Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 3031414B
Receipt #: 2430431
Pages Recorded: 2
Recording Fee: $0.00
Authorized By
Cashier: bjaCkson
Date Recorded: 06/10/2024 03:26:21 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 BROADWAY AVENUE AND SOUTH TOPEKA AVENUE AND ON THE NORTH SIDE OF EAST WATERMAN STREET	)	**VAC2023-00047**

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 4th day of June 2024, comes on for hearing the petition for vacation filed by 329, LLC (owner) praying for the vacation of a portion of a platted alley, to wit:

Portion of the platted 20-foot alley:
Vacating the south 140 feet of the platted 20-foot alley abutting odd Lots 69-75, on Lawrence, now Broadway, and abutting even Lots 70-76 on Topeka, N.A. English's Addition, Wichita, Sedgwick County Kansas.

The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on November 23, 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 alley and the public will suffer no loss or inconvenience thereby.

3. A 20-foot utility easement, dedicated by separate instrument shall be dedicated for the described portion of the alley to cover all utilities, and shall be filed with this Vacation Order with the Register of Deeds of Sedgwick County.

4. An alley right-of-way dedication over and across portions of odd Lots 63 and 65, on Lawrence, now Broadway, N.A. English's Addition shall be filed with this Vacation Order with the Register

UNOFFICIAL COPY

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 the 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 the platted alley is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order and the dedication of access control 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

IN THE MATTER OF THE VACATION OF A PORTION OF A PLATTED ALLEY	)	
GENERALLY LOCATED BETWEEN SOUTH BROADWAY AVENUE AND SOUTH TOPEKA AVENUE AND ON THE NORTH SIDE OF EAST WATERMAN STREET	)	**VAC2023-00047**

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 4th day of June 2024, comes on for hearing the petition for vacation filed by 329, LLC (owner) praying for the vacation of a portion of a platted alley, to wit:

> Portion of the platted 20-foot alley:
> Vacating the south 140 feet of the platted 20-foot alley abutting odd Lots 69-75, on Lawrence, now Broadway, and abutting even Lots 70-76 on Topeka, N.A. English's Addition, Wichita, Sedgwick County Kansas.

The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on November 23, 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 alley and the public will suffer no loss or inconvenience thereby.

3. A 20-foot utility easement, dedicated by separate instrument shall be dedicated for the described portion of the alley to cover all utilities, and shall be filed with this Vacation Order with the Register of Deeds of Sedgwick County.

4. An alley right-of-way dedication over and across portions of odd Lots 63 and 65, on Lawrence, now Broadway, N.A. English's Addition shall be filed 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 the 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 the platted alley is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order and the dedication of access control 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

Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30308527
Receipt #: 2426733 Recording Fee: $55.00
Pages Recorded: 3
Cashier: spage Authorized By:
Date Recorded: 05/14/2024 03:35:43 PM

RESTRICTIVE COVENANT

KNOW ALL MEN BY THESE PRESENTS THAT 329, LLC, is the owner of the following described real property:

Lots 71, 73, and 75 on Lawrence Avenue (now Broadway), N.A. English's Addition to Wichita, Sedgwick County, Kansas

NOW, THEREFORE, in connection with the vacation of the following described right-of-way:

See Exhibit "A" attached here to

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

329, LLC

By: _____
Joseph Surmeier, President

UNOFFICIAL COPY

STATE OF KANSAS)
) SS
COUNTY OF SEDGWICK)

BE IT REMEMBERED, that on this 14th day of May, 2024 before me, the undersigned, a Notary Public in and for the county and state aforesaid, came Joseph Surmeier, President of 329, LLC, personally known to me and he has executed this instrument of writing on the date above first written.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.

Caitlin Swaney
NOTARY PUBLIC

My Commission Expires: May 31, 2027

CAITLIN SWANEY
Notary Public - State of Kansas
My Appt. Expires 5-31-27

UNOFFICIAL COPY

EXHIBIT A

A PORTION OF N.A. ENGLISH'S ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, WITHIN THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 27 SOUTH, RANGE 01 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS, BEING DESCRIBED AND PREPARED ON MARCH 3, 2024, BY CHARLES W. BROOKSHER PS #1281 AND PROFESSIONAL ENGINEERING CONSULTANTS P.A., C.L.S. #65, AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 75 ON LAWRENCE AVENUE, NOW BROADWAY AVENUE, SAID N.A. ENGLISH'S ADDITION, BEING ON THE WEST LINE OF AN ALLEY AS PLATTED IN SAID N.A. ENGLISH'S ADDITION, SAID ALLEY BEING BETWEEN BROADWAY AVENUE AND TOPEKA AVENUE AND BETWEEN WATERMAN STREET AND ENGLISH STREET; THENCE N01°17'19"W (BEARINGS BASED ON THE KANSAS COORDINATE SYSTEM 1983 SOUTH ZONE) ALONG THE WEST LINE OF SAID PLATTED ALLEY A DISTANCE OF 142.19 FEET; THENCE N88°59'52"E A DISTANCE OF 20.00 FEET TO THE EAST LINE OF SAID ALLEY; THENCE S01°17'19"E ALONG SAID EAST LINE A DISTANCE OF 142.09 FEET TO THE SOUTHWEST CORNER OF LOT 76 ON TOPEKA AVENUE, SAID N.A. ENGLISH'S ADDITION, AND THE NORTH RIGHT OF WAY LINE OF WATERMAN STREET; THENCE S88°42'41"W ALONG SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 20.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 75 AND THE POINT OF BEGINNING.

ENCOMPASSING 0.065 ACRES MORE OR LESS.

UNOFFICIAL COPY

Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30305687
Receipt #: 2424826 Recording Fee: $72.00
Pages Recorded: 4
Cashier: spage Authorized By: Tonya Buckingham
Date Recorded: 05/01/2024 11:40:17 AM

ALLEY RIGHT-OF-WAY DEDICATION

THIS DEDICATION made this 21st day of March, 2024, by and between 329, LLC, Grantor and the City of Wichita, Kansas, a municipal corporation, Grantee.

WITNESSETH: That the 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 a perpetual alley dedication for the purpose of constructing, operating, maintaining, and repairing alley, franchised utilities, and any appurtenances thereto, over, along and under the following described real estate situated in Sedgwick, County, Kansas to wit:

'Exhibit A'

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

IN WITNESS WHEREOF: The Grantor has signed this document the day and year first written.

329, LLC

By: Joseph Surmeier, President

State of Kansas
County of Sedgwick } ss.

This instrument was acknowledged before me on the 21st day of March, 2024 by Joseph Surmeier, President of 329, LLC.

(seal)

SHAVON MORGAN
Notary Public - State of Kansas
My Appt. Expires 8/4/2025

Notary Public
My Appointment expires: August 4, 2025

Reviewed and approved by the City Engineer:

for Paul Gunzelman, PE

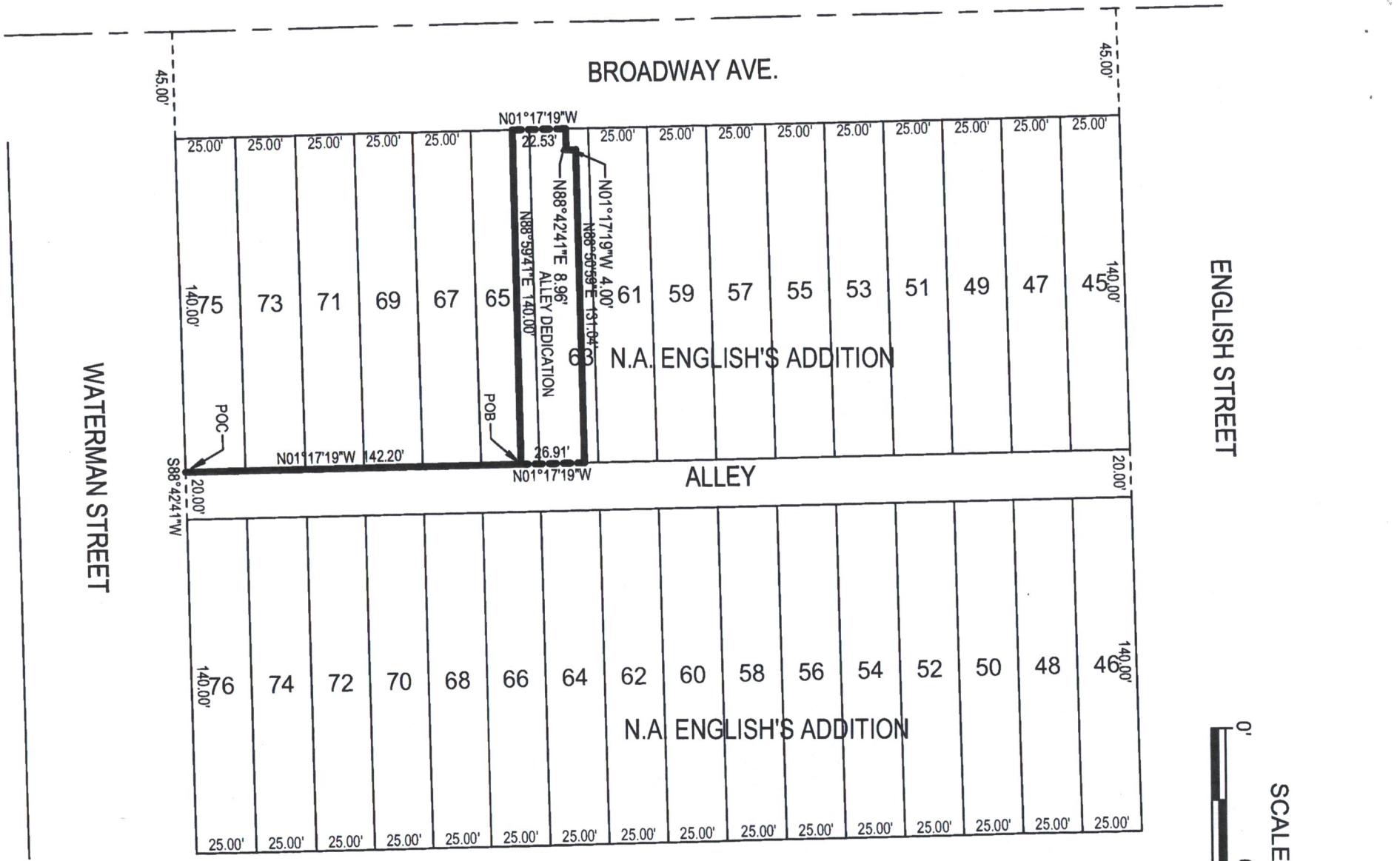
EXHIBIT A

A PORTION OF N.A. ENGLISH'S ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, WITHIN THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 27 SOUTH, RANGE 01 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS, BEING DESCRIBED AND PREPARED ON MAY 1, 2024, BY ERNEST CANTU JR PS #1407 AND PROFESSIONAL ENGINEERING CONSULTANTS P.A., C.L.S. #65, AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 75 ON LAWRENCE AVENUE, NOW BROADWAY AVENUE, SAID N.A. ENGLISH'S ADDITION, BEING ON THE WEST LINE OF AN ALLEY AS PLATTED IN SAID N.A. ENGLISH'S ADDITION, SAID ALLEY BEING BETWEEN BROADWAY AVENUE AND TOPEKA AVENUE AND BETWEEN WATERMAN STREET AND ENGLISH STREET; THENCE N01°17'19"W (BEARINGS BASED ON THE KANSAS COORDINATE SYSTEM 1983 SOUTH ZONE) ALONG THE WEST LINE OF SAID PLATTED ALLEY A DISTANCE OF 142.20 FEET TO THE POINT OF BEGINNING, BEING A POINT ON THE EAST LINE OF LOT 65 ON SAID LAWRENCE AVENUE NOW BROADWAY AVENUE, SAID N.A. ENGLISH'S ADDITION; THENCE CONTINUING N01°17'19"W ALONG SAID WEST LINE A DISTANCE OF 26.91 FEET TO A POINT ON THE EAST LINE OF LOT 63 ON SAID LAWRENCE AVENUE NOW BROADWAY AVENUE, SAID N.A. ENGLISH'S ADDITION; THENCE S88°50'59"W A DISTANCE OF 131.04 FEET; THENCE S01°17’19”E PARALLEL WITH SAID WEST LINE OF SAID PLATTED ALLEY, A DISTANCE OF 4.00 FEET; THENCE S88°42'41"W A DISTANCE OF 8.96 FEET TO THE EAST RIGHT OF WAY LINE OF BROADWAY AVENUE; THENCE S01°17'19"E ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 22.53 FEET; THENCE N88°59'41"E A DISTANCE OF 140.00 FEET TO THE POINT OF BEGINNING.

ENCOMPASSING 0.085 ACRE MORE OR LESS.

SAVED 3/19/2024 11:07:46 AM BY BILL.SEXSON
PLOTTED 5/1/2024 11:06:08 AM BY REBECCA MELLIES
J:\WICHITA-CIVIL\2023\238078\021\PEC\DRAWINGS\ALLEY DEDICATION (PEC).DWG



PEC
PROFESSIONAL ENGINEERING CONSULTANTS
303 SOUTH TOPEKA
WICHITA, KS 67202
316-262-2691 www.pec1.com

Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30305688
Receipt #: 2424826 Recording Fee: $72.00
Pages Recorded: 4
Cashier: spage Authorized By: Tonya Buckingham
Date Recorded: 05/01/2024 11:40:18 AM

UTILITY EASEMENT

THIS EASEMENT made this 21st day of March, 2024, by and between 329, LLC,. Grantor and the City of Wichita, Kansas, a municipal corporation, Grantee.

WITNESSETH: That the 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 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 Sedgwick, County, Kansas to wit:

'Exhibit A'

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.

IN WITNESS WHEREOF: The Grantor has signed this document the day and year first written.

329, LLC

By: Joseph Surmeier, President

State of Kansas
County of Sedgwick } ss.

This instrument was acknowledged before me on the 21st day of March, 2024 by Joseph Surmeier, President of 329, LLC.

(seal) SHAVON MORGAN
Notary Public - State of Kansas
My Appt. Expires 8/4/2025

Notary Public
My Appointment expires: August 4, 2025

Reviewed and approved by City Engineer:

for Paul Gunzelman, PE

U:\Wichita-Civil\2023\238078\021\Muni\Property\Utility Easement

Wichita-Sedgwick County Metropolitan Area Planning Department

June 10, 2024

Professional Engineering Consultants, P.A.
Attn: Rebecca Mellies
303 S Topeka
Wichita, KS 67202

Ref: VAC2023-00047: Vacation request in the City to vacate a portion of a platted alley located between South Broadway Avenue and South Topeka Street, north of East Waterman Street.

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

Wichita-Sedgwick County Metropolitan Area Planning Department

December 15, 2023

Professional Engineering
Consultants, P.A.
Attn: Rebecca Mellies
303 S. Topeka
Wichita, KS 67202

Ref: VAC2023-00047: City of Wichita alley vacation located between East of Broadway Ave. and west of Topeka Ave. north of E. Waterman St. approximately 140 feet north.

Rebecca,

At the **Thursday, December 14, 2023**, 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. The applicant shall provide Planning with a 20-foot dedication of access easement as shown on the site plan, by separate instrument, with original signatures to go with the Vacation Order to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds. All to be provided to the Planning Department prior to this case going to City Council for final action.

(2) Provide a covenant, with original signatures, binding and tying the described vacated alley right-of-way to the applicants' 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) 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.

(4) 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.

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

(6) 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 **December 28, 2023,** (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: 329, LLC, Jose Surmeier, 303 S Topeka Ave, Wichita KS 67202
333 English LLC, 100 S Main, Ste 200, Wichita KS 67202
121 Partners LLC, 312 S Broadway Ave, Wichita KS 67202
303 LLC, 303 S Topeka Ave, Wichita KS 67202

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	492203	Print Legal Ad-IPL01488550 - IPL0148855		$206.32	3	82 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

MAPC/BZA December 14, 2023
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, December 14, 2023, 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) 2684421.**

CON2023-00057: Conditional Use to replace a previously constructed 499-foot wireless radio tower, generally located on the west side of North Salina Avenue and approximately 650 feet south of West 29th Street North (2829 North Salina Avenue).

CON2023-00058: Conditional Use request in the City for Warehouse/Self-Storage on property zoned LC Limited Commercial, located 300 feet north of 13th Street North, on the east side of North Broadway (1451 North Broadway).

CON2023-00059: Conditional Use request in the City to permit live entertainment and alcohol with an Event Center (defined as Night Club in the City) on property zoned LC Limited Commercial located on the north side of West 21 Street and within one-quarter mile west of North Broadway Ave (320 W 21st).

CON2023-00061: Conditional Use request in the City for Group Residence, General, on property zoned B Multi-Family District, generally located on the east side of North Emporia Avenue, within 100 feet north of East 10th Street North (1110 North Emporia Avenue).

CUP2023-00040: Minor Amendment in the City to CUP DP-195 to allow a car wash on property zoned LC Limited Commercial, generally located on the west side of North Rock Road, within 750 feet north of K-96 (3505 North Rock Road).

CUP2023-00041: CUP Minor Amendment in the City to remove portions of land from CUP DP-116, generally located north of East Kellogg Drive and west of North Webb Road (associated with ZON2023-00067).

CUP2023-00042: CUP Major Amendment in the City to remove land from CUP DP-48, generally located north of East Kellogg Drive and east of North Webb Road (associated with ZON2023-00067).

CUP2023-00043: CUP Major Amendment in the City to add land to, and amend General Provisions of CUP DP-15, generally located on the north side of East Kellogg Drive and west of South Webb Road (associated with ZON2023-00067).

PUD2023-00014: Zone change request in the City from CBD Central Business District to PUD Planned Unit Development to create Century II PUD to allow the addition of temporary special events to the "CBD" uses, located southwest corner of West Douglas Avenue and South Main Street.

VAC2023-00044: Vacation request in the City to vacate 30 feet of the 40-foot drainage easement at the east property line for future development on property zoned LC Limited Commercial District, generally located on the north side of West MacArthur Road, within 350 feet east of South West Street (3920 W. MacArthur).

VAC2023-00046: Vacation of platted front yard setback line to allow window well to be built, generally located on the NE corner of North Brownthrash Lane and West Frazier Lane (7442 West Frazier).

VAC2023-00047: Request in the City to vacate a portion of a platted alley located on the north side of East Waterman Street, between South Broadway and South Topeka Avenues.

ZON2023-00065: Zone Change request in the City from SF-5 Single- Family Residential to GO General Office for a funeral home, generally located on the east side of Tyler Road and within one-quarter mile north of West 29th Street North (3224 North Tyler Road).

ZON2023-00066: Zone change request in the City from TF-3 Two-Family Residential District to MF-29 Multi-Family Residential District to redevelop existing home into a multifamily dwelling, generally located on the southeast corner of South Osie Street and South Santa Fe Avenue (1704 South Santa Fe Avenue).

ZON2023-00067: Zone change from LC Limited Commercial District to GC General Commercial District (associated with CUP2023-00041, CUP2023-00042, CUP2023-00043), generally located north of East Kellogg Drive and west of South Webb Road.

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 November 22, 2023
Scott Wadle, Secretary
WichitaSedgwick County
Metropolitan Area Planning Commission
IPL0148855
Nov 22 2023

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

1 insertion(s) published on:
11/22/23

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 11/22/2023 to 11/22/2023.

Stefani Beard

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 11/22/2023

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. 3.3
December 14, 2023

STAFF REPORT

CASE NUMBER: **VAC2023-00047**- Vacation request in the City to vacate a portion of a platted 20-foot alley,

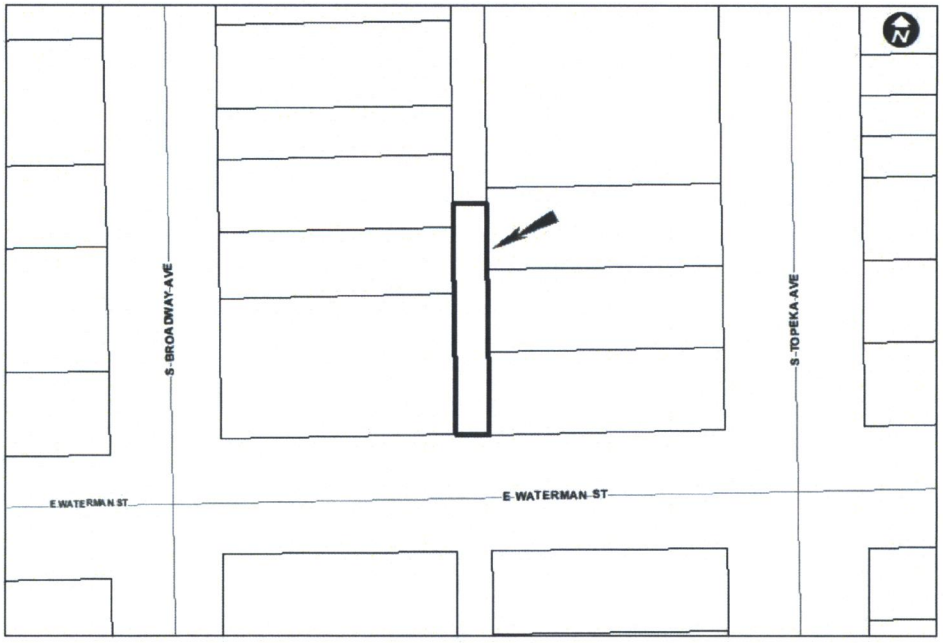
APPLICANTS: 329, LLC (applicant), Professional Engineering Consultants, P.A. (Agent)

LEGAL DESCRIPTION: Generally described as vacating the south 140 feet of the platted 20-foot alley abutting odd Lots 69-75, on Lawrence, no Broadway, and abutting even Lots 70-76 on Topeka, N.A. English's Addition.

LOCATION: Generally located between South Topeka and South Broadway Avenues, on the north side of East Waterman Street.

REASON FOR REQUEST: To create a secure campus and allow for future development.

CURRENT ZONING: All properties abutting the alley right-of-way are zoned CBD Central Business District and developed with commercial uses and associated parking.



The applicant is requesting to vacate the south 140 feet of a 20-foot platted alley abutting Lots 69-76 inclusive, between South Topeka and South Broadway Avenues and on the north side of East Waterman Street. The purpose of the vacation is to create a secure campus with the larger Professional Engineering Consultants campus located a 303 South Topeka. The applicant owns 329 and 335 South Topeka Avenue (on the east side of the alley) as well as 320-360 South Broadway Avenue (on the west side of the alley).

The remainder of the alley north of this location will remain. The applicant intends to dedicate a 20-foot access easement to the west of the alley, through an open space between the buildings they own on the south and other buidlings to the north. This will ensure the alley does not dead-end, but vehicles utilizing the alley will have access to South Broadway Avenue. If it is approved, no property will be deprived of access.

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. If the applicant intends to gate the south end of the alley, the gates will need to be removable. Wichita Traffice Engineering and Wichita Fire do not object to this vacation. Traffic Engineering would like additional space added to the proposed access easement out to South Broadway in order to facilitate turning movements. Neither Evergy nor Cox object to this vacation. Both have equipment in the vacation area. Conditions #3, #4, and #5 cover all utilities. Abby Brungardt, Evergy Design Representative, can be contacted regarding this case at 785-508-2700. Vehicular traffic, pedestrian traffic, public safety, and utilities should not be impacted by this vacation request if approved with the listed conditions.

In order to foster walkable development, the *Wichita: Places for People Plan* encourages the use of alleys and midblock passages in order to break down larger blocks as well as use alleys or shared access to allow for human scale design along lot frontages. This is in order to have designed access along blocks to balance pedestrian interests with automobile access.

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 November 23, 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 alley 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) 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. The applicant shall provide Planning with a 20-foot dedication of access easement as shown on the site plan, by separate instrument, with original signatures to go with the Vacation Order to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds. All to be provided to the Planning Department prior to this case going to City Council for final action.

(2) Provide a covenant, with original signatures, binding and tying the described vacated alley right-of-way to the applicants' 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) 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.

(4) 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.

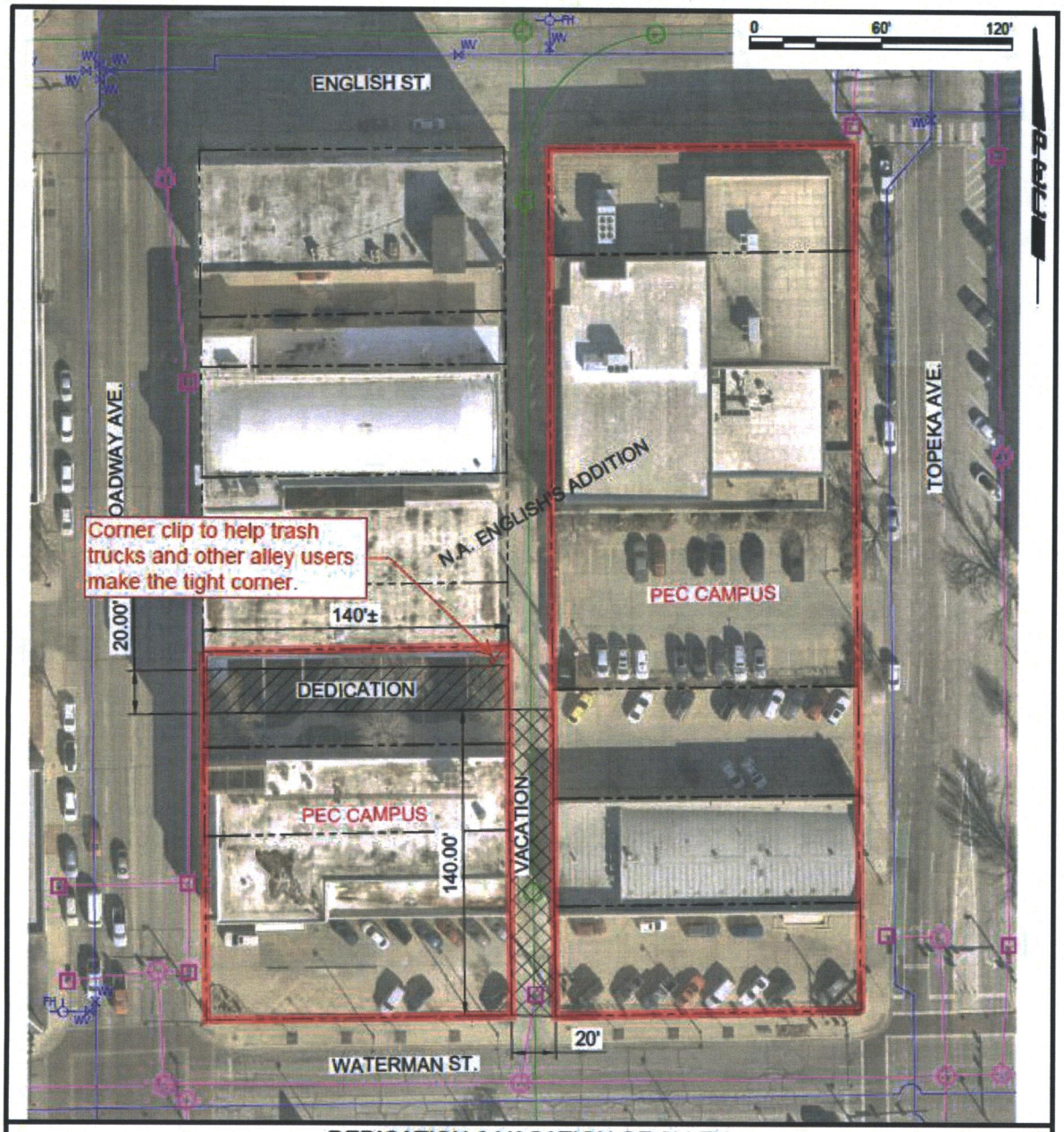
(5) All improvements shall be according to City Standards and at the applicant's expense.

(6) 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. Applicant's Exhibit
2. Aerial Map

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval per staff recommendations.



DEDICATION & VACATION OF ALLEY
N.A. ENGLISH'S ADDITION

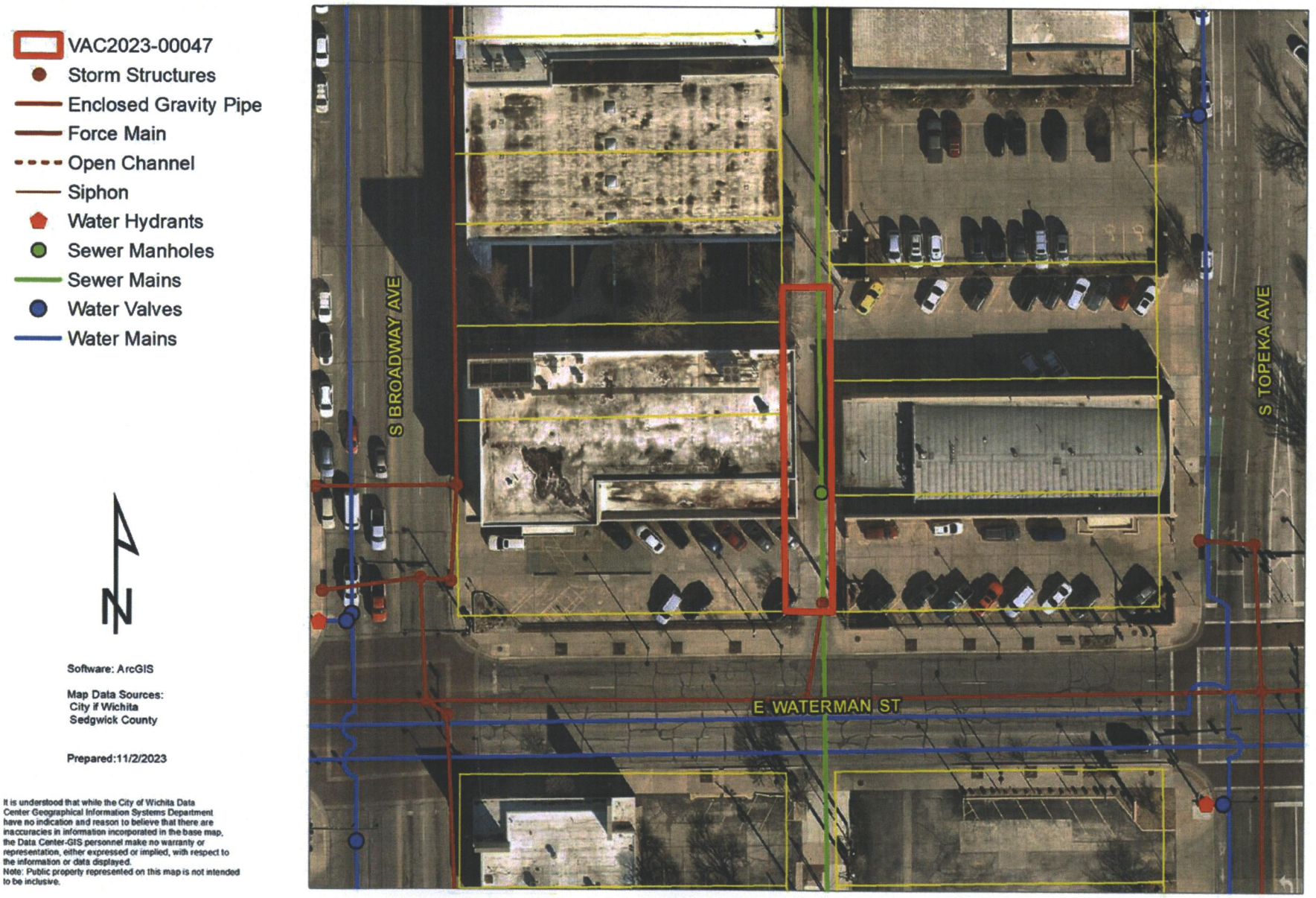
EXHIBIT

PEC
PROFESSIONAL ENGINEERING CONSULTANTS, P.A.

303 SOUTH TOPEKA
WICHITA, KS 67202
316-262-2691
www.pec1.com

LEGEND
WATER
SEWER
STORM
PROPERTY LINE

JOB NUMBER:	231027-000
DATE:	11/03/2023
SCALE:	1" = 60'
DRAWN BY:	DSB
CHECKED BY:	CSB


VAC2023-00047
Storm Structures
Enclosed Gravity Pipe
Force Main
Open Channel
Siphon
Water Hydrants
Sewer Manholes
Sewer Mains
Water Valves
Water Mains
S BROADWAY AVE
S TOPEKA AVE
E WATERMAN ST
N
Software: ArcGIS
Map Data Sources:
City if Wichita
Sedgwick County
Prepared:11/2/2023
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.