



Cashier: vbunch
Authorized By: *Tonya Buckingham*

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 first above written.

MJR Properties, LLC

By: *John Rhoden*

Name: John Rhoden

Title: Manager

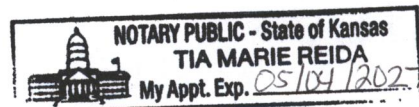
STATE OF KANSAS)
) SS
COUNTY OF SEDGWICK)

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

Sham Mllin
for Paul Gunzelman, P.E., City Engineer





Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30314149

Receipt #: 2430431
Pages Recorded: 2

Recording Fee: \$0.00

Cashier: bjaCkoon
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

June 4, 2024
VAC2024-00016

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.

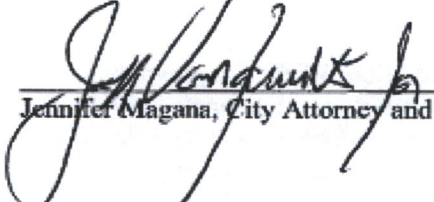

Lily Wu, Mayor, City of Wichita

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**

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June 4, 2024
VAC2024-00016

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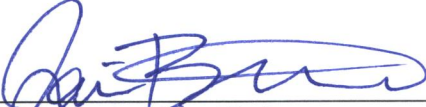
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Lily Wu, Mayor, City of Wichita

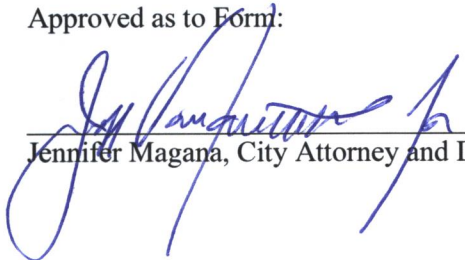
ATTEST:



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,

A handwritten signature in blue ink, appearing to read 'Philip Zevenbergen'.

Philip Zevenbergen, AICP
Current Plans
Division Manager



**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 filing 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

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.

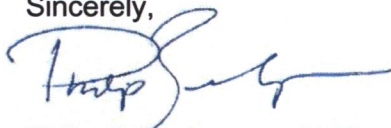
April 26, 2024

Page 2

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,

A handwritten signature in blue ink, appearing to read "Philip Zevenbergen", written over a horizontal line.

Philip Zevenbergen, AICP
Current Plans Division Manager

PZ:IJ



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 meetings.**

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)

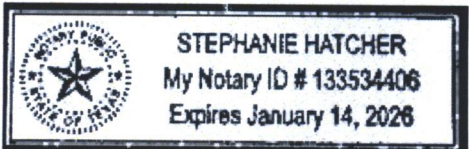
Mary Castro, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has 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 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



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,

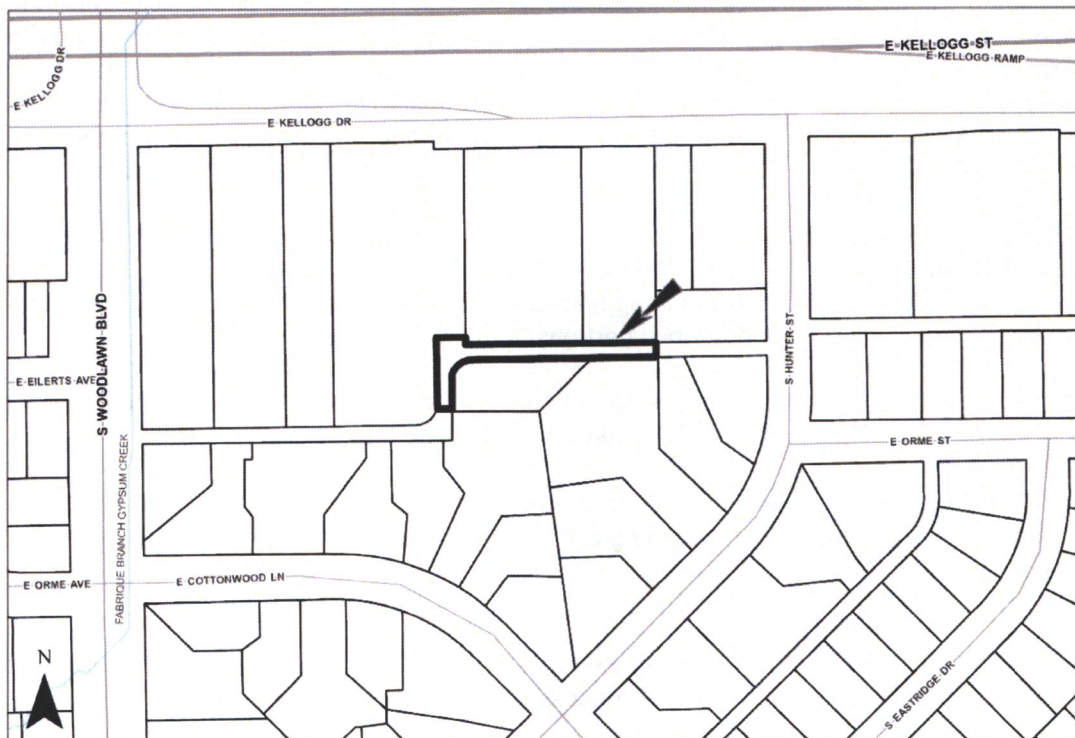
APPLICANTS: MJR Properties, LLC (applicant)

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 vacation is to permit the construction of a required screening fence across 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). Properties on the north and south sides of the alley were subsequently platted or replatted as 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 directly abutting 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 applicant's 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 removable 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 option. 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.
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- (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

VAC2024-00016

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

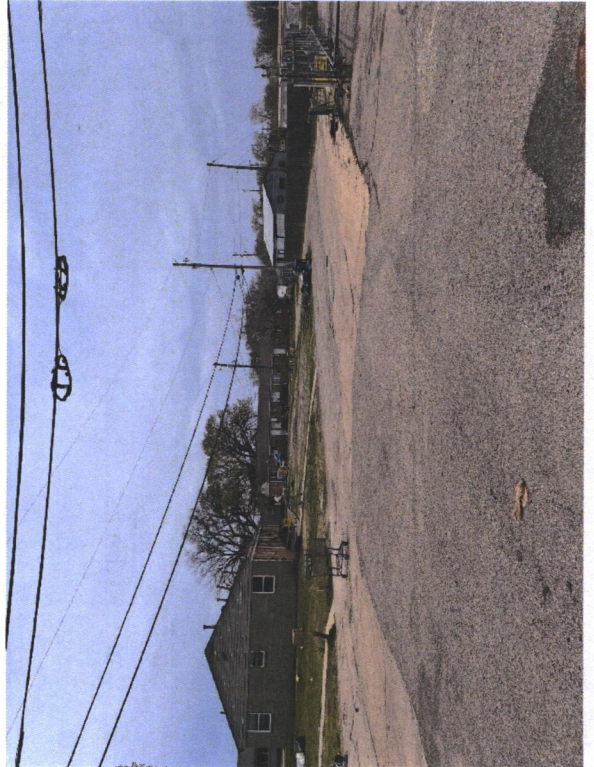




Looking East from Hunter Street



Looking east toward Hunter Street.



Looking southwest from Hunter Street