



Wichita-Sedgwick County Metropolitan Area Planning Department

August 15, 2023

Empower Evergreen, Inc.
Attn: Ariel Rodriguez
2601 North Arkansas Ave.
Wichita, KS 67204

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

Ref: VAC2023-00020: Request in the City to Vacate a Portion of a Platted Alley to Allow for Future Redevelopment; Generally Located South of East 21st Street North, Between North Market Street and North Park Place.

Dear applicants,

At the Tuesday, August 15, 2023, meeting of the Wichita City Council the above-referenced vacation request was **approved.**

Please contact our office at 316-268-4421 if you have any questions.

Sincerely,

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

Philip Zevenbergen, AICP
Current Plans
Division Manger



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

June 22, 2023

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

Ref: VAC2023-00020: Vacation request in the City to vacate a portion of a platted alley to allow for future redevelopment, generally located south of East 21st Street North, between North Market Street and North Park Place.

Phil,

At the Thursday, June 22, 2023, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was **approved** subject to the following conditions:

- (1) Vacation of the 14-foot alley adjacent to the east line of Lot 2, Bouse's Replat of Lots 2, 4, 6, and 8 on Main Street, Gossard's Subdivision of Gossard's Addition, Also adjacent to the west line of Lots 1, 3, 5, and 7 on Market Street, Gossard's Subdivision of Gossard's Addition, is contingent on approval by the Traffic Engineer and the Fire Department. Approval shall include adherence to the provided conditions. The applicant shall provide Planning with a dedication of access control by separate instrument with original signatures to go with the Vacation Order to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) Provide a covenant, with original signatures, binding and tying the described vacated alley right-of-way to the applicants' 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) 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.
- (4) 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

VAC2023-00020: Vacation request in the City to vacate a portion of a platted alley to allow for future redevelopment, generally located south of East 21st Street North, between North Market Street and North Park Place.

June 22, 2023

Page 2

County Register of Deeds. These conditions must be completed prior to the case going to Council for final action.

- (5) All improvements shall be according to City Standards and at the applicant's expense.
- (6) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC, or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council, or the Sedgwick County Board of County Commissioners have taken final action on the request and the Vacation Order, and all required documents have been provided to the City, County, and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

When all of the above conditions have been completed and there are no other documents requested; this case will be scheduled for final action by the Wichita City Council at the first appropriate date after **July 6, 2023**, (end of the two-week protest period). This letter also serves as a reminder that the vacation notification signs should now be removed from the property. If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,



Philip Zevenbergen, AICP
Current Plans, Division Manager

EE:kw

cc: Empower Evergreen Inc., Ariel Rodriguez, 2601 N Arkansas Avenue, Wichita KS 67204
Empower Evergreen Inc., PO Box 4524, Wichita KS 67204



Sedgwick County
Register of Deeds - Tonya Buckingham
Doc. #/Flm-Pg: 30258941

Receipt #: 2393363
Pages Recorded: 2

Recording Fee: \$0.00

Cashier: e2emith

Authorized By: *Tonya Buckingham*

Date Recorded: 08/21/2023 04:40:30 PM



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

**IN THE MATTER OF THE VACATION OF A PORTION)
OF A PLATTED ALLEY)**

**GENERALLY LOCATED SOUTH OF EAST 21ST STREET)
NORTH, BETWEEN NORTH MARKET STREET AND)
NORTH PARK PLACE)**

VAC2023-00020

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 15th day of August 2023, comes on for hearing the petition for vacation filed by Empower Evergreen, Inc. (owner), praying for the vacation of the described portion of a platted alley, to wit:

The 14.00-foot-wide alley adjacent to the east line of Lot 2, Bouse's Replat of Lots 2, 4, 6 and 8 on Main Street, Gossard's Subdivision of Gossard's Addition to Wichita, Sedgwick County, Kansas, ALSO adjacent to the west line of Lots 1, 3, 5 and 7, on Market Street, Gossard's Subdivision of Gossard's 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 on June 1, 2023, 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 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.

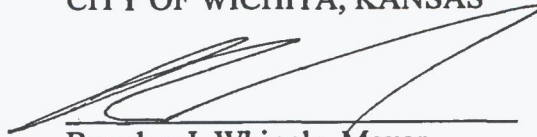
5. A dedication of access control, by separate instrument, shall be recorded with the Vacation Order at the Register of Deeds of Sedgwick County.

6. A restrictive covenant, binding and tying the described portion of the alley to abutting properties shall be recorded with the Vacation Order at the Register of Deeds of Sedgwick County.

7. The vacation of the described portion of a platted alley, should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 15th day of August 2023, ordered that the described portion of a 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.

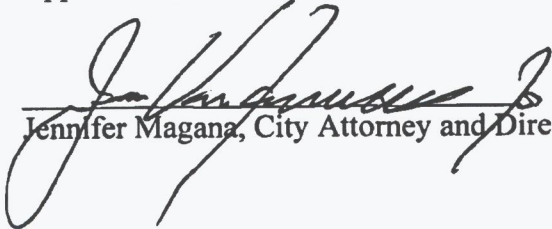
CITY OF WICHITA, KANSAS


Brandon J. Whipple, Mayor

ATTEST:


Jamie Buster, City Clerk

Approved as to Form:


Jennifer Magana, City Attorney and Director of Law



Beaufort Gazette
 Belleville News-Democrat
 Bellingham Herald
 Bradenton Herald
 Centre Daily Times
 Charlotte Observer
 Columbus Ledger-Enquirer
 Fresno Bee

The Herald - Rock Hill
 Herald Sun - Durham
 Idaho Statesman
 Island Packet
 Kansas City Star
 Lexington Herald-Leader
 Merced Sun-Star
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 The State - Columbia
 Sun Herald - Biloxi

Sun News - Myrtle Beach
 The News Tribune Tacoma
 The Telegraph - Macon
 San Luis Obispo Tribune
 Tri-City Herald
 Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	425993	Print Legal Ad-IPL01245720 - IPL0124572	OCA 150004	\$251.68	3	100 L

Attention: MANDY HEBERT
 CITY OF WICHITA/PLANNING DEPT
 271 WEST THIRD ST., 2ND FL, SU 203
 WICHITA, KS 67202

kgonzalez@wichita.gov

LEGAL PUBLICATION

OCA 180004

Published in The Wichita Eagle on June 1, 2023

(One Time Only)

MAPC/BZA June 22, 2023

OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, June 22, 2023, no earlier than 1:30 p.m., the WichitaSedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation may also occur through virtual methods (specified at the end of this notice). If you have any questions regarding the meeting or items on this notice, please call the WichitaSedgwick County Metropolitan Area Planning Department at (316) 2684421.

CON2023-00013: Conditional Use request in the City to permit Nightclub in the City on property zoned Limited Commercial, within 300 feet of a park; generally located on the southeast corner of West Douglas Avenue and South Seneca Street (1019 W. Douglas Ave).

CON2023-00024: Conditional Use request in the City to allow Vehicle and Equipment Sales, Outdoor; generally located on the northeast corner of East 13th Street North and North Topeka Avenue (404 East 13th Street North).

CON2023-00025: Conditional Use request in the City to allow Wrecking and Salvage (with ZON2023-00035 to change SF-5 to LI), to bring existing use into compliance; generally located on the northwest corner of West Esthiner Avenue and South Baehr Street.

CUP2023-00018: Request in the City to Amend the Chelsea Station CUP DP-62 to allow a 40.47 square foot mural on the north elevation of the building on Parcel 11; generally located west of North Broadmoor Street and south of East 21st Street North (2023 N. Broadmoor).

CUP2023-00019: Request in the City to amend CUP DP-356 to permit Vehicle Sales/Rental, Outdoor on Parcel 2, increase height of masonry screening to 8 feet, and increase size of Parcel 2; located on the north side of East Kellogg Drive, within one-quarter mile east of South Rock Road.

FUD2023-00006: Zone change request in the City from TF-3 Two-Family Residential to FUD Planned Unit Development #114 to for custom development standards and allow shipping containers to be used for residence; located on the south-east corner of East 1st Street North and North Poplar Avenue (158 North Poplar).

VAC2023-00019: Vacant request in the City to vacate a portion of a platted access control to allow access to a community boat ramp for the Rennick Addition; located on the north side of West 45th Street North and one-half mile west of North Hoover Road.

VAC2023-00020: Vacant request in the City to vacate a portion of a platted alley to allow for future redevelopment; generally located south of East 21st Street North, between North Market Street and North Park Place.

VAC2023-00021: Request in the City to vacate a portion of an easement in which the existing building encroaches 2.26 feet; located on the northwest corner of South Lulu Avenue and East 49th Street (4999 S. Lulu Ave).

VAC2023-00022: Vacant request in the City to vacate 100 linear feet of alley south of Lot 1 to allow better use of property and control access to owner's buildings; generally located south of East Central Avenue and east of North Mosely Avenue (448 8amp; 430 N Mosley Avenue).

ZON2023-00029: Zoning change request in the City from Single-Family Residential SF-5 to Two-Family Residential TF-3; generally located west of Young Street and 283.5 feet north of West 1st Street North (225 N Young).

ZON2023-00030: Zone change request in the City from Single-Family Residential SF-5 to Two Family Residential TF-3; generally located on the west of North Arkansas Avenue and north of West 38th Street North (325 N Arkansas).

ZON2023-00031: Zone change request in the City from General Office GO to Neighborhood Retail NR; generally located on the south side of East English Street and east side of South Hillside Avenue (200 S Hillside).

ZON2023-00033: Zone change request in the City from TF-3 Two-Family Residential District to GO General Office District for a medical office; generally located south of East Elm Street and north of East Central Avenue, on the west side of North Lorraine Avenue and the east side of North Chautauque Avenue.

ZON2023-00034: Zone change request in the City from SF-5 to MF-18, subject to Protective Overlay #413 to allow multiple duplexes on one lot; generally located west of North Clara Street, within 180 feet south of West Elm Street (741 North Clara).

ZON2023-00035: Zone change request in the City from SF-5 Single-Family Residential to LI Limited Industrial (with CON2023-25 for Wrecking/Salvage) to bring a property into compliance; generally located on the west side of South Baehr Street, north of West Esthiner Ave (1701 & 1721 S Baehr St).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the WichitaSedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

- 1) Participate virtually
- 2) Attend in-person at the Ronald Reagan Building
- 3) Submit comments ahead of time

Participate Virtually

Join Zoom Meeting
<https://us06web.zoom.us/j/4089666967?pwd=e0k3bW0ySjE5bDZlQjRlYV0xPjVDbXU0UT09>
 Meeting ID: 408 966 6967
 Passcode: 094136

One tap mobile

+16699006833,4089666967#,,,,094136# US (San Jose)
 +17193594580,4089666967#,,,,094136# US

Meeting ID: 408 966 6967
 Passcode: 094136

Find your local number: <https://us06web.zoom.us/j/kc65codtb1>

Attend In-Person

You may also participate in the hearing in-person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202. The in-person option is primarily intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-2684464) by 5pm, 3 days prior to the meeting.

Submit Comments Ahead of Time

You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 5pm 3 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email; letter; video; and audio message (mp3, etc.). The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department staff using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting.

Email: Planning@wichita.gov

Mailing Address Wichita-Sedgwick County Metropolitan Area Planning Department
 Attn: Scott Wadle

271 W. 3rd Street - Suite 201

Wichita, KS 67202

Phone 316.268.4421

Fax 316.858.7764

WITNESS MY HAND on June 1, 2023

Scott Wadle, Secretary
 WichitaSedgwick County
 Metropolitan Area Planning Commission
 PLO124572
 Jun 1 2023

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

1 insertion(s) published on:
 06/01/23

STATE OF KANSAS)
 SS
 County of Sedgwick)

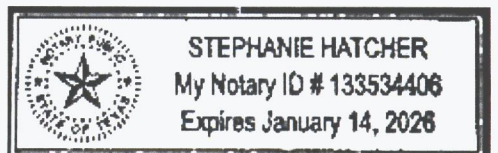
Hayley Martin, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper 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 06/01/2023 to 06/01/2023.

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

DATED: 06/01/2023

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!



Beaufort Gazette
 Belleville News-Democrat
 Bellingham Herald
 Bradenton Herald
 Centre Daily Times
 Charlotte Observer
 Columbus Ledger-Enquirer
 Fresno Bee

The Herald - Rock Hill
 Herald Sun - Durham
 Idaho Statesman
 Island Packet
 Kansas City Star
 Lexington Herald-Leader
 Merced Sun-Star
 Miami Herald

el Nuevo Herald - Miami
 Modesto Bee
 Raleigh News & Observer
 The Olympian
 Sacramento Bee
 Fort Worth Star-Telegram
 The State - Columbia
 Sun Herald - Biloxi

Sun News - Myrtle Beach
 The News Tribune Tacoma
 The Telegraph - Macon
 San Luis Obispo Tribune
 Tri-City Herald
 Wichita Eagle

CITY OF WICHITA/PLANNING DEPT
 271 WEST THIRD ST., 2ND FL, SU 203
 WICHITA KS 67202

MEMO INVOICE	
Order No.:	425993
Memo Date:	06/01/2023
Bill-To Account:	16399
Sales Rep:	Hayley Martin

Dates	Order No.	Description	Product	Size	Billed Units	Times Run	Net Amount
06/01/2023 - 06/01/2023	425993	Print Legal Ad-IPL01245720 IPL0124572 PO: OCA 150004	WIC-Wichita Eagle Legal Legals & Public Notices CLS	3 x 100 L	300 L	1	\$251.68

 Please Return This Portion With Your Payment (Thank You)

McClatchy Company LLC
 PO Box 510150
 Livonia MI 48151

*** MEMO INVOICE ***

CITY OF WICHITA/PLANNING DEPT
 271 WEST THIRD ST., 2ND FL, SU 203
 WICHITA KS 67202

MEMO INVOICE	
Order No.:	425993
Account No.:	16399
Account Name:	CITY OF WICHITA/PLANNING DEPT
Order Amount:	\$251.68

Email questions to ssccreditandcollections@mcclatchy.com

McClatchy Company LLC
 PO Box 510150
 Livonia MI 48151

STAFF REPORT

CASE NUMBER:

VAC2023-00020- Vacation request in the City to vacate a portion of a platted alley to allow for future redevelopment, generally located south of East 21st Street North, between North Market Street and North Park Place.

APPLICANTS:

Empower Evergreen (applicant), Baughman Company, PA (Agent)

LEGAL DESCRIPTION:

Generally described as vacating the 14 foot wide alley adjacent to Lot 2 of Bouse's Replat and also adjacent to Lots 1, 3, 5, and 7 on Market Street, Gossard's Subdivision of Gossard's Addition (see attached legal).

LOCATION:

Generally located south of East 21st Street North, between North Market Street and North Park Place.

REASON FOR REQUEST:

For future redevelopment.

CURRENT ZONING:

All properties abutting the alley right-of-way are zoned GC General Commercial District.



Empower Evergreen is requesting the vacation of 100 feet of a platted 14-foot alley right-of-way as dedicated in Gossard's Subdivision of Gossard's Addition to Wichita, Sedgwick County, Kansas. The alley is located between East 21st Street North and East 20th Street North and between North Market Street and North Park Place in the historic NoMar District. The applicant owns the properties abutting this portion of the alley right-of-way to the east and west, and has proposed the vacation to allow for outdoor green space for seating and dining.

All lots abutting the application area are zoned GC General Commercial District and are developed with commercial uses. Southeast of the application area, at 2141 North Market is the NoMar Theater. Other properties abutting the alley right-of-way south of the vacation area are zoned GC General Commercial District and B Multi-Family Residential District and are developed with residential uses. The requested vacation would dead-end the alley, eliminating its access to East 21st Street North. The applicant has proposed to dedicate an access easement along the existing 16-foot utility easement south of Lots 1 and 2 of Bouse's Replat Addition to redirect alley traffic.

City sewer is located in the vacation area and runs south in the platted alley. City water and stormwater are located in the East 21st Street North right-of-way. Comments from all franchised utilities have not been received and are needed to determine whether franchise equipment is located within the described area. Conditions #3, #4, and #5 cover all utilities. Vehicular traffic, pedestrian traffic, public safety, and utilities should not be impacted by this vacation request if approved with the listed conditions.

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 June 1, 2023, 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 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) Vacation of the 14-foot alley adjacent to the east line of Lot 2, Bouse's Replat of Lots 2, 4, 6, and 8 on Main Street, Gossard's Subdivision of Gossard's Addition, Also adjacent to the west line of Lots 1, 3, 5, and 7 on Market Street, Gossard's Subdivision of Gossard's Addition, is contingent on approval by the Traffic Engineer and the Fire Department. Approval shall include adherence to the provided conditions. The applicant shall provide Planning with a dedication of access

control by separate instrument with original signatures to go with the Vacation Order to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds. All to be provided to the Planning Department prior to this case going to City Council for final action.

- (2) Provide a covenant, with original signatures, binding and tying the described vacated alley right-of-way to the applicants' 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) 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.
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- (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 subject to the following conditions:

- (1) Vacation of the 14-foot alley adjacent to the east line of Lot 2, Bouse's Replat of Lots 2, 4, 6, and 8 on Main Street, Gossard's Subdivision of Gossard's Addition, Also adjacent to the west line of Lots 1, 3, 5, and 7 on Market Street, Gossard's Subdivision of Gossard's Addition, is contingent on approval by the Traffic Engineer and the Fire Department. Approval shall include adherence to the provided conditions. The applicant shall provide Planning with a dedication of access control by separate instrument with original signatures to go with the Vacation Order to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds. All to be provided to the Planning Department prior to this case going to City Council for final action.
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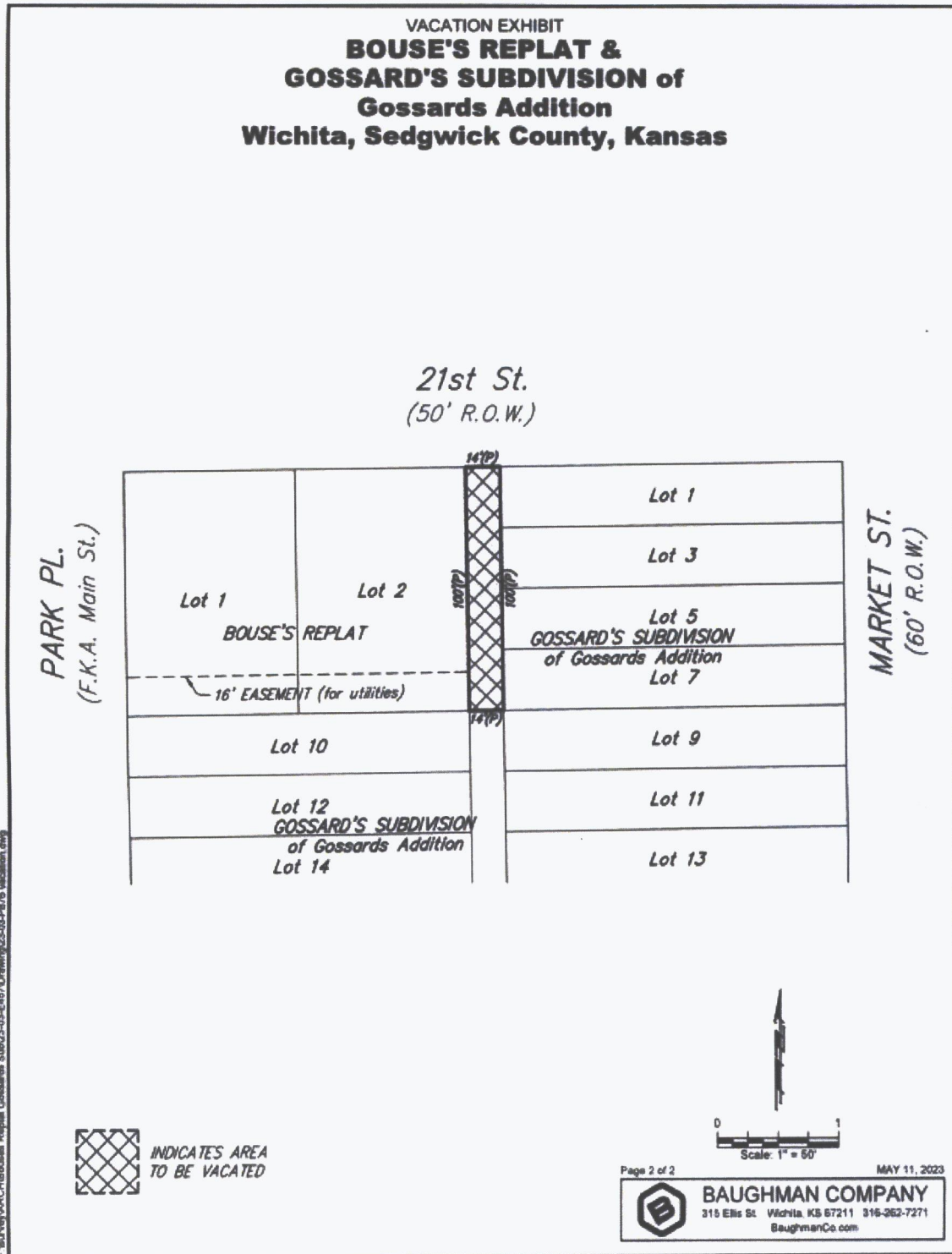
Attachments:

1. Applicant's Exhibit
2. Aerial Map I
3. Site Photos
4. Legal Description

VAC2023-00020: Vacation request in the City to vacate a portion of a platted alley to allow for future redevelopment, generally located south of East 21st Street North, between North Market Street and North Park Place.

June 22, 2023












Page 5



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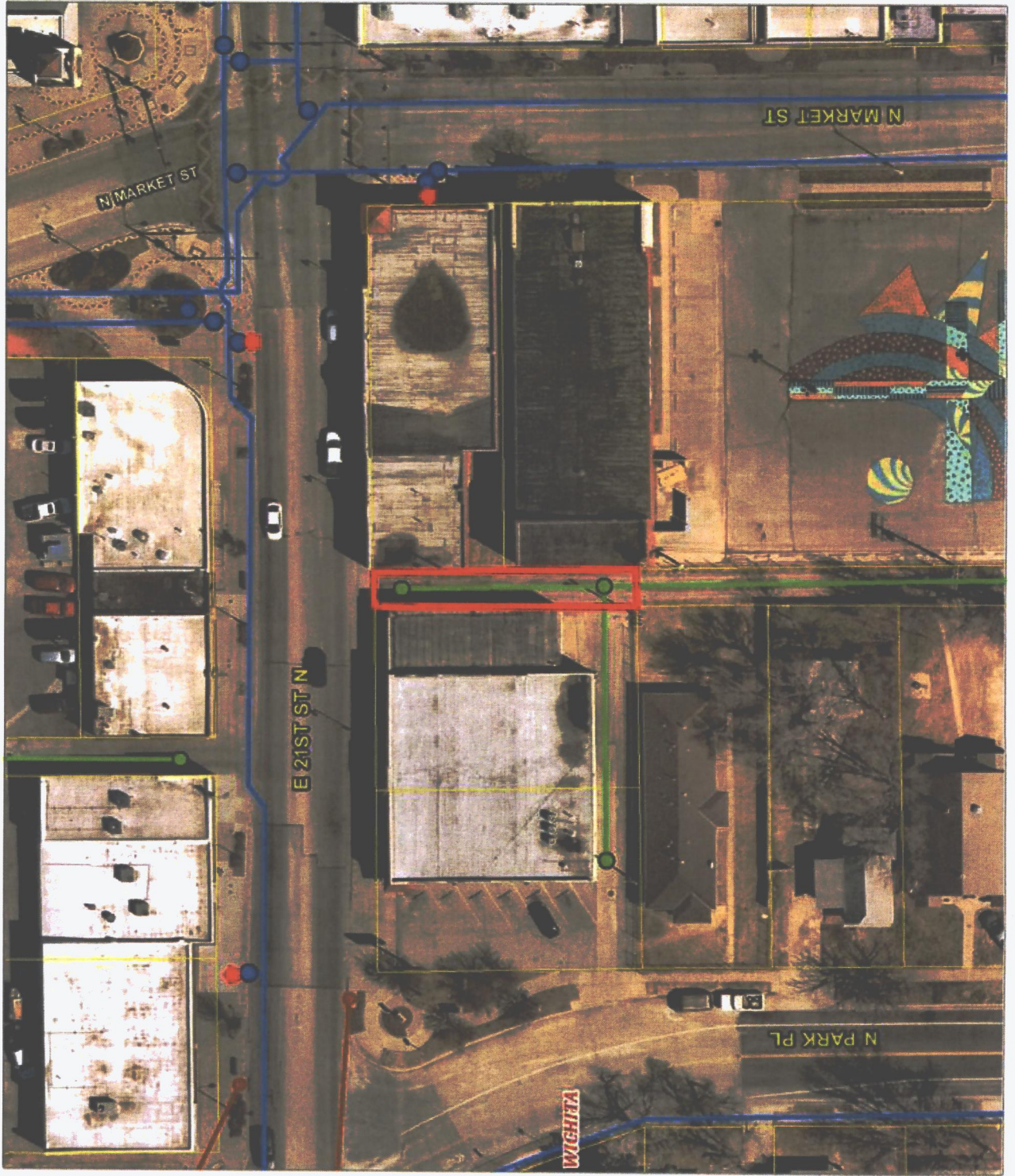
-  VAC2023-00020
-  Storm Structures
-  Enclosed Gravity Pipe
-  Force Main
-  Open Channel
-  Siphon
-  Water Hydrants
-  Sewer Manholes
-  Sewer Mains
-  Water Valves
-  Water Mains



Software: ArcGIS

Map Date Sources:
City of Wichita
Sedgwick County

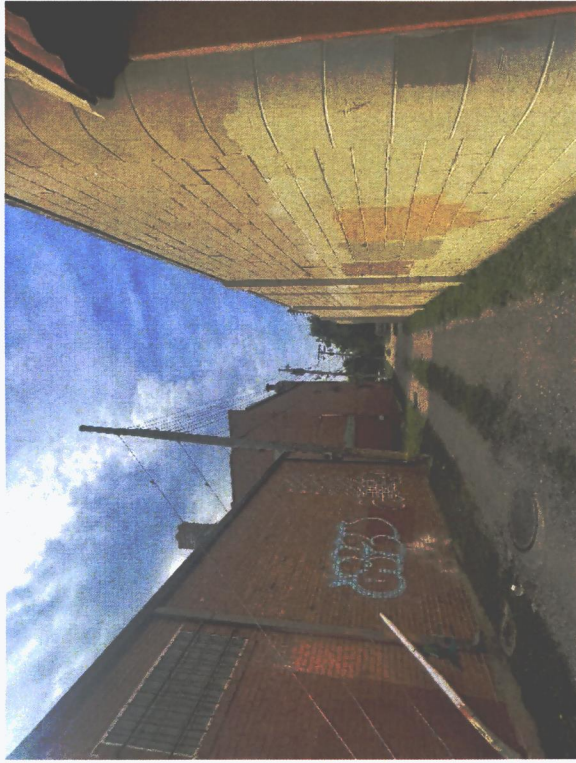
Prepared: 5/15/2023



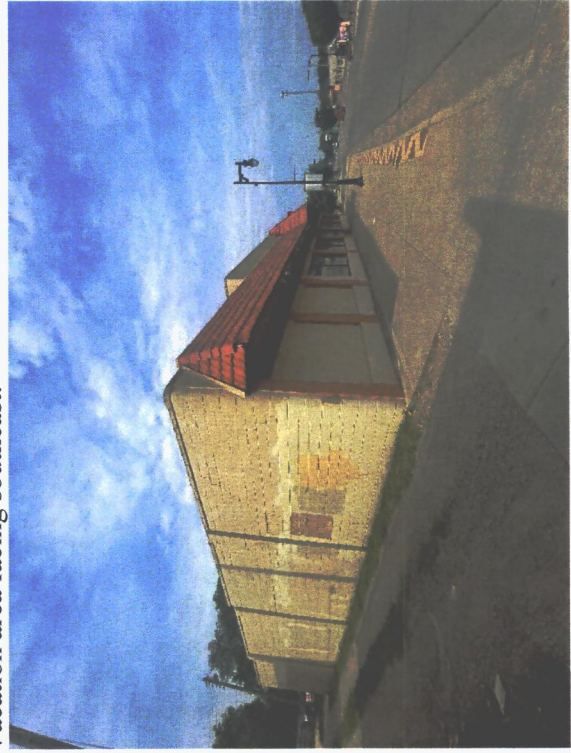
It is understood that while the City of Wichita Data Center Geographical Information Systems Department have no indication and reason to believe that there are inaccuracies in information incorporated in the base map, the Data Center GIS personnel make no warranty or representation of the accuracy or completeness of the information or data developed or acquired, with respect to the information or data represented on this map is not intended to be inclusive.



Vacation area facing southeast.



Vacation area facing south.



Vacation area facing southwest.



VAC2023-00020: Vacation request in the City to vacate a portion of a platted alley to allow for future redevelopment, generally located south of East 21st Street North, between North Market Street and North Park Place.

June 22, 2023

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LEGAL DESCRIPTIONS

APPLICATION AREA FOR VACATION OF ALLEY

EMPOWER EVERGREEN, INC. (Pin Nos. 00110194, 00101763 and 00101764):

Lots 1 and 2, Bouse's Replat of Lots 2, 4, 6, and 8 on Main Street, Gossard's Sub. Of Gossard's Addition to Wichita, Sedgwick County, Kansas.

Lots 1, 3, 5, and 7, on Market Street, Gossard's Subdivision of Gossard's Addition to Wichita, Sedgwick County, Kansas.

LEGAL DESCRIPTION OF ALLEY TO BE VACATED

The 14.00 foot wide alley adjacent to the east line of Lot 2, Bouse's Replat of Lots 2, 4, 6 and 8 on Main Street, Gossard's Subdivision of Gossard's Addition to Wichita, Sedgwick County, Kansas, ALSO adjacent to the west line of Lots 1, 3, 5 and 7 on Market Street, Gossard's Subdivision of Gossard's Addition to Wichita, Sedgwick County, Kansas.

RESTRICTIVE COVENANT

THIS DECLARATION, made this 12th day of July, 2023, by Empower Evergreen, Inc., a Kansas Not For Profit Corporation, hereinafter called "Declarant".

WITNESSETH

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

PARCEL 'A'

Lots 1, 3, 5, and 7, on Market Street, Gossard's Subdivision of Gossard's Addition to Wichita, Sedgwick County, Kansas,

and,

WHEREAS, Declarant is in the process of vacating a portion of an alley adjacent to said Parcel 'A' described as Parcel 'B' below, and as a condition of the vacation case, VAC2023-00020, the Planning Commission of the City of Wichita has required this covenant.

PARCEL 'B'

The 14.00 foot wide alley adjacent to the west line of Lots 1, 3, 5 and 7 on Market Street, Gossard's Subdivision of Gossard's Addition to Wichita, Sedgwick County, Kansas, ALSO adjacent to the east line of Lot 2, Bouse's Replat of Lots 2, 4, 6 and 8 on Main Street, Gossard's Subdivision of Gossard's Addition to Wichita, Sedgwick County, Kansas.

RESTRICTIVE COVENANT
Page 2

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

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

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

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

Empower Evergreen, Inc.

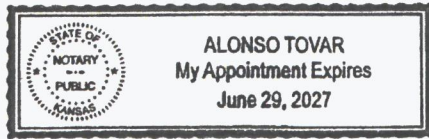
By: 
Ariel Rodriguez, Executive Director

RESTRICTIVE COVENANT
Page 3

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this 12 day of July, 2023, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Ariel Rodriguez, as Executive Director of Empower Evergreen, Inc., a Kansas Not For Profit Corporation, personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same, for and on behalf and as the act and deed of said corporation.

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



Alonso Tovar
Notary Public

My Appointment Expires: June 29, 2027

DEDICATION OF ABUTTER'S ACCESS RIGHTS

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned Empower Evergreen, Inc., a Kansas not for profit corporation, being the owner(s) of the following described real estate in Sedgwick County, Kansas, to wit:

Lots 1 and 2, Bouse's Replat of Lots 2, 4, 6, and 8 on Main Street, Gossard's Sub. Of Gossard's Addition to Wichita, Sedgwick County, Kansas.

Lots 1, 3, 5, and 7, on Market Street, Gossard's Subdivision of Gossard's Addition to Wichita, Sedgwick County, Kansas.

(hereinafter "property").


as a condition of Vacation Case VAC2023-00020, do hereby transfer and convey to the appropriate governing body, all abutter's rights of access, ingress and egress to said property from or to 21st St N over and across:

The 14.00 foot wide alley lying adjacent to and abutting the west line of Lot 1, Market Street, Gossard's Subdivision of Gossards Addition, Wichita, Kansas, Sedgwick County, Kansas, more particularly described as beginning at the northwest corner of said Lot 1, Market Street in said Gossard's Subdivision of Gossards Addition; thence west coincident with the westerly extension of the north line of said Lot 1, Market Street in said Gossard's Subdivision of Gossards Addition, 14.00 feet to the Northeast corner of Lot 2, Bouse's Replat of Lots 2, 4, 6, 8 on Main Street, Gossard's Subdivision of Gossard's Addition to Wichita, Sedgwick County, Kansas, and for a point of termination.

to have and to hold the same forever. It being understood that this conveyance is a covenant running with the land and prohibits all subsequent owners thereof and all members of the public from entering upon said property from 21st St N.

Executed this 10th day of July, 2023.

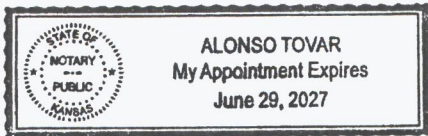
EMPOWER EVERGREEN, INC.

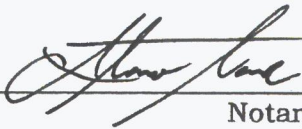
By: 
Ariel Rodriguez, Executive Director

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this 10th day of July, 2023, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Ariel Rodriguez, Executive Director of Empower Evergreen, Inc., a Kansas not for profit corporation, personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same, for and on behalf, and as the act and deed of said corporation.

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




Notary Public

My Commission Expires: June 29, 2027