CITY OF WICHITA

SEDGWICK COUNTY KANSAS

Wichita-Sedgwick County Metropolitan Area Planning Department

April 22, 2025

Jerry Spivey
1300 West 50th Street South
Wichita, KS 672117

Diane K. Wallis
1222 West 50th Street South
Wichita, KS 67217

Ref: VAC2025-00006: Vacation request in the City for a portion of right-of-way abutting Lots 7 and 8 of the A. Verne Roberts Addition; generally located north of the intersection of South Dodge Avenue and West 50th Street South.

Dear Applicant,

At the**Tuesday, April 22, 2025**, meeting of the Wichita City Council, the above-referenced vacation request was approved.

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
Current Plans
Division Manager

Wichita-Sedgwick County Metropolitan Area Planning Department

March 27, 2025

Jerry Spivey
1300 West 50th Street South
Wichita, KS 672117

Diane K. Wallis
1222 West 50th Street South
Wichita, KS 67217

Ref: VAC2025-00006: Vacation request in the City for a portion of right-of-way abutting Lots 7 and 8 of the A. Verne Roberts Addition; generally located north of the intersection of South Dodge Avenue and West 50th Street South.

Dear Applicant,

At the **Thursday, March 27, 2025**, 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 Dodge Avenue right-of-way abutting Lots 7 & 8, 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 applicants shall record a utility easement, by separate instrument, for their portions of the South Dodge 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.

These conditions have not been met. Once the required conditions have been met, this case will be schedule for final action by the Wichita City Council. 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
Current Plans
Division Manager

Document #: 2025-015468
Date Recorded: 04/24/2025 02:11:35 PM
Pages: 2 Recording Fee: 0.00
Sedgwick County Kansas
Tonya Buckingham,
Register of Deeds

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

IN THE MATTER OF THE VACATION OF A PORTION OF SOUTH DODGE AVENUE RIGHT-OF-WAY	)	
GENERALLY LOCATED WITHIN ONE-QUARTER MILE WEST OF SOUTH SENECA STREET AND WITHIN ONE-HALF MILE SOUTH OF WEST 47TH STREET SOUTH	)	**VAC2025-00006**

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 22nd day of April 2025, comes on for hearing the petition for vacation filed by Jerry Spivey and Diane Wallis (owner) praying for the vacation of a portion the South Dodge Avenue right-of-way, to wit:

Portion of right-of-way to be vacated:

That part of Dodge Avenue a platted between Lots 7 and 8 Block 1, A. Verne Roberts Addition to 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 and at www.wichita.gov/LegalNotices on March 6, 2025, 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 South Dodge Avenue right-of-way, 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.

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

IN THE MATTER OF THE VACATION OF A PORTION OF SOUTH DODGE AVENUE RIGHT-OF-WAY	)	
GENERALLY LOCATED WITHIN ONE-QUARTER MILE WEST OF SOUTH SENECA STREET AND WITHIN ONE-HALF MILE SOUTH OF WEST 47TH STREET SOUTH	)	**VAC2025-00006**

MORE FULLY DESCRIBED BELOW

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NOW on this 22nd day of April 2025, comes on for hearing the petition for vacation filed by Jerry Spivey and Diane Wallis (owner) praying for the vacation of a portion the South Dodge Avenue right-of-way, to wit:

Portion of right-of-way to be vacated:

That part of Dodge Avenue a platted between Lots 7 and 8 Block 1, A. Verne Roberts Addition to 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 and at www.wichita.gov/LegalNotices on March 6, 2025, 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 South Dodge Avenue right-of-way, 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.

5. The vacation of the described portion of the South Dodge Avenue right-of-way, should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 22nd day of April 2025, ordered that the above-described portion of the South Dodge Avenue 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:

Paul Leeker, City Clerk

Approved as to Form:

Jennifer Magana, City Attorney and Director of Law

Document #: 2025-009841
Date Recorded: 03/27/2025 11:27:56 AM
Pages: 1 Recording Fee: 21.00
Sedgwick County Kansas
Tonya Buckingham,
Register of Deeds

UTILITY EASEMENT

THIS EASEMENT made this 25th day of March, 2025
by and between Diane K. Wallis and Jerry D. Spivey,
(Property Owner(s) and/or Company)

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 franchised utilities, and any appurtenances thereto, over, along and under the following described real estate situated in Sedgwick, County, Kansas to wit:

That part of Dodge Avenue a platted between Lots 7 and 8 Block 1, A. Verne Roberts Addition to Wichita, Sedgwick County, Kansas.

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. And said Grantor agrees to not make any alteration to the ground in the described area that may adversely affect the local, natural drainage patterns.

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

Diane K. Wallis, Property Owner

Jerry D. Spivey, Property Owner

State of KANSAS
County of SEDGWICK ss.

This instrument was acknowledged before me on March 26, 2025

by Diane K. Wallis and Jerry D. Spivey, as property owners of the aforementioned described property.

(seal)

PEGGY L ELKINS-RICE NOTARY PUBLIC STATE OF KANSAS

Notary Public
My Commission expires: 6-7-2027

Paul Gunzelman, City Engineer

1207573

Document #: 2025-009843
Date Recorded: 03/27/2025 11:27:58 AM
Pages: 1 Recording Fee: 21.00
Sedgwick County Kansas
Tonya Buckingham,
Register of Deeds

RESTRICTIVE COVENANT

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED Diane K. Wallis is the owner of the following described real property:

Lot 7, Block 1, A. Verne Roberts Addition, Wichita, Sedgwick County, Kansas; together with:

That part of Dodge Avenue, described as Beginning at the S.W. Corner of Lot 7, Block 1, A. Verne Roberts Addition to Wichita, Sedgwick County, Kansas; thence West along the extended south line of said Lot 7, 30 feet; thence North, parallel with the West line of said Lot 7, 233.72 feet to the North line of said Lot 7, 30 feet extended West; thence East, 30 feet to the N.W. Corner of said Lot 7, thence South, along the West line of said Lot 7, 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.

Diane K. Wallis

State of Kansas)
) SS
Sedgwick County)

The foregoing instrument was acknowledged before me this 26 day of March, 2025 by Diane K. Wallis

PEGGY L ELKINS-RICE NOTARY PUBLIC STATE OF KANSAS

My appointment expires: 6-7, 2027

Notary Public

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	Cols	Depth
16399	641368	Print Legal Ad-IPL02204770 - IPL0220477	MAPC Hearing	2	52 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 March 5, 2025
(One Time Only)
MAPC/BZA March 27, 2025
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, March 27, 2025**, 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**.

CON2025-00034: Conditional Use in the City to allow ancillary parking on property zoned SF-5 Single Family Residential generally located approximately 400 feet west of N 119th Street West and West Central Avenue, (12050 W CENTRAL AVE).

CON2025-00035: Conditional Use for an Accessory Apartment on property zoned SF-5 Single-Family Residential District, generally located on the north side of West MacArthur Road, within one-half mile west of South Seneca Street (1724 West MacArthur Road).

CON2025-00039: Conditional Use request in the City for an Accessory Apartment on property zoned SF-5 Single-Family Residential, generally located on the east side of South Elizabeth Avenue and within one-quarter mile south of West 31st Street South (3420 South Elizabeth Avenue).

CON2025-00040: Conditional Use request in the City for Entertainment Establishment accessory to Hotel on Parcel 1D (with ZON2025-00006 to amend PO #36 to change dev. standards) on property zoned LC Limited Commercial, located one-quarter mile west of N Maize Rd and one-quarter mile north of W 21st St N.

CUP2025-00008: Amendment to CUP DP-71 (with ZON2025-00004) to allow redevelopment with Manufacturing uses, generally located north of West Kellogg Drive and west of South Tracy Street (4600 West Kellogg Drive).

VAC2025-00006: Vacation request in the City for portion of right-of-way abutting Lots 7 and 8 of the A. Verne Roberts Addition; generally located north of the intersection of South Dodge Avenue and West 50th Street South.

ZON2025-00004: Zone Change request from LC Limited Commercial District to LI Limited Industrial District (with CUP2025-00008) to allow for redevelopment with Manufacturing uses, generally located north of West Kellogg Drive and west of South Tracy Street (4600 West Kellogg Drive).

ZON2025-00005: Zone Change request in the city from TF-3 Two -Family Residential to NR Neighborhood Retail to permit retail uses associated with a church, generally located on the northeast corner of West 11th Street North and North Waco Avenue (1200 North Waco Avenue).

ZON2025-00006: Request in the City to amend Protective Overlay #36 to change bldg. coverage/floor area, architectural controls, and screening wall location for a Hotel (with CON2025-00040 to permit Entertainment Establishment), located one-quarter mile west of N Maize Rd and one-quarter mile north of W 21st Street N.

IPL0220477
Mar 5 2025

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

1 insertion(s) published on:
03/05/25

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 03/05/2025 to 03/05/2025.

Mary Castro

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 03/06/2025

Amy Robbins

Notary Public in and for the state of South Carolina, residing in Beaufort County

AMY L. ROBBINS
NOTARY PUBLIC
SOUTH CAROLINA
MY COMMISSION EXPIRES 11-03-32

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

METROPOLITAN AREA PLANNING COMMISSION

AGENDA REPORT NO.
March 27, 2025

STAFF REPORT

CASE NUMBER: **VAC2025-00006**- Request to vacate a portion of South Dodge Ave.

APPLICANT/AGENT: Jerry Spivey and Diane Wallis (Applicants)/ Garber Surveying Service

LEGAL DESCRIPTION: Generally described as vacating the South Dodge Avenue Right-of-Way as platted between Lots 7 and 8, Block 1, A. Verne Roberts Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located within one-quarter mile west of South Seneca Street and one-half mile south of West 47th Street South (between 1222 and 1300 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 and a floodway reserve.



The applicants are requesting the vacation of a portion of the South Dodge Avenue right-of-way located within 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 7 and 8, 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 likley be cost prohibitive to establish any connection to the subject portion of South Dodge 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 closest to the subjet right-of-way.

The following comments were received from City of Wichita Departments:

- City Traffic Engineering does not obejct to the vacation.
- City Fire does not object to the vacation.
- City Stormwater does not object as long as natural drainage patterns are maintained.
- City Public Works and Utilities does not object. However, they do require the northern 10 feet to dedicated as a utility easement in relation to a sewer manhole and line located along the rear line of Lot 8 to the east.

The following comments have been received from franchise utilities.

- Evergy does not object to the vacation. They have equipment in the right-of-way and will require it to be deidcated as an easement. Any relocation and/or removal of existing Evergy equipment will need to be discussed and will be at the applicants' expense. Sammy Whalen, Area Design Representative, can be contacted at 316-261-6334 regarding this project.
- Kansas Gas Service does not object to the vacation. They have a gas line within the right-of-way and an easement will need to be dedicated.

Due to the presence of multiple utilities, staff is recommending the entire right-of-way be dedicated as an easement. The A. Verne Roberts Addition was recorded with the Sedgwick County Register of Deeds on July 17, 1951

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 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 March 6, 2025, 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 Dodge Avenue right-of-way abutting Lots 7 & 8, 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 applicants shall record a utility easement, by separate instrument, for their portions of the South Dodge 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

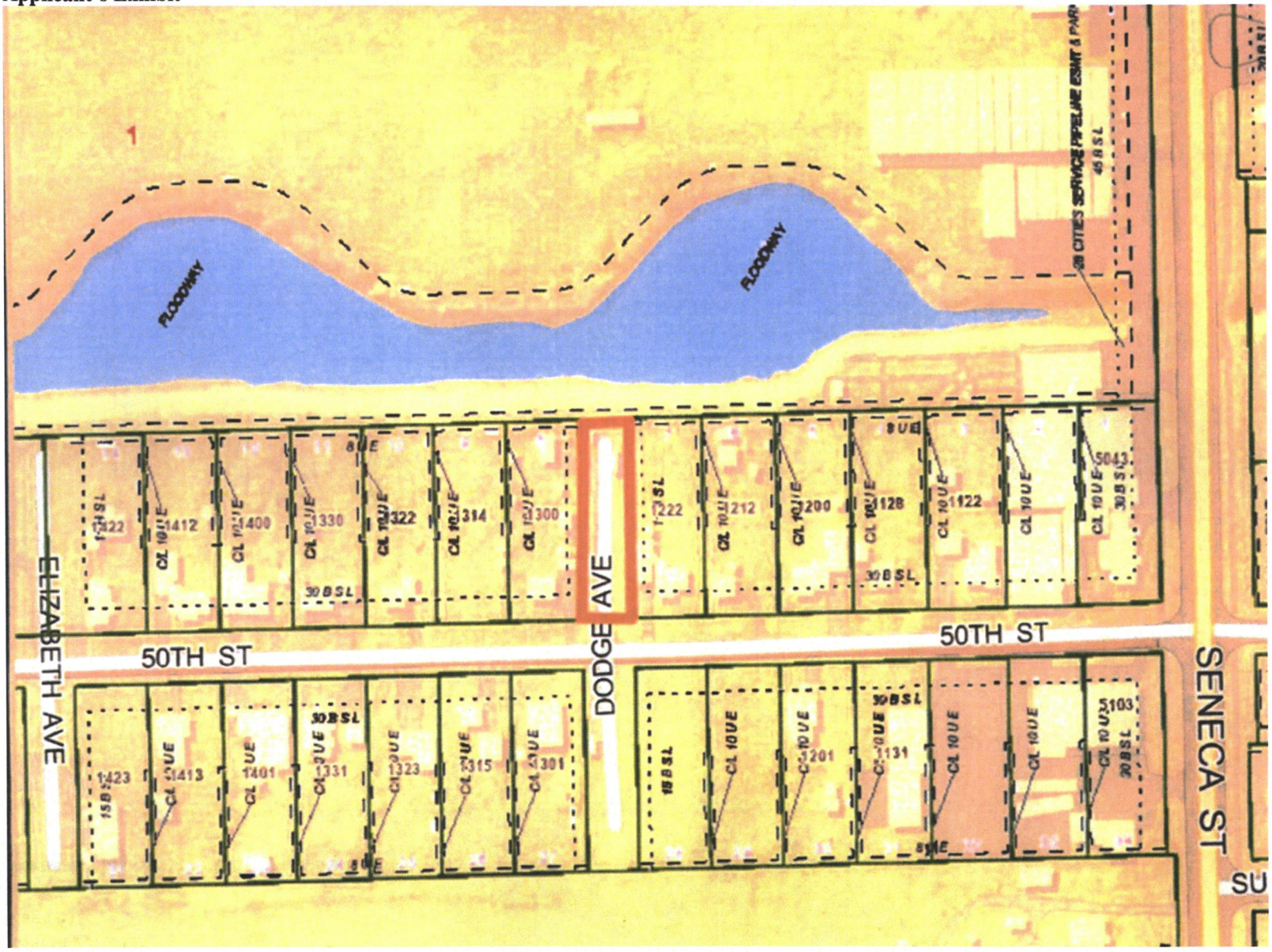
The Subdivision Committee recommends approval per staff recommendations.

Attachments:
1) Aerial Map
2) Applicant's Exhibit, 3) Kansas Gas Service Utility Exhibit

Aerial Map


VAC2025-06
City Limits
Storm Structures
Enclosed Gravity Pipe
Force Main
Open Channel
Siphon
Water Hydrants
Sewer Manholes
Sewer Mains
Water Valves
Water Mains
Easement
Easement
Easement
WICHITA
S DODGE AVE
W 50TH ST S

Applicant's Exhibit



Kansas Gas Service Utility Exhibit

