



Sedgwick County  
Register of Deeds - Tonya Buckingham  
Doc.#/Fil-Pg: 30348290

Receipt #: 2453002  
Pages Recorded: 2

Recording Fee: \$0.00

Authorized By: Tonya Buckingham

Cashier: clott  
Date Recorded: 11/22/2024 11:17:24 AM



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

**IN THE MATTER OF THE VACATION OF A PORTION OF  
A PLATTED STREET SIDE SETBACK**

**GENERALLY LOCATED ON THE EAST SIDE OF SOUTH  
SENECA STREET AND ONE-BLOCK NORTH OF WEST  
47<sup>TH</sup> STREET SOUTH**

VAC2024-00049

**MORE FULLY DESCRIBED BELOW**

**VACATION ORDER**

NOW on this 19<sup>th</sup> day of November 2024, comes on for hearing the petition for vacation filed by Goodwill Industries of Kansas, Inc.(owner) praying for the vacation of a portion of a platted street side setback, to wit:

Portion of a Platted Street Side Setback to be vacated:

Vacating the North 20 feet of the South 30 feet of the East 84 feet of Lot 3; together with the North 20 feet of the South 30 feet of Lots 4 & 5, Block A, Davis-Walker Addition, Wichita, Sedgwick County, Kansas.

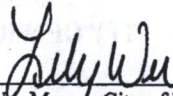
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

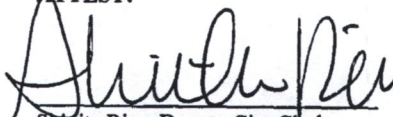
1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on October 3, 2024, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the described portion of a platted street side setback and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petitioner ought to be granted.
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

November 19, 2024  
VAC2024-00049

5. The vacation of the described portion of a platted street side setback should be approved.

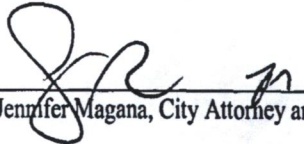
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 19<sup>th</sup> day of November 2024, ordered that the above-described portion of a platted street side setback is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Sedgwick County Register of Deeds for recording.

  
\_\_\_\_\_  
Lily Wu, Mayor, City of Wichita

ATTEST:  
  
\_\_\_\_\_  
Shinita Rice, Deputy City Clerk



Approved as to Form:

  
\_\_\_\_\_  
Jennifer Magana, City Attorney and Director of Law

UNOFFICIAL COPY

**BEFORE THE CITY COUNCIL OF THE  
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**IN THE MATTER OF THE VACATION OF A PORTION OF )  
A PLATTED STREET SIDE SETBACK )**

**GENERALLY LOCATED ON THE EAST SIDE OF SOUTH )  
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**VAC2024-00049**

**MORE FULLY DESCRIBED BELOW**

VACATION ORDER

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Portion of a Platted Street Side Setback to be vacated:

Vacating the North 20 feet of the South 30 feet of the East 84 feet of Lot 3; together with the North 20 feet of the South 30 feet of Lots 4 & 5, Block A, Davis-Walker 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 October 3, 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 street side setback and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petitioner ought to be granted.
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

November 19, 2024  
VAC2024-00049

5. The vacation of the described portion of a platted street side setback should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 19<sup>th</sup> day of November 2024, ordered that the above-described portion of a platted street side setback is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Sedgwick County Register of Deeds for recording.

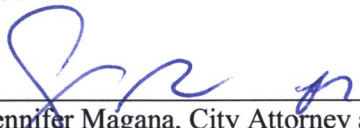
  
\_\_\_\_\_  
Lily Wu, Mayor, City of Wichita

**ATTEST:**

  
\_\_\_\_\_  
Shinita Rice, Deputy City Clerk



Approved as to Form:

  
\_\_\_\_\_  
Jennifer Magana, City Attorney and Director of Law



**Wichita-Sedgwick County  
Metropolitan Area  
Planning Department**

November 20, 2024

Goodwill Industries of Kansas, Inc.  
Attn: Dave Chadick  
3351 N. Webb Rd.  
Wichita, KS 67226

BHC  
Attn: Matthew Tucker  
165 S. Rock Island Ave., Ste. 150  
Wichita, KS 67202

**Ref: VAC2024-00049:** Vacation request in the City to vacate the north 20 feet of the south 30 feet of the platted setback to create room for a receiving dock and trash enclosures, generally located on the east side of South Seneca Street, within 500 feet north of West 47<sup>th</sup> Street South (4720 South Seneca Street).

Dear Applicant,

At the **Tuesday November 19, 2024**, meeting of the Wichita City Council, the above-referenced vacation request was approved.

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'.

Philip Zevenbergen  
Current Plans  
Division Manager



## Wichita-Sedgwick County Metropolitan Area Planning Department

October 25, 2024

Goodwill Industries of Kansas, Inc.  
Attn: Dave Chadick  
3351 N. Webb Rd.  
Wichita, KS 67226

BHC  
Attn: Matthew Tucker  
165 S. Rock Island Ave., Ste. 150  
Wichita, KS 67202

**Ref: VAC2024-00049:** Vacation request in the City to vacate the north 20 feet of the south 30 feet of the platted setback to create room for a receiving dock and trash enclosures, generally located on the east side of South Seneca Street, within 500 feet north of West 47<sup>th</sup> Street South (4720 South Seneca Street).

Dear Applicant,

At the **Thursday, October 24, 2024**, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

- (1) Provide Planning Staff with a legal description of the approved vacated portion of the platted setback in 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 City Council for final action.
- (2) The applicant shall coordinate with Evergy regarding the location of the existing utility pole and lines and ensure that property clearance is met prior to construction of any structures.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide Planning with any needed easements dedicated by separate instrument with original signatures. These conditions must be completed prior to the case going to Council for final action.
- (4) All improvements shall be according to City Standards and at the applicant's expense.
- (5) 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.

**VAC2024-00049:** Vacation request in the City to vacate the north 20 feet of the south 30 feet of the platted setback to create room for a receiving dock and trash enclosures, generally located on the east side of South Seneca Street, within 500 feet north of West 47<sup>th</sup> Street South (4720 South Seneca Street).

Page 2

These conditions have been met. Therefore, this case is scheduled for final action by the Wichita City Council on **Tuesday, November 19, 2024**. 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", with a long horizontal flourish extending to the right.

Philip Zevenbergen  
Current Plans  
Division Manager



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  
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 The Sun News - Myrtle Beach  
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 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	597810	Print Legal Ad-IPL01969270 - IPL0196927		\$109.38	2	65 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 October 2, 2024**  
**(One Time Only)**  
**MAPC/BZA October 24, 2024**  
**OFFICIAL HEARING NOTICE**

NOTICE IS HEREBY GIVEN that on Thursday, October 24, 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, 2nd Floor, Wichita, KS 67202. Public participation is encouraged (see instructions below). Virtual participation is not available. If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421. Full notice can be found at [www.wichita.gov/LegalNotices](http://www.wichita.gov/LegalNotices).

CON2024-00210: Conditional Use request in the City to allow Ancillary Parking on property zoned TF-3 Two-Family Residential District, generally located on the west side of South Clifton Street, within 200 feet south of East Douglas Avenue (123 & 125 South Clifton, and 3344 E. Oakland).

CON2024-00212: Conditional Use request in the City to allow an Entertainment Establishment (Event Venue which could have entertainment and alcohol) on property zoned LC Limited Commercial District, generally located on the northeast corner of West Pawnee and South Seneca (1040 West Pawnee).

CUP2024-00033: CUP Amendment in the City to CUP DP-317 to allow Warehouse, Self-Service Storage, change building size and height, and exempt Parcel 2 from architectural controls, generally located on the west side of North 127th Street East, within 400 feet south of East 21st Street North.

PUD2024-00017: Zone Change request in the City from SF-5 Single-Family Residential to PUD #134 to establish the West Patrol Station PUD; generally located on the southwest corner of West 13th Street North and North Country Acres Avenue.

PUD2024-00018: Zone change request in the City from LC Limited Commercial District to PUD Planned Unit Development #132 to allow for mixed-use development, generally located on the southeast corner of East Central Avenue and North Oliver Road (4801 East Central Avenue).

PUD2024-00019: Major Amendment to PUD #55 to increase the capacity from 850 to 2,066, generally located on the south side of East Douglas Avenue, within 100 feet east of North Hillside Avenue (3207 East Douglas Avenue).

PUD2024-00020: Zone change request from LC Limited Commercial to PUD Planned Unit Development #133 to permit basic industry, warehousing, and freight terminal with custom development standards, located on the east side of South Seneca St., within 500 feet north of West 47th St. South (4720 South Seneca St).

VAC2024-00044: Vacation request in the City to vacate a portion of platted access control to permit a 3rd driveway for future EMS station on property zoned LC Limited Commercial, located on the south side of West 13th Street North and within one-half mile west of North Meridian Avenue.

VAC2024-00045: Vacation request in the City to vacate a portion of a platted streetside setback, generally located on the 255 meters northeast side of South Broadway Avenue and East 55th Street South (5505 S Emporia Ave).

VAC2024-00047: Vacation request in the City of a platted access control; Generally located on the southwest corner of West 13th Street North and North Country Acres Avenue.

VAC2024-00048: Vacation request to vacate the plat's text for Reserves A and B, generally located on the south side of East Stonybrook Street, within 275 feet west of North 127th Street East.

VAC2024-00049: Vacation request to vacate the north 20 feet of the south 30 feet of the platted setback to create room for a receiving dock and trash enclosures, generally located on the east side of South Seneca Street, within 500 feet north of West 47th Street South (4720 South Seneca).

ZON2024-00048: Zone change request in the City from TF-3 Two-Family Residential District to MF-18 Multi-Family Residential District to convert the garage into a third dwelling unit, generally located on the east side of South Main Street, within 150 feet north of East Osie Street (1650 South Main Street).

IPL0196927  
 Oct 2 2024

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

1 insertion(s) published on:  
 10/02/24

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 uninterrupted 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 10/02/2024 to 10/02/2024.

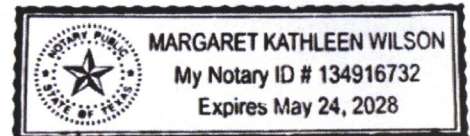
*Mary Castro*

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

DATED: 10/02/2024

*Margaret K. Wilson*

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.  
October 24, 2024**

**STAFF REPORT**

**CASE NUMBER:** VAC2024-00049 - City Vacation of a portion of a platted 30-foot street side setback to reduce it to 10 feet.

**APPLICANT:** Goodwill Industries of Kansas, Inc. (applicant) / BHC

**LEGAL DESCRIPTION:** Generally described as vacating the north 20 feet of the south 30 feet of the east 84 feet of Lot 3; together with the north 20 feet of the south 30 feet of Lots 4 and 5, Block A, Davis-Walker Addition, Wichita, Sedgwick County, Kansas.

**LOCATION:** Generally located on the east side of South Seneca Street, one-block north of West 47<sup>th</sup> Street South (4720 South Seneca Street). (WCC IV)

**REASON FOR REQUEST:** To create room for a receiving dock, trash enclosure, and overhead canopy.

**CURRENT ZONING:** The subject site is zoned LC Limited Commercial District (LC) and developed with a vacant commercial building. Properties to the west and north are zoned LC and developed with single-family dwellings. Property to the south is zoned LC and developed with a commercial use. Property to the east is zoned SF-5 Single-Family Residential District (SF-5) and developed with a single-family dwelling.

**VICINITY MAP:**



The applicant proposes to vacate a portion of the platted 30-foot street side setback along West Davis Drive on Lots 3, 4, and 5, Block A, Davis-Walker Addition. If approved, this will reduce the platted setback to 10 feet. The property is addressed 4720 South Seneca Street and is generally located on the east side of South Seneca Street and one-block north of West 47<sup>th</sup> Street South.

The purpose of the vacation is to create room for a receiving dock, trash enclosure, and overhead canopy toward the rear (east) side of the building. Concurrently, the applicant has a zone change application being considered to rezone the property from LC to Planned Unit Development (PUD2024-00020). The applicant is proposing to repurpose the existing commercial structure into an inventory processing center for Goodwill Industries. Inventory would be received at this location, packaged and processed, and then shipped to Goodwill retail locations elsewhere. This proposed use creates the need for a receiving dock to be constructed on the south side of the building. The vacation request is request is required because rezoning a property to PUD cannot reduce platted setbacks.

If the subject setback was not platted, the zoning street side setback in the LC District would be 10 feet. The requested reduction matches this zoning street side setback. The LC-zoned property directly south of the subject site (on the south side of West Davis Drive) was platted in the same Addition but was not platted with a street side setback along West Davis Drive. The property owner of said property would be allowed to construct a building 10 feet from the property line that abuts West Davis Drive.

Wichita Public Work and Utilities, Wichita Fire, Wichita Traffic Engineering, and Wichita Stormwater do not object to the reduction in setback. Comments from franchised utilities have been received. Cox, Evergy, and Black Hills Energy do not object to the vacation. Black Hills Energy does not have any lines in the area. Every and Cox have overhead lines on poles along the east side of Lot 5 that cross the subject setback. There is a platted 16-foot easement with a center line along the property line between Lot 5 and Lot 6. This easement is not part of the vacation request and covers Evergy's and Cox's equipment. However, the applicant should contact Evergy regarding clearance standards from the overhead lines and what they intend to construct. The Evergy contact for this application is Sammy Whelan, Area Design Representative, who can be contacted at 316-261-6334. The Davis-Walker Addition was recorded on January 23, 1952.

When determining a recommendation to be made to the Metropolitan Area Planning Commission (MAPC), the Subdivision and Utility Advisory Committee should consider the legal findings that are required to be made by the MAPC and Governing Body in order to grant the request. These findings are detailed in the subsequent MAPC report. *In particular, the Committee should consider whether any private rights will be injured or endangered by recommending approval of the vacation request, and whether or not the public will suffer any loss or inconvenience thereby.*

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from Public Works, Stormwater, Water and Sewer, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of the 30-foot platted building setback.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
  1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time October 3, 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 side yard setback and that the public will suffer no loss or inconvenience thereby.

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

Conditions (but not limited to) associated with the request:

- (1) Provide Planning Staff with a legal description of the approved vacated portion of the platted setback in 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 City Council for final action.
- (2) The applicant shall coordinate with Evergy regarding the location of the existing utility pole and lines and ensure that property clearance is met prior to construction of any structures.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide Planning with any needed easements dedicated by separate instrument with original signatures. These conditions must be completed prior to the case going to Council for final action.
- (4) All improvements shall be according to City Standards and at the applicant's expense.
- (5) 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) Site Plan

# VAC2024-49

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



