Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30301665
Receipt #: 2422117
Pages Recorded: 2
Recording Fee: $0.00
Authorized By
Cashier: KVENATOR
Date Recorded: 04/11/2024 01:58:49 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 RIGHT-OF-WAY	)	
GENERALLY LOCATED 150 FEET NORTH OF WEST DOUGLAS AVENUE AND ONE-BLOCK WEST OF NORTH SYCAMORE STREET	)	**VAC2024-00004**

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 9th day of April 2024, comes on for hearing the petition for vacation filed by Hutton Corp. (owner) praying for the vacation of a portion of a platted right-of-way, to wit:

> That part of Oak Street lying within the Northwest Quarter of Section 20, Township 27 South, Range 1 East of the 6th P.M., Wichita, Sedgwick County, Kansas and as platted in Map of West Wichita, Sedgwick County, Kansas and a portion of the south half of vacated Pearl Street, now Pacific Street being vacated by City Ordinance No. 10-771 dated June 30, 1930, more particularly described as Beginning at the southeast corner of Lot 11, Oak Street in said Map of West Wichita; thence north coincident with the east line of Lots 11, 13, 15, 17, and 19, as extended north 165.00 feet more or less to a point on the south line of Reserve "A," EPC Real Estate Group, LLC 2nd Addition to Wichita, Sedgwick County, Kansas; thence east coincident with the south line of said Reserve "A," 80.00 feet to a deflection point in the south line of said Reserve "A," and to a point on the west line of Lot 1, Block A, Hutton Addition, Wichita, Sedgwick County, Kansas; thence south coincident with the west line of Lot 1, in said Block A, 165.00 feet to the southwest corner of Lot 1, in said Block A; thence west coincident with the north line of a 15.00 foot wide Alley as platted in said Map of West Wichita, 80.00 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 February 1, 2024, which was at least 20 days prior to the public hearing.

UNOFFICIAL COPY

2. No private rights will be injured or endangered by the vacation of the described portion of a platted right-of-way, and the public will suffer no loss or inconvenience thereby.

3. Dedicate a utility easement to cover existing utilities located in the above-described vacated right-of-way. The utility easement shall be recorded along with the Vacation Order at the Register of Deeds of Sedgwick County, Kansas.

4. Provide a restrictive covenant, binding and tying the above-described vacated right-of-way to abutting property. The restrictive covenant shall be recorded along with the Vacation Order at the Register of Deeds of Sedgwick County, Kansas.

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 right-of-way should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 9th day of April 2024, ordered that the above-described portion of a platted right-of-way is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order, 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

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 RIGHT-OF-WAY	)	
GENERALLY LOCATED 150 FEET NORTH OF WEST DOUGLAS AVENUE AND ONE-BLOCK WEST OF NORTH SYCAMORE STREET	)	**VAC2024-00004**

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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 February 1, 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 right-of-way, and the public will suffer no loss or inconvenience thereby.

3. Dedicate a utility easement to cover existing utilities located in the above-described vacated right-of-way. The utility easement shall be recorded along with the Vacation Order at the Register of Deeds of Sedgwick County, Kansas.

4. Provide a restrictive covenant, binding and tying the above-described vacated right-of-way to abutting property. The restrictive covenant shall be recorded along with the Vacation Order at the Register of Deeds of Sedgwick County, Kansas.

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.

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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 9th day of April 2024, ordered that the above-described portion of a platted right-of-way is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order, 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

Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30301666
Receipt #: 2422117
Pages Recorded: 3
Recording Fee: $55.00
Authorized By: Tonya Buckingham
Cashier: KVENATOR
Date Recorded: 04/11/2024 01:58:50 PM

UTILITY EASEMENT

THIS EASEMENT made this 19th day of MArch, 2024, by and between, Hutton Corporation, a Kansas corporation, 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, do 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 other 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:

A tract of land lying within Oak St. as platted and dedicated in West Wichita, Sedgwick County, Kansas as prepared by Baughman Company, P.A., CLS 58, State of Kansas, County of Sedgwick, more particularly described as beginning at the southeast corner of Lot 11 on Oak St., in said West Wichita; thence north coincident with the east line of Lots 11, 13, 15, 17 and 19 on Oak St., in said West Wichita, and continue north coincident with the northerly extension of the east line of said Lot 19 to the centerline of vacated Pearl Street adjoining Lot 19 on the North, a distance of 165.00 feet; thence east coincident with the centerline of said vacated Pearl Street, 20.00 feet; thence south parallel with the east line of said Lots 11, 13, 15, 17 and 19 on Oak St., in said West Wichita, a distance of 145.00 feet; thence east, 60.00 feet to a point in the west line of Lot 1, Block A, Hutton Addition, Wichita, Sedgwick County, Kansas said point being 20.00 feet north of the southwest corner of Lot 1, in said Block A; thence south coincident with the west line of Lot 1, in said Block A, 20.00 feet to the southwest corner of Lot 1, in said Block A; thence west 80.00 feet to the point of beginning.

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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 said Grantor has signed this document the day and year first written.

HUTTON CORPORATION

By: _____
Benjamen M. Hutton
Chief Executive Officer

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

This instrument was acknowledged before me on March 19th, 2024, by Benjamen M. Hutton, Chief Executive Officer of Hutton Corporation, a Kansas corporation.

EMILY HUTTON
Notary Public - State of Kansas
My Appt. Expires 01.12.28

_____
Notary Public

(seal)

(My Appointment Expires: 01.12.28)

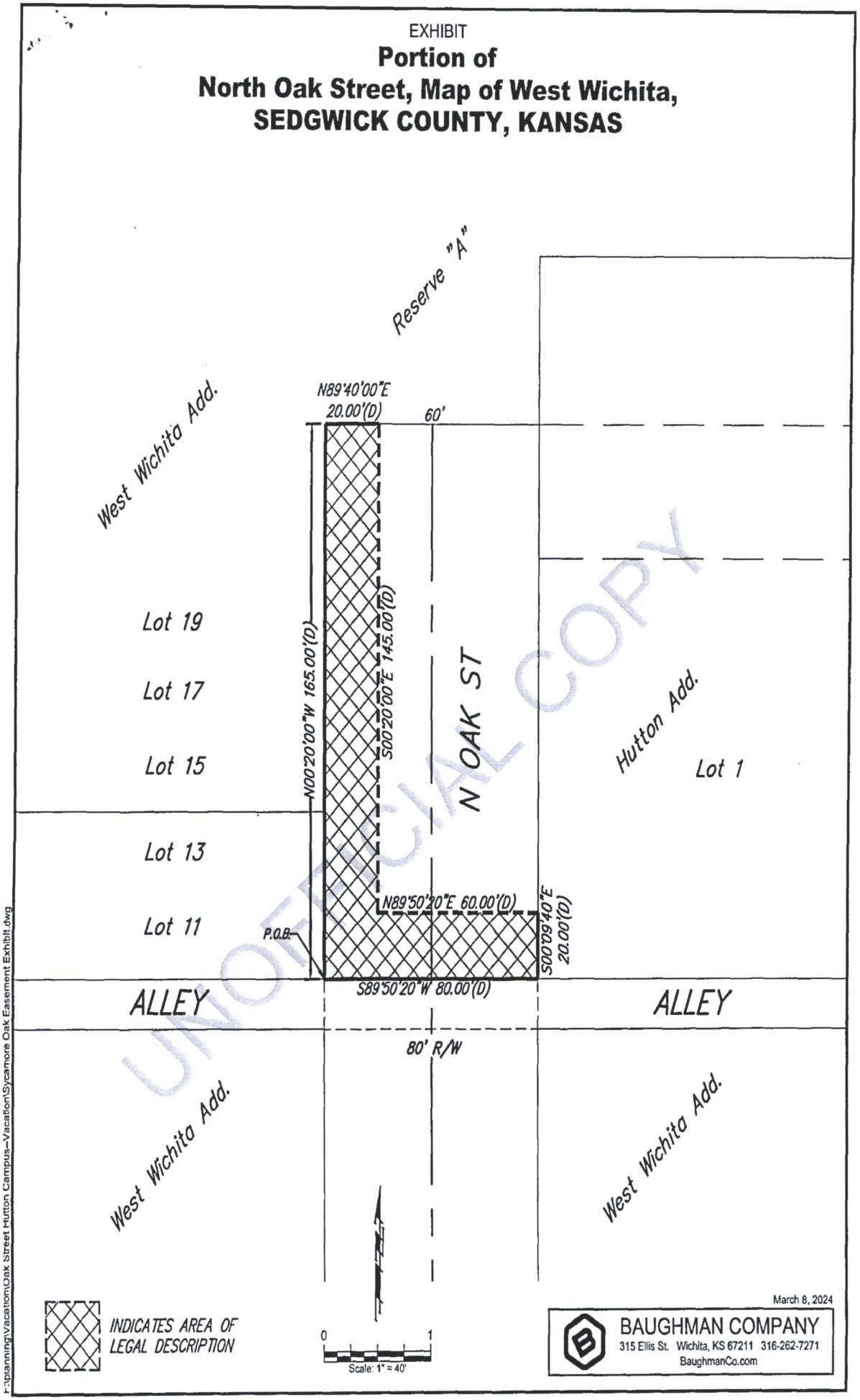
Reviewed and approved by the City Engineer:

_____
Paul Gunzelman, PE

UNOFFICIAL COPY

EXHIBIT

Portion of
North Oak Street, Map of West Wichita,
SEDGWICK COUNTY, KANSAS



UNOFFICIAL COPY

March 8, 2024

BAUGHMAN COMPANY
315 Ellis St. Wichita, KS 67211 316-262-7271
BaughmanCo.com

F:\planning\Vacation\Oak Street Hutton Campus--Vacation\Sycamore Oak Easement Exhibit.dwg

Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30301667
Receipt #: 2422117
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Authorized By: Tonya Buckingham
Date Recorded: 04/11/2024 01:58:51 PM

RESTRICTIVE COVENANT

THIS DECLARATION, made this 19th day of March, 2024, by Hutton Corporation, a Kansas corporation, hereinafter called "Declarant",

WITNESSETH

WHEREAS, Declarant is the owner of the following described real properties:

PARCEL 'A'

Lots 11 and 13, on Oak Street, in West Wichita, Sedgwick County, Kansas;

and

PARCEL 'B'

Lots 15, 17, and 19 on Oak Street, in West Wichita, Sedgwick County, Kansas, TOGETHER with the South Half of Vacated Pearl Street Adjoining Lot 19 on the North.

and,

WHEREAS, Declarant is in the process of vacating a portion of the platted Oak Street and Pearl Street right-of-way adjacent to said Parcel 'A' and Parcel 'B', described as Parcel 'C' and Parcel 'D' below, and as a condition of Vacation Case VAC2024-00004, the Wichita-Sedgwick County Planning Commission has required this covenant.

PARCEL 'C'

That part of Oak Street lying within the Northwest Quarter of Section 20, Township 27 South, Range 1 East, of the Sixth P.M., Wichita, Sedgwick County, Kansas and as platted in Map of West Wichita, Sedgwick County, Kansas, as prepared by Baughman Company, P.A., CLS 58, State of Kansas, County of Sedgwick, more particularly described as beginning at the southeast corner of Lot 11, Oak Street in said Map of West Wichita; thence north coincident with the east line of Lots 11 and 13, 50.00 feet to the northeast corner of Lot 13, Oak Street in said Map of West Wichita; thence east coincident with the easterly extension of the north line of Lot 13, Oak Street in said Map of West Wichita 80.00 feet to a point in the west line of Lot 1, Block A, Hutton Addition, Wichita, Sedgwick County, Kansas; thence south coincident with

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the west line of Lot 1, in said Block A, 50.00 feet to the southwest corner of Lot 1, in said Block A; thence west coincident with the north line of a 15.00 foot wide Alley as platted in said Map of West Wichita, 80.00 feet to the point of beginning.

and

PARCEL 'D'

That part of Oak Street lying within the Northwest Quarter of Section 20, Township 27 South, Range 1 East, of the Sixth P.M., Wichita, Sedgwick County, Kansas and as platted in Map of West Wichita, Sedgwick County, Kansas, and a portion of the south half of vacated Pearl Street, now Pacific Street being vacated by City Ordinance No. 10-771 dated June 30, 1930, as prepared by Baughman Company, P.A., CLS 58, State of Kansas, County of Sedgwick, more particularly described as beginning at the northeast corner of Lot 13, Oak Street in said Map of West Wichita; thence north coincident with the east line of Lots 15, 17 and 19, as extended north 115.00 feet more or less to a point in the south line of Reserve "A", EPC Real Estate Group, LLC 2nd Addition to Wichita, Sedgwick County, Kansas; thence east coincident with the south line of said Reserve "A", 80.00 feet to a deflection point in the south line of said Reserve "A", and to a point in the west line of Lot 1, Block A, Hutton Addition, Wichita, Sedgwick County, Kansas; thence south coincident with the west line of Lot 1, in said Block A, 115.00 feet to the easterly extension of the north line of Lot 13, Oak Street in said Map of West Wichita; thence west coincident with the easterly extension of the north line of Lot 13, Oak Street in said Map of West Wichita, 80.00 feet to the point of beginning.

NOW, THEREFORE, Declarant hereby declares that, for and in consideration of the recitals, Declarant hereby covenants and agrees as follows:

Parcel 'A', and Parcel 'C' described above, shall be tied together as one ownership, and under this ownership, shall be conveyed, encumbered, improved, operated and otherwise used together as one undivided parcel.

Parcel 'B', and Parcel 'D' described above, shall be tied together as one ownership, and under this ownership, shall be conveyed, encumbered, improved, operated and otherwise used together as one undivided parcel.

This covenant shall remain in force until said combined Parcel 'A' and Parcel 'C', are re-platted or this Restrictive Covenant is released through a public hearing process.

This covenant shall remain in force until said combined Parcel 'B' and Parcel 'D', are re-platted or this Restrictive Covenant is released through a public hearing process.

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This covenant shall run with said lots and shall be binding on the owner, their heirs, or successors or assigns and is a covenant running with the land and is binding on all successors in title for the above-described tract located in Wichita, Sedgwick County, Kansas.

HUTTON CORPORATION

By: _____
Benjamen M. Hutton
Chief Executive Officer

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this 19th day of March, 2024, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Benjamen M. Hutton, Chief Executive Officer of Hutton Corporation, a Kansas corporation, personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same, for and on behalf and as the act and deed of said corporation.

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

EMILY HUTTON
Notary Public - State of Kansas
My Appt. Expires 01.12.28

_____
Notary Public

My Appointment Expires: 01.12.28

UNOFFICIAL COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

April 10, 2024

Baughman Company, P.A.
Attn: Phil Meyer
315 S. Ellis
Wichita, KS 67211

RE: VAC2024-00004: Request in the City to vacate a portion of the Oak Street Right-of-Way to allow for a private parking area for a commercial campus, generally located within one-block north of West Douglas Avenue and one-block west of North Sycamore (130 N Oak St.).

Dear Applicant;

At its regular meeting on **April 9, 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

cc: Hutton Corp., 111 N. Sycamore St., Wichita, KS 67203

CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

February 22, 2024

Baughman Company, P.A.
Attn: Jay Cook
315 S. Ellis St
Wichita, KS 67211

Ref: VAC2024-00004: Vacation request in the City to vacate a portion of Oak Street Right-of*Way to allow to create a private parking area for a commercial campus, generally located on within one-block north of West Douglas Avenue and one block west of North Sycamore (130 N Oak St).

Jay,

At the **Thursday, February 22, 2024**, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

(1) Vacate the described portion of the North Oak Street right-of-way abutting odd lots 11-19, West Wichita Addition, Wichita, Sedgwick County Kansas.

(2) Provide planning staff with legal descriptions of the approved vacated portion of the platted right-of-way on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to Council for final action.

(3) Any abandonment or relocation/reconstruction of any/all utilities, made necessary by the vacation of the described portion of the platted right-of-way shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide an approved private project plan number for the abandonment /relocation of public utilities. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.

(4) The applicant shall dedicate utility easements as necessary, dedicated by separate instrument with original signatures for recording with the Register of Deeds. If any gates are erected, Public Works and Emergency Services shall have access to equipment located within any needed easements. 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 **March 07, 2024,** (end of the two-week protest period). This letter also serves as a reminder that the vacation notification signs should now be removed from the property. If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,

Philip Zevenbergen, AICP
Current Plans Division Manager

PZ:kw

cc: Hutton Corp, 111 N Sycamore St, Wichita, KS, 67203

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
23834	514932	Print Legal Ad-IPL01573790 - IPL0157379		$206.32	3	82 L

Attention: MANDY HEBERT
CITY OF WICHITA / MABCD
271 W 3RD ST N
3RD FLOOR STE 301
WICHITA, KS 67202
kgonzalez@wichita.gov

LEGAL PUBLICATION

OCA 150004
Published in The Wichita Eagle on February 1, 2024
(One Time Only)
MAPC/BZA February 22, 2024
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, February 22, 2024, no earlier than 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held in person at the Ronald Reagan Building, 271 West Third Street, 3rd Floor, Wichita, KS 67202. Public participation is encouraged (see instructions below). Virtual participation is not available. If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421.

BZA2024-00002: Variance request in the City to allow 9 ft masonry Wall and equipment footings within zoning setback for expansion of utility substation on property zoned SF-5 Single Family Residential District, generally located on the west side of North Hoover Road and West 1st Street North (255 N Hoover Road).

CON2024-00001: Conditional Use request in the City to allow Correctional Placement Residence, Limited with additional restrictions, with ZON2024-00001 from SF-5 Single-Family to GO General Office; located on the north side of West 31st Street South and within one-quarter mile east of South Seneca (928 W 31st St).

CON2024-00002: Conditional Use request in the City to allow Utility Major on property zoned SF-5 Single Family Residential District, generally located on the west side of North Hoover Road and West 1st Street North (255 N Hoover Road).

CUP2024-00001: Request in the City to Amend the Killarney West CUP DP-156 to permit a Kennel/Boarding/Breeding/Training facility on Parcel 6 on property zoned LC Limited Commercial; located on the east side of North Woodlawn Avenue, within one-quarter mile north of East K-96 Highway (3590 N. Woodlawn).

CUP2024-00002: Request in the City for a Major amendment to CUP DP-108 to create two new parcels and permit Entertainment Establishment in the City, located on the southwest corner of East 29th Street North and North Rock Road.

DER2023-00017: Unified Zoning Code amendment (City and County) to the Use Regulations pertaining to requirements for all Solar Energy Conversion Systems (SECS) applications.

VAC2024-00001: Vacation request in the City to vacate a portion of a utility easement to allow walking for a walking connection between two buildings on property zoned LI Limited Industrial District, generally located on southeast corner of Esthner Avenue and Meridian Avenue(2621 W Esthner Ct).

VAC2024-00002: Vacation request in the City to vacate a sewer easement under an existing building, located approximately 680 feet east of the intersection of S. Seneca St. and West 31st St. S. (928 W. 31st St. S.).

VAC2024-00003: Vacation request in the City to vacate a portion of a utility easement to develop a warehouse on existing property zoned GI General Industrial District, generally located on southwest corner of 37th Street N & Saint Francis Street.

VAC2024-00004: Vacation request in the City to vacate a portion of Oak Street Right-of-Way to allow to create a private parking area for a commercial campus, generally located on within one-block north of West Douglas Avenue and one block west of North Sycamore (130 N Oak St).

VAC2024-00005: Vacation request in the City to vacate a portion of a utility easement to allow for development on property zoned GC General Commercial (PO 282 & 416), generally located on northwest corner of North Hoover Avenue & West Central Avenue (715 N & 721 N Hoover Ave).

ZON2024-00001: Zone Change request in the City from SF-5 Single-Family to GO General Office with CON2024-00001 to allow Correctional Placement Residence, Limited with additional restrictions; located on the north side of West 31st Street South, within one-quarter mile east of South Seneca (928 W. 31st St South).

ZON2024-00002: Zone change request in the City from SF-5 Single-Family Residential to TF-3 Two-Family Residential for duplex on property located within 237 ft northwest of the intersection of West 2nd Street North and North Doris Street (321 N Doris St).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 3rd Floor, Wichita, Kansas 67202. As provided in Section V of the Wichita-Sedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

Options to participate:

1) Attend In-Person at the Ronald Reagan Building, 271 West Third Street, 3rd Floor, Wichita, Kansas 67202. Self-paid parking is available nearby. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-268-4464) by 5:00 PM, 3 days prior to the meeting.

2) Submit Comments Ahead of Time regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department) – using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting. Planning Departments staff make efforts to share all comments but may not be able to share those received after the deadlines below. Please be sure to provide ample time for delivery. Written Comments should be submitted by 5:00 PM the day before the meeting. Video and Audio Comments (mp3, etc.) formats be submitted at least 3 days prior to the MAPC meeting. The comments should indicate which item they pertain to and be less than three (3) minutes in duration.

Email: Planning@wichita.gov
Mailing Address:
Wichita-Sedgwick County Metropolitan Area Planning Department
Attn: Scott Wadle
271 W. 3rd Street – Suite 201
Wichita, KS 67202
Phone: 316.268.4421
Fax: 316.858.7764

3) If you need accommodations pursuant to the ADA, please contact Planning Staff within one week prior to the scheduled meeting.

Option to View Remotely (Not Participate)
The meeting will be streamed live and recorded. Virtual comment is not available. To view the live stream or recording, follow the link: https://www.wichita.gov/Planning.

WITNESS MY HAND on February 1, 2024
Scott Wadle, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission
IPL0157379
Feb 1 2024

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

1 insertion(s) published on:
02/01/24

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 02/01/2024 to 02/01/2024.

Stefani Beard

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 02/05/2024

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!

AGENDA REPORT NO. 3.4

METROPOLITAN AREA PLANNING COMMISSION **February 22, 2024**

STAFF REPORT

CASE NUMBER: **VAC2024-00004**- Request to vacate a portion of North Oak Street.

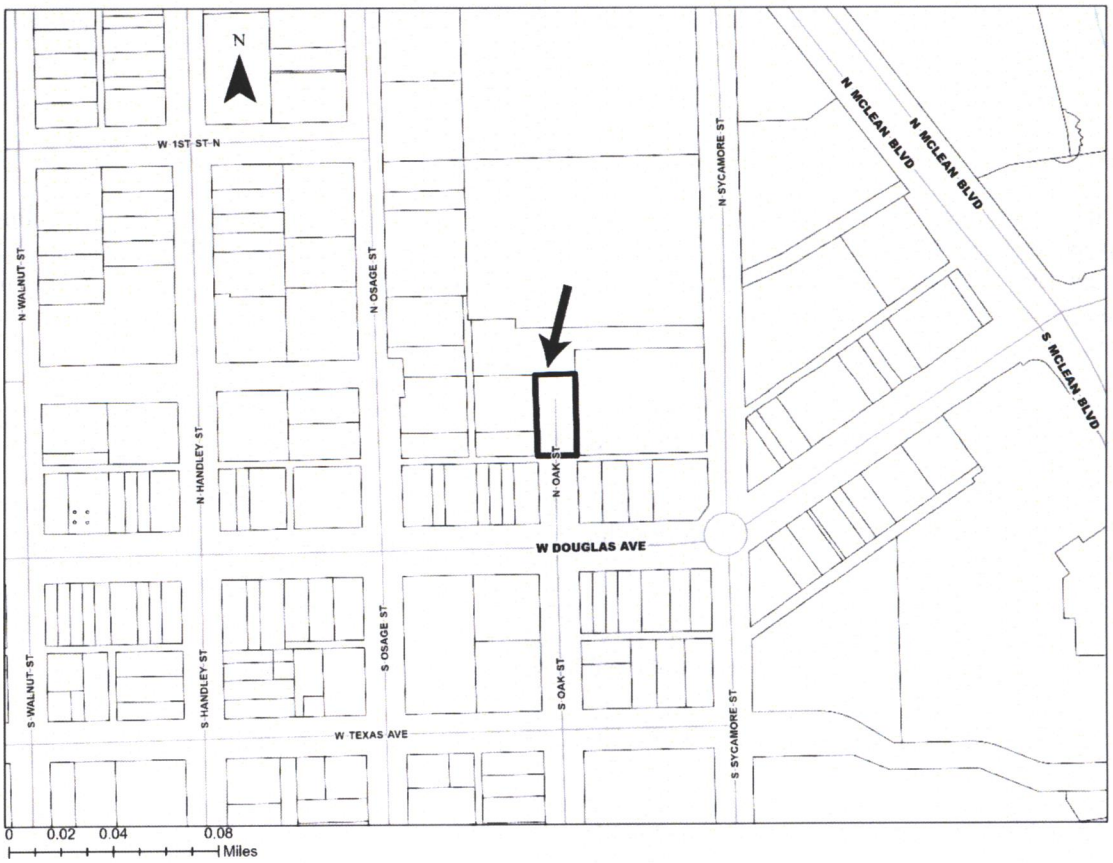
APPLICANT/AGENT: Hutton Corp. (Applicant)/ Baughman Company, P.A. (Agent)

LEGAL DESCRIPTION: Generally described as vacating a portion of a platted Oak Street right-of-way abutting odd Lots 11-19, Oak Street, West Wichita Addition, Wichita, Sedgwick County, Kansas (see attached legal).

LOCATION: Generally located approximately 150 feet north of West Douglas Avenue.

REASON FOR REQUEST: To allow a secure parking area to be constructed between buildings on a single campus.

CURRENT ZONING: Properties on the north and east sides are zoned CBD Central Business District zoning and area developed with apartments and a construction company office. Property on the west side is zoned LI Limited Industrial District and is constructed with buildings associated with the construction company office.



The applicant is requesting the vacation of a portion of the North Oak Street right-of-way located approximately 150 feet north of West Douglas Avenue in Delano. The subject site is located one-block west of North Sycamore Street. North Oak Street was dedicated in the West Wichita Addition, and it currently dead-ends on the north into a site recently replatted and redeveloped with an apartment building. The purpose for the vacation is to permit Hutton Construction, who owns the properites on the east and west sides of the subject portion of North Oak Street, to be able to construct a secure parking area bewteen the buidlings of their campus. Should the vacation be approved, no proeprty shall be deprived of access. The dead-end on North Oak Street is a turn-around and does not provide access to the apartments. Access to the apartments is via North Sycamore Street.

The subject portion of North Oak Street has a municpal water line along the west and north sides. Public Works and Utilties requies a 20-foot utility easement to be dedicated to cover this water line. Wichita Fire does not object to the vacation request. Any gates that are constructed shall have standard SOS access for the Fire Department. City Public Works and Evergy also requrie 24 hour access to maintain facilities witin the vacation area.City Traffic Engineering is not opposed to the vacation of the street right-of-way.

Neither Evergy nor Cox object to the vacation request. Evergy has poles along the south edge of the vacation area, and Cox's equipment is on the Evergy poles. Evergy also has two poles and a single line on them that run north into the vacation area. The applicant can either maintain that area as an easement (if needed) or relcoate the equipment an their own expense. Shane Price, Field Supervisor, is Evergy's contact for this project and can be reached at 316-261-6315. Conditions #3 and #4 cover all utilities.

Black Hills Energy has a gas line that runs east/west along the alley and crosses over the Oak Street right-of-way at the alley intersection. This portion of Oak Street is not part of the vacation area. The applicant should would with Black Hills Energy to ensure no eaement is needed to cover the portion of the gas line that crosses Oak Street. Chris Kelley with Black Hills Energy can be contacted at 316-554-6300. Conditions #3 and #4 cover all utilities.

The West Wichita Addition was recorded with the Sedgwick County Register of Deeds on August 4, 1872.

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 portion of the platted street 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 February 1, 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 street 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) Vacate the described portion of the North Oak Street right-of-way abutting odd lots 11-19, West Wichita Addition, Wichita, Sedgwick County Kansas.

(2) Provide planning staff with legal descriptions of the approved vacated portion of the platted right-of-way on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to Council for final action.

(3) Any abandonment or relocation/reconstruction of any/all utilities, made necessary by the vacation of the described portion of the platted right-of-way shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide an approved private project plan number for the abandonment /relocation of public utilities. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.

(4) The applicant shall dedicate utility easements as necessary, dedicated by separate instrument with original signatures for recording with the Register of Deeds. If any gates are erected, Public Works and Emergency Services shall have access to equipment located within any needed easements. 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.

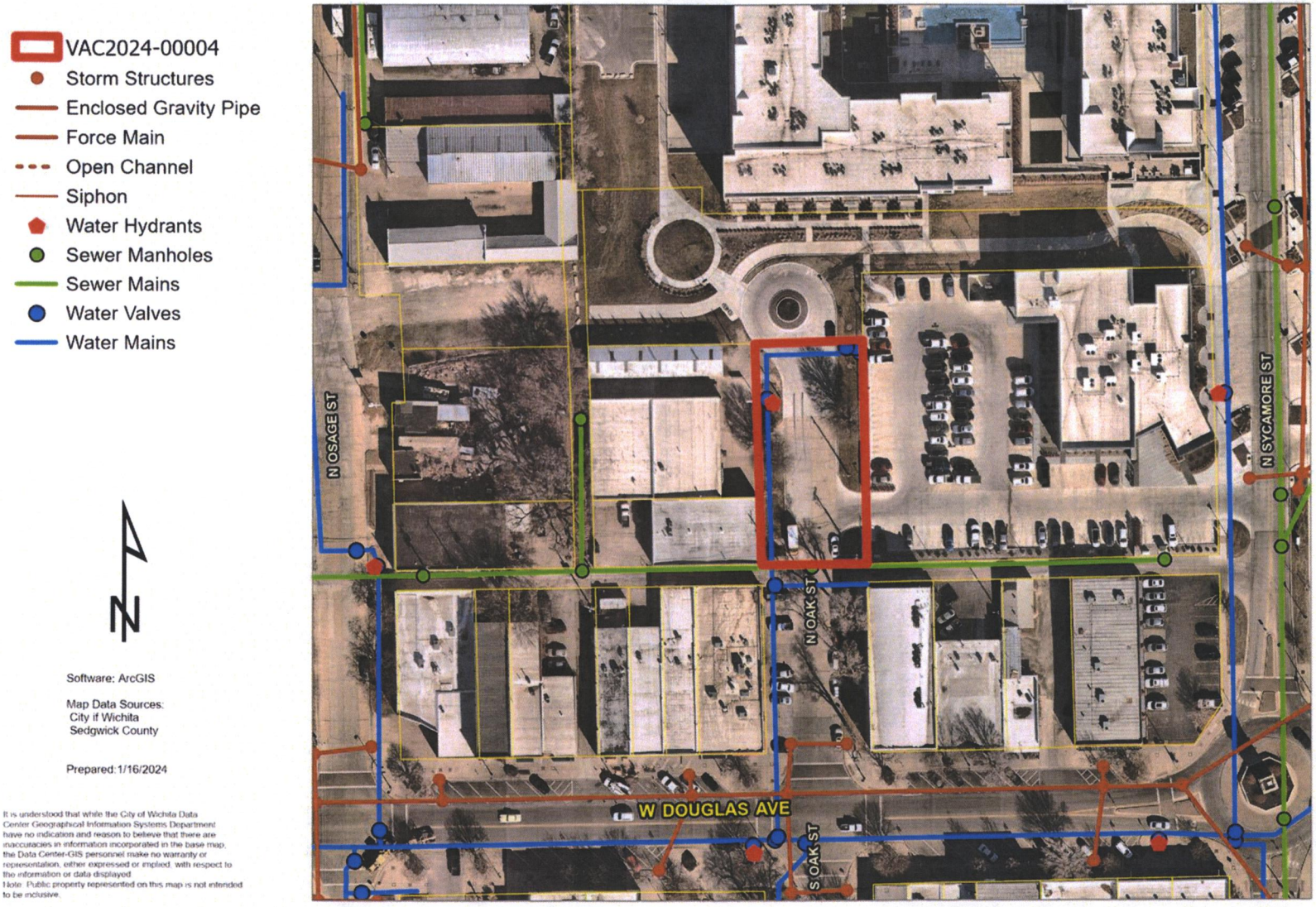
(5) All improvements shall be according to City Standards and at the applicant's expense.

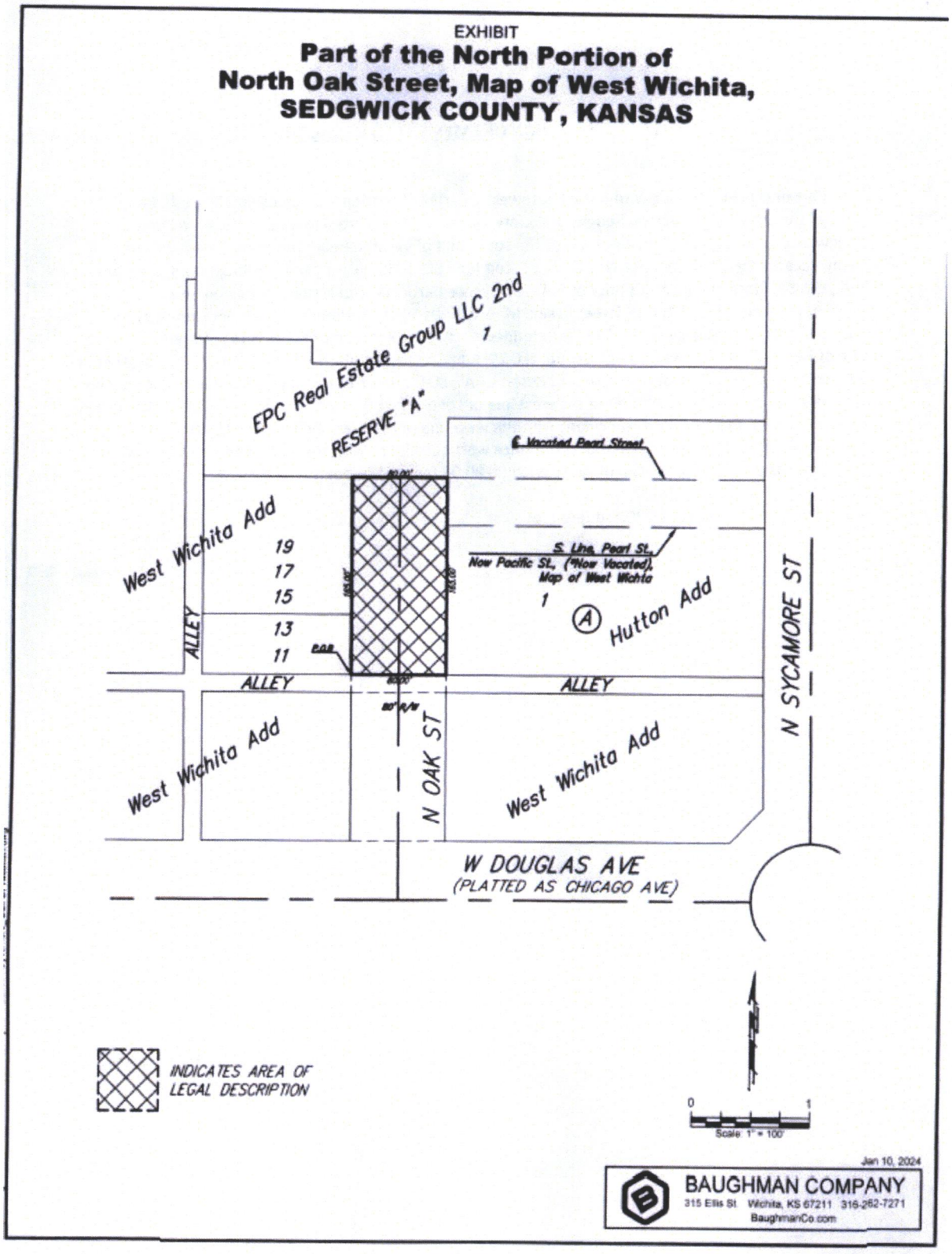
(6) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final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

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval per staff recommendations.

Attachments: 1) Aerial Map, 2) Applicant's Exhibit, 3) Legal Description 4) Site Photos


VAC2024-00004
Storm Structures
Enclosed Gravity Pipe
Force Main
Open Channel
Siphon
Water Hydrants
Sewer Manholes
Sewer Mains
Water Valves
Water Mains
N OSAGE ST
N OAK ST
N SYCAMORE ST
W DOUGLAS AVE
S OAK ST
Software: ArcGIS
Map Data Sources:
City if Wichita
Sedgwick County
Prepared:1/16/2024
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.


EXHIBIT
Part of the North Portion of
North Oak Street, Map of West Wichita,
SEDGWICK COUNTY, KANSAS
EPC Real Estate Group LLC 2nd
1
RESERVE "A"
E. Vacated Pearl Street
West Wichita Add
19
17
15
13
11
ALLEY
S. Line, Pearl St.,
Now Pacific St., (*Now Vacated),
Map of West Wichita
1
A
Hutton Add
N SYCAMORE ST
ALLEY
ALLEY
N OAK ST
West Wichita Add
West Wichita Add
W DOUGLAS AVE
(PLATTED AS CHICAGO AVE)
INDICATES AREA OF
LEGAL DESCRIPTION
0
1
Scale: 1" = 100'
Jan 10, 2024
BAUGHMAN COMPANY
315 Ellis St Wichita, KS 67211 316-262-7271
BaughmanCo.com

LEGAL DESCRIPTION OF EASEMENT TO BE VACATED

That part of Oak Street lying within the Northwest Quarter of Section 20, Township 27 South, Range 1 East, of the Sixth P.M., Wichita, Sedgwick County, Kansas and as platted in Map of West Wichita, Sedgwick County, Kansas, and a portion of the south half of vacated Pearl Street, now Pacific Street being vacated by City Ordinance No. 10-771 dated June 30, 1930, as prepared by Baughman Company, P.A., CLS 58, State of Kansas, County of Sedgwick, more particularly described as beginning at the southeast corner of Lot 11, Oak Street in said Map of West Wichita; thence north coincident with the east line of Lots 11, 13, 15, 17 and 19, as extended north 165.00 feet more or less to a point in the south line of Reserve "A", EPC Real Estate Group, LLC 2nd Addition to Wichita, Sedgwick County, Kansas; thence east coincident with the south line of said Reserve "A", 80.00 feet to a deflection point in the south line of said Reserve "A", and to a point in the west line of Lot 1, Block A, Hutton Addition, Wichita, Sedgwick County, Kansas; thence south coincident with the west line of Lot 1, in said Block A, 165.00 feet to the southwest corner of Lot 1, in said Block A; thence west coincident with the north line of a 15.00 foot wide Alley as platted in said Map of West Wichita, 80.00 feet to the point of beginning.

Subject property contains 13,200 square feet.

Looking Northeast



Looking south



Looking Northwest

