CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

May 5, 2010

April 19, 2010

DGL Investments, LLC
1865 W. Wayzata Blvd
Long Lake, MN 55356

Re: **VAC2006-00007** - Request to vacate a portion of a platted alley, generally located between Market & Broadway Avenues and north of Douglas Avenue.

Dear Ladies and Gentlemen:

At its regular meeting on Tuesday, May 4, 2010, the Wichita City Council considered the request. The action of the City Council was to APPROVE subject to the recommendation by the MAPC.

If you have any questions about this matter, please call 268-4494.

Sincerely,

Bill Longnecker
Senior Planner

BL:le

cc: Jim Armour, City Engineer, Public Works Department, Mail Stop 1-71
Paul Gunzelman/ Carla Jones, Public Works Engineering, Mailstop 1-71
Julianne Kallman, Public Works Engineering, Mailstop 1-71
Poe & Assoc., 5940 E Central, Ste 200, Wichita, KS 67203
J.P. Weigand, c/o Jerry Gray, 150 N. Market, Wichita, KS 67202
Kress Energy Center, LP, Wreit Operating Partnership, LP, % Tax Dept., P.O. Box 441069, Aurora, CO 80044
KING MERJ Public Relations, c/o Beth King, 4222 E. English, Wichita, KS 67218-1319
Rupert Investments LP Etal, Attn: Nestor Weigand Jr, 150 N. Market, Wichita Ks 67202
UMB Bank NA, Attn: Property Tax Services Ern, P O Box 68964, Indianapolis, Indiana 46268
Hugh S Edgerton Rev Trust, Attn: TBBC, LLC, 223 E 12th , Hutchinson KS 67501

Sedgwick County
Register of Deeds - Bill Meek
DOC.#/FLM-PG: 29141106
Receipt #: L7472B2
Pages Recorded: 2
Cashier Initials: PJ
Authorized By:
Recording Fee: 0
Date Recorded: 5/13/2010 12:41:19 PM

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

CITY CLERK'S ORIGIN
RETURN TO CITY CLE

IN THE MATTER OF THE VACATION OF A PORTION OF A PLATTED ALLEY	)	
GENERALLY LOCATED BETWEEN MARKET & BROADWAY AVENUES AND NORTH OF DOUGLAS AVENUE	)	**Case No. VAC2006-00007**
MORE FULLY DESCRIBED BELOW	)	

VACATION ORDER

NOW on this 4th day of May, 2010, comes on for hearing the petition for vacation filed by DGL Investments LLC and Kress Building LLC, c/o Tim Austin, Poe and Associates, praying for the vacation of the following described portion of a platted alley to-wit:

> The platted (north-south) 20-foot wide alley right-of-way located between Lots 120 & 122, all dedicated in the Greiffenstein's Original Town 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, by publication in The Wichita Eagle on February 23, 2006, 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 portion of the

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platted alley, described herein, and that the public will suffer no loss or inconvenience thereby.

3. Dedication of a drainage easement and a hold harmless agreement will be recorded with the Register of Deeds.

4. Signs will be posted identifying fire lanes, per City standards, at the applicant's expense, as approved by the City of Wichita's Fire Department.

5. Provided the City of Wichita's Fire Department a minimum turning radius, as specified by Fire, on the southeast corner of the intersection of the north-south alley (subject alley) and the east-west alley, where the alleys abut and are adjacent to Lots 122, 124, 126 and a west portion of 128, the Greiffenstein's Original Town Addition. The approved radius shall come be taken off of Lots 122, 124, 126 and a west portion of 128, the Greiffenstein's Original Town Addition.

6. In justice to the petitioner(s), the prayer of the petition ought to be granted.

7. 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.

8. The vacation of the above-described portion of the platted alley described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 4th day of May 2010, ordered that the above - described portion of the platted alley is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary Rebenstorf, Director of Law

State of Kansas
Sedgwick County
City of Wichita

I, Karen Sublett City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is affixed is a true and correct copy of the original on file in the office of the City Clerk.

Given under my hand and seal of the City of Wichita, Kansas this 4th day of May, 2010

City Clerk

SUBDIVISION COMMITTEE
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO: 2
March 9, 2006

STAFF REPORT

CASE NUMBER: **VAC2006-00007** Request to vacate a portion of platted alley right-of-way (ROW)

APPLICANTS:AGENT: DGL Investments Poe & Associates

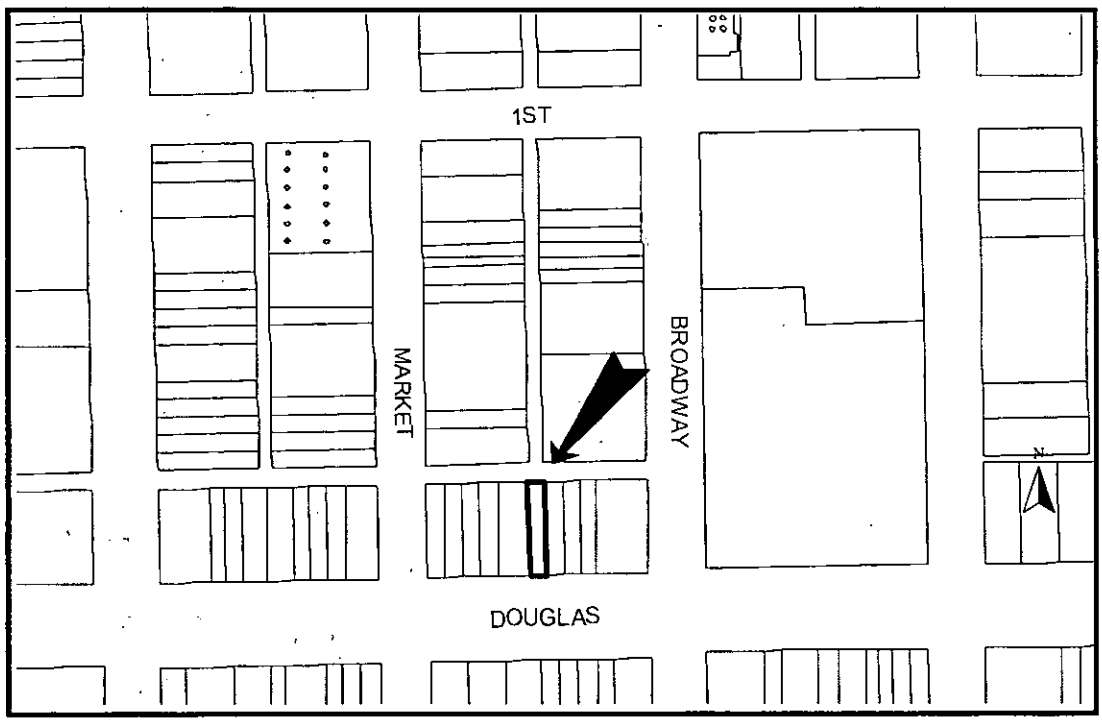
LEGAL DESCRIPTION: Generally described as the platted 20-foot wide alley ROW located between Lots 120 & 122, all dedicated in the Greiffenstein's Original Town Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located north of Douglas Avenue, between Market and Broadway Avenues (WCC VI)

REASON FOR REQUEST: Build a parking garage for future apartment development

CURRENT ZONING: The site is a platted, developed alley, with all abutting and adjacent properties zoned "CBD" Central Business District

VICINITY MAP:



The applicant is requesting vacation of the approximately 130-foot long (x) 20-foot wide portion of the platted alley as described. This portion of the alley is the south most portion of a platted alley that runs from 1st Street to Douglas Avenue, north to south. This portion of the platted alley also lies below an east – west alley that provides access to Market and Broadway Avenues, thus vacating this described portion of the platted north-south alley will not result in a dead end alley. There are no manholes, water or sewer lines in this portion of the alley. Storm Water will need to confirm the drainage function of the alley. Comments from franchised utilities have not been received and are needed to determine if they have utilities in the easement. The applicant's have gone through Development Review with their apartment/parking garage concept and have received tentative recommendation to proceed. The Greiffenstein's Original Old Town Addition was recorded with the Register of Deeds October 1, 1870.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works/Storm Water, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate the portion of the platted alley ROW, as described with conditions.

(1) It appears that the applicant has failed to secure the abutting eastern property owner's signature on the application form and the petition. Prior to the case going to MAPC, these original signatures must be provided. Upon receiving these signatures Planning will forward this to the MAPC for the public hearing.

(2) Retain the alley as an easement until Storm Water and all other utilities have provided comments on the proposed vacation. Provide all necessary plans for review and approval and any additional easements.

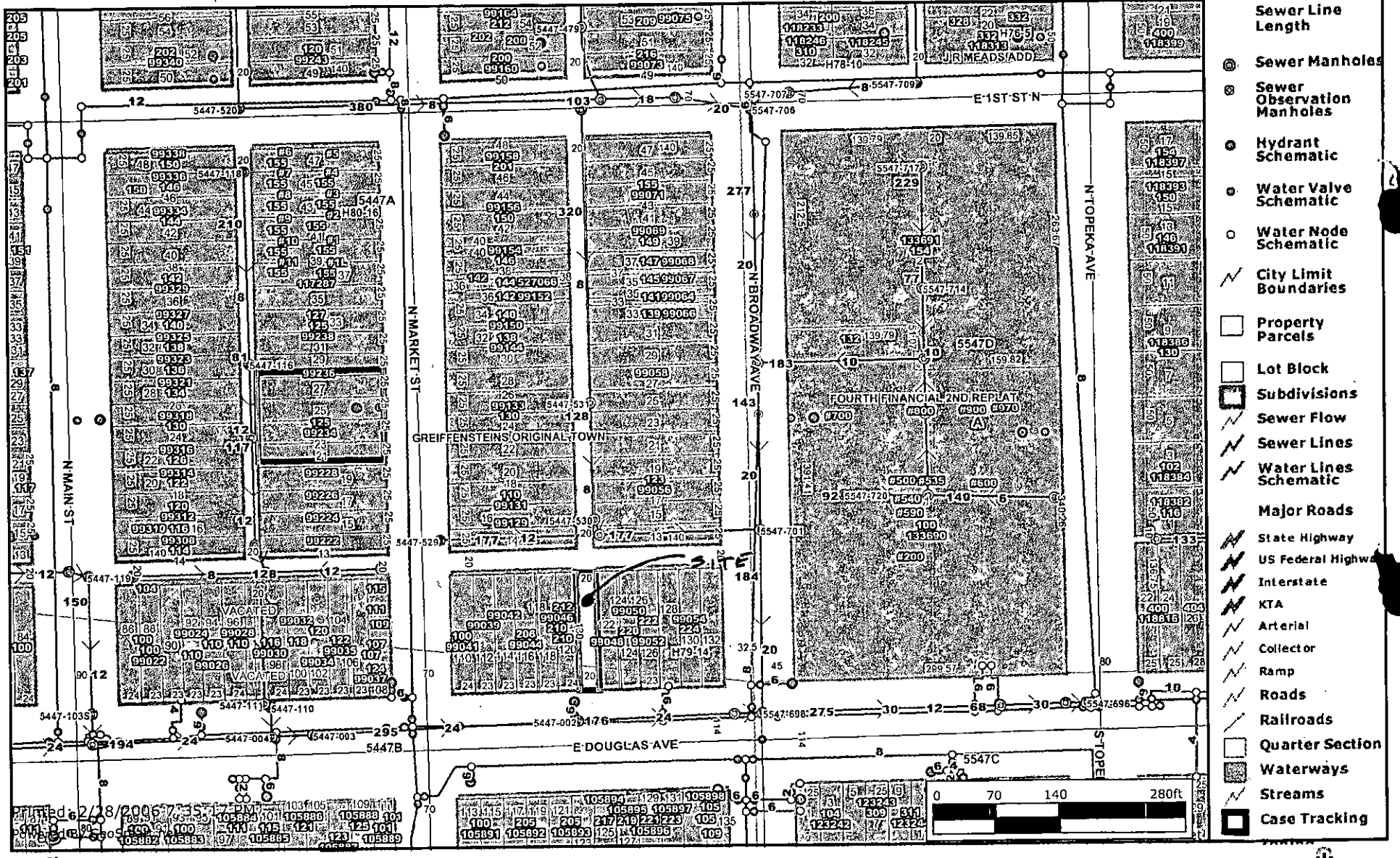
(3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicants.

(4) All improvements shall be according to City Standards.

(5) All conditions are to be completed within 6 months 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 or franchised utilities and recorded with the Register of Deeds.

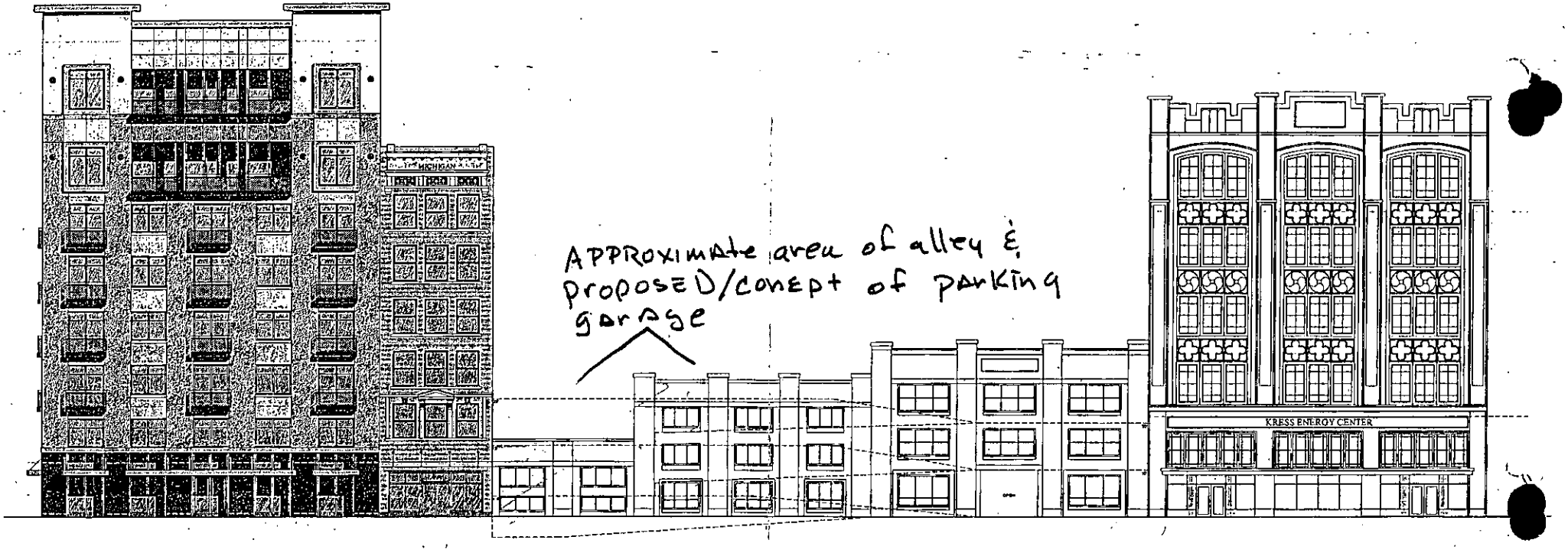
vac2006-07

water & sewer



Every reasonable effort has been made to assure the accuracy of the maps and associated data provided herein. This information is provided with the understanding that the data are susceptible to a degree of error, and conclusions drawn from such information are the responsibility of the reader. The City of Wichita makes no warranty, representation or guaranty as to the content, accuracy, timeliness or completeness of any of the data provided herein. Some data provided here and used for the preparation of these maps has been obtained from public records not created or maintained by the City of Wichita. The City of Wichita shall assume no liability for any decisions made or actions taken or not taken by the reader in reliance upon any information or data furnished hereunder. The user should consult with the appropriate departmental staff member, e.g. Planning, Parks & Recreation, etc. to confirm the accuracy of information appearing in the visual presentations accessible through these web pages.

VAC2006-07



Approximate area of alley & proposed/concept of parking garage

SOUTH ELEVATION

THE LOFTS AT EXCHANGE PLACE

WICHITA KANSAS