



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

December 16, 2025

AR Investment Group, LLC
Attn: Jayson Russell
PO Box 75450
Wichita, KS 67215

Pace Land, LLC
1121 E. 1st St.
Douglass, KS 67039

Ref: VAC2025-000046: Vacation request in the City of a portion of a platted 20-foot drainage and utility easement on property located at the northeast corner of Fairmount Avenue and Thunder Street (4919 N Fairmount Ave.)

Dear Applicant,

At the **Tuesday, December 16, 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

VAC2025-00046: Vacation request in the City of a portion of a platted 20-foot drainage and utility easement on property located at the northeast corner of Fairmount Avenue and Thunder Street (4919 N Fairmount Ave.)

Page 2

The above conditions must be met before this case can have final approval. Therefore, this case is scheduled for final action by the Wichita City Council at an appropriate meeting after Planning has received the conditions. 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', with a long horizontal flourish extending to the right.

Samuel Deetz
Current Plans
Associate Planner



Document #: 2025-064834
Date Recorded: 12/22/2025 04:10:28 PM
Pages: 2 Recording Fee: 0.00
Sedgwick County Kansas
Tonya Buckingham,
Register of Deeds

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

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

**GENERALLY LOCATED AT THE NORTHEAST CORNER)
OF FAIRMOUNT AVENUE AND THUNDER STREET,)
WITHIN 400 FEET EAST OF NORTH HILLSIDE AVENUE)**

VAC2025-00046

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 16th day of December, 2025, comes on for hearing the petition for vacation filed by AR Investment Group, LLC (owners), praying for the vacation of described drainage and utility easement, to wit:

That part of the 20.00 foot wide Drainage and Utility Easement lying within Lot 1, Block A, Falcon Falls East 3rd Addition, Wichita, Sedgwick County, Kansas as prepared by Baughman Company, P.A., CLS 58, State of Kansas, County of Sedgwick, more particularly described as commencing at the northwest corner of said Lot 1; thence S17°39'56"W, coincident with the west line of said Lot 1, 38.56 feet; thence S80°22'13"E, 9.62 feet to the Point of Beginning; thence continue S80°22'13"E, 10.61 feet to a point in the east line of said 20.00 foot wide Drainage and Utility Easement; thence S17°39'56"W, coincident with the east line of said 20.00 foot wide Drainage and Utility Easement, 30.39 feet; thence N80°22'21"W 6.49 feet; thence N09°53'18"E 30.09 feet to the Point of Beginning

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 October 23, 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

drainage and utility easement, 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 drainage and utility easement should be approved.

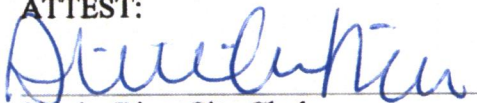
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 16th day of December, 2025, ordered that the described drainage and utility easement is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Register of Deeds of Sedgwick County.

CITY OF WICHITA, KANSAS



Lily Wu, Mayor

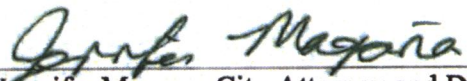
ATTEST:



Shinita Rice, City Clerk



Approved as to Form:



Jennifer Magana, City Attorney and Director of Law

drainage and utility easement, 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 drainage and utility easement should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 16th day of December, 2025, ordered that the described drainage and utility easement 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:



Jennifer Magana, City Attorney and Director of Law

METROPOLITAN AREA PLANNING COMMISSION

**AGENDA REPORT NO.
November 13, 2025**

STAFF REPORT

CASE NUMBER: VAC2025-00046 - Vacation of a portion of a platted drainage and utility easement.

APPLICANT/AGENT: AR Investment Group, LLC (applicant)/ Baughman Company, PA (agent)

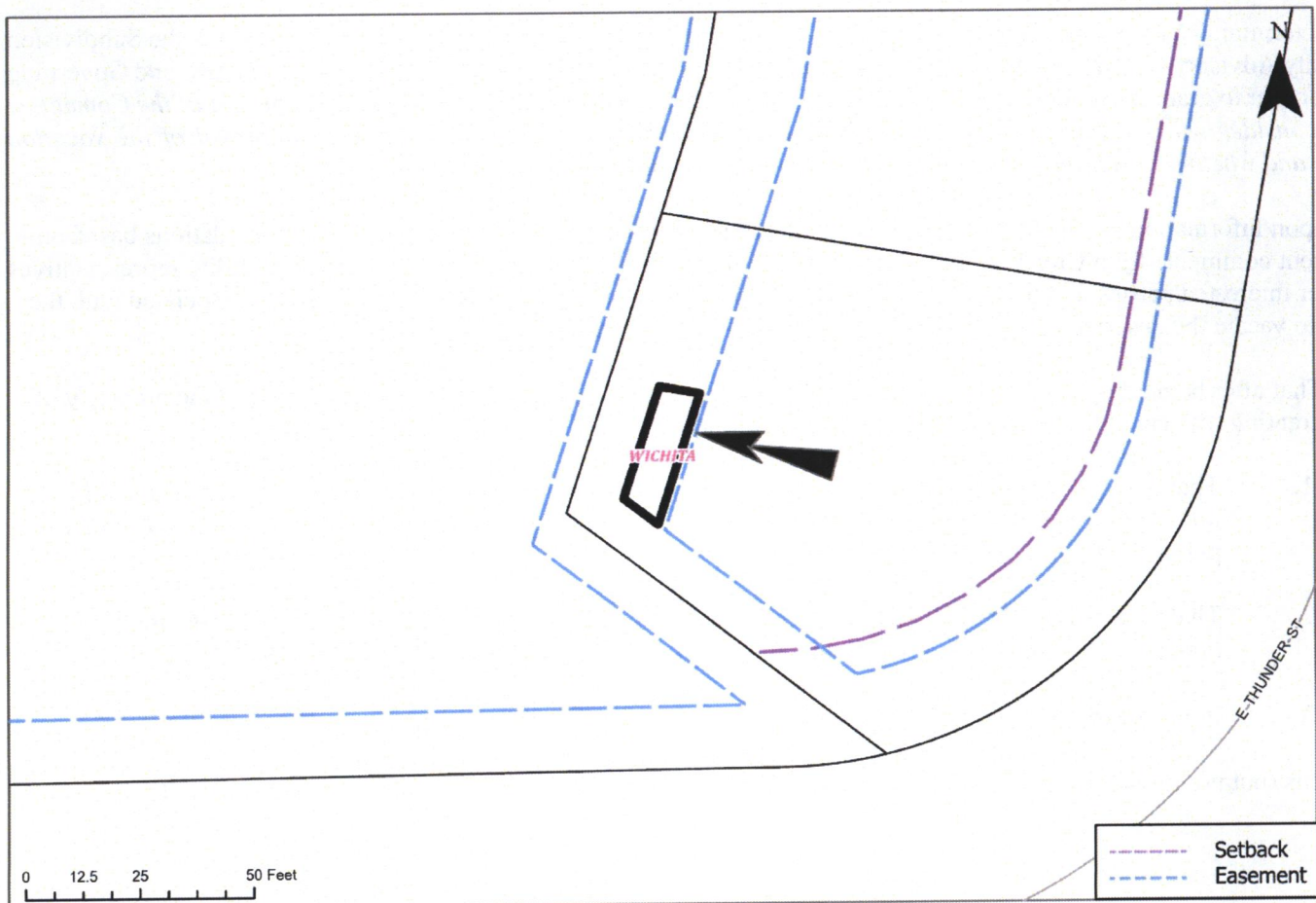
LEGAL DESCRIPTION: Generally described as vacating a portion of the platted 20-foot drainage and utility easement, on the west side of Lot 1, Block A, Falcon Falls East 3rd Addition, Wichita, Sedgwick County, Kansas (see attached complete legal description).

LOCATION: Generally located at the northeast corner of Fairmount Avenue and Thunder Street, within 400 feet of North Hillside Avenue.

REASON FOR REQUEST: To remove conflict between the easement and the construction of a house.

CURRENT ZONING: The subject site is currently zoned PUD Planned Unit Development and is developed with two residential structures. Adjacent properties are also zoned PUD Planned Unit Development with a drainage basin located west of the property.

VICINITY MAP:



The applicant is requesting the vacation of a 254 square foot portion of a platted 20-foot drainage and utility easement, located on the west side of Lot 1, Block A, Falcon Falls East 3rd Addition. The property is located at the northeast corner of Fairmount Avenue and Thunder Street, within 400 feet of North Hillside Avenue. The subject site is zoned PUD Planned Unit Development (PUD) and is developed with two residential structures. The purpose of the vacation is to remove a conflict between the easement and the house under construction.

GIS mapping shows a sanitary sewer in the subject drainage easement. This is located outside of the vacation area. There is also a platted 20-foot drainage and utility easement along the east property line and an 8-foot drainage and utility easement running along the north property line. These easements will remain intact and the proposed vacation will not impact these easements.

Wichita Fire, Stormwater, and Traffic Engineering do not object to this vacation. Comments from franchised utilities have been received. AT&T, Cox, and Kansas Gas have no lines or equipment in the vacation area and therefore have no objections. Wichita Public Works and Utilities agree to the vacation provided that:

1. The limits of the vacation include the building overhang shown in “25-08-P129 EXH 02 Detail Detail A (003)”
2. Additional utility easement is dedicated as proposed in “VAC2025-00046 Vacation Exhibit”

Based on the feedback from Public Works, the vacation area has been modified as shown in the attached Revised Vacation Exhibit and Revised Legal Description.

Everygy has reviewed this vacation request. Everygy has no objection and does not have any items in the areas the applicant is requesting to vacate. John Unruh, Area Design Representative, will be the contact for this vacation request and any project associated with it. He can be contacted at (316) 216 - 6213. Standard language will apply: **Any relocation or removal of existing Everygy equipment will need to be discussed and will be at the applicant's expense.**

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 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 Wichita Eagle, of notice of this vacation proceeding one time October 23, 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 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) If any utility services are found to be located within the area of the proposed Vacation, these services shall be relocated at the owner's expense, to city standards, and the applicant shall provide Planning with the dedication of utility easements by separate instruments to go with the Vacation Order to be filed with the Register of Deeds. If relocation is not possible then this Vacation shall be rendered void as the current easement must remain in place.
- (2) All improvements shall be according to City Standards and at the applicants' expense.
- (3) The applicant shall dedicate additional utility easement as proposed in "VAC2025-00046 Vacation Exhibit". as approved by City Public Works and Utilities, with the Sedgwick County Register of Deeds prior to this application proceeding to Wichita City Council for final action. Either an original utility easement document can be submitted to Planning to be recorded with the Vacation Order, or a copy of the recorded utility easement can be submitted to Planning.
- (4) The applicant shall dedicate a new drainage and utility easement, by separate instrument, as approved by City Stormwater, with the Sedgwick County Register of Deeds prior to this application proceeding to Wichita City Council for final action. Either an original drainage easement document can be submitted to Planning to be recorded with the Vacation Order, or a copy of the recorded drainage easement can be submitted to Planning.
- (5) 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. 25-08-P129 EXH 02 Detail Detail A (003)
3. Original Legal Description
4. Updated Vacation Exhibit
5. Updated Legal Description
6. Aerial Map
7. Plat Exhibit

Vacation Exhibit

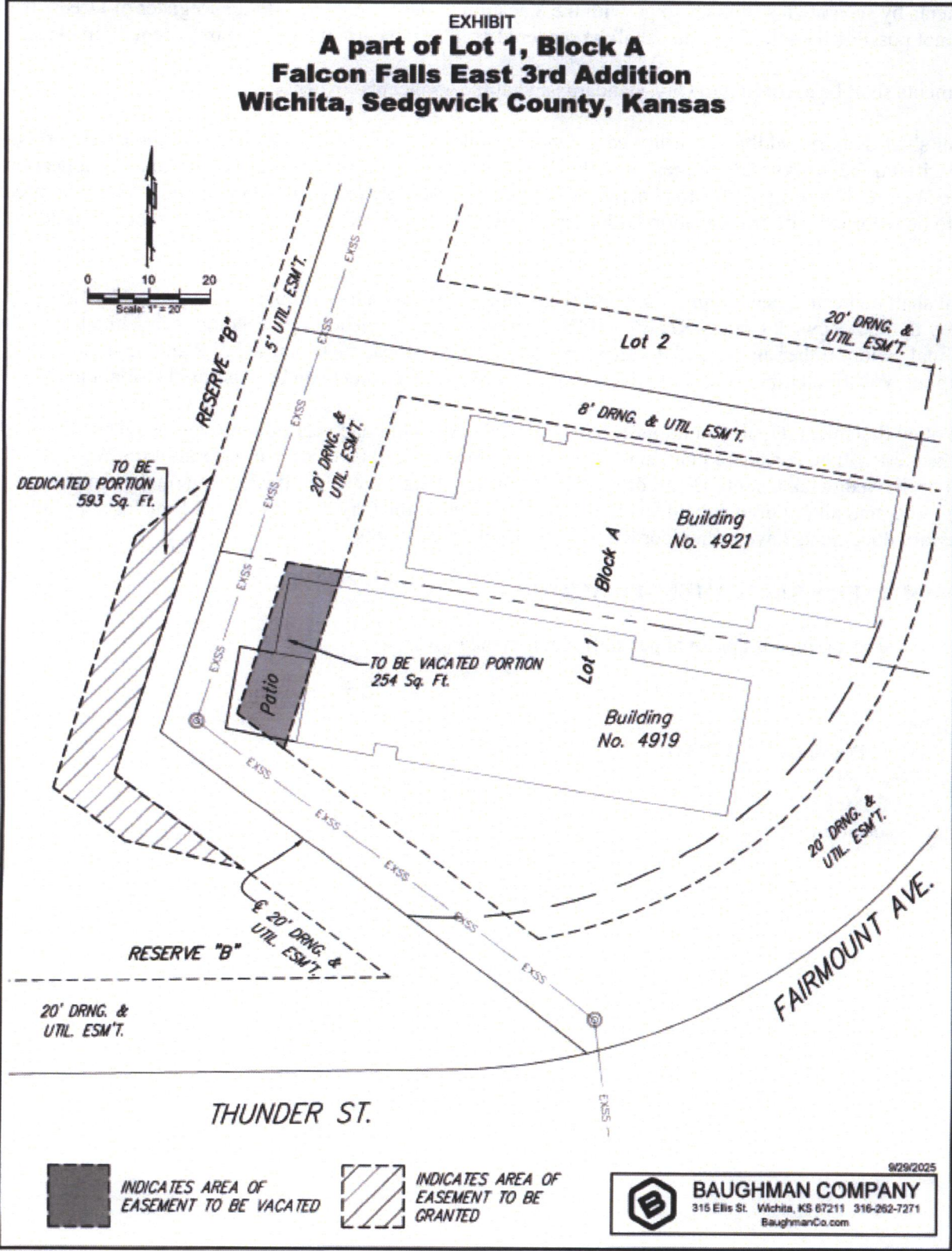
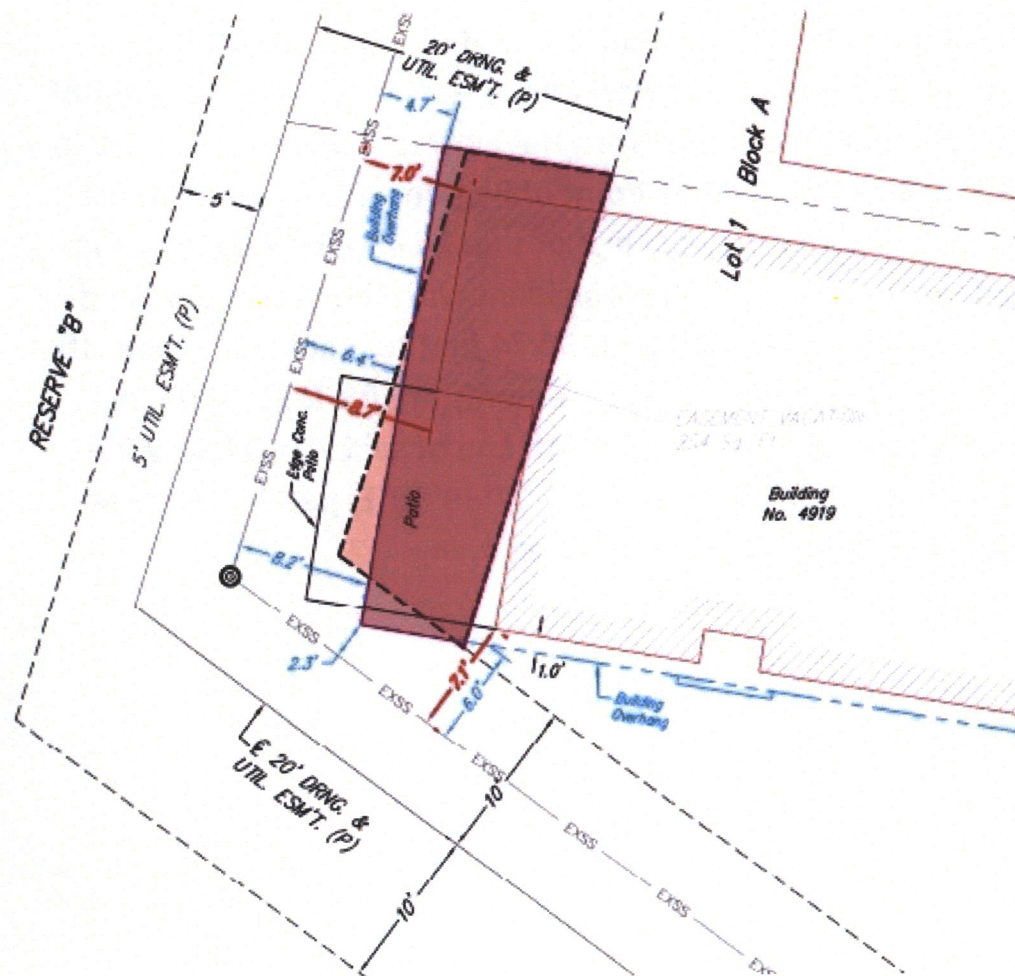


EXHIBIT
**A part of Lot 1, Block A
Falcon Falls East 3rd Addition
Wichita, Sedgwick County, Kansas**

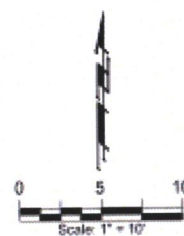


 1. Chromosome from Don. Sex: male. Age: 1 year old.

DETAIL A



INDICATES AREA OF
LEGAL DESCRIPTION



10/23/2025

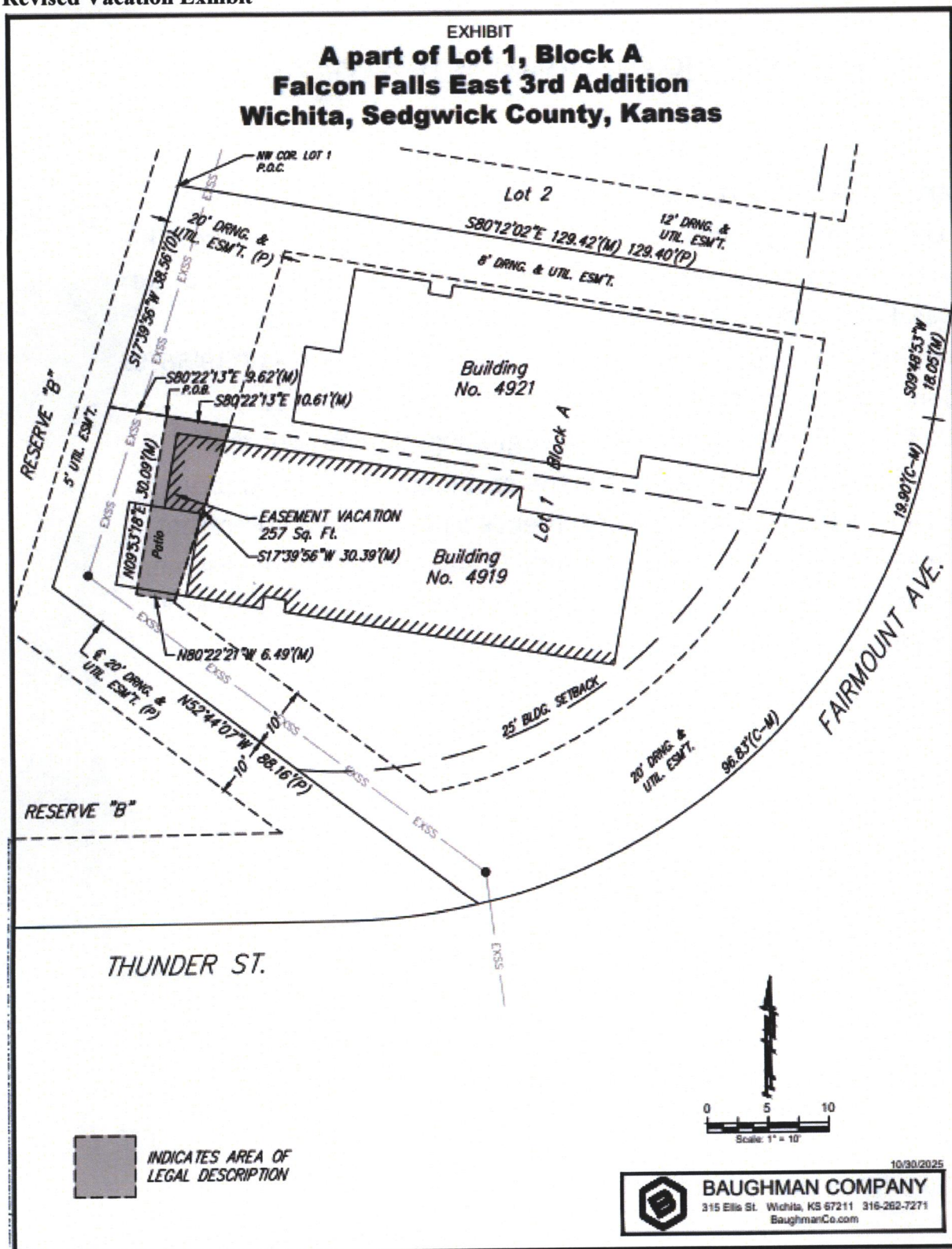


BAUGHMAN COMPANY
315 Ellis St. Wichita, KS 67211 316-262-7271
BaughmanCo.com

Original Legal Description

LEGAL DESCRIPTION OF EASEMENT TO BE VACATED

That part of the 20.00 foot wide Drainage and Utility Easement lying within Lot 1, Block A, Falcon Falls East 3rd Addition, Wichita, Sedgwick County, Kansas as prepared by Baughman Company, P.A., CLS 58, State of Kansas, County of Sedgwick, more particularly described as commencing at the northwest corner of said Lot 1; thence S17°39'56"W, coincident with the west line of said Lot 1, 38.56 feet; thence S80°22'13"E, 11.13 feet to the Point of Beginning; thence continue S80°22'13"E, 9.09 feet to a point in the east line of said 20.00 foot wide Drainage and Utility Easement; thence S17°39'56"W, coincident with the east line of said 20.00 foot wide Drainage and Utility Easement, 30.74 feet to a point in the north line of a 20.00 foot wide Drainage and Utility Easement; thence N52°44'07"W, coincident with the westerly extension of the north line of said 20.00 foot wide Drainage and Utility Easement, 9.55 feet; thence N17°39'56"E, parallel with the west line of said Lot 1, 26.26 feet to the Point of Beginning



Revised Legal Description

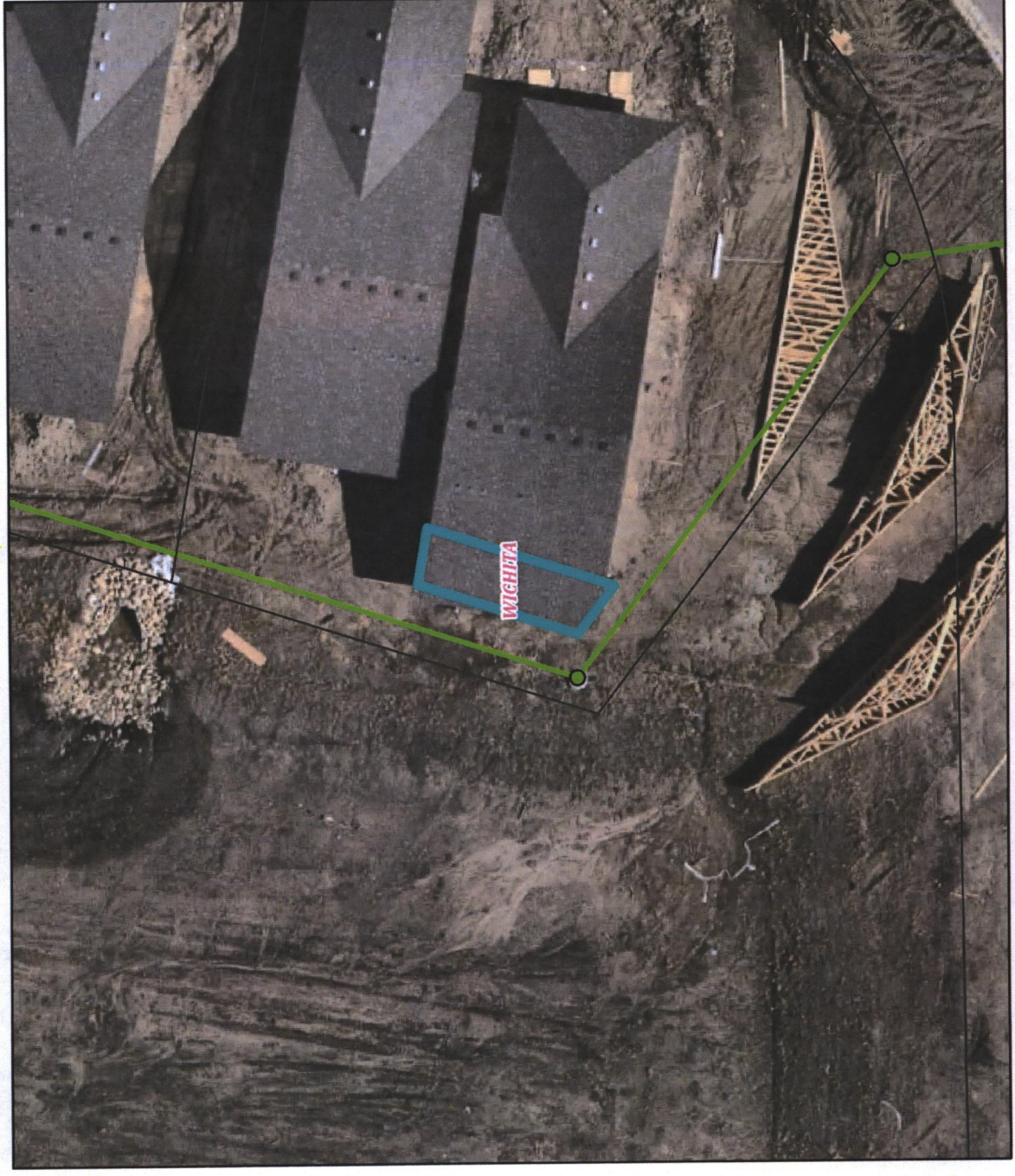
LEGAL DESCRIPTION OF EASEMENT TO BE VACATED

That part of the 20.00 foot wide Drainage and Utility Easement lying within Lot 1, Block A, Falcon Falls East 3rd Addition, Wichita, Sedgwick County, Kansas as prepared by Baughman Company, P.A., CLS 58, State of Kansas, County of Sedgwick, more particularly described as commencing at the northwest corner of said Lot 1; thence S17°39'56"W, coincident with the west line of said Lot 1, 38.56 feet; thence S80°22'13"E, 9.62 feet to the Point of Beginning; thence continue S80°22'13"E, 10.61 feet to a point in the east line of said 20.00 foot wide Drainage and Utility Easement; thence S17°39'56"W, coincident with the east line of said 20.00 foot wide Drainage and Utility Easement, 30.39 feet; thence N80°22'21"W 6.49 feet; thence N09°53'18"E 30.09 feet to the Point of Beginning

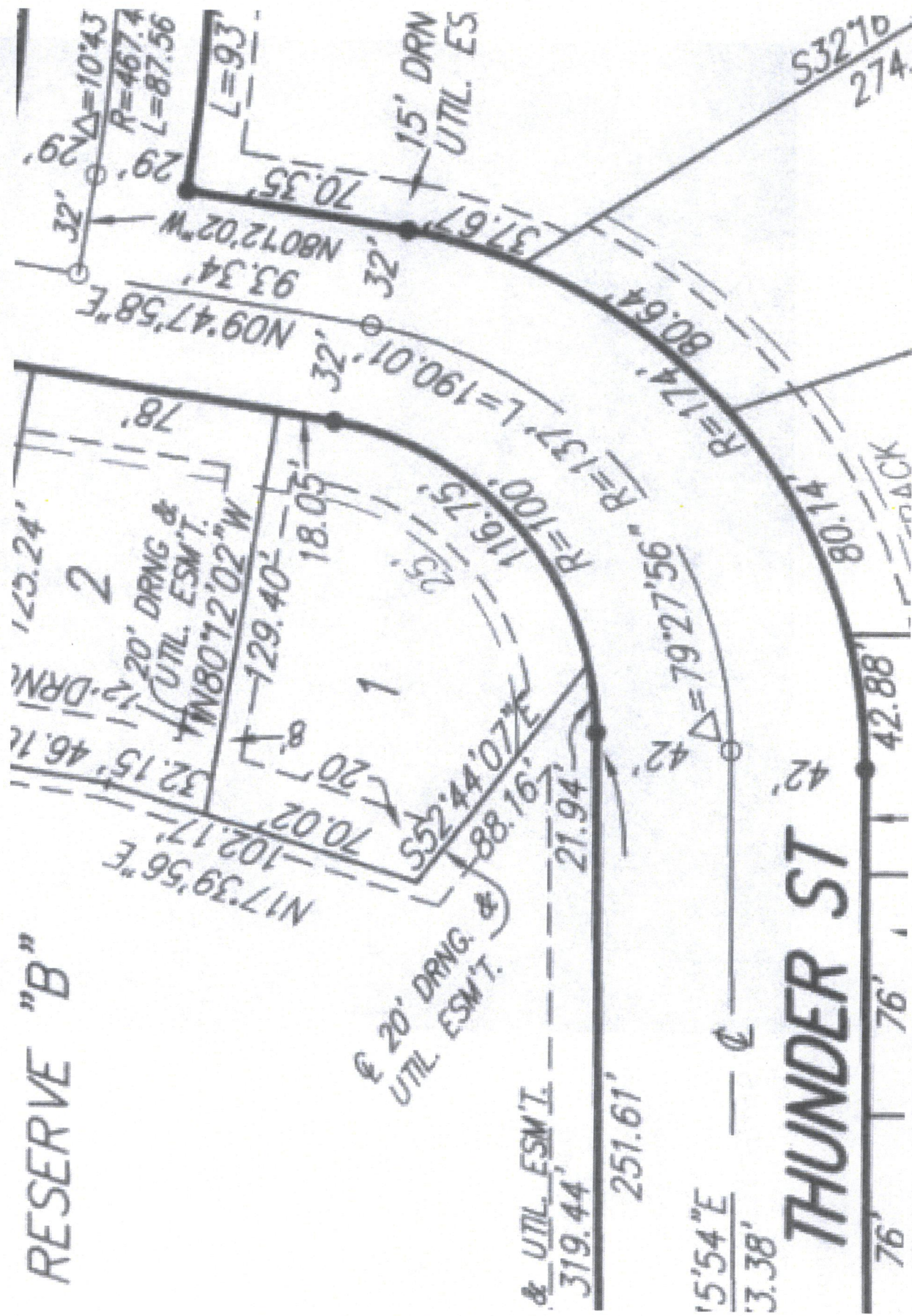
Aerial Map

VAC2025-46

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



Plat Exhibit



AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Cols	Depth
41100	IPL0283150	Legal Ad - IPL0283150		3.0	237.0L

ATTENTION: CITY OF WICHITA/PLANNING DEPT IP
271 WEST THIRD ST., 2ND FL, SU 203
WICHITA, KS 67202
MHEBERT@wichita.gov;kgonzalez@wichita.gov

OCA 150004
Published in The Wichita Eagle on October 22, 2025
(One Time Only)
MAPC/BZA November 13, 2025
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, November 13, 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. **Full notice can be found at www.wichita.gov/LegalNotices.**

BZA2025-00064: Variance request in the City to allow a 65-foot pole sign, generally located at the northwest corner of the interchange of Interstate 235 and South West Street (3405 South West Street).

BZA2025-00067: Sign Variance request in the City to allow for a roof sign on property zoned CBD Central Business District, generally located on the west side of South Hydraulic Avenue and within 165 feet of East English Street (213 & 215 South Hydraulic Street & 212 South Greenwood Avenue).

CON2025-00118: Conditional Use in the City to allow Personal Improvement Service (massage therapy) on property zoned GO General Office, generally located on the south side of East Central Avenue and 600 feet east of North Edgemoor Drive (5739 East Central Avenue).

CON2025-00133: Conditional Use request in the City for Personal Improvement Service in the GO General Office District, generally located on the northwest corner of South Seneca Street and West 29th Street South (2935 South Seneca Street).

CON2025-00136: Conditional Use request in the City for Group Residence, Limited in the SF-5 Single-Family District, generally located on the west side of North Oliver Avenue and 1,000 feet north of East 21st Street North (15 North Crestview Lakes Drive).

CON2025-00138: Conditional Use request in the City to allow Vehicle and Equipment Sales, Outdoor on property zoned LC Limited Commercial District, generally located on the northeast corner of South Meridian Avenue and West Pawnee Avenue (2412 West Pawnee Avenue).

CON2025-00140: Conditional Use request in the City for multi-family density (with ZON2025-00049 to TF-3), generally located on the west side of North Arapaho Avenue, within one-quarter mile north of West Central Avenue (749 North Arapaho Ave).

CUP2025-00036: Amendment in the City to CUP DP-347 to remove architectural controls on Parcels 1, 5, and 6, modify building coverage and gross floor area, generally located on the southeast corner of East Kellogg Street and South Wildcat Lane (9901 East Kellogg Street).

VAC2025-00043: Vacation request in the City to vacate platted reserve platlor's text on property zoned SF-5 Single-Family Residential, generally west of South 143rd Street East and approximately 950 feet north of East Pawnee Road.

VAC2025-00045: Vacation request in the City of 13-foot utility easement, generally located on the southeast corner of West Irving Avenue and South Seneca Street (1106 South Seneca Street & 1015 West Irving Street).

VAC2025-00046: Vacation request in the City of a portion of a platted 20-foot drainage and utility easement on property located at the northeast corner of Fairmount Avenue and Thunder Street (4919 N Fairmount Ave).

VAC2025-00047: Vacation request in the City to vacate platted setbacks to allow for the zoned/CUP setbacks to govern and vacate street right-of-way, generally located on the southeast corner of East Kellogg Drive and South Wildcat Lane (9901 East Kellogg Street).

ZON2025-00048: Zone Change request in the City from SF-5 Single Family Residential to TF-3 Two-family Residential to allow duplex development, generally located on the west side of South Vine Avenue and one block south of West Douglas Avenue (201 South Vine Avenue).

ZON2025-00049: Zone Change request in the City from SF-5 Single-Family Residential District to Two-Family Residential District (with CON2025-00140 to allow multi-family density), generally located on the west side of North Arapaho Street, within one-quarter mile north of West Central Avenue (749 North Arapaho Ave).

ZON2025-00050: Zone Change request in the City from SF-5 Single-Family Residential District and LC Limited Commercial District to LI Limited Industrial District to allow for future industrial development, generally located on the west side of North Oliver Ave, between East 45th Street North and East 53rd Street North.

ZON2025-00051: Zone Change request in the City from SF-5 Single-Family Residential to B Multi-Family Residential with Protective Overlay for a medical clinic, generally located south of East Pawnee Avenue and 2,000 feet west of South Hillside Avenue (2611 East Pawnee Avenue).

ZON2025-00052: Zone Change request in the City from LI Limited Industrial to TF-3 Two-Family Residential to allow duplex development, generally located on the northeast corner of West 31st Street South and South 119th Street West (11600 West 31st Street South).

IPL0283150
Oct 22 2025

In The STATE OF KANSAS
In and for the County of Sedgwick
STATE OF KANSAS)
SS

County of Sedgwick)
the undersigned, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle.

1.0 insertion(s) published on:
10/22/25 Print

[Print Tearsheet Link](#)

[Marketplace Link](#)

Sherry Chasteen



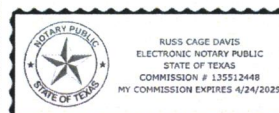
Sherry Chasteen

Russ Cage Davis



Sworn to and subscribed before
me on

Oct 22, 2025, 10:49 AM EDT



Online Notary Public. This notarial act involved the use of online audio/video communication technology. Notarization facilitated by SIGNIX*