Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30314160
Receipt #: 2430443 Recording Fee: $21.00
Pages Recorded: 1
Authorized By: Tonya Buckingham
Cashier: vbunch
Date Recorded: 06/10/2024 03:46:06 PM

UTILITY EASEMENT

THIS EASEMENT made this 4th day of April, 2024.

by and between MJR Properties, LLC ("Grantor") and the City of Wichita, Kansas, a municipal corporation, ("Grantee").

WITNESSETH:

Grantor, in consideration of the sum of One Dollar ($1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, does hereby grant and convey unto the Grantee or the franchised utility entity a perpetual utility easement for the purpose of constructing, operating, maintaining, and repairing all public and/or franchised utilities, and any appurtenances thereto, over, along and under the following described real estate situated in the City of Wichita, Sedgwick, County, Kansas to wit:

Beginning at a Point at the Southeast corner of the Gump Addition, Wichita, Sedgwick County, Kansas, thence South at a right angle, 20 feet; thence West at a right angle, 260 feet to the P.C. of the curve with a radius of 29.98 feet; thence southwesterly along said curve 47.11 feet; thence West at a right angle, 20 feet; thence North along the East edge of Lot 4, Englewood 2nd Addition, Wichita, Sedgwick County, Kansas, to the Southwest corner of the former Hampton Road, now vacated, 100 feet, more or less; thence East at a right angle, 40 feet, along the south edge of the form Hampton Road, now vacated; thence South at a right angle 10 feet; thence East 260 feet to the Point of Beginning.

And said Grantee and/or agents of the franchised utilities are hereby granted the right to enter upon said premises at any time for the purpose of constructing, operating, maintaining, and repairing such utility, and any appurtenances thereto.

IT IS AGREED AND UNDERSTOOD between the parties that Grantor retains the fee title to said real estate and may have the use of the surface thereof as superior right to that of Grantee when the same does not conflict or interfere with the right and privilege granted to Grantee herein and that this grant is binding upon and extends to the successors and assigns of Grantor.

IN WITNESS WHEREOF, Grantor has caused this indenture to be signed by its duly authorized officers, all on the day and year fist above written.

MJR Properties, LLC

By: _____

Name: John Rhoden

Title: Manager

STATE OF KANSAS)
) SS
COUNTY OF SEDGWICK)

BE IT REMEMBERED, That on this 4th day of April, 2024, before me, the undersigned, a Notary Public in and for the county and state aforesaid, came John Rhoden, the Manager of MJR Properties, LLC, personally known to me and he/she has executed this instrument of writing on the date above first written.

IN TESIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal, the day and year las above written,

Tia Marie Reida 1209008
Notary Public
My Commission Expires: 05/04/2027

for Paul Gunzelman, P.E., City Engineer

NOTARY PUBLIC - State of Kansas
TIA MARIE REIDA
My Appt. Exp. 05/04/2027

Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30314161
Receipt #: 2430443
Pages Recorded: 1
Recording Fee: $21.00
Authorized By: Tonya Buckingham
Cashier: vbunch
Date Recorded: 06/10/2024 03:46:07 PM

RESTRICTIVE COVENANT

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED John Rhoden, of MJR Properties, LLC, is the owner of the following described real property:

Lot 1 Bird Addition to Wichita, Sedgwick County Kansas; and Lot 1, Block A, Gump Addition to Wichita, Sedgwick County, Kansas; and Beginning 420 FT East and 40 FT North of the Northwest Corner of Reserve A; thence East 119.15 FT Northeast 107.47 FT; thence West 160.96 FT Southwesterly Along the Curve 47.11 FT; thence South 50 FT to the Point of Beginning Eastridge 2ND. Addition to Wichita, Sedgwick County, Kansas.

NOW THEREFORE, in connection with the vacation of the following described Alley:

Beginning at a Point at the Southeast corner of the Gump Addition, Wichita, Sedgwick County, Kansas, thence South at a right angle, 20 feet; thence West at a right angle, 260 feet to the P.C. of the curve with a radius of 29.98 feet; thence southwesterly along said curve 47.11 feet; thence West at a right angle, 20 feet; thence North along the East edge of Lot 4, Englewood 2nd Addition, Wichita, Sedgwick County, Kansas, to the Southwest corner of the former Hampton Road, now vacated, 100 feet, more or less; thence East at a right angle, 40 feet, along the south edge of the form Hampton Road, now vacated; thence South at a right angle 10 feet; thence East 260 feet to the Point of Beginning.

The undersigned agrees and covenants the aforementioned vacated street shall be retained, held and bound together with the platted lot adjoining and having ownership in common with such vacated street tracts.

It is understood that this covenant shall be binding upon the undersigned, their heirs, or successors and assigns and is a covenant running with the land until such time the property is replatted.

The covenants, conditions, and restrictions on the property created and established in this instrument may be waived, terminated, or modified only upon written consent of the City of Wichita, Kansas. No such waiver, termination or modification shall be effective until such written consent is recorded in the office of the Register of Deeds for Sedgwick County, Kansas.

John Rhoden, Manager
MJR Properties, LLC

STATE OF KANSAS)
) SS
COUNTY OF SEDGWICK)

BE IT REMEMBERED, That on this 4th day of April, 2024, before me, the undersigned, a Notary Public in and for the county and state aforesaid, came John Rhoden, the Manager of MJR Properties, LLC, personally known to me and he/she has executed this instrument of writing on the date above first written.

IN TESIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal, the day and year las above written,

Tia Marie Reida 1209008
Notary Public

My Commission Expires: 05/04/2027

NOTARY PUBLIC - State of Kansas
TIA MARIE REIDA
My Appt. Exp. 05/04/2027

Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30314149
Receipt #: 2430431
Pages Recorded: 2
Recording Fee: $0.00
Cashier: bjaCkson
Authorized By: Tonya Buckingham
Date Recorded: 06/10/2024 03:26:22 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 ALLEY	)	
GENERALLY LOCATED BETWEEN SOUTH WOODLAWN BOULEVARD AND SOUTH HUNTER STREET, AND WITHIN ONE-BLOCK SOUTH OF EAST KELLOGG DRIVE	)	**VAC2024-00016**

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 4th day of June 2024, comes on for hearing the petition for vacation filed by MJR Properties, LLC, (owner) praying for the vacation of a portion of a platted alley, to wit:

Portion of platted alley to be vacated:
Beginning at a Point at the Southeast corner of the Gump Addition, Wichita, Sedgwick County, Kansas; thence South at a right angle, 20 feet; thence West at a right angle, 260 feet to the P.C. of the curve with a radius of 29.98 feet; thence southwesterly along said curve 47.11 feet; thence West at a right angle, 20 feet; thence North along the East edge of Lot 4, Englewood 2nd Addition, Wichita, Sedgwick County, Kansas, to the Southwest corner of the former Hampton Road, now vacated 100 feet, more or less; thence East at a right angle, 40 feet, along the south edge of the former Hampton Road, now vacated; thence South at a right angle 10 feet; thence East 260 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 April 4, 2024, 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 a platted alley and the public will suffer no loss or inconvenience thereby.

3. A dedication of a utility easement, by separate instrument, for the above-described area

shall be recorded with this Vacation Order with the Register of Deeds of Sedgwick County.

4. Restrictive Covenants, binding and tying the vacated portion of the above-described alley to the abutting properties shall be recorded with this Vacation Order with the Register of Deeds of Sedgwick County.

5. In justice to the petitioner, the prayer of the petitioner ought to be granted.

6. 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.

7. The vacation of the described portion of a platted alley should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 4th day of June 2024, ordered that the above-described portion of a platted alley is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order, the dedication of utility easement, and restrictive covenant to the Sedgwick County Register of Deeds for recording.

Lily Wu, Mayor, City of Wichita

ATTEST:

Jamie Buster, City Clerk

Approved as to Form:

Jennifer Magana, City Attorney and Director of Law

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

IN THE MATTER OF THE VACATION OF A PORTION OF A PLATTED ALLEY	)	
GENERALLY LOCATED BETWEEN SOUTH WOODLAWN BOULEVARD AND SOUTH HUNTER STREET, AND WITHIN ONE-BLOCK SOUTH OF EAST KELLOGG DRIVE	)	**VAC2024-00016**

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 4th day of June 2024, comes on for hearing the petition for vacation filed by MJR Properties, LLC, (owner) praying for the vacation of a portion of a platted alley, to wit:

> Portion of platted alley to be vacated:
> Beginning at a Point at the Southeast corner of the Gump Addition, Wichita, Sedgwick County, Kansas; thence South at a right angle, 20 feet; thence West at a right angle, 260 feet to the P.C. of the curve with a radius of 29.98 feet; thence southwesterly along said curve 47.11 feet; thence West at a right angle, 20 feet; thence North along the East edge of Lot 4, Englewood 2nd Addition, Wichita, Sedgwick County, Kansas, to the Southwest corner of the former Hampton Road, now vacated 100 feet, more or less; thence East at a right angle, 40 feet, along the south edge of the former Hampton Road, now vacated; thence South at a right angle 10 feet; thence East 260 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 April 4, 2024, 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 a platted alley and the public will suffer no loss or inconvenience thereby.

3. A dedication of a utility easement, by separate instrument, for the above-described area

shall be recorded with this Vacation Order with the Register of Deeds of Sedgwick County.

4. Restrictive Covenants, binding and tying the vacated portion of the above-described alley to the abutting properties shall be recorded with this Vacation Order with the Register of Deeds of Sedgwick County.

5. In justice to the petitioner, the prayer of the petitioner ought to be granted.

6. 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.

7. The vacation of the described portion of a platted alley should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 4th day of June 2024, ordered that the above-described portion of a platted alley is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order, the dedication of utility easement, and restrictive covenant to the Sedgwick County Register of Deeds for recording.

Lily Wu, Mayor, City of Wichita

ATTEST:

Jamie Buster, City Clerk

Approved as to Form:

Jennifer Magana, City Attorney and Director of Law

Wichita-Sedgwick County Metropolitan Area Planning Department

June 10, 2024

MJR Properties, LLC
Attn: John Rhoden
3 Hillcrest Ave.
Wichita, KS 67208

Ref: VAC2024-00016: Vacation request in the City to vacate a portion of a platted alley generally located between South Woodlawn Blvd and South Hunter Street and one-block south of East Kellogg Dr.

John,

At its regular meeting on **June 4, 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

SEDGWICK COUNTY KANSAS

Wichita-Sedgwick County Metropolitan Area Planning Department

April 26, 2024

MJR Properties, LLC
Attn: John Rhoden
3 Hillcrest Ave.
Wichita, KS 67208

Ref: VAC2024-00016: Vacation request in the City to vacate a portion of a platted alley generally located between South Woodlawn Blvd and South Hunter Street and one-block south of East Kellogg Dr.

John,

At the **Thursday, April 25, 2024**, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

(1) Vacation of the described portion of the 20-foot platted alley is contingent on approval by the Traffic Engineer and the Fire Department. Approval shall include adherence to the provided conditions.

(2) Provide a covenant, with original signatures, binding and tying the described vacated alley right-of-way to the applicant's and the neighbor's abutting property. This must be provided to Planning prior to this case proceeding to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds and the Sedgwick County Appraisers Office.

(3) Dedicate a 20-foot utility easement, by separate instrument, over and across the described portion of the alley for recording with the Vacation Order at the Sedgwick County Register of Deeds. This must be provided to Planning prior to this application proceeding to City Council for final action.

(4) Any relocation or reconstruction of utilities made necessary by this vacation shall be to City Standards and the responsibility of the owner and at the expense of the owner, including the relocation of any power poles, equipment, or public utilities and drainage. Provide approval from those utilizes of any relocation of those impacted utilities prior to the case goes to City Council for final action.

(5) Provide Planning with any needed easements dedicated by separate instrument with original signatures for recording with the Register of Deeds. All original dedications will go with the Vacation Order to City Council for final action and filling with the Sedgwick County Register of Deeds. These conditions must be completed prior to the case going to Council for final action.

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

(7) 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.

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 **May 9, 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:IJ

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	537883	Print Legal Ad-IPL01670650 - IPL0167065		$127.86	2	76 L

Attention: MANDY HEBERT

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

MHEBERT@wichita.gov

OCA 150004
Published in The Wichita Eagle on April 4, 2024
(One Time Only)
MAPC/BZA April 25, 2024
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, April 25, 2024, no earlier than 1:30 p.m.**, the WichitaSedgwick 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 WichitaSedgwick County Metropolitan Area Planning Department at (316) 268-4421.**

VAC2024-00016: Vacation request in the City to vacate a portion of an alley on property zoned LC Limited Commercial and B Multi-Family, generally located on the south side of East Kellogg Drive, west of South Hunter Street (6601 and 6603 East Kellogg Drive).

ZON2024-00016: Zone change request in the City from SF-5 Single-Family Residential to TF-3 Two-Family Residential, generally located on the northwest corner of West Elm Street and North Elder Street (729 North Elder Street).

ZON2024-00017: Zone change request in the City from SF-5 Single-family residential to TF-3 Two-family Residential, generally located on the west side of North Joann Street and within one-quarter mile south of West Saint Louis Avenue (339 North Joann Street).

ZON2024-00018: Zone Change request in the City from SF-5 Single-Family Residential to TF-3 Two-Family Residential, generally located on the east side of South Meridian Avenue and within one-half mile south of West 55th Street South.

ZON2024-00019: Zone Change request in the City from SF-5 Single-family residential to TF-3 Two-Family Residential, generally located on the east side of South 119th Street West and within one-half mile south of West Pawnee Avenue.

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 WichitaSedgwick 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 (316-2684464) 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 April 4, 2024
Scott Wadle, Secretary
WichitaSedgwick County
Metropolitan Area Planning Commission
IPL0167065
Apr 4 2024

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

1 insertion(s) published on:
04/04/24

STATE OF KANSAS)
SS
County of Sedgwick)

Mary Castro, 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 04/04/2024 to 04/04/2024.

Mary Castro

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 04/04/2024

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.
April 25, 2024

STAFF REPORT

CASE NUMBER: **VAC2024-00016**- Vacation request in the City to vacate a portion of a platted 20-foot alley,

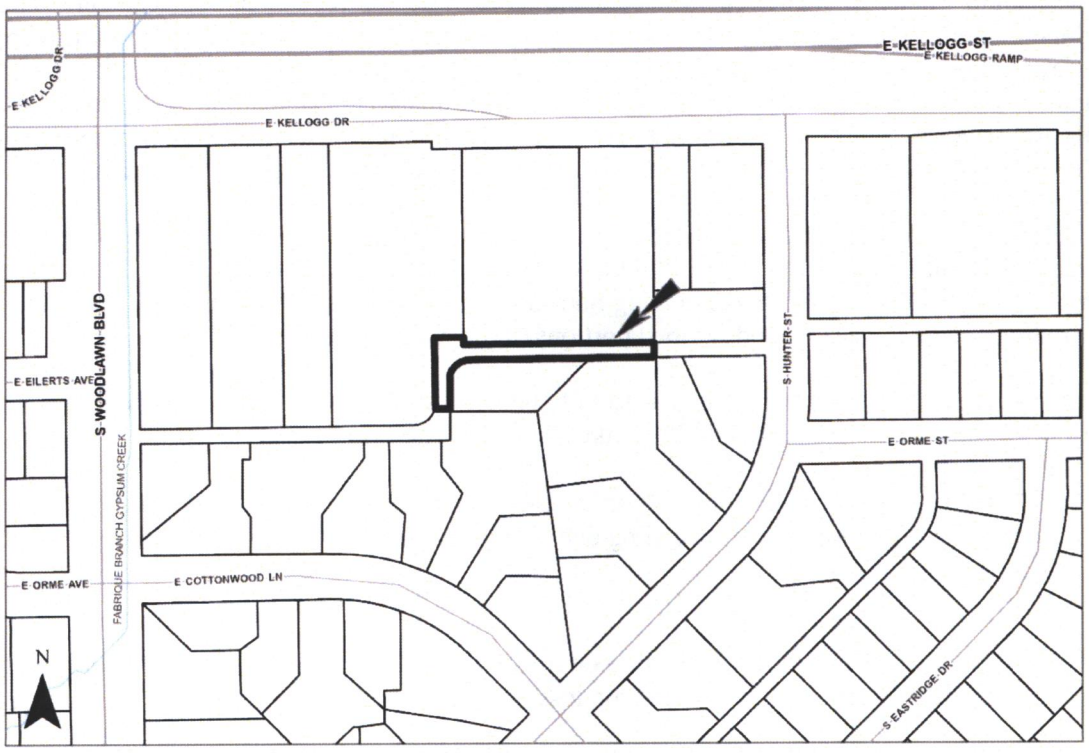
APPLICANTS: MJR Properties, LLC (applicant)

LEGAL DESCRIPTION: Generally described as vacating a platted 20-foot alley abutting Lot 4, Englewood 2nd Addition; Lot 1, Bird Addition; Lot 1, Block A, Gump Addition; and Reserve A, Eastridge 2nd Addition (see attached legal description).

LOCATION: Generally located between South Woodlawn Boulevard and South Hunter Street, within one-block south of East Kellogg Drive.

REASON FOR REQUEST: To allow for a required screening fence to cross the alley.

CURRENT ZONING: Properties to the north and west are zoned LC Limited Commercial District (LC) and developed with vacant car dealerships. Properties to the south are zoned B Multi-Family Residential District (B) and developed with a shed, and multi-family residential buildings.



The applicant is requesting to vacate a 20-foot, "L"-shaped portion of an alley abutting the south side of properties addressed 6601 and 6603 East Kellogg Drive. The purpose of the vaction is to permit the constrction of a required screening fence acorss alley. The subject alley is between South Woodlawn Boulevard and South Hunter Street. In 1949, the subject alley was platted as part of the Eastridge Addition (see attached). Propoerties on the north and south sides of the alley were subsequently platted or replatted a the Eastridge 2nd Addition, the Englewood 2nd Addition, the Bird Addition, the Gump Addition, and the Gant Addition. Though the subject alley now abuts multiple subdivisions, the entirety of it was dedicated as part of the Eastridge Addition on the south side. Therefore, reversion rights go to said property on the south (which is now Reserve A, Eastridge 2nd Addition). Reserve A, Eastridge 2nd Addition is split into several tracts. The following tracts abut the portion of the alley subject to vacation. If approved, the alley will be divided at the tract/property line and each tract will receive the alley direclty abuting it.

- 601 South Hunter (owned by the applicant)
- 611, 613, 615, & 617 South Hunter (owned separate from applicant).

The subject "L"-shaped portion abuts Lot 4, Englewood 2nd Addition; Lot 1, Bird Addition; Lot 1, Block A, Gump Addition; and Reserve A, Eastridge 2nd Addition, and lies mostly in the center of the alley west to east. Historical aerial photographs indicate that this subject portion of the alley has never been improved to function as a drive providing access. From Woodlawn, the alley is paved with concrete to the point at which it turns north. However, continuing east is an asphalt paved drive, on private property, that has historically acted as the alley access in the middle of the block. This paved drive rejoins the true alley (paved with concrete) 165 feet west of South Hunter Street.

A public sewer line is located in the subject alley in addition to Evergy power poles. The applicant does not intend to develop the alley and will be required to dedicate a 20-foot easement to cover existing utilities. The applicant intends to fence off the alley per required screening of the commercial land use abutting residential. Along the applicants property line south of the subject alley, they are proposing to construct a masonry wall. Because of the need for a utility easement across the subject portion of the alley, no concrete footings are allowed in the easement. The fence is removeable should Public Works need to access the sewer line for repairs or replacement. Wichita Traffic Engineering and Wichita Fire do not object to this vacation. Evergy and Cox have equipment in the platted alley. They do not object to the vacation. They require an easement to cover their equipment and relocation is not an obtion. Abby Brungardt is the area design representative for Evergy in this area. She can be contacted at 785-508-2715 regarding this project. Conditions #3, #4, and #5 cover all utilities. Vehicular traffic, pedestrian traffic, public safety, and utilities should not be impacted by this vacation request if approved with the listed conditions.

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 portions of the platted alley 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 April 4, 2024, 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 alley 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) Vacation of the described portion of the 20-foot platted alley is contingent on approval by the Traffic Engineer and the Fire Department. Approval shall include adherence to the provided conditions.

(2) Provide a covenant, with original signatures, binding and tying the described vacated alley right-of-way to the applicant's and the neighbor's abutting property. This must be provided to Planning prior to this case proceeding to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds and the Sedgwick County Appraisers Office.

(3) Dedicate a 20-foot utility easement, by separate instrument, over and across the described portion of the alley for recording with the Vacation Order at the Sedgwick County Register of Deeds. This must be provided to Planning prior to this application proceeding to City Council for final action.

(4) Any relocation or reconstruction of utilities made necessary by this vacation shall be to City Standards and the responsibility of the owner and at the expense of the owner, including the relocation of any power poles, equipment, or public utilities and drainage. Provide approval from those utilizes of any relocation of those impacted utilities prior to the case goes to City Council for final action.

(5) Provide Planning with any needed easements dedicated by separate instrument with original signatures for recording with the Register of Deeds. All original dedications will go with the Vacation Order to City Council for final action and filling with the Sedgwick County Register of Deeds. These conditions must be completed prior to the case going to Council for final action.

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

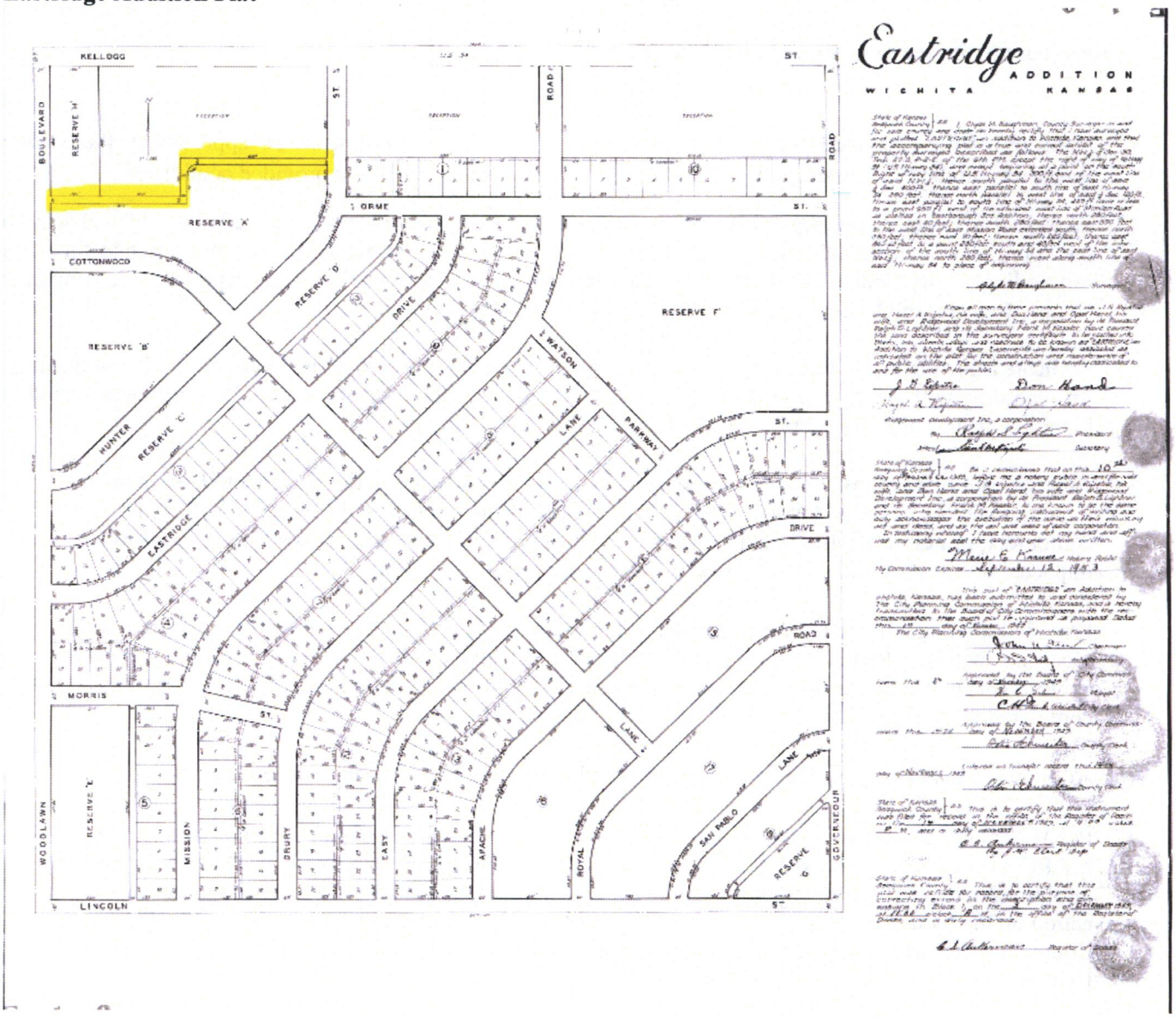
(7) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC, or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council, or the Sedgwick County Board of County Commissioners have taken 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. Eastridge Addition Plat Excerpt
2. Eastridge 2nd Addition Plat
3. Applicant's Vacation Exhibit
4. Aerial Map
5. Site Photos
6. Legal Description

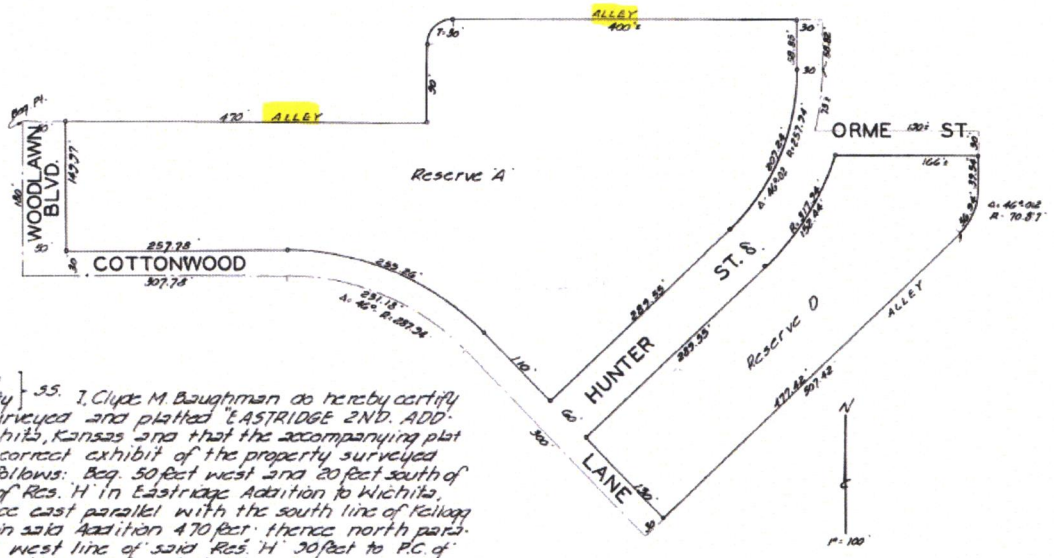
Eastridge Addition Plat



Eastridge 2nd Addition Plat

EASTRIDGE 2ND. ADDITION

TO WICHITA, KANSAS.



State of Kansas } ss. I, Clyde M. Baughman do hereby certify
Sedgwick County } that I have surveyed and platted "EASTRIDGE 2ND. ADDITION" to Wichita, Kansas and that the accompanying plat is a true and correct exhibit of the property surveyed described as follows: Beg. 50 feet west and 20 feet south of the S.W. Cor. of Res. 'H' in Eastridge Addition to Wichita, Kansas; thence east parallel with the south line of Kellogg St. as platted in said Addition 470 feet; thence north parallel with the west line of said Res. 'H' 30 feet to P.C. of curve having a tangent of 30 feet; thence around said curve to P.T. thence east 430 feet more or less to the center of Hunter St. as platted in said Addition; thence south along the center of Hunter St. 58.82 feet to the P.C. of a curve having a delta angle of 46°02' and a radius of 287.34 feet; thence southwesterly along said curve to the point of intersection of the extended centerline of Orme St. as platted in said Add.; thence east on center of Orme St. to extended east line of Res 'D' as platted in said Add.; thence south along east line of Res. D. 69.54 feet to P.C. of a curve having a delta angle of 46°02' and a radius of 70.87 feet; thence along said curve 56.94 feet to P.T.; thence southwesterly 507.42 feet; thence northwesterly with an angle of 30° 300 feet to P.C. of a curve having a radius of 287.34 feet and a delta angle of 46°; thence along said curve 231.18 feet to P.T.; thence west 307.78 feet; thence north with an angle of 30° 180 feet to beg.

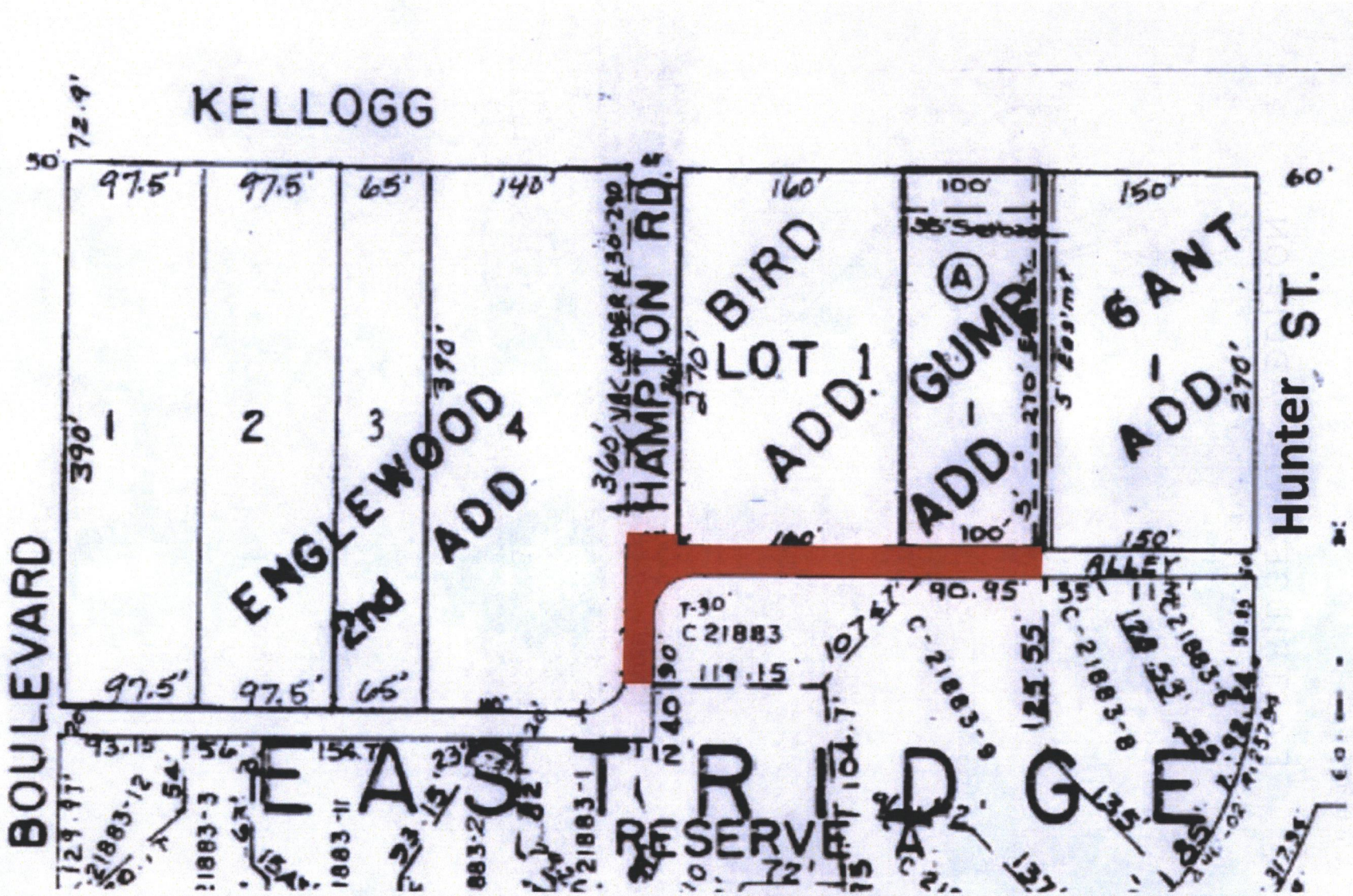
This plat of "EASTRIDGE 2ND. ADDITION" to Wichita, Kansas, has been submitted to and considered by the City Planning Commission of Wichita, Kansas, and is hereby transmitted to the Board of City Commissioners with the recommendation that such plat be approved as proposed. Dated this 16 TH day of MAY 1950.

The City Planning Commission of Wichita, Kansas.

Chairman

Secretary.

Approved by the Board of City Comm-



Alley Vacation Site Plan

VAC2024-00016

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

N





Looking East from Hunter Street



Looking southwest from Hunter Street



Looking east toward Hunter Street.