



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

November 5, 2024

Rafael Rodela-Vital & Nayeli Briceno Cuellar
1422 West 50th Street South
Wichita, KS 67217

Isaac Patteson
1500 West 50th Street South
Wichita, KS 67217

Ref: VAC2024-00042: Vacation request in the City to vacate South Elizabeth Avenue between Lots 14 and 15 of the A. Verne Roberts Addition; generally located north of the intersection of South Elizabeth Avenue and West 50th Street South.

Dear Applicant,

At the **Tuesday, November 5, 2024**, meeting of the Wichita City Council, the above-referenced vacation request was approved.

Sincerely,

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

Philip Zevenbergen, AICP
Current Plans
Division Manager

PZ:JM

VAC2024-00042: Vacation request in the City to vacate South Elizabeth Avenue between Lots 14 and 15 of the A. Verne Roberts Addition; generally located north of the intersection of South Elizabeth Avenue and West 50th Street South.

Page 2

Sincerely,

A handwritten signature in blue ink, appearing to read "Philip Zevenbergen", written over a faint circular stamp.

Philip Zevenbergen, AICP
Current Plans
Division Manager

PZ: JM



Wichita-Sedgwick County Metropolitan Area Planning Department

September 27, 2024

Rafael Rodela-Vital & Nayeli Briceno Cuellar
1422 West 50th Street South
Wichita, KS 67217

Isaac Patteson
1500 West 50th Street South
Wichita, KS 67217

Ref: VAC2024-00042: Vacation request in the City to vacate South Elizabeth Avenue between Lots 14 and 15 of the A. Verne Roberts Addition; generally located north of the intersection of South Elizabeth Avenue and West 50th Street South.

Dear Applicant,

At the **Thursday, September 26, 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 South Elizabeth Avenue right-of-way abutting lots 14-15, Block 1, A. Verne Roberts 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) The applicants shall record restrictive covenants, binding and tying their respective portions of the subject right-of-way to their Lots. The restrictive covenants shall be provided to Planning prior to the case going to Council for final action.
- (4) The applicant owning Lot 15, Block 1, A. Verne Roberts Addition shall record a 10-foot utility easement, by separate instrument for the west portion of the right-of-way. The easement shall be provided to Planning 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.

All of the above conditions have been completed. This case will be scheduled for final action by the Wichita City Council **November 5, 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.

VAC2024-00042: Vacation request in the City to vacate South Elizabeth Avenue between Lots 14 and 15 of the A. Verne Roberts Addition; generally located north of the intersection of South Elizabeth Avenue and West 50th Street South.
Page 2

Sincerely,

A handwritten signature in blue ink, appearing to read "Philip Zevenbergen", written over a faint circular stamp.

Philip Zevenbergen, AICP
Current Plans
Division Manager

PZ: JM

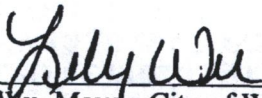
4. Restrictive covenants that bind and tie the vacated right-of-way to the abutting properties to the west and east shall be recorded along with this Vacation Order at the Sedgwick County Register of Deeds.

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

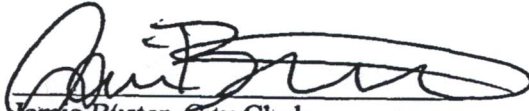
6. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

7. The vacation of the described portion of a platted street right-of-way should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 5th day of November 2024, ordered that the above-described portion of a platted street right-of-way 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.

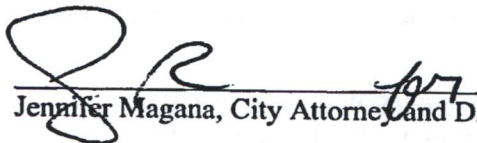

Lily Wu, Mayor, City of Wichita

ATTEST:


Jamie Buster, City Clerk



Approved as to Form:


Jennifer Magana, City Attorney and Director of Law

RESTRICTIVE COVENANT

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED Rafael Rodela-Vital and Nayeli Briceno Cuellar are the owners of the following described real property:

Lot 14, Block 1, A. Verne Roberts Addition, Wichita, Sedgwick County, Kansas; together with:

That part of Elizabeth Avenue, described as Beginning at the S.W. Corner of Lot 14, Block 1, A. Verne Roberts Addition to Wichita, Sedgwick County, Kansas; thence West along the extended south line of said Lot 14, 30 feet; thence North, parallel with the West line of said Lot 14, 233.72 feet to the North line of said Lot 14, 30 feet extended West; thence East, 30 feet to the N.W. Corner of said Lot 14, thence South, along the West line of said Lot 14, 233.72 feet to the Point of Beginning.

NOW THEREFORE, in connection with the vacation of the street described above:

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

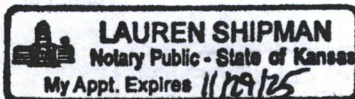
It is understood that this covenant shall be binding upon the undersigned, their heirs, or successors and assigns and is a covenant running with the land until such time the property is replatted.

The covenants, conditions, and restrictions on the property created and established in this instrument may be waived, terminated, or modified only upon written consent of the Wichita City Council. 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.

Rafael Rodela Vital
Rafael Rodela-Vital

Nayeli Briceno Cuellar
Nayeli Briceno Cuellar

State of Kansas)
) SS
Sedgwick County)



The foregoing instrument was acknowledged before me this 24th day of September, 2014 by Rafael Rodela-Vital and Nayeli Briceno Cuellar

My appointment expires: 11/29, 2025 15 [Signature]
Notary Public

**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 RIGHT-OF-WAY)**

**GENERALLY LOCATED ONE-QUARTER MILE WEST OF)
SOUTH SENECA STREET AND ONE-HALF MILE SOUTH)
OF WEST 47TH STREET SOUTH)**

VAC2024-00042

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 5th day of November 2024, comes on for hearing the petition for vacation filed by Nayeli Briceno Cuellar, Rafael Rodela Vital, and Isaac Patteson, (owners) praying for the vacation of a portion of a platted street right-of-way, to wit:

That part of South Elizabeth Avenue, described as Beginning at the S.W. Corner of Lot 14, Block 1, A. Verne Roberts Addition to Wichita, Sedgwick County, Kansas; thence West along the extended South line of said Lot 14, 60 feet to the Southeast corner of Lot 15, Block 1, A. Verne Roberts Addition; thence North, along the East line of said Lot 15, 233.72 feet to the Northeast corner of said Lot 15; thence East, 60 feet to the Northwest Corner of said Lot 14, thence South, along the West line of said Lot 14, 233.72 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 September 5, 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 right-of-way and the public will suffer no loss or inconvenience thereby.
3. The west 15 feet of the above-described right-of-way shall be retained as a utility easement.

November 5, 2024
VAC2024-00042

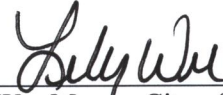
4. Restrictive covenants that bind and tie the vacated right-of-way to the abutting properties to the west and east shall be recorded along with this Vacation Order at the Sedgwick County Register of Deeds.

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 street right-of-way should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 5th day of November 2024, ordered that the above-described portion of a platted street right-of-way 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:



Jamie Buster, City Clerk

Approved as to Form:



Jennifer Magana, City Attorney and Director of Law

RESTRICTIVE COVENANT

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED Isaac Patteson is the owner of the following described real property:

Lot 15, Block 1, A. Verne Roberts Addition, Wichita, Sedgwick County, Kansas;
together with:


That part of Elizabeth Avenue, described as Beginning at the S.E. Corner of Lot 15, Block 1, A. Verne Roberts Addition to Wichita, Sedgwick County, Kansas; thence East along the extended south line of said Lot 15, 30 feet; thence North, parallel with the East line of said Lot 15, 233.72 feet to the North line of said Lot 15, 30 feet extended East; thence West, 30 feet to the N.E. Corner of said Lot 15, thence South, along the East line of said Lot 15, 233.72 feet to the Point of Beginning.

NOW THEREFORE, in connection with the vacation of the street described above:

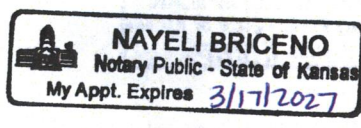
The undersigned agrees and covenants the aforementioned vacated street tracts shall be retained, held and bound together with each of the platted lots adjacent to and adjoining and having ownership in common with such vacated street tracts.

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


The covenants, conditions, and restrictions on the property created and established in this instrument may be waived, terminated, or modified only upon written consent of the Wichita City Council. 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.


Isaac Patteson

State of Kansas)
) SS
Sedgwick County)



The foregoing instrument was acknowledged before me this 6th day of October, 2024 by Isaac Patteson.

My appointment expires: March 17th, 2029 
Notary Public



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	588379	Print Legal Ad-IPL01919730 - IPL0191973		\$39.57	1	47 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 September 4, 2024
 (One Time Only)
 MAPC/BZA September 26,
 2024

OFFICIAL HEARING NOTICE
 NOTICE IS HEREBY GIVEN that on Thursday, September 26, 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.
 BZA2024-00058: Variance request in the City to reduce rear setback by no more than 14 feet; Generally located north of East Mulberry Street and within 1000 feet east of North Rock Road (8216 East Mulberry Street).
 CON2024-00127: Conditional Use request in the City to allow for Accessory Dwelling Unit; located west of North Woodland Avenue and 50 feet north of West 23rd Street North (2417 Woodland Street).
 VAC2024-00042: Vacation request in the City for the entirety of Elizabeth Avenue right-of-way abutting Lots 14 and 15, Block 1A of the Verne Roberts Addition; generally located north of the intersection of South Elizabeth Avenue and West 50th Street South.
 IPL0191973
 Sep 4 2024

In The STATE OF KANSAS
 In and for the County of Sedgwick
 1 insertion(s) published on:
 09/04/24

STATE OF KANSAS)
 SS
 County of Sedgwick)

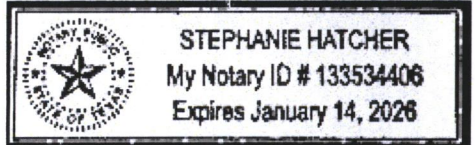
Mary Castro, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 09/04/2024 to 09/04/2024.

Mary Castro

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
 DATED: 09/04/2024

Stephanie Hatcher

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
 Legal document please do not destroy!



AFFIDAVIT OF PUBLICATION

State of Kansas, Sedgwick County, ss:

Jamie Buster, City Clerk

Being first duly sworn, deposes and says:

That Mandy Hebert, Administrative Aide I, from the Planning Department of the City of Wichita, Kansas has published the attached notice on the City of Wichita website, www.wichita.gov/LegalNotices, which website is designated as the official City News Outlet Publication Site for the City of Wichita, Kansas by Charter Ordinance No. 240 effective September 4, 2024.

That the attached Notice of Public Hearing / Ordinance No. _____ / Resolution No. _____ is a true copy thereof and was published on such website beginning on the 5th day of September 2024.



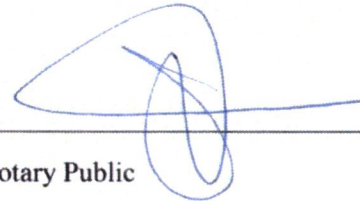
Signature

SUBSCRIBED AND SWORN to before me this 5th day of SEPTEMBER, 2024.



(seal)

11-21-2027



Notary Public

City Clerk's Office

Jamie Buster – City Clerk

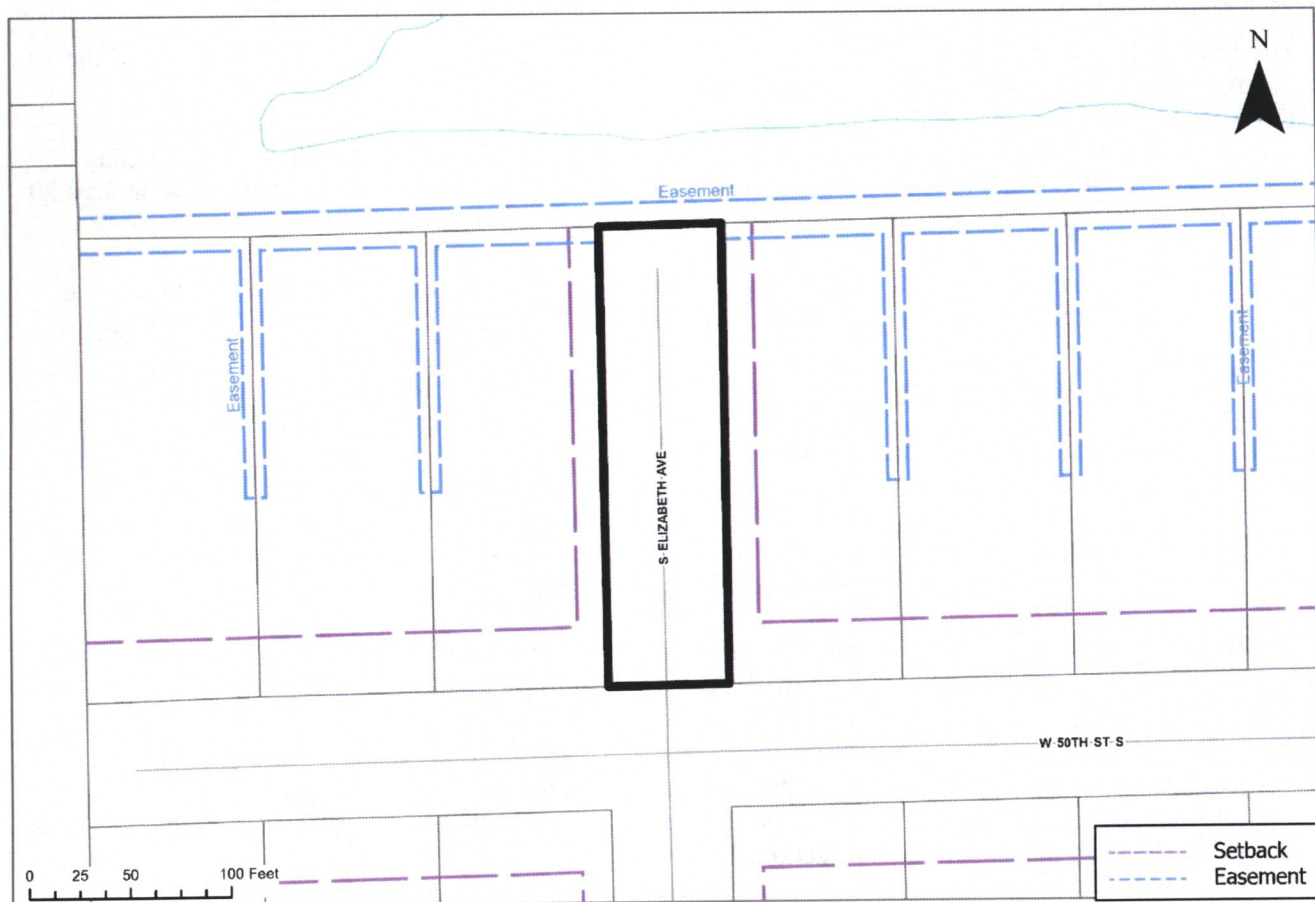
City Hall • 13th Floor • 455 N. Main • Wichita, Kansas 67202

316.268.4529 ext. 2805

www.wichita.gov

STAFF REPORT

- CASE NUMBER:** VAC2024-00042- Request to vacate a portion of South Elizabeth Ave.
- APPLICANT/AGENT:** Nayeli Briceno Cuellar, Rafael Rodela Vital, & Isaac Patteson (Applicants)
- LEGAL DESCRIPTION:** Generally described as vacating the Elizabeth Street Right-of-Way as platted between Lots 14 and 15, Block 1, A. Verne Roberts Addition, Wichita, Sedgwick County, Kansas.
- LOCATION:** Generally located one-quarter mile west of South Seneca Street and one-half mile south of West 47th Street South (between 1422 and 1500 West 50th Street South).
- REASON FOR REQUEST:** To allow property owners to continue to utilize undeveloped right-of-way.
- CURRENT ZONING:** Properties south of the right-of-way are zoned SF-5 Single-Family Residential District (SF-5) and developed with single-family dwellings. Property north of the right-of-way is zoned MF-18 Multi-Family Residential District and is a developed with a landscape nursery.



The applicants are requesting the vacation of a portion of the South Elizabeth Avenue right-of-way located one-quarter mile west of South Seneca Street and one-half mile south of West 47th Street South. The subject portion of the right-of-way was platted between Lots 14 and 15, Block 1, A. Verne Roberts Addition. The subject portion of the right-of-way is not improved and dead-ends on the north, where it abuts a floodway easement dedicated on the abutting property. Said floodway easement has a drainage pond that would likely be cost prohibitive to establish any connection to the subject portion of South Elizabeth Avenue. The property to the north is developed with a landscape nursery along the South Seneca Street frontage, but is undeveloped in the rear portion close to the subject right-of-way.

There are no public utilities in the subject portion of the right-of-way. Wichita Public Works, Traffic Engineering, Fire, and Stormwater do not have any objection to the vacation request. Comments from franchise utilities have been received. Evergy has a light pole in the West 50th Street right-of-way whose service line runs through the vacation area to the service pole at the rear. The west 10 feet of the right-of-way will need to be retained as a utility easement to cover this line. No franchise utility object to the request. Conditions #3 and #4 cover all utilities.

The A. Verne Roberts Addition was recorded with the Sedgwick County Register of Deeds on July 17, 1951

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 September 5, 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 South Elizabeth Avenue right-of-way abutting lots 14-15, Block 1, A. Verne Roberts 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) The applicants shall record restrictive covenants, binding and tying their respective portions of the subject right-of-way to their Lots. The restrictive covenants shall be provided to Planning prior to the case going to Council for final action.

- (4) The applicant owning Lot 15, Block 1, A. Verne Roberts Addition shall record a 10-foot utility easement, by separate instrument for the west portion of the right-of-way. The easement shall be provided to Planning 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



VAC2024-42

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

