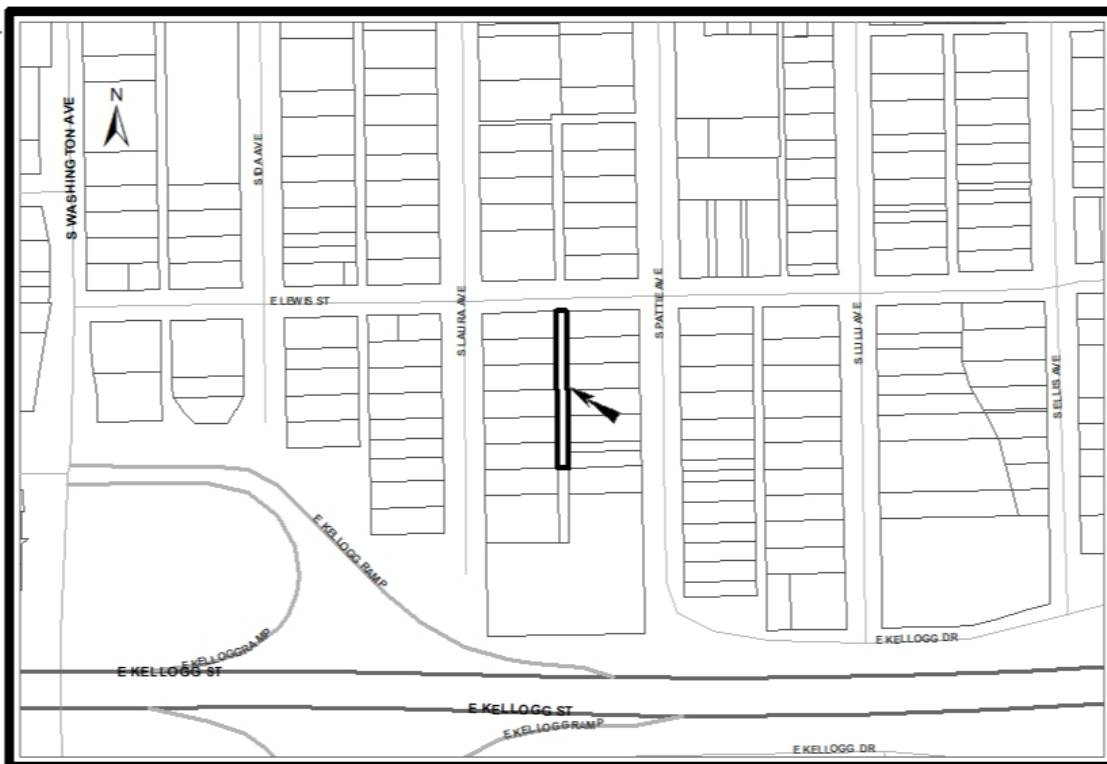


STAFF REPORT

- CASE NUMBER:** VAC2021-00049 – Request in the City to vacate a remaining north portion of a platted alley
- APPLICANTS:** Sleeptopia, Inc., c/o Kevin Kunz, President, (applicant & see attached list of applicants), Klenda Austerman, LLC, c/o Scott Eads & Robert Kaplan (agents)
- LEGAL DESCRIPTION:** Generally described as vacating all of remaining sand & gravel, platted north-south 20-foot wide alley abutting East Lewis Street on its north end, Lots 126-148, even, on its west side, Lots 125-147, odd, on its east side, and the vacated southern portion of the subject alley on its south end, all in the Hunters 3rd Addition, Wichita, Sedgwick County, Kansas
- LOCATION:** Generally located north of East Kellogg Street, on the south side of East Lewis Street, between South Laura & South Patti Avenues (District I)
- REASON FOR REQUEST:** Close access to alley to cut down on theft and damage to the abutting properties
- CURRENT ZONING:** The subject site is a sand & gravel platted 20-foot wide alley right-of-way. Properties abutting the east & west sides of the alley are zoned LI Limited Industrial. Property abutting the south side of the alley is zoned GC General Commercial and include the vacated southern portion of the subject alley. East Lewis Street public right-of-way abuts the north end of the alley.

VICINITY MAP:



The applicant is requesting the vacation of the all of north remaining sand & gravel, platted north-south 20-foot wide alley abutting East Lewis Street on its north end, Lots 126-148, even, on its west side, Lots 125-147, odd, on its east side, and the vacated southern portion of the subject alley on its south end, all in the Hunters 3rd Addition. The Hunter's 3rd Addition was recorded with the Register of Deeds August 19, 1889.

At the time of this report being written all but three of the abutting property owners have signed the application to vacate. One of the abutting property owners is in contact with the agent. Another of the abutting property owners is deceased and the agent has not found a survivor. The last abutting property owner is the City of Wichita. Planning will send the SD report to the City's Property Manager for review. Reversion rights are to the abutting applicants' property; 10 feet of the vacated 20-foot wide alley will go to the abutting west properties and 10 feet will go to the abutting east properties. Restrictive Covenants will bind and tie the vacated described alley right-of-way to the abutting properties.

There is a sewer line, manholes, power poles and lines, underground lines and a gas line located in the alley. The vacated platted alley will be dedicated as a 20-foot wide utility easement, which is the current SD Subdivision standard for a sewer easement located in the backyard; SD 7-205 (A). Abby Brungardt is the Evergy Design Representative for this area and can be contacted at 785-508-2715. Water and Storm Water are located in the abutting East Lewis Street and the adjacent South Laura and South Patti Avenues. Conditions #2, #4 and #5 cover all utilities. Vehicular traffic, pedestrian traffic and public safety will not be impacted by this vacation request.

NOTE: VAC2007-00044 vacated the southern portion of the subject alley, January 24, 2008. A condition of approval was providing access east-west to either South Laura or South Patti Streets through the applicant's (for VAC2007-00044) property, thus preventing the remaining subject alley becoming a dead end alley. Planning found no access.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from Public Works, Storm Water, 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 alley public 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 December 2, 2021, 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 portions of the platted alley public 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) Provide the signed applications, with original signatures, of all of the abutting property owners. This must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (2) Dedicate a 20-foot wide utility easement by separate instrument, with original signatures, for the length of the platted vacated alley. Access to this easement must be provided at all times for utilities and Fire. This must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.

- (3) Provide restrictive covenants, with original signatures, binding and tying the vacated described alley right of way to the abutting properties. This must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (4) As needed provide utilities with any needed project plans for the relocation of utilities for review and approval. Any relocation/reconstruction of utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number(s) to Planning prior to the case going to City Council for final action.
- (5) All improvements shall be according to City Standards and at the applicants' expense.
- (6) 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 subject to the following (but not limited to) conditions:

- (1) Provide the signed applications, with original signatures, of all of the abutting property owners. This must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (2) Dedicate a 20-foot wide utility easement by separate instrument, with original signatures, for the length of the platted vacated alley. Access to this easement must be provided at all times for utilities and Fire. This must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (3) Provide restrictive covenants, with original signatures, binding and tying the vacated described alley right of way to the abutting properties. This must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (4) As needed provide utilities with any needed project plans for the relocation of utilities for review and approval. Any relocation/reconstruction of utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number(s) to Planning prior to the case going to City Council for final action.
- (5) All improvements shall be according to City Standards and at the applicants' expense.
- (6) 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.

Attachments

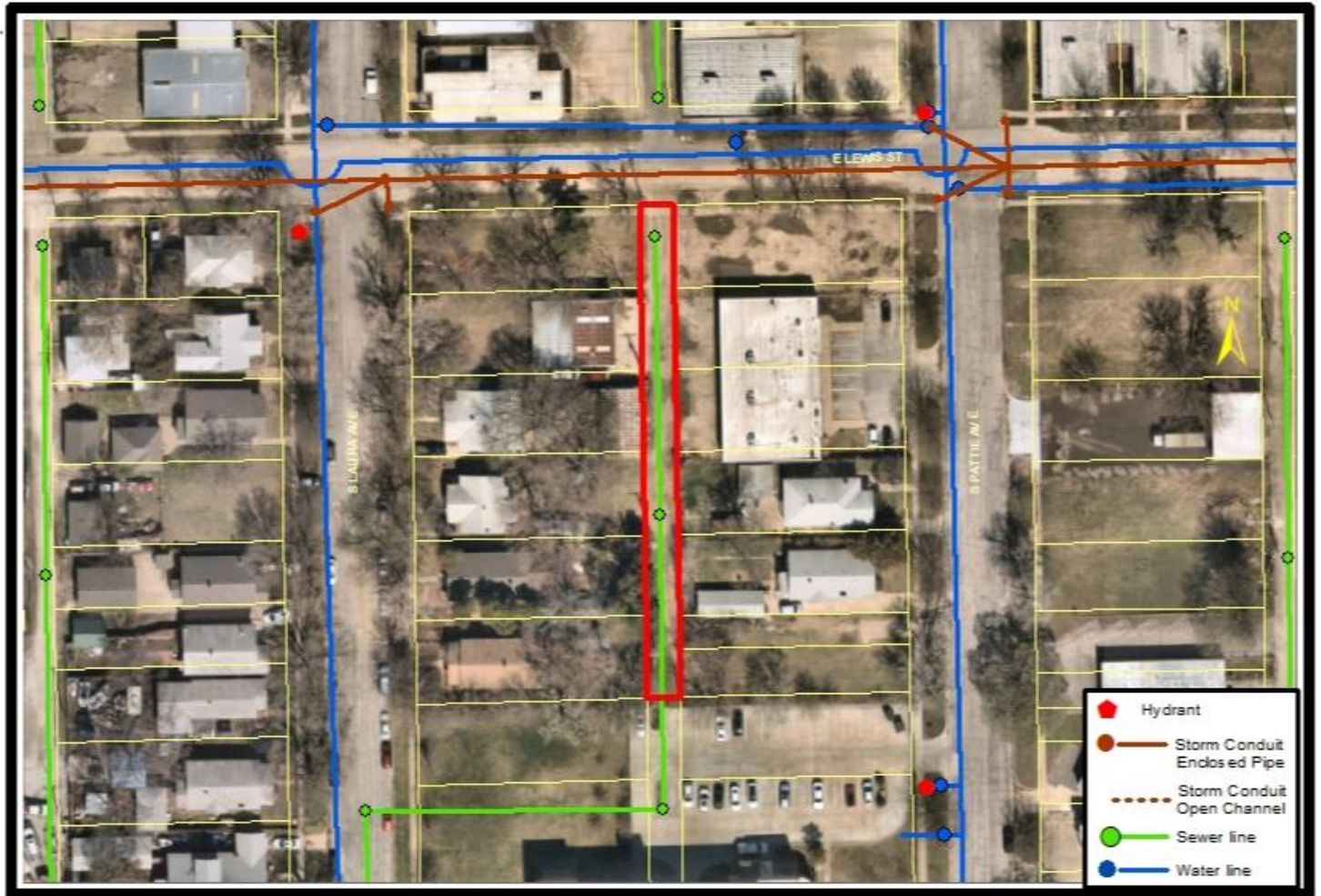
- Aerial showing public water, sewer, and stormwater
- Hunter's 3rd Addition Plat

VAC2021-00049 – Request in the city to vacate the remaining portion of the platted alley generally located north of East Kellogg Street, on the south side of East Lewis Street, between South Laura & South Patti Avenues

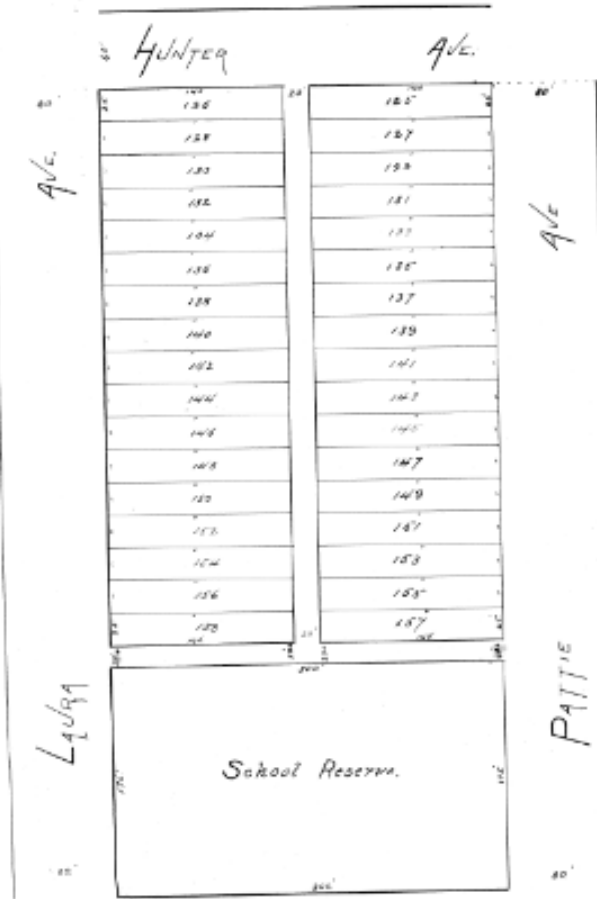
January 20, 2022

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- Kansas Gas Service Exhibit
- List of consenting applicants/abutting property owners



South Avenue 2' from 1st corner



HUNTERS 3RD
ADDITION
 TO
WICHITA KANSAS.
 T. D. Bailey Surveyor

I, **T. D. Bailey** - Surveyor in the City of Wichita Kansas, do hereby certify that I have surveyed and Platted according to the Conditions of said Survey of which the accompanying Map is a true and correct copy of said Survey, described as follows to-wit: Beginning at the South East corner of Lot 128 here shown in **Hunters 3rd Addition** to Wichita Kansas. Thence running South to the South line of the South East 1/4 of Section 21. Thence East along said line 330 feet. Thence North to the front line of **Hunters 3rd Addition** Kansas about 200 feet to the place of Beginning.

Explanation: all lots are in size as shown by figures on the plat. The width of lots and subdivisions shown on the Map, all areas in the block are of the same size as the map of the second survey. **Filed at City of Wichita**

Witness my hand
 August 19th 1888

I know all men by their names and that **Charles H. Hunter** who hereafter have caused my name to be borrowed and Platted according to the Survey and Plat of this map of the land as platted are intended for sale. The Survey and all things as indicated on the plat are hereby substantiated and for the record of the Public.

Charles H. Hunter

Witness my hand
 August 19th 1888

I know all men by their names and that **Alfred Reimert** who hereafter have caused my name to be borrowed and Platted according to the Survey and Plat of this map of the land as platted are intended for sale. The Survey and all things as indicated on the plat are hereby substantiated and for the record of the Public.

Alfred Reimert

I, **Alfred Reimert** who of I have received and services my name and appeared myself at the trial was this 19th day of August, 1888.

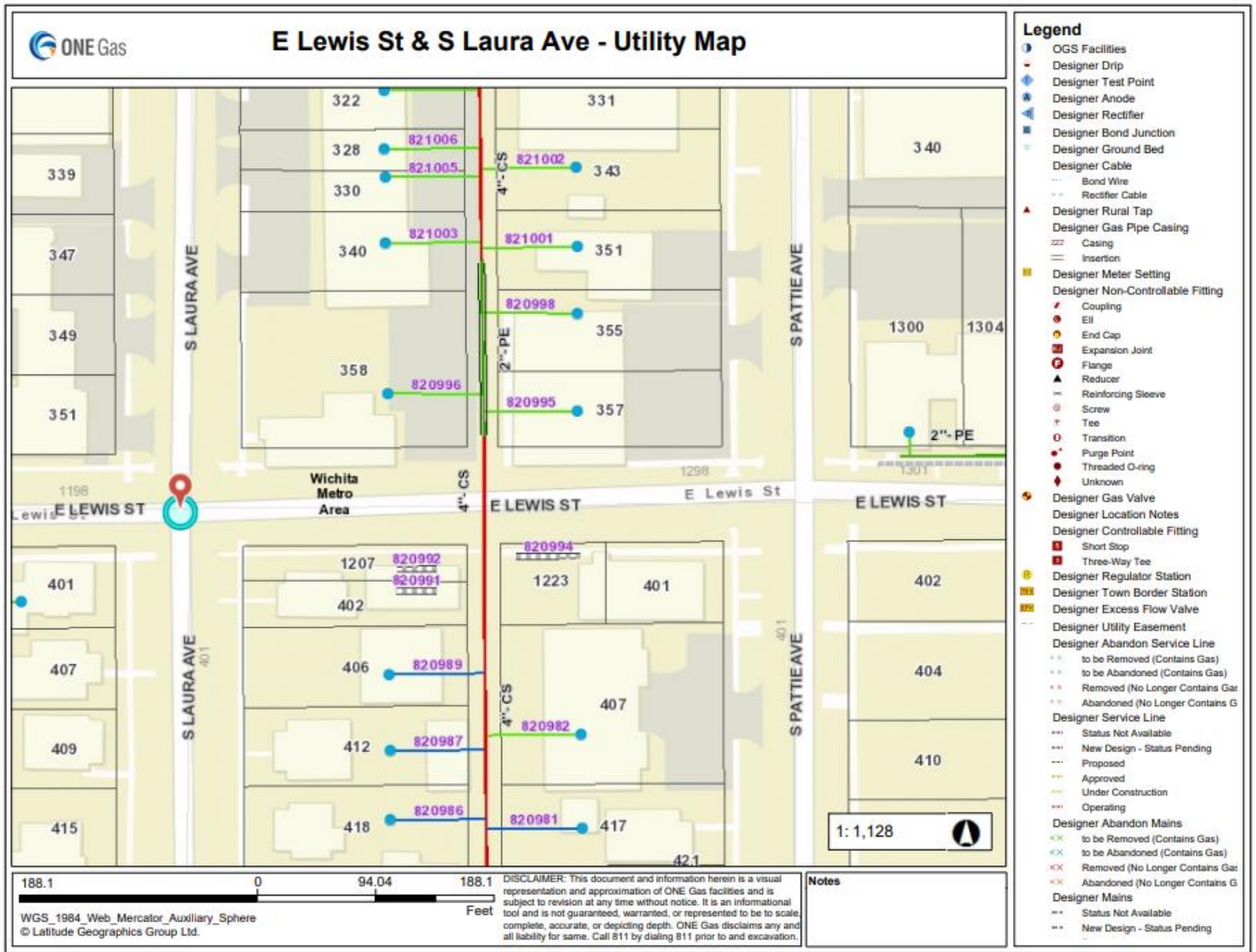
Alfred Reimert
 Notary Public.

My Comm. Ex. Spt. in 1877.



2-7-4





VAC2021-00049 – Request in the city to vacate the remaining portion of the platted alley generally located north of East Kellogg Street, on the south side of East Lewis Street, between South Laura & South Patti Avenues

January 20, 2022

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PROPERTY OWNER	CONSENT MAILED	CONSENT RECEIVED
Geo Von, LLC 1900 North Red Brush Court Wichita, Kansas 67205	11/1/2021	
Belford Investments, LLC 800 East 3rd Street Wichita, Kansas 67202	11/1/2021	11/3/2021
James L. & Deborah S. Zeiner 402 Random Road Newton, Kansas 67114	11/1/2021	11/18/2021
Joseph A. Farni Living Trust 3733 East Murdock Wichita, Kansas 67208	11/1/2021	11/17/2021
First Church of the Nazarene of Wichita, Kansas 1400 East Kellogg Drive Wichita, Kansas 67211	11/1/2021	11/8/2021
Ben H. Leonard 7408 East Tanglewood Lane Wichita, Kansas 67206	11/1/2021	12/3/2021
Tamara S. Long & Donovan J. Herrick 412 South Laura Avenue Wichita, Kansas 67211	11/1/2021	12/3/2021
Terry D. Banks 3230 South Fern Street Wichita, Kansas 67217	11/1/2021	12/3/2021
Francisco C. Banuelos & Ricardo Banuelos 3201 North Salina Wichita, Kansas 67204	11/1/2021	12/26/2021
Mark W. Shelton 525 North Fountain Wichita, Kansas 67208	11/1/2021	deceased