Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30288116
Receipt #: 2412833
Pages Recorded: 2
Recording Fee: $0.00
Cashier: vbunch
Authorized By: Tonya Buckingham
Date Recorded: 01/29/2024 03:38:29 PM

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

IN THE MATTER OF THE VACATION OF A PORTION OF A PLATTED BUILDING SETBACK	)	
GENERALLY LOCATED ON THE SOUTHWEST CORNER OF NORTH HOOVER ROAD AND WEST 21ST STREET NORTH.	)	**VAC2023-00048**

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 23rd day of January 2024, comes on for hearing the petition for vacation filed by WTS Holdings, LLC (owner) praying for the vacation of a portion of a platted building setback, to wit:

Vacating the south 10 feet of the north 35 feet of Lot 1, Block A, Uncapher Addition, Wichita, Sedgwick County, Kansas, except the east 67 feet thereof.

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 December 7, 2023, 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 portion of the platted building setback, and the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner, the prayer of the petitioner 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.

UNOFFICIAL COPY

6. The vacation of the described portion of the platted building setback should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 23rd day of January 2024, ordered that the above-described portion of the platted building setback is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Sedgwick County Register of Deeds for recording.

Lily Wu, Mayor, City of Wichita

ATTEST:

Jamie Buster, City Clerk

THE CITY OF WICHITA SEDGWICK COUNTY, KANSAS

Approved as to Form:

Jennifer Magana, City Attorney and Director of Law

UNOFFICIAL COPY

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

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Vacating the south 10 feet of the north 35 feet of Lot 1, Block A, Uncapher Addition, Wichita, Sedgwick County, Kansas, except the east 67 feet thereof.

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 December 7, 2023, 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 portion of the platted building setback, and the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner, the prayer of the petitioner 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.

Wichita-Sedgwick County Metropolitan Area Planning Department

January 24, 2024

WTS Holdings, LLC
Attn: Tanner Cole
2131 North Hoover Rd.
Wichita, KS 67212

RE: VAC2023-00048: Request in the City to vacate the south 10 feet of the north 35 feet of the platted North setback, generally located on the southwest corner of West 21st Street North and North Hoover Road (2131 North Hoover Road).

Dear Applicant;

At its regular meeting on **January 23, 2024,** the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the vacation request.

Sincerely,

Philip Zevenbergen, AICP
Current Plans
Division Manager

CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

FILE COPY

December 28, 2023

WTS Holdings LLC
Attn: Tanner Cole
2131 N. Hoover Rd
Wichita, KS 67212

Ref: VAC2023-00048: Vacation request of the South 10 feet of the North 35 feet of the platted North setback, generally located at the Southwest corner of West 21st Street North and North Hoover Road (2131 North Hoover Road).

Mr. Cole,

At the **Thursday, December 28, 2023**, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

(1) Vacate the described portion of the platted front setback. Provide planning staff with legal descriptions of the approved vacated portion of the platted setback 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 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 Council for final action.

(3) All improvements shall be according to City Standards and at the applicant's expense.

(4) 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.

FILE COPY

When all of the above conditions have been completed and there are no other documents requested; this case will be scheduled for final action by the Wichita City Council at the first appropriate date after **January 11, 2024,** (end of the two-week protest period). 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,

Philip Zevenbergen, AICP
Current Plans Division Manager

PZ:kw

cc: City of Wichita, Property Mgmnt, John Philbrick, 455 N Main – 13th Fl, Wichita KS 67202
NVA Wichita 5618, CRE 051, LLC, 13190 SW 68th Pkwy, Ste 110, Tigard OR 97223
MDC Coast 12, LLC, PO Box 22845, Oklahoma City OK 73123

McClatchy

The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	496666	Print Legal Ad-IPL01505650 - IPL0150565	OCA 150004	$188.68	3	75 L

Attention: MANDY HEBERT
CITY OF WICHITA/PLANNING DEPT
271 WEST THIRD ST., 2ND FL, SU 203
WICHITA, KS 67202

MHEBERT@wichita.gov

LEGAL PUBLICATION

OCA 150004
Published in The Wichita Eagle on December 7, 2023
(One Time Only)
MAPC/BZA December 28, 2023
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, December 28, 2023, 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.

CON2023-00064: Conditional Use request in the City to permit Tavern and drinking establishment uses on property zoned CBD Central Business District, generally located on the east side of N St Francis Avenue, 62 ft north of East Douglas Avenue (114 N Saint Francis Ave).

CON2023-00065: Conditional Use request in the City to allow vehicle storage facility for parking inoperable vehicles, generally located on the east side of South Broadway and within one-eighth of a mile north of Interstate 235 (4204 South Broadway Avenue).

VAC2023-00048: Vacation request of the South 10 feet of the North 35 feet of the platted North setback, generally located at the Southwest corner of West 21st Street North and North Hoover Road (2131 North Hoover Road).

VAC2023-00049: Request in the City to vacate the platted alley located between South Broadway Ave. and South Topeka Ave and between East English St. on the south and East. William St. on the north to facilitate redevelopment of the block.

VAC2023-00050: Vacation request in the City to vacate ten feet of a 25-foot platted setback on property zoned MF-29 Multi-Family Residential District, generally located south of East 36th Street North and west of North Rock Road.

VAC2023-00051: Vacation request in the City to vacate access control of the south 35 feet of the north 55 feet of Reserve A on property zoned SF-5 Single-Family Residential District, generally located on the east side of North Rock Road, within one-half mile south of East 45th Street North.

VAC2023-00052: Vacation request in the City to vacate platted access controls along North Greenwich Road located on the southeast corner of North Greenwich Road and East 13th Street North.

ZON2023-00068: Zone change request in the City from SF-5 Single-Family Residential District to NR Neighborhood Retail District with Protective Overlay #424 for commercial development, generally located on the east side of North Rock Road, within one-half mile north of East 45th Street North.

ZON2023-00070: Zone change request in the City from NO to LC to maintain usage rights in the NO district with PO 425 to allow Animal Care, Limited in accordance with LC district, generally located on the west side of Maize Road North and one-third of a mile south of West 21st Street North. (1901 Maize Road North).

ZON2023-00071: Zone Change request in the City from SF-5 Single-Family Residential, GC General Commercial and LC Limited Commercial to LI Limited Industrial for Wrecking/Salvage Yard use; generally located on the east side of South Broadway and within one-eighth of a mile of Interstate 235 (4204 South Broadway).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. 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 December 7, 2023
Scott Wadle, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission
IPL0150565
Dec 7 2023

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

1 insertion(s) published on:
12/07/23

STATE OF KANSAS)
SS
County of Sedgwick)

Stefani Beard, of lawful age, being first duly sworn, deposeth 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 from 12/07/2023 to 12/07/2023.

Stefani Beard

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 12/07/2023

Stephanie Hatcher

Notary Public in and for the state of Texas, residing in Dallas County

STEPHANIE HATCHER
My Notary ID # 133534406
Expires January 14, 2026

Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

METROPOLITAN AREA PLANNING COMMISSION

AGENDA REPORT NO. 3.1
December 28, 2023

STAFF REPORT

CASE NUMBER: **VAC2023-00048** - City vacation of a portion of platted building setback.

APPLICANT/AGENT: WTS Holdings, LLC (applicant)

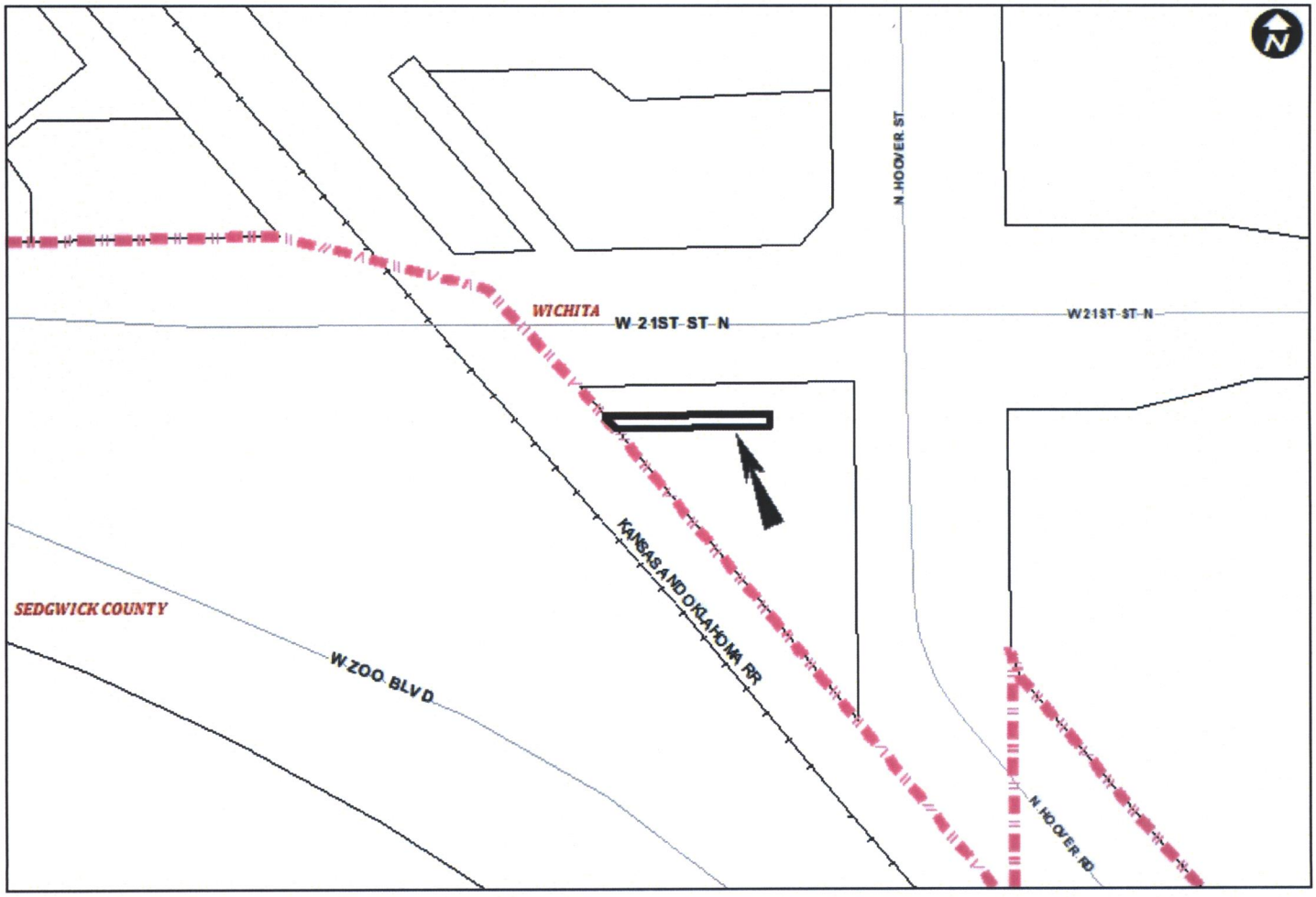
LEGAL DESCRIPTION: Vacating the south 10 feet of the north 35 feet of the platted setback on the north side of Lot 1, Block A, Uncapher Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located on the southwest corner of North Hoover Road and West 21st Street North (2131 North Hoover Road). (WCC VI)

REASON FOR REQUEST: Building Expansion

CURRENT ZONING: The site is zoned GC General Commercial District. Property to the North is zoned LC Limited Commercial District. Property to the east is zoned OW Office Warehouse District. Properties to the south and west is railroad right-of-way.

VICINITY MAP:



The applicant is requesting the vacation of the south 10 feet of the north 35 feet of the building setback along the north side of Lot 1, Block A, Uncapher Addition. The site is generally located on the southwest corner of North Hoover Road and West 21st Street North. The property is addressed 2131 North Hoover Road and is zoned GC General Commercial District. The purpose of this request is to permit the applicant to construct a building expansion. As seen on the attached Building Expansion Site Plan, the proposed expansion would cause a portion of the building to encroach into the platted 35-foot setback. The Unified Zoning Code considers the north property line the "front" of the lot because it is the narrowest street frontage. The front zoning setback in the GC General Commercial District is 20 feet. The requested reduction would reduce the platted setback to 25 feet, which does not exceed the minimum zoning setback for the GC District.

Public Works and Utilities; Wichita Fire; and Traffic Engineering have no objection to the vacation. There are no public utilities in the described setback. Neither Evergy nor Cox have any equipment in the vacation area. They do not object to the vacation request. The Uncapher Addition was recorded with the Register of Deeds June 6, 1984.

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 portion of platted building setback.

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 7, 2023, 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 building setback 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 portion of the platted front setback. Provide planning staff with legal descriptions of the approved vacated portion of the platted setback 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 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 Council for final action.

(3) All improvements shall be according to City Standards and at the applicant's expense.

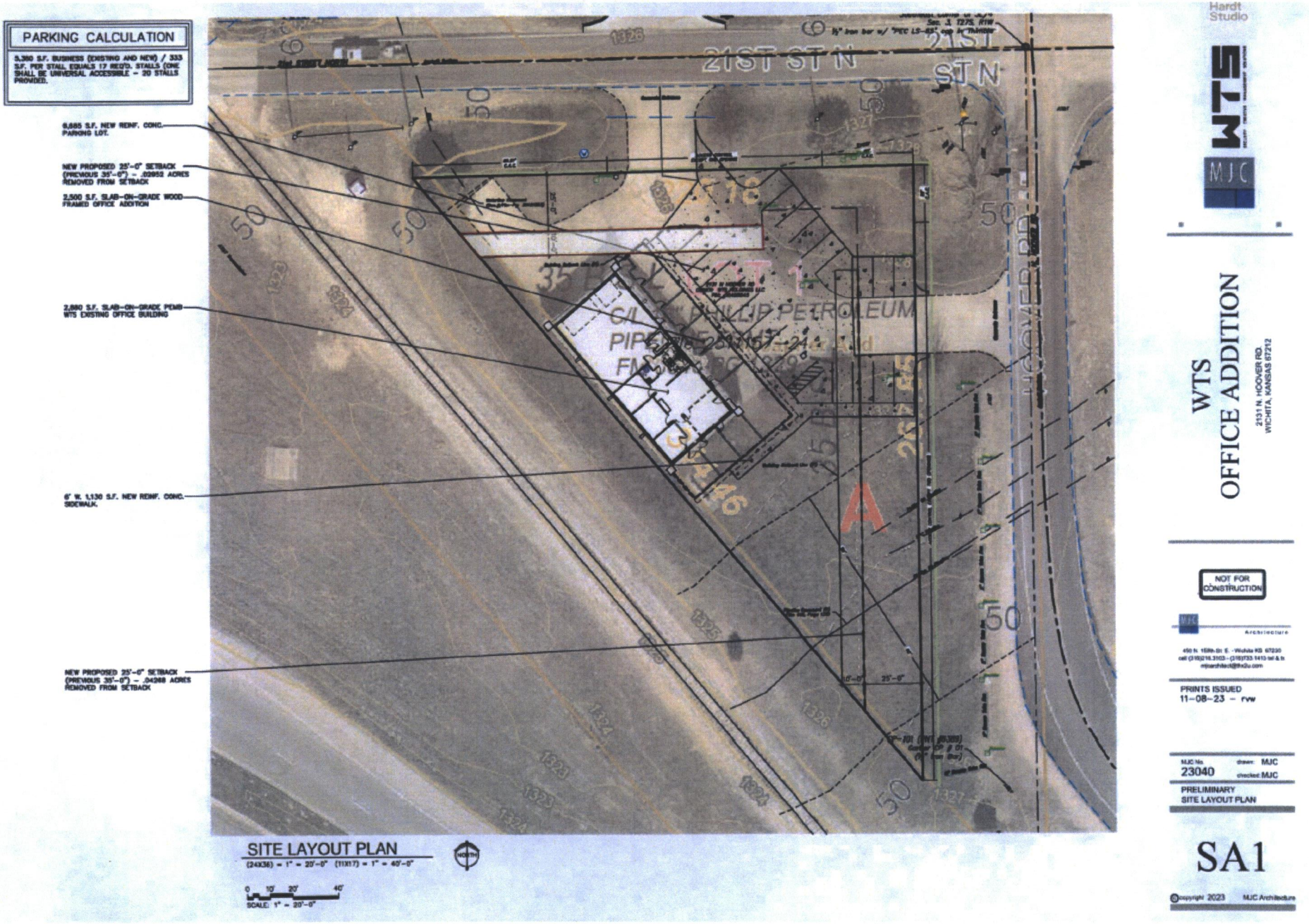
(4) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final 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.

Attachments:

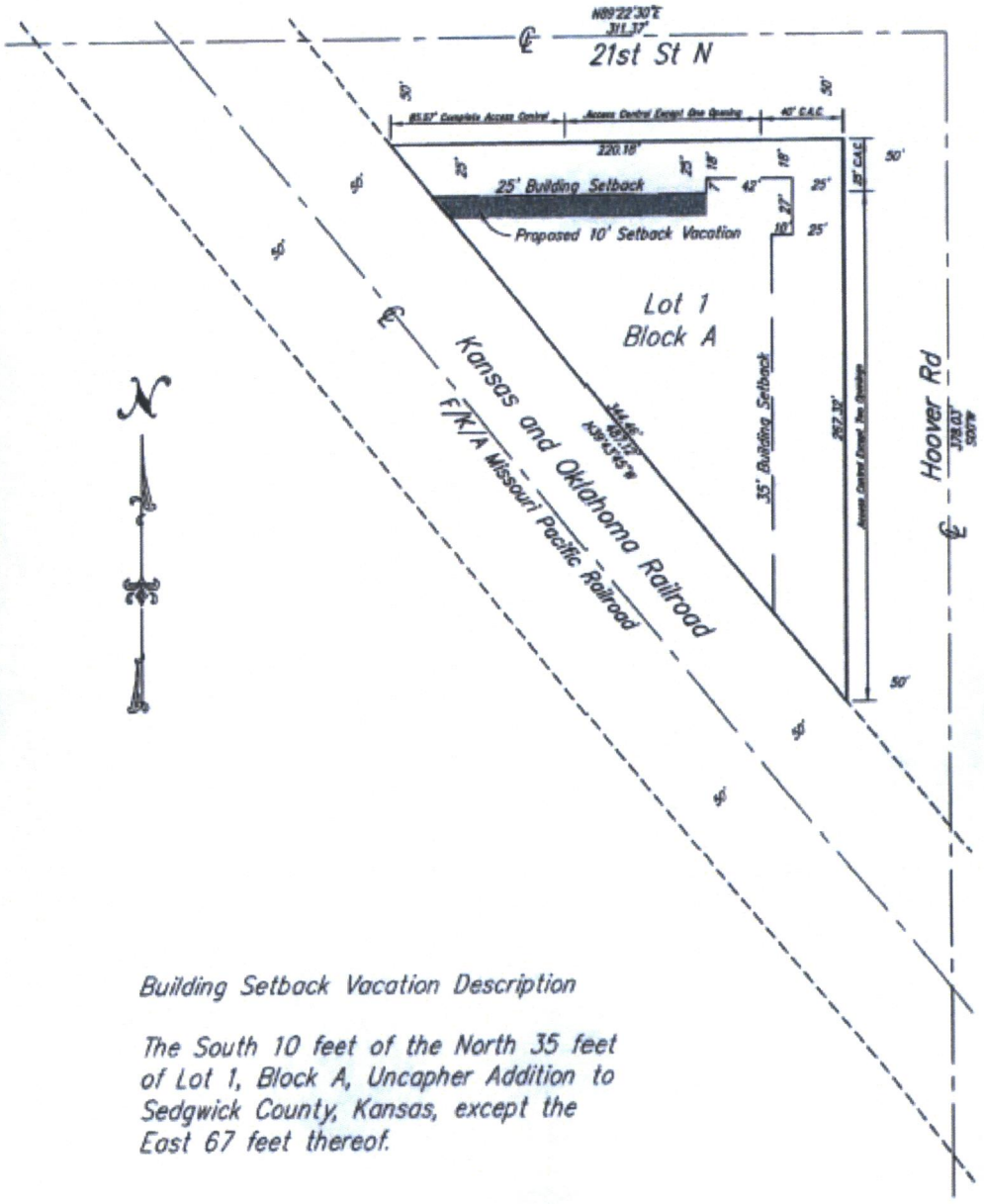
1. Building Expansion Site Plan
2. Setback Exhibit
3. Aerial Map
4. Plat Excerpt

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval per staff recommendations.

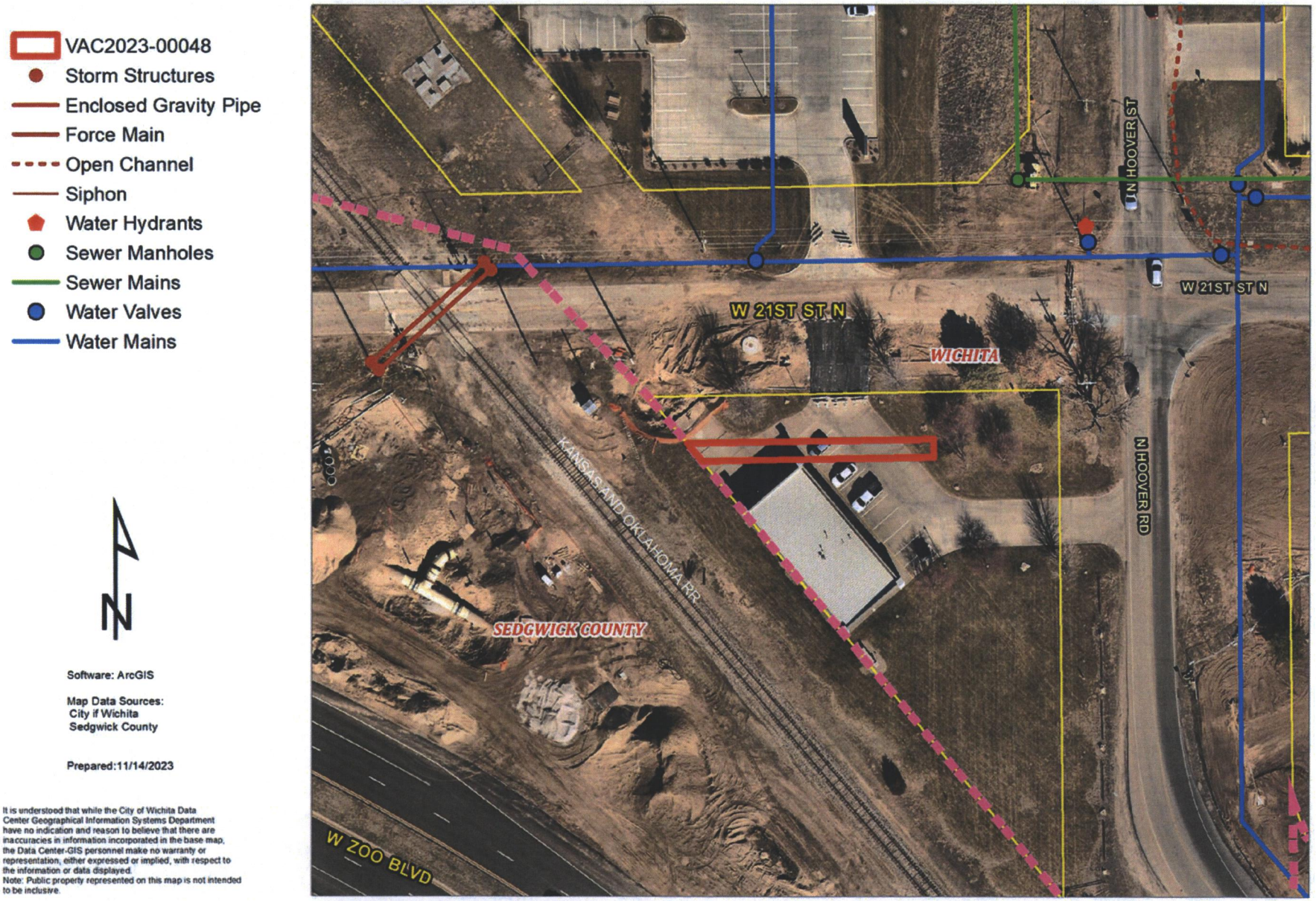

PARKING CALCULATION
5,300 S.F. BUSINESS (EXISTING AND NEW) / 333 S.F. PER STALL EQUALS 17 REQ'D. STALLS (ONE SHALL BE UNIVERSAL ACCESSIBLE - 20 STALLS PROVIDED.
6,685 S.F. NEW REINF. CONC. PARKING LOT.
NEW PROPOSED 25'-0" SETBACK (PREVIOUS 35'-0") - .02952 ACRES REMOVED FROM SETBACK
2,500 S.F. SLAB-ON-GRADE WOOD FRAMED OFFICE ADDITION
2,880 S.F. SLAB-ON-GRADE PEMB WTS EXISTING OFFICE BUILDING
6' W. 1,130 S.F. NEW REINF. CONC. SIDEWALK.
NEW PROPOSED 25'-0" SETBACK (PREVIOUS 35'-0") - .04268 ACRES REMOVED FROM SETBACK
21ST ST N
HOOVER RD
PHILLIP PETROLEUM
SITE LAYOUT PLAN
(24X36) = 1" = 20'-0" (11X17) = 1" = 40'-0"
SCALE: 1" = 20'-0"
Hardt Studio
WTS
MJC
WTS
OFFICE ADDITION
2131 N. HOOVER RD.
WICHITA, KANSAS 67212
NOT FOR CONSTRUCTION
Architecture
PRINTS ISSUED
11-08-23 - rvw
MJC No. 23040
drawn: MJC
checked: MJC
PRELIMINARY
SITE LAYOUT PLAN
SA1
copyright 2023 MJC Architecture

BHC
CIVIL ENGINEERING / SURVEYING / UTILITIES
+ Savoy Company



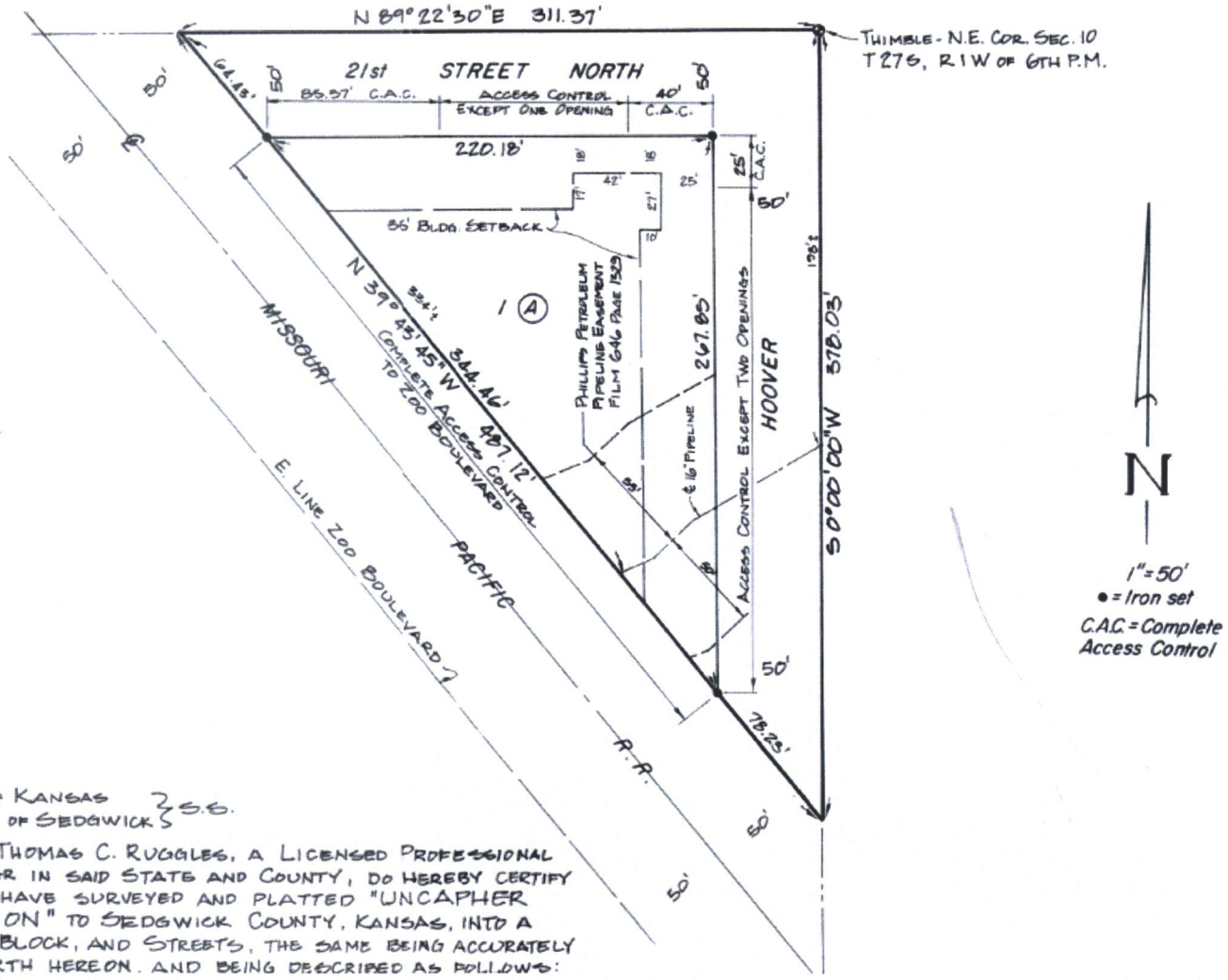
Building Setback Vacation Description

The South 10 feet of the North 35 feet of Lot 1, Block A, Uncapher Addition to Sedgwick County, Kansas, except the East 67 feet thereof.


VAC2023-00048
Storm Structures
Enclosed Gravity Pipe
Force Main
Open Channel
Siphon
Water Hydrants
Sewer Manholes
Sewer Mains
Water Valves
Water Mains
W 21ST ST N
WICHITA
N HOOVER ST
N HOOVER RD
KANSAS AND OKLAHOMA RR
SEDGWICK COUNTY
W ZOO BLVD
Software: ArcGIS
Map Data Sources:
City if Wichita
Sedgwick County
Prepared:11/14/2023
It is understood that while the City of Wichita Data Center Geographical Information Systems Department have no indication and reason to believe that there are inaccuracies in information incorporated in the base map, the Data Center-GIS personnel make no warranty or representation, either expressed or implied, with respect to the information or data displayed.
Note: Public property represented on this map is not intended to be inclusive.

UNCAPHER ADDITION

TO SEDGWICK COUNTY, KANSAS



STATE OF KANSAS }
COUNTY OF SEDGWICK } S.S.

I, THOMAS C. RUGGLES, A LICENSED PROFESSIONAL ENGINEER IN SAID STATE AND COUNTY, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND PLATTED "UNCAPHER ADDITION" TO SEDGWICK COUNTY, KANSAS, INTO A LOT, A BLOCK, AND STREETS, THE SAME BEING ACCURATELY SET FORTH HEREON. AND BEING DESCRIBED AS FOLLOWS: