



Sedgwick County
Register of Deeds - Tony Buckingham
Doc.#/Flm-Pg: 30288118

Receipt #: 2412833
Pages Recorded: 2

Recording Fee: \$0.00

Cashier: vbunch
Authorized By: *Tony Buckingham*
Date Recorded: 01/29/2024 03:38:31 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 COMPLETE ACCESS CONTROL)**

**GENERALLY LOCATED ON THE EAST SIDE OF)
NORTH GREENWICH ROAD AND WITHIN ONE-)
QUARTER MILE SOUTH OF EAST 13TH STREET)
NORTH)**

VAC2023-00052

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 23rd day of January 2024, comes on for hearing the petition for vacation filed by Plazzio Investment Company, LLC (owner) praying for the vacation of a portion of a platted complete access control, to wit:

Vacating the complete access control along the west line of the south 283 feet of Lot 3, Block 1, Gateway Center 3rd 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 December 7, 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 the platted complete access, and the public will suffer no loss or inconvenience thereby.
3. A dedication of complete access, permitting one right-in/right-out opening within the south 283 feet over and across the west property line of Lot 1, Block 3, Gateway Center 3rd Addition shall be recorded with the Vacation Order at the Register of Deeds of Sedgwick County.

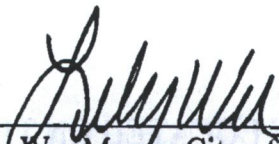
January 23, 2024
VAC2023-00052

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

5. 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.

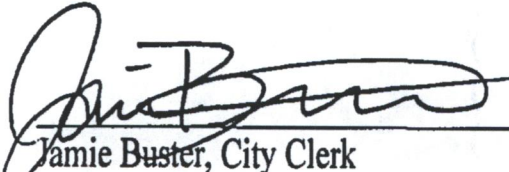
6. The vacation of the described portion of the platted complete access should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 23rd day of January 2024, ordered that the above-described portion of the platted complete access 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

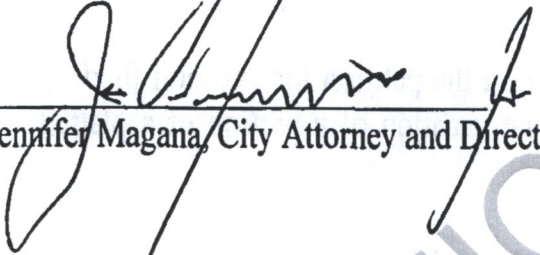
ATTEST:



Jamie Buster, City Clerk



Approved as to Form:



Jennifer Magana, City Attorney and Director of Law

UNOFFICIAL COPY



DEDICATION ACCESS CONTROL

WHEREAS, PLAZZIO INVESTMENT COMPANY, L.L.C., a Kansas limited liability company, as owner of the below described property, has petitioned the City of Wichita to vacate the platted access controls for the same per Vacation Case numbered VAC2023-00052; and

WHEREAS, It is necessary to re-dedicate access controls for the below described property; and

AND WHEREAS, PLAZZIO INVESTMENT COMPANY, L.L.C., a Kansas limited liability company wishes to do the same; and

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, being the owners of the following described real estate, to-wit:

Lot 3, Block 1, The Gateway Center 3rd Addition, an addition to Wichita, Sedgwick County, Kansas.

Do hereby transfer and convey to the City of Wichita all abutters' right of access, ingress and egress to said property from or to North Greenwich Road over and across the west line of the above-described property; provided however, the following access openings shall be allowed per the below:

1. One right-in/right-out opening along North Greenwich Road frontage; Said single right-in/right-out opening being permitted within the following segment of street frontage as follows: Beginning at a point on the west line Lot 3, Block 1, The Gateway Center 3rd Addition, an addition to Wichita, Sedgwick County, Kansas, said point being 150.00 feet north of the southwest corner of said Lot 3, thence north 158.01 feet on the extended west line to a point lying 150.00 feet south of the extended north line of said Lot 3 as depicted on Exhibit A contained herein.
2. If the drive is to be constructed within the north 85 feet of the described 158.01 opening, then the existing center median in North Greenwich Road shall be extended north towards the intersection of 13th Street to a point that prohibits left turning movements and/or southbound traffic from entering the right-in/right-out opening. The median extension shall be reviewed and approved by way of a Private Project Paving plan. The owner shall be responsible for the initial construction of the median extension.

It is 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 North Greenwich Road except for the described aforementioned one opening to North Greenwich Road thereto.

Executed this 4th day of January, 2024.

Plazzio Investment Company, L.L.C.,
a Kansas limited liability company
By: Laham Development Company, L.L.C.
a Kansas limited liability company, Its Manager

By: 
George E. Laham, II, Manager

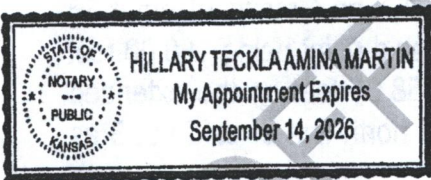
STATE OF KANSAS, SEDGWICK COUNTY, ss:

BE IT REMEMBERED, that on this 4th day of January, 2024, before me, a Notary Public, in and for said county and state aforesaid, came

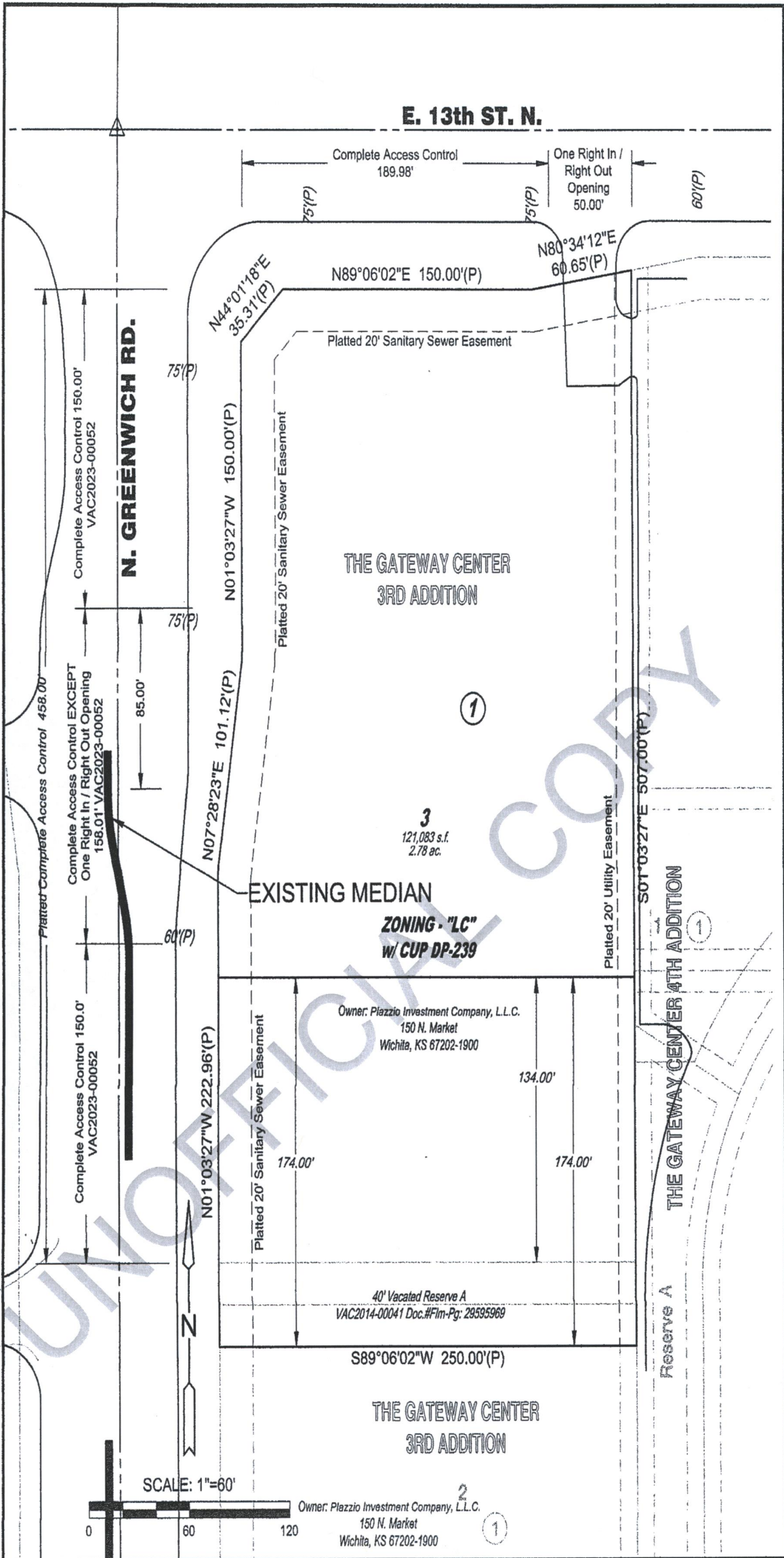
George E. Laham, II, Manager of Laham Development Company, LLC, a Kansas limited liability company, as Manager of Plazzio Investment Company, LLC, a Kansas limited liability company, to me personally known to be the same person(s) who executed the within and foregoing instrument and duly acknowledged the execution of the same as the authorized act and deed of the company.

(SEAL)

Notary Public: Hillary Teckla Amina Martin



My Appointment Expires: 9/14/2026



| NO. | REVISION | DATE |
|-----|----------------------|----------|
| 0 | ISSUED FOR SUBMITTAL | 12/22/23 |

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**DEDICATION EXHIBIT A
ACCESS CONTROLS ON GREENWICH RD.
LOT, 3 BLOCK 1, THE GATEWAY CENTER 3RD**

| | | |
|------------------------|---------------------|------------------|
| PROJECT NO. 2301010812 | DATE: DECEMBER 2023 | SHEET NO. |
| DRAWN BY: BDL | DESIGNED BY: BDL | APPROVED BY: BDL |

1 OF 1

J:\PROJECTS\2023\2301010812_PLAZZO_VACATION DEDICATION CASE & CUPPOB 200812 CAD\REF\MKEC09 CIVIL\MDOB\B030612_PLZ.DWG

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CITY OF WICHITA, SEDGWICK COUNTY, KANSAS**

**IN THE MATTER OF THE VACATION OF A PORTION)
OF A PLATTED COMPLETE ACCESS CONTROL)**

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January 23, 2024
VAC2023-00052

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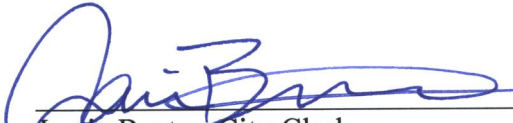
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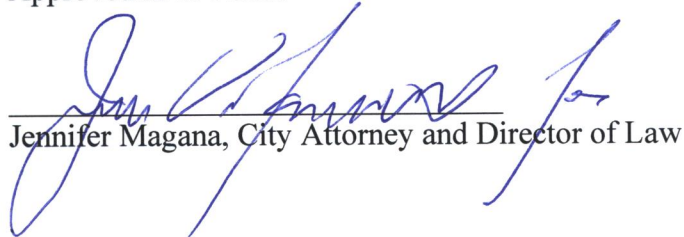
ATTEST:



Jamie Buster, City Clerk



Approved as to Form:



Jennifer Magana, City Attorney and Director of Law



Tonya Buckingham

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Executed this 4th day of January, 2024.

Plazzio Investment Company, L.L.C.,
a Kansas limited liability company
By: Laham Development Company, L.L.C.
a Kansas limited liability company, Its Manager

By: [Signature]
George E. Laham, II, Manager

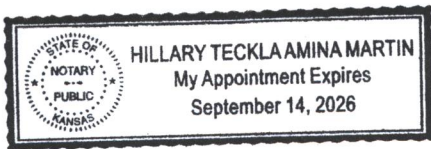
STATE OF KANSAS, SEDGWICK COUNTY, ss:

BE IT REMEMBERED, that on this 4th day of January, 2024, before me, a Notary Public, in and for said county and state aforesaid, came

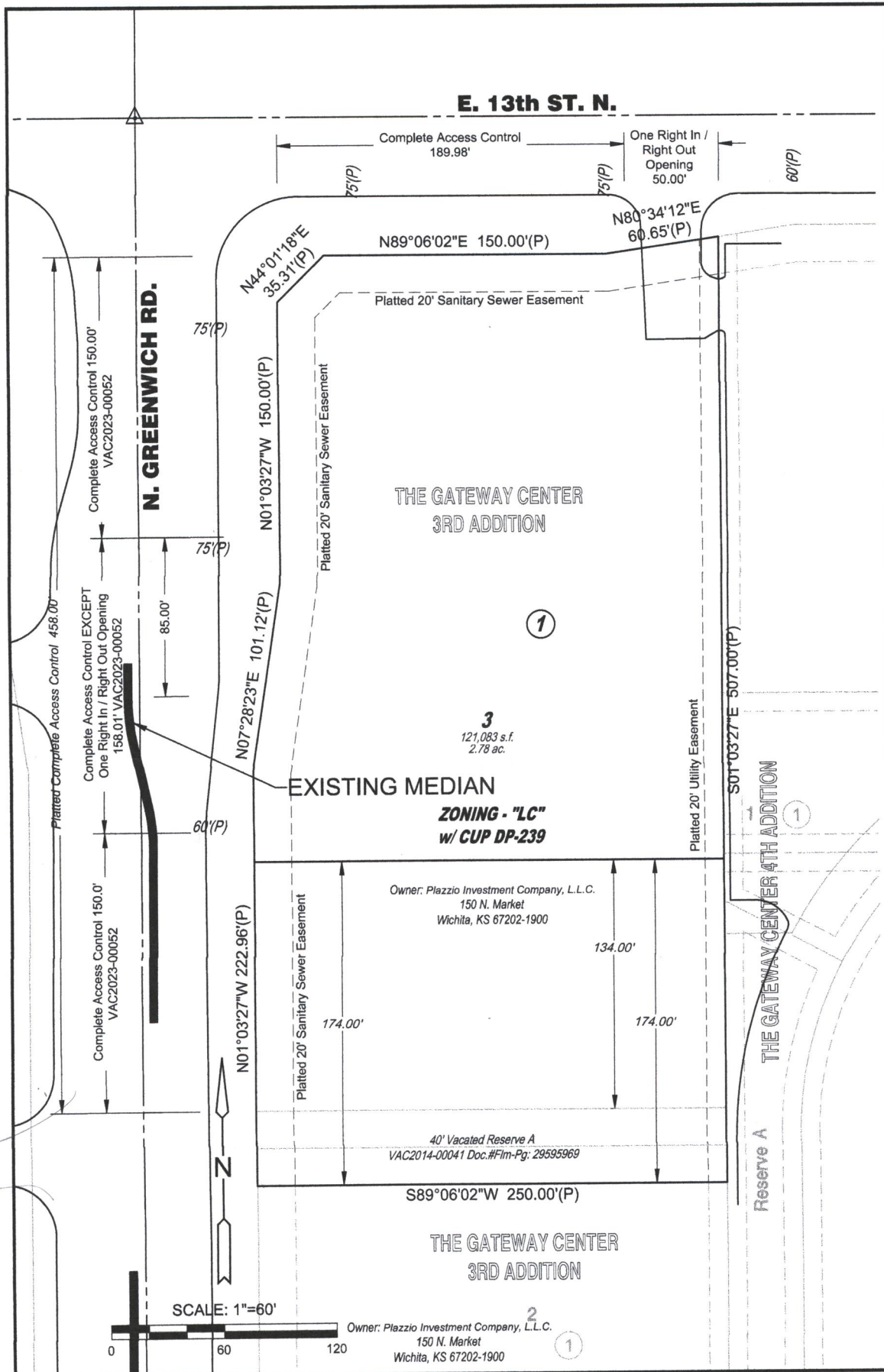
George E. Laham, II, Manager of Laham Development Company, LLC, a Kansas limited liability company, as Manager of Plazzio Investment Company, LLC, a Kansas limited liability company, to me personally known to be the same person(s) who executed the within and foregoing instrument and duly acknowledged the execution of the same as the authorized act and deed of the company.

(SEAL)

Notary Public: Hillary Teckla Aminah Martin



My Appointment Expires: 9/14/2026



| NO. | REVISION | DATE |
|-----|----------------------|----------|
| 0 | ISSUED FOR SUBMITTAL | 12/22/23 |

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| | | |
|---|---------------------|------------------|
| DEDICATION EXHIBIT A ACCESS CONTROLS ON GREENWICH RD. LOT, 3 BLOCK 1, THE GATEWAY CENTER 3RD | | |
| PROJECT NO. 2301010812 | DATE: DECEMBER 2023 | SHEET NO. |
| DRAWN BY: BDL | DESIGNED BY: BDL | APPROVED BY: BDL |
| | | 1 OF 1 |

I:\PROJECTS\2023\2301010812_FLAZZO_VACATION CASE & CUPDP\2023\CAD\DWG\MKEC\06 CHL.MDL\06.030012_P12.DWG



Wichita-Sedgwick County Metropolitan Area Planning Department

January 24, 2024

MKEC Engineering Consultants, Inc.
Attn: Brian Lindebak
411 North Webb Rd.
Wichita, KS 67206

Plazzio Investment Company, LLC
Attn: Amy Liebau
150 North Market Street
Wichita, KS 67202

RE: VAC2023-00052: Request in the City to vacate a portion of platted access control along North Greenwich Road located on the southeast corner of North Greenwich Road and East 13th Street North.

Dear Applicant;

At its regular meeting on January 23, 2024, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the vacation request.

Sincerely,

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

Philip Zevenbergen, AICP
Current Plans
Division Manager



FILE COPY

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

December 28, 2023

MKEC Engineering
Consultants, Inc.
Attn: Brian Lindebak
411 N. Webb Rd
Wichita, KS 67206

Ref: VAC2023-00052: Vacation request in the City to vacate platted access controls along North Greenwich Road located on the southeast corner of North Greenwich Road and East 13th Street North.

Brian,

At the **Thursday, December 28, 2023**, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

- (1) Provide Planning with dedication of access control for the south 150 feet of the application area, 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. The dedication shall include language regarding any modification and/or expansion of the existing central median along North Greenwich Road depending on where the final opening is described. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) All improvements shall be according to City Standards and at the applicants' expense.
- (3) Vacation of the described portion of platted complete access control located on and running parallel with the west property line of the south 283 feet of Lot 3, Block 1, Gateway Center 3rd Addition, is contingent on approval by the Traffic Engineer and the Fire Department. Traffic Engineering requires this drive access to be right-in/right-out only.
- (4) Per MAPC Policy Statement #7, all conditions are to 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.

VAC2023-00052: Vacation request in the City to vacate platted access controls along North Greenwich Road located on the southeast corner of North Greenwich Road and East 13th Street North.

December 28, 2023

Page 2

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 **January 11, 2024**, (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

PZ:kw

cc: Plazzio Investment Company LLC, Amy Liebau, 150 N Market St, Wichita KS 67202



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

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

MHEBERT@wichita.gov

LEGAL PUBLICATION

OCA 150004
 Published in The Wichita Eagle on December 7, 2023
 (One Time Only)
 MAPC/BZA December 28, 2023
 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, December 28, 2023, 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.

CON2023-00064: Conditional Use request in the City to permit Tavern and drinking establishment uses on property zoned CBD Central Business District, generally located on the east side of N St Francis Avenue, 62 ft north of East Douglas Avenue (114 N Saint Francis Ave).

CON2023-00065: Conditional Use request in the City to allow vehicle storage facility for parking inoperable vehicles, generally located on the east side of South Broadway and within one-eighth of a mile north of Interstate 235 (4204 South Broadway Avenue).

VAC2023-00048: Vacation request of the South 10 feet of the North 35 feet of the platted North setback, generally located at the Southwest corner of West 21st Street North and North Hoover Road (2131 North Hoover Road).

VAC2023-00049: Request in the City to vacate the platted alley located between South Broadway Ave. and South Topoka Ave and between East English St. on the south and East William St. on the north to facilitate redevelopment of the block.

VAC2023-00050: Vacation request in the City to vacate ten feet of a 25-foot platted setback on property zoned MF-29 Multi-Family Residential District, generally located south of East 36th Street North and west of North Rock Road.

VAC2023-00051: Vacation request in the City to vacate access control of the south 35 feet of the north 55 feet of Reserve A on property zoned SF-5 Single-Family Residential District, generally located on the east side of North Rock Road, within one-half mile south of East 45th Street North.

VAC2023-00052: Vacation request in the City to vacate platted access controls along North Greenwich Road located on the southeast corner of North Greenwich Road and East 13th Street North.

ZON2023-00068: Zone change request in the City from SF-5 Single-Family Residential District to NR Neighborhood Retail District with Protective Overlay #424 for commercial development, generally located on the east side of North Rock Road, within one-half mile north of East 45th Street North.

ZON2023-00070: Zone change request in the City from NO to LC to maintain usage rights in the NO district with PO 425 to allow Animal Care, Limited in accordance with LC district, generally located on the west side of Maize Road North and one-third of a mile south of West 21st Street North. (1901 Maize Road North).

ZON2023-00071: Zone Change request in the City from SF-5 Single-Family Residential, GC General Commercial and LC Limited Commercial to LI Limited Industrial for Wrecking/Salvage Yard use; generally located on the east side of South Broadway and within one-eighth of a mile of Interstate 235 (4204 South Broadway).

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 Wichita-Sedgwick 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.

Options to participate:

1) Attend In-Person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202. Self-paid parking is available nearby. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-268-4464) by 5:00 PM, 3 days prior to the meeting.

2) Submit Comments Ahead of Time regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department) – 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. Planning Department staff make efforts to share all comments but may not be able to share those received after the deadlines below. Please be sure to provide ample time for delivery. Written Comments should be submitted by 5:00 PM the day before the meeting. Video and Audio Comments (mp3, etc.) formats be submitted at least 3 days prior to the MAPC meeting. The comments should indicate which item they pertain to and be less than three (3) minutes in duration.

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

3) If you need accommodations pursuant to the ADA, please contact Planning Staff within one week prior to the scheduled meeting.

Option to View Remotely (Not Participate)

The meeting will be streamed live and recorded. Virtual comment is not available. To view the live stream or recording, follow the link: <https://www.wichita.gov/Planning>.

WITNESS MY HAND on December 7, 2023

Scott Wadle, Secretary

Wichita-Sedgwick County

Metropolitan Area Planning Commission

IPL0150565

Dec 7 2023

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

1 insertion(s) published on:

12/07/23

STATE OF KANSAS)

SS

County of Sedgwick)

Stefani Beard, 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 12/07/2023 to 12/07/2023.

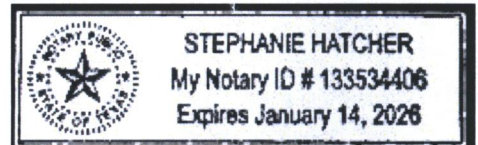
Stefani Beard

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

DATED: 12/07/2023

Stephanie Hatcher

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

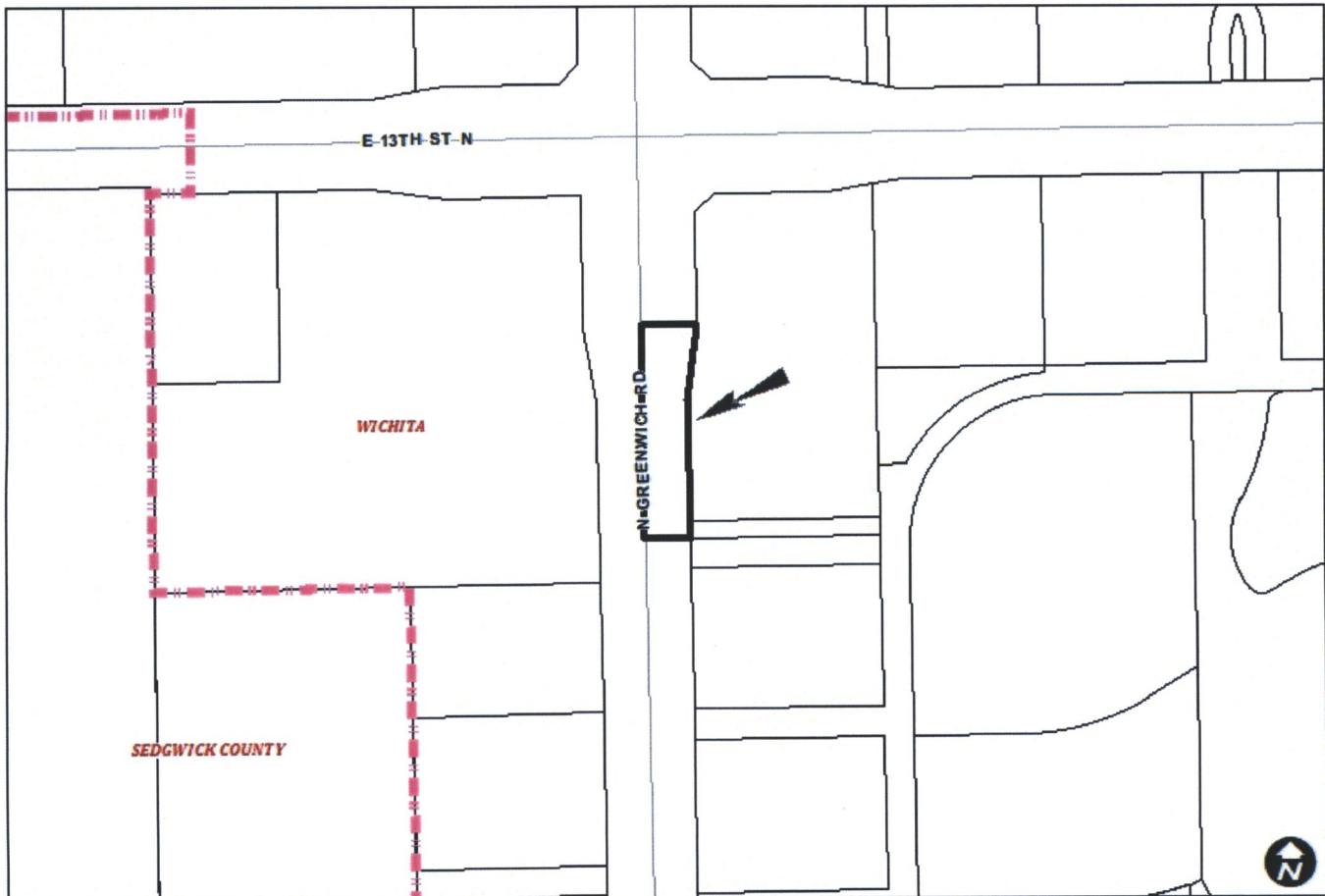


Extra charge for lost or duplicate affidavits.
 Legal document please do not destroy!

STAFF REPORT

- CASE NUMBER:** VAC2023-00052 – Request to vacate a portion of platted complete access control.
- OWNER/APPLICANT:** Plazzio Investment Company, LLC (applicant); MKEC Engineering, Inc. (agent).
- LEGAL DESCRIPTION:** Generally described as vacating the complete access control along the west line of the south 283 feet of the Lot 3, Block 1, Gateway Center 3rd Addition, Wichita, Sedgwick County, Kansas.
- LOCATION:** Generally located on the on the southeast corner of East 13th Street North and North Greenwich Road. (District II)
- REASON FOR REQUEST:** Permit right-in/right-out access drive for future development.
- CURRENT ZONING:** The subject site is zoned LC Limited Commercial District with CUP DP-239. Surrounding properties are a mixture of LC Limited Commercial, GC General Commercial, and LI Limited Industrial zoning.

VICINITY MAP:



The applicant is requesting a vacation of a portion of platted complete access control to permit one right-in/right-out opening within the south 283 feet along the west line of Lot 3, Block 1, Gateway Center 3rd Addition. The property is zoned LC Limited Commercial District with CUP DP-239 and is undeveloped. Lot 1 currently can be accessed via cross-lot access within the CUP and a platted right-in/right-out shared access drive on the north side. If approved, this will provide additional access to the undeveloped lot from North Greenwich Road. Reserve A abuts the subject site on the south. When originally platted, Reserve A was created for ingress/egress that would have provided an additional location for access to the subject site. In 2014, Reserve A was vacated (VAC2014-00041) and the plattor's text was vacated to permit the uses as allowed by CUP DP-239. With the vacation of Reserve A, the subject site has no opportunity for direct access off of North Greenwich Road.

If approved, an opening could be provided within 250 feet south of the intersection of North Greenwich Road and East 13th Street North, or an opening could be provided within 260 feet of the main entrance drive into the larger CUP development. Access Management standards call for right-in/right-out drives for openings with less than 400 feet of separation as long as the drives are at least 200 feet apart.

Traffic Engineering does not object to the vacation to permit a right-in/right-out drive. They will work with the applicant on the final location of the drive. Public Works and Utilities commented that there is a storm sewer box and a sanitary sewer manhole in the area. Any modification or relocation of these facilities is at the applicant's expense. Both Evergy and Cox have equipment and lines in the vacation area, but they do not object to the vacation request. Any removal or relocation is at the applicant's expense. Evergy noted that any relocation and/or removal of their equipment will be very cost prohibitive. LaDonna Vanderford, Design Representative, is Evergy's contact in this area. She can be reached at 316-261-6290. The Gateway Center 3rd Addition was recorded March 25, 2010.

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 complete access control.

- 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 December 7, 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 access control and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) Provide Planning with dedication of access control for the south 150 feet of the application area, 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. The dedication shall include language regarding any modification and/or expansion of the existing central median along North Greenwich Road depending on where the final opening is described. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) All improvements shall be according to City Standards and at the applicants' expense.

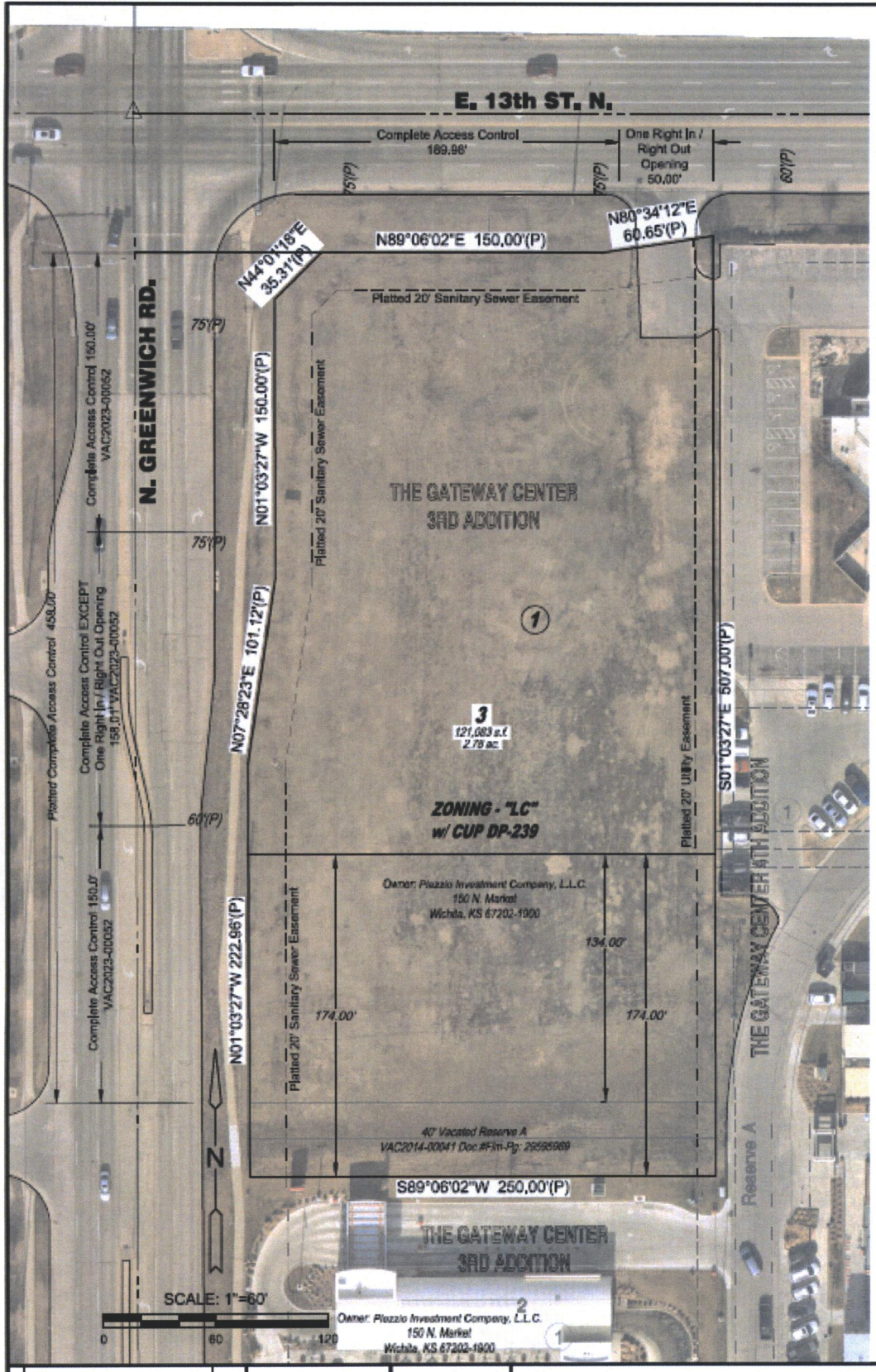
- (3) Vacation of the described portion of platted complete access control located on and running parallel with the west property line of the south 283 feet of Lot 3, Block 1, Gateway Center 3rd Addition, is contingent on approval by the Traffic Engineer and the Fire Department. Traffic Engineering requires this drive access to be right-in/right-out only.
- (4) Per MAPC Policy Statement #7, all conditions are to 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.

Attachments:

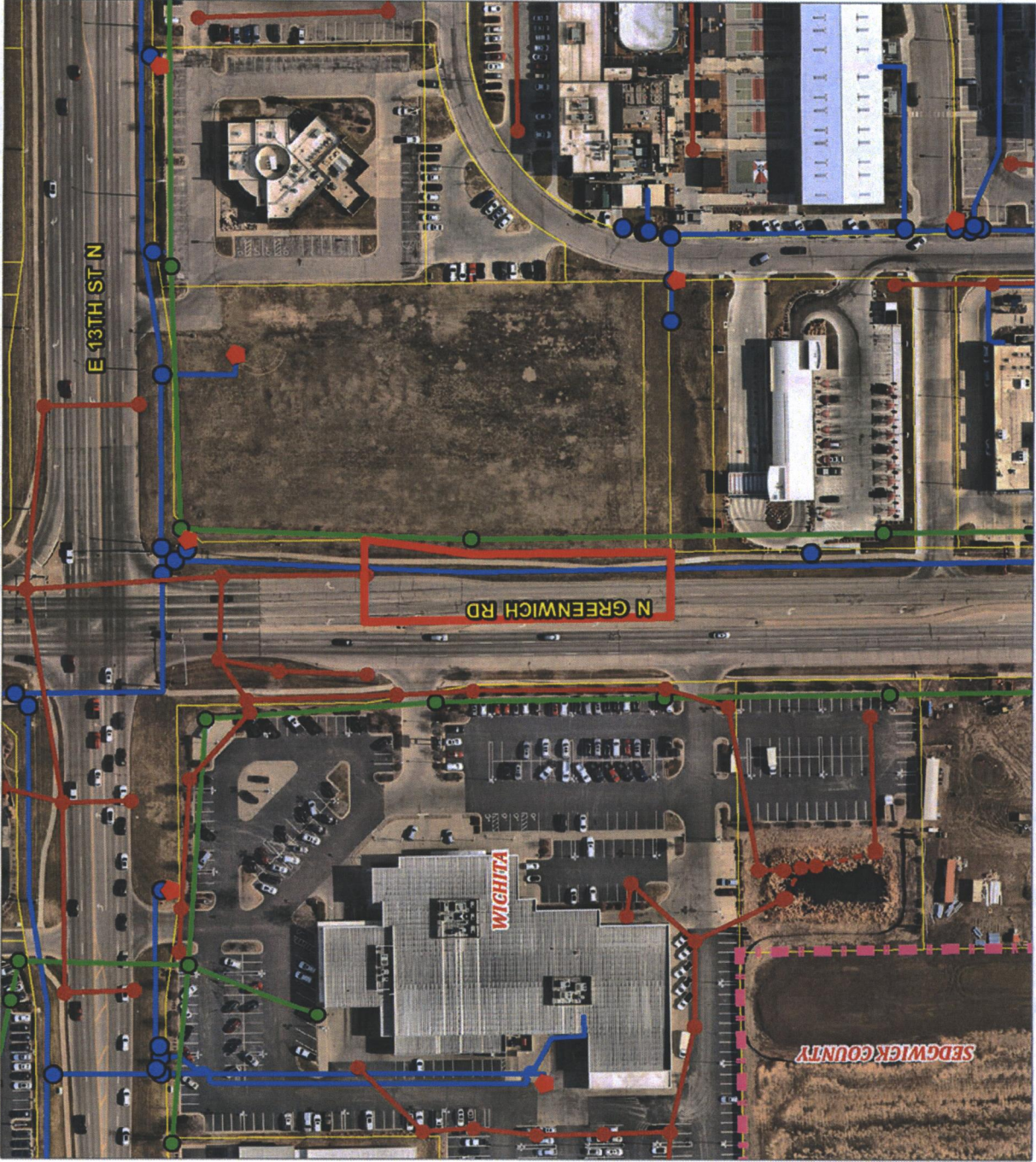
1. Revised Vacation Exhibit
2. Aerial Map

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval per staff recommendations.



VAC2023-00052 – City request to vacate a portion of platted complete access control for right-in/right-out movements.
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- VAC2023-00052
- Storm Structures
- Enclosed Gravity Pipe
- Force Main
- Open Channel
- Siphon
- ◆ Water Hydrants
- Sewer Manholes
- Sewer Mains
- Water Valves
- Water Mains



Software: ArcGIS

Map Data Sources:
 City of Wichita
 Sedgwick County

Prepared: 11/27/2023

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, they make no warranty or representation, either expressed or implied, with respect to the information or data displayed.
 Note: Public property represented on this map is not intended to be inclusive.