Wichita-Sedgwick County Metropolitan Area Planning Department

June 2, 2026

944 S. Topeka, LLC
2160 West 21st Street
Wichita, KS, 67202

K.E. Miller Engineering, P.A.
117 East Lewis Street
Wichita, KS, 67202

Ref: VAC2025-00030: Vacation request in the City to vacate a platted alley, generally located north of East Gilbert Street, east of South Topeka Avenue, and west of South Emporia Avenue.

Dear Applicant,

At the **Tuesday, June 2, 2026**, 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,

Samuel Deetz
Current Plans
Associate Planner

CITY OF WICHITA

SEDGWICK COUNTY KANSAS

Wichita-Sedgwick County Metropolitan Area Planning Department

April 29, 2026

944 S. Topeka, LLC
2160 West 21st Street
Wichita, KS, 67202

K.E. Miller Engineering, P.A.
117 East Lewis Street
Wichita, KS, 67202

Ref: VAC2025-00030: Vacation request in the City to vacate a platted alley, generally located north of East Gilbert Street, east of South Topeka Avenue, and west of South Emporia Avenue.

Dear Applicant,

At the **Thursday, August 28, 2025**, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

(1) Vacation of the described portion of the 20-foot platted alley is contingent on approval by the Traffic Engineer and the Fire Department. Approval shall include adherence to the provided conditions.

(2) Provide a covenant, with original signatures, binding and tying the described vacated alley right-of-way to the applicant's and the neighbor's abutting property. This must be provided to Planning prior to this case proceeding to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds and the Sedgwick County Appraisers Office.

(3) Dedicate a 20-foot utility easement, by separate instrument, over and across the described portion of the alley for recording with the Vacation Order at the Sedgwick County Register of Deeds. This must be provided to Planning prior to this application proceeding to City Council for final action.

(4) Dedicate a 15-foot private sanitary sewer easement, by separate instrument, for recording with the Vacation Order at the Sedgwick County Register of Deeds. This must be provided to Planning prior to this application proceeding to City Council for final action.

(5) Dedicate an access easement from the alley to South Topeka Avenue along the north property line, by separate instrument, for recording with the Vacation Order at the Sedgwick County Register of Deeds. This must be provided to Planning prior to this application proceeding to City Council for final action.

(6) Any relocation or reconstruction of utilities made necessary by this vacation shall be to City Standards and the responsibility of the owner and at the expense of the owner, including the relocation of any power poles, equipment, or public utilities and drainage. Provide approval from those utilizes of any relocation of those impacted utilities prior to

the case goes to City Council for final action.

(7) Provide Planning with any needed easements dedicated by separate instrument with original signatures for recording with the Register of Deeds. All original dedications will go with the Vacation Order to City Council for final action and filling with the Sedgwick County Register of Deeds. These conditions must be completed prior to the case going to Council for final action.

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

(9) 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.

The above conditions have been met. Therefore, this case is scheduled for final action by the Wichita City Council on **Tuesday, June 2, 2026**. 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,

Samuel Deetz
Current Plans
Associate Planner

Document #: 2026-032656
Date Recorded: 06/10/2026 09:42:10 AM
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 PLATTED ALLEY	)	
GENERALLY LOCATED NORTH OF EAST GILBERT STREET, EAST OF SOUTH TOPEKA AVENUE, AND WEST OF SOUTH EMPORIA AVENUE	)	**VAC2025-00030**
MORE FULLY DESCRIBED BELOW	)	

VACATION ORDER

NOW on this 2nd day of June, 2026, comes on for hearing the petition for vacation filed by 944 S Topeka LLC (owner), praying for the vacation of described platted alley, to wit:

The platted 20-foot alley adjacent to the even Lots 94-108, Block 8, Orme & Phillips 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 August 7, 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 platted alley, and the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner(s), the prayer of the petition 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 platted alley, should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 2nd day of June, 2026, ordered

that the described platted alley is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Register of Deeds of Sedgwick County.

CITY OF WICHITA, KANSAS

Lily Wu, Mayor

ATTEST:

for Shimita Rice, City Clerk Jo Hensley Deputy Clerk

Approved as to Form:

Jennifer Magana, City Attorney and Director of Law

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
41100	IPL0260131	Legal Ad - IPL0260131	8 28 2025 MAPC Official PH	1.0	89.0L

ATTENTION: CITY OF WICHITA/PLANNING DEPT IP
271 WEST THIRD ST., 2ND FL, SU 203
WICHITA, KS 67202
MHEBERT@wichita.gov

MAPC/BZA August 28, 2025
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, August 28, 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.**

CON2025-00102: Conditional Use request in the City to allow Mobile Food Unit in the City as a primary use on property zoned LC Limited Commercial District, generally located on the northwest corner of East 13th Street North and North Hydraulic Avenue (1640 East 13th Street North).

CUP2025-00025: Amendment in the City to CUP DP-229 to adjust general provisions to allow for Warehouse, Self-Storage on Parcels 5-8, with waiver of #17 of Section III-D.6.y for all lots, located on the east side of North Greenwich Road and within one-quarter mile south of East Central Avenue.

PUD2025-00017: Zone Change request in the City from B Multi-Family and GC General Commercial to PUD Planned Unit Development to create 944 S. Topeka PUD #149, generally located on the one block east of South Broadway Avenue and three blocks south of East Kellogg Avenue (944 S. Topeka).

VAC2025-00029: Vacation request in the City, the vacate 10-feet of a 35-foot platted front setback on four properties, generally located on the east side of South Goebel Street and within 500 feet south of East Harry Street (1724, 1728, 1732, 1736 South Goebel Street).

VAC2025-00030: Vacation request in the City to vacate a platted alley, generally located north of East Gilbert Street, east of South Topeka Avenue, and west of South Emporia Avenue.

VAC2025-00031: Vacation request in the City to vacate a portion of a platted access and reserve easement along the south side of property zoned SF-5 Single Family Residential, generally located approximately a half mile northeast of West 21st Street North and North Hoover Road (2404 N Paradise Circle).

VAC2025-00032: Vacation request in the City to vacate a portion of a 30-foot platted setback and a portion of platted right-of-way, generally located on West 53rd Street North and 1,200 feet east of North Meridian Avenue
IPL0260131
Aug 6 2025

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

the undersigned, 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.

1.0 insertion(s) published on:
08/06/25 Print

Print Tearsheet Link

Marketplace Link

Mary Castro

DIGITALLY SIGNED

Mary Castro

Amanda Rodela

DIGITALLY SIGNED

Sworn to and subscribed before me on

NOTARY PUBLIC STATE OF TEXAS
AMANDA RODELA
ELECTRONIC NOTARY PUBLIC
STATE OF TEXAS
COMMISSION # 135511392
MY COMMISSION EXPIRES 4/15/2029

Online Notary Public. This notarial act involved the use of online audio/video communication technology. Notarization facilitated by SIGNiX®

CITY OF WICHITA

AFFIDAVIT OF PUBLICATION

State of Kansas, Sedgwick County, ss:

Shinita Rice, Deputy 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 7th day of August, 2025.

Shinita Rice
Signature

SUBSCRIBED AND SWORN to before me this 1 day of August, 2025.

JAMES DECKARD
Notary Public, State of Kansas
My Appointment Expires
7/26/2029

Notary Public

(seal)

City Clerk's Office
Paul Leeker, City Clerk
City Hall •13th Floor •455 N. Main •Wichita, Kansas 67202
316.268.4529 ext. 2805
www.wichita.gov

AGENDA REPORT NO. 3.3

METROPOLITAN AREA PLANNING COMMISSION **August 28, 2025**

STAFF REPORT

CASE NUMBER: **VAC2025-00030**- Vacation request in the City to vacate a portion of a platted 20-foot alley.

APPLICANTS: 944 S. Topeka, LLC (applicant)

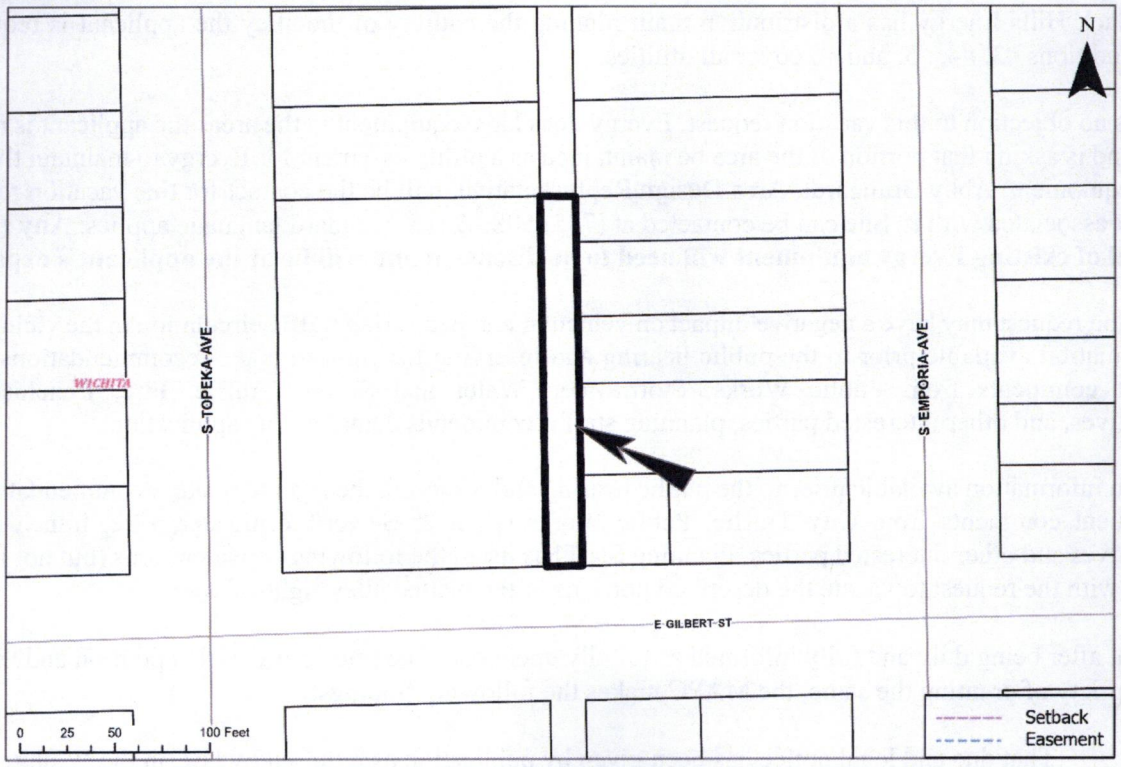
LEGAL DESCRIPTION: Generally described as vacating the platted 20-foot alley adjacent to the even lots 94-108, Block 8, Orme & Phillips Addition.

LOCATION: Generally located north of East Gilbert Street, east of South Topeka Avenue, and west of South Emporia Avenue.

REASON FOR REQUEST: To secure the property from vandalism.

CURRENT ZONING: Property to the west is zoned B Multi-Family Residential (B). Property to the east is zoned GC General Commercial (GC). Associated case PUD2025-00025 will rezone all property abutting the alley to PUD Planned Unit Development (PUD).

VICINITY MAP:



The applicant is requesting to vacate a 20-foot wide, 200-foot long north-south portion of an alley extending north from the 400 block of East Gilbert Street. The subject alley is between South Topeka Avenue and South Emporia Avenue and abuts even lots 94-108, Block 8, Orme and Phillips Addition, which was platted in 1876(see attached). Property to the west is zoned B Multi-Family Residential (B). Property to the east is zoned GC General Commercial (GC). A vacant church occupies the abutting west parcel, and the abutting east parcels are vacant.

The purpose of the vacation is to secure the property from vandalism. The tracts owned by the applicant abut the entirety of the alley subject to vacation. If approved, the alley will be divided at the tract/property line and each tract will receive the alley directly abuting it. No property shall be denied access as a result of the request.

Associated case PUD2025-00025 will rezone all property abutting the alley to PUD Planned Unit Development (PUD). The Planned Unit Development is proposed to renovate the existing buildings on site and construct multi-family residential uses on the vacant parcels. This vacation request will result in a dead-end alley.

A public sewer line is located in the subject alley in addition to AT&T, Cox, and Evergy equipment and lines. Wichita Stormwater, Traffic Engineering, and Fire do not object to this vacation. Wichita Stormwater noted that existing drainage patterns must be maintained. Public works requires a 20-foot wide public utility easement in place of the existing alley. A 15-foot private sanitary sewer easement must be dedicated and recorded with the County Register of Deeds; however, Engineering would like to review it prior to submission. This will cover the sewer service line to the house at 939 South Emporia Avenue.

Comments from all franchised utilities have been received. AT&T has poles and aerial cable running north and south through the subject alley. Cox has no objection to this vacation. However, Cox has aerial lines on poles in the alley and any relocation will be at the applicant's expense. Kansas Gas has an active main in the alley so an easement is needed. Black Hills Energy has a distribution main running the entirety of the alley the applicant is requesting to vacate. Conditions #3, #4, #5, and #6 cover all utilities.

Evergy has no objection to this vacation request. Evergy does have equipment in the areas the applicant is requesting to vacate and is asking that portion of the area be maintained as a utility easement for Evergy to maintain the existing lines and equipment. Abby Brungardt, Area Design Representative, will be the contact for this vacation request and any project associated with it. She can be contacted at (785) 508 - 2715. Standard language applies: **Any relocation or removal of existing Evergy equipment will need to be discussed and will be at the applicant's expense.**

This vacation request may have a negative impact on vehicular and pedestrian traffic circulation in the vicinity. 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 recommends denial of this application.

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

A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

    1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time August 7, 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 alley and that the public will suffer no loss or inconvenience thereby.

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

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

(1) Vacation of the described portion of the 20-foot platted alley is contingent on approval by the Traffic Engineer and the Fire Department. Approval shall include adherence to the provided conditions.

(2) Provide a covenant, with original signatures, binding and tying the described vacated alley right-of-way to the applicant's and the neighbor's abutting property. This must be provided to Planning prior to this case proceeding to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds and the Sedgwick County Appraisers Office.

(3) Dedicate a 20-foot utility easement, by separate instrument, over and across the described portion of the alley for recording with the Vacation Order at the Sedgwick County Register of Deeds. This must be provided to Planning prior to this application proceeding to City Council for final action.

(4) Dedicate a 15-foot private sanitary sewer easement, by separate instrument, for recording with the Vacation Order at the Sedgwick County Register of Deeds. This must be provided to Planning prior to this application proceeding to City Council for final action.

(5) Dedicate an access easement from the alley to South Topeka Avenue along the north property line, by separate instrument, for recording with the Vacation Order at the Sedgwick County Register of Deeds. This must be provided to Planning prior to this application proceeding to City Council for final action.

(6) Any relocation or reconstruction of utilities made necessary by this vacation shall be to City Standards and the responsibility of the owner and at the expense of the owner, including the relocation of any power poles, equipment, or public utilities and drainage. Provide approval from those utilizes of any relocation of those impacted utilities prior to the case goes to City Council for final action.

(7) Provide Planning with any needed easements dedicated by separate instrument with original signatures for recording with the Register of Deeds. All original dedications will go with the Vacation Order to City Council for final action and filling with the Sedgwick County Register of Deeds. These conditions must be completed prior to the case going to Council for final action.

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

(9) 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.

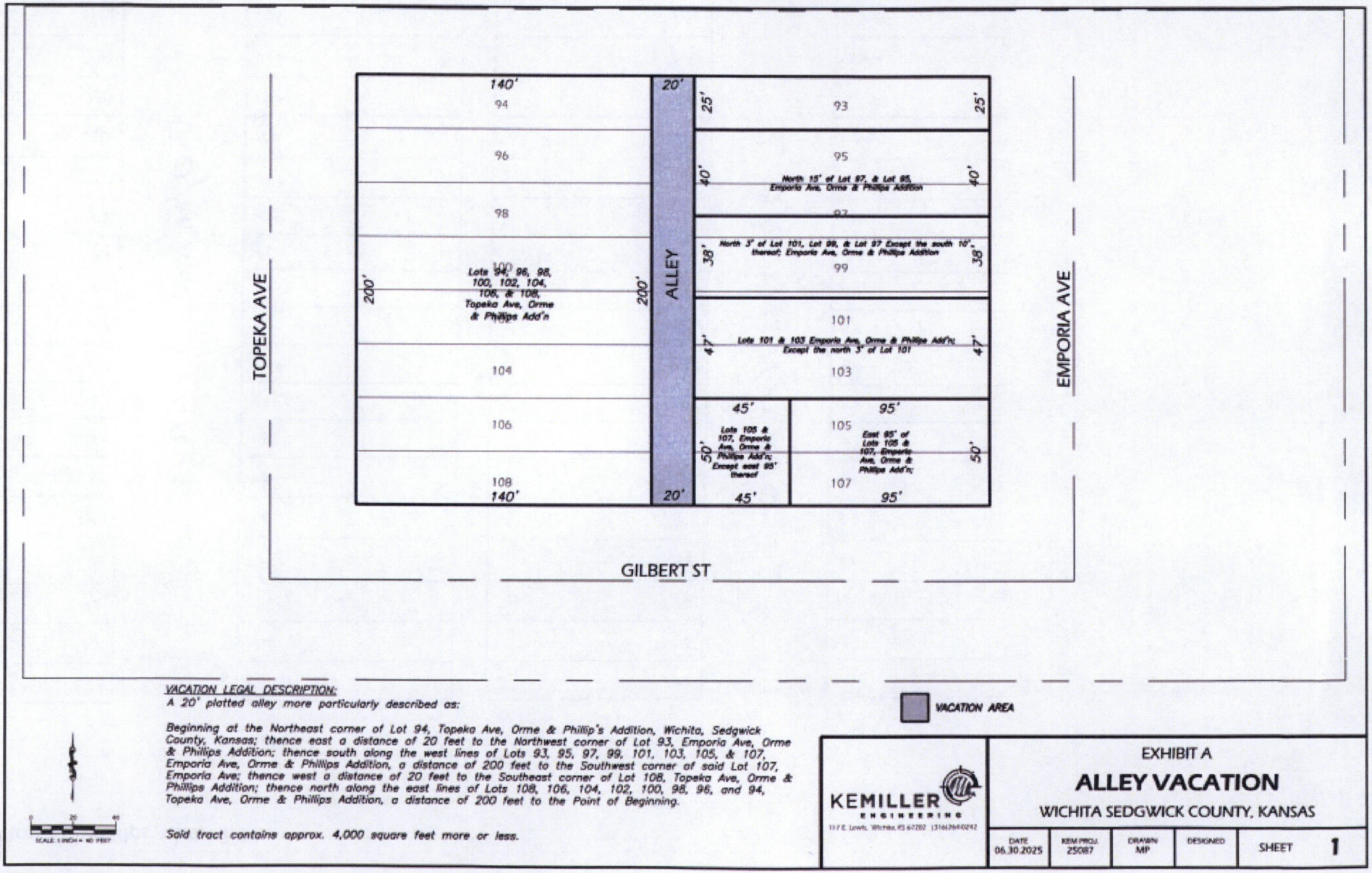
Attachments:

1. Orme & Phillips Addition Plat Excerpt
2. Vacation Exhibit
3. Aerial Map

Orme & Phillips Addition Plat



Vacation Exhibit



VACATION LEGAL DESCRIPTION:
A 20' platted alley more particularly described as:

Beginning at the Northeast corner of Lot 94, Topeka Ave, Orme & Phillip's Addition, Wichita, Sedgwick County, Kansas; thence east a distance of 20 feet to the Northwest corner of Lot 93, Emporia Ave, Orme & Phillips Addition; thence south along the west lines of Lots 93, 95, 97, 99, 101, 103, 105, & 107, Emporia Ave, Orme & Phillips Addition, a distance of 200 feet to the Southwest corner of said Lot 107, Emporia Ave; thence west a distance of 20 feet to the Southeast corner of Lot 108, Topeka Ave, Orme & Phillips Addition; thence north along the east lines of Lots 108, 106, 104, 102, 100, 98, 96, and 94, Topeka Ave, Orme & Phillips Addition, a distance of 200 feet to the Point of Beginning.

Said tract contains approx. 4,000 square feet more or less.

VACATION AREA

KEMILLER ENGINEERING
117 E. Lewis, Wichita, KS 67202 (316)269-0242

EXHIBIT A
ALLEY VACATION
WICHITA SEDGWICK COUNTY, KANSAS

DATE	KEM PROJ.	DRAWN	DESIGNED	SHEET
06.30.2025	25087	MP		1

Aerial Map


VAC2025-30
City Limits
Storm Structures
Enclosed Gravity Pipe
Force Main
Open Channel
Siphon
Water Hydrants
Sewer Manholes
Sewer Mains
Water Valves
Water Mains
WICHITA
S TOPEKA AVE
S EMPORIA AVE
E GILBERT ST