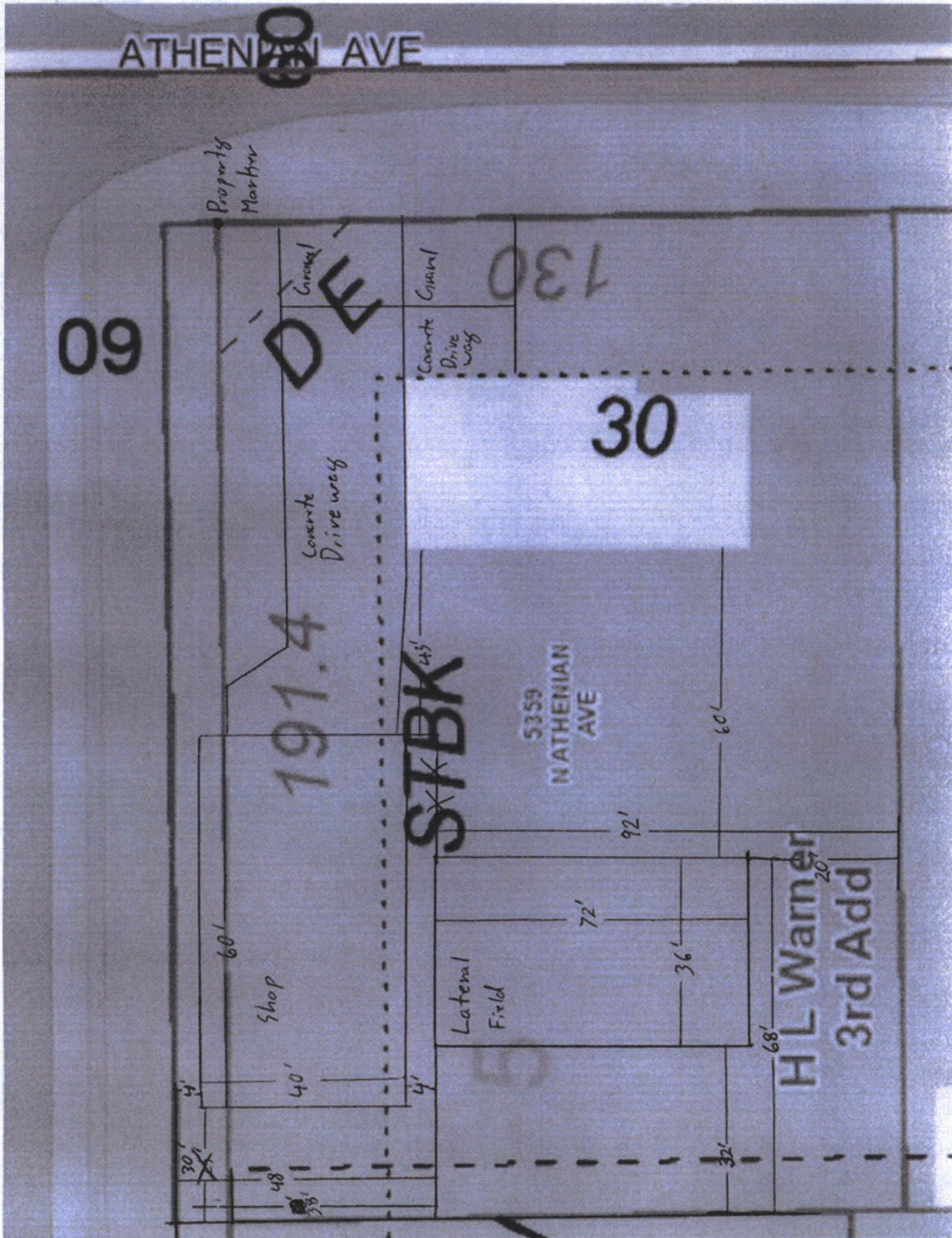
Aerial Map

VAC2025-32

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



Vacation Exhibit



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Plat Exhibit

