



Sedgwick County
Register of Deeds - Tonya Buckingham

Doc. #/Flm-Pg: 30295460

Receipt #: 2417945
Pages Recorded: 2

Recording Fee: \$0.00

Cashier: KVENATOR

Authorized By: *Tonya Buckingham*

Date Recorded: 03/11/2024 01:44:09 PM



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

**IN THE MATTER OF THE VACATION OF THE EAST
BOSTON AVENUE RIGHT-OF-WAY**

**GENERALLY LOCATED BETWEEN SOUTH BROADWAY
AVENUE AND SOUTH MARKET STREET, ONE-BLOCK
NORTH OF EAST HARRY STREET**

VAC2023-00033

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 5th day of March 2024, comes on for hearing the petition for vacation filed by the Unified School District 259 and CBBB, LLC (owners) praying for the vacation of the East Boston Avenue right-of-way, to wit:

All of Boston Avenue, 40-foot in width, from the east line of Market Street to the west line of Broadway Avenue, abutting the south line of Lot 1, Block A, Hamilton Middle School Addition, Wichita, Sedgwick County, Kansas; and abutting the north line of Lots 27 and 28, Stanley & McPhersons 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:

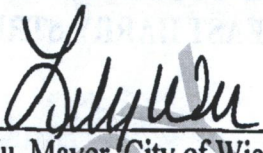
1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on September 7, 2023, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the described portion of the East Boston Avenue right-of-way, and the public will suffer no loss or inconvenience thereby.
3. A sidewalk easement shall be dedicated along the south line of the vacated right-of-way, by separate instrument, with original signatures and shall be recorded with the Vacation Order at the Register of Deeds of Sedgwick County.
4. A drainage and utility easement shall be dedicated over the entirety of the vacated right-of-way, by separate instrument, with original signatures and shall be recorded with the Vacation Order at the

March 5, 2024
VAC2023-00033

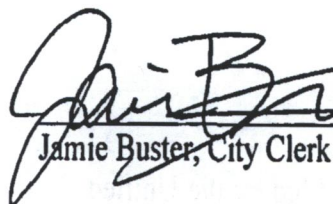
Register of Deeds of Sedgwick County.

5. Restrictive covenants, binding and tying the vacated right-of-way to the abutting platted lots, shall be dedicated and recorded with the Vacation Order at the Register of Deeds of Sedgwick County.
6. In justice to the petitioner, the prayer of the petitioner ought to be granted.
7. 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.
8. The vacation of the described portion of the East Boston Avenue right-of-way should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 5th day of March 2024, ordered that the above-described portion of the East Boston Avenue right-of-way is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order, sidewalk easement, drainage and utility easement, and restrictive covenants to the Sedgwick County Register of Deeds for recording.

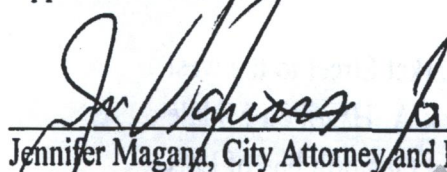

Lily Wu, Mayor, City of Wichita

ATTEST:


Jamie Buster, City Clerk



Approved as to Form:


Jennifer Magana, City Attorney and Director of Law



DRAINAGE AND UTILITY EASEMENT

THIS EASEMENT made this day of January 25, 2024, 2024, by and between Unified School District 259, 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 a perpetual easement for the purpose of constructing, operating, maintaining, and repairing all public and/or franchised utilities, and drainage ways over, and any appurtenances thereto, along and under the following described real estate situated in Sedgwick, County, Kansas to wit:

See 'Exhibit A' attached hereto

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 utilities or drainage way, and any appurtenances thereto.

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

UNIFIED SCHOOL DISTRICT 259

By: *Stan Reeser*

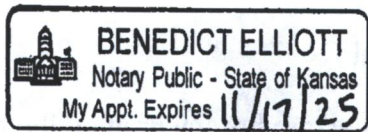
Printed Name: Stan Reeser


Board President

State of Kansas }
County of Sedgwick } ss.

This instrument was acknowledged before me on the 25TH day of
JANUARY, 2024 by STAN REESER, Board President, Unified
School District 259.

(seal)




Notary Public
My Appointment expires: 11/17/25

Reviewed and approved by the City Engineer:


 2112124
FOR Paul Gunzelman, PE

EXHIBIT A

LEGAL DESCRIPTION FOR DRAINAGE AND UTILITY EASEMENT:

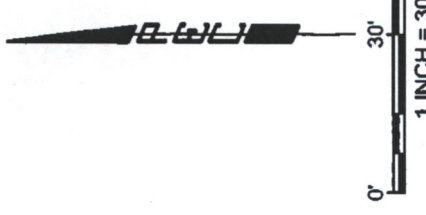
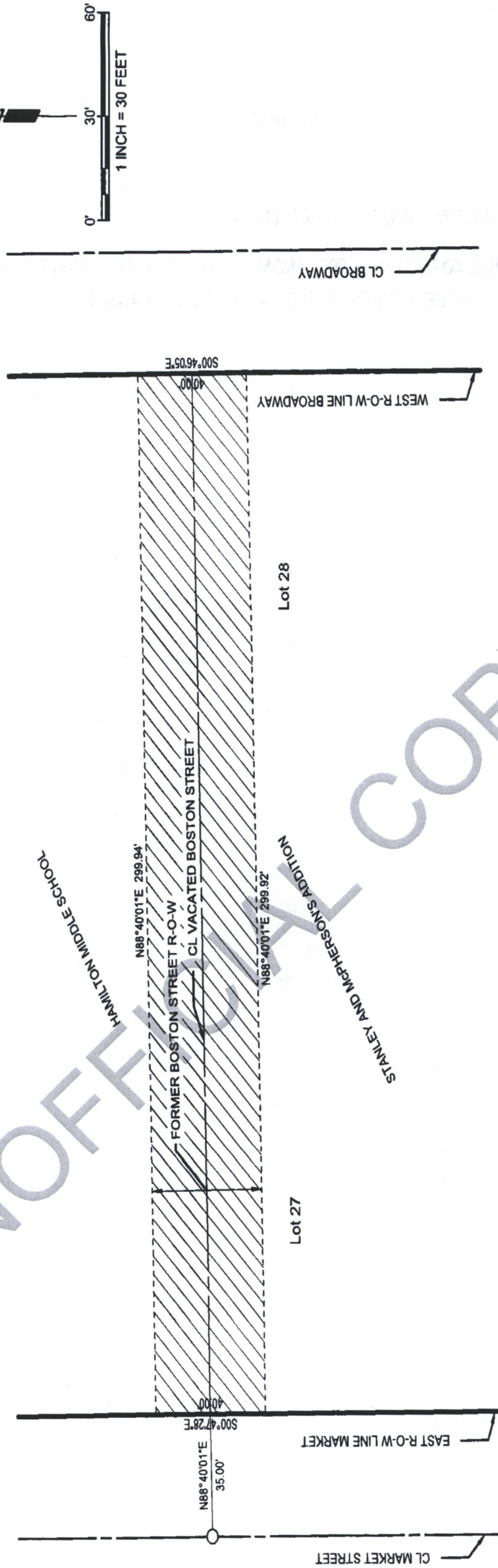
ALL OF THE BOSTON AVENUE, 40 FOOT IN WIDTH, FROM THE EAST LINE OF MARKET STREET TO THE WEST LINE OF BROADWAY AVENUE, IN WICHITA, SEDGWICK COUNTY, KANSAS.

UNOFFICIAL COPY

EXHIBIT A

EXHIBIT 'A'

DRAINAGE AND UTILITY EASEMENT



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

**IN THE MATTER OF THE VACATION OF THE EAST)
BOSTON AVENUE RIGHT-OF-WAY)**

**GENERALLY LOCATED BETWEEN SOUTH BROADWAY)
AVENUE AND SOUTH MARKET STREET, ONE-BLOCK)
NORTH OF EAST HARRY STREET)**

VAC2023-00033

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 5th day of March 2024, comes on for hearing the petition for vacation filed by the Unified School District 259 and CBBB, LLC (owners) praying for the vacation of the East Boston Avenue right-of-way, to wit:

All of Boston Avenue, 40-foot in width, from the east line of Market Street to the west line of Broadway Avenue, abutting the south line of Lot 1, Block A, Hamilton Middle School Addition, Wichita, Sedgwick County, Kansas; and abutting the north line of Lots 27 and 28, Stanley & McPhersons 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 September 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 East Boston Avenue right-of-way, and the public will suffer no loss or inconvenience thereby.
3. A sidewalk easement shall be dedicated along the south line of the vacated right-of-way, by separate instrument, with original signatures and shall be recorded with the Vacation Order at the Register of Deeds of Sedgwick County.
4. A drainage and utility easement shall be dedicated over the entirety of the vacated right-of-way, by separate instrument, with original signatures and shall be recorded with the Vacation Order at the

March 5, 2024
VAC2023-00033

Register of Deeds of Sedgwick County.

5. Restrictive covenants, binding and tying the vacated right-of-way to the abutting platted lots, shall be dedicated and recorded with the Vacation Order at the Register of Deeds of Sedgwick County.

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

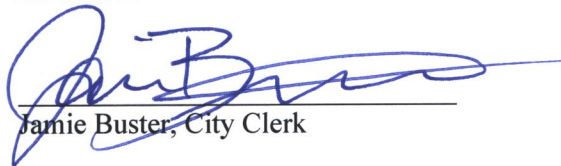
7. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

8. The vacation of the described portion of the East Boston Avenue right-of-way should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 5th day of March 2024, ordered that the above-described portion of the East Boston Avenue right-of-way is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order, sidewalk easement, drainage and utility easement, and restrictive covenants to the Sedgwick County Register of Deeds for recording.

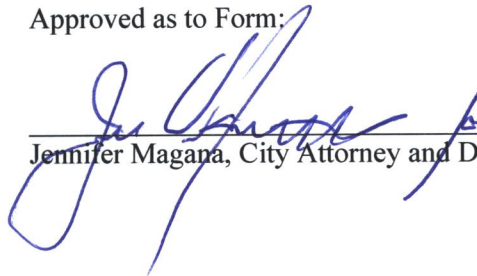

Lily Wu, Mayor, City of Wichita

ATTEST:


Jamie Buster, City Clerk



Approved as to Form:


Jennifer Magana, City Attorney and Director of Law



Wichita-Sedgwick County Metropolitan Area Planning Department

March 7, 2024

Professional Engineering Consultants, P.A.
Attn: Rebecca Mellies
303 S. Topeka
Wichita, KS 67202

RE: VAC2023-00033: Request in the City to vacate Boston Street right-of-way; generally located 360 feet north of East Harry Street, between South Market and South Broadway.

Dear Applicant;

At its regular meeting on **March 5, 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

cc: USD 259, Shane Schumacher, 903, S. Edgemoor St., Wichita, KS 67218
CBBB, LLC, Nick Nguyen, 7309 E. 21st Street North, Ste. 140, Wichita, KS 67206



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

September 29, 2023

Professional Engineering
Consultants, P.A.
Attn: Rebecca Mellies
303 S. Topeka
Wichita, KS 67202

Ref: VAC2023-00033: City vacation of street right-of-way generally located 360 feet north of East Harry, between Market and Broadway.

Rebecca,

At the **Thursday, September 28, 2023**, 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 East Boston Avenue right-of-way abutting the Hamilton Middle School Addition to the north and Lots 27 & 28, Stanley & McPhersons Addition to the south, 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) Abandonment or relocation/reconstruction of any/all utilities, made necessary by the vacation of the described portion of the platted right-of-way shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide an approved private project plan number for the abandonment /relocation of public utilities. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (4) The applicant shall dedicate a utility and drainage easement, dedicated by separate instrument with original signatures for recording with the Register of Deeds. If any gates are erected, Public Works and Emergency Services shall have access to equipment located within any needed easements. 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.
- (5) The applicant shall dedicate a sidewalk easement along the south side of expanded Hamilton Middle School Campus, as shown on the exhibit, 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

VAC2023-00033: City vacation of street right-of-way generally located 360 feet north of East Harry, between Market and Broadway.

September 29, 2023

Page 2

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

- (6) Provide approval from City Traffic Engineering of proper signage made necessary by the vacation of the described portion of the platted right-of-way.
- (7) All improvements shall be according to City Standards and at the applicant's expense.
- (8) 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 **October 12, 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

PZ:kw

cc: USD 259, Shane Schumacher, 903 S Edgemoore St, Wichita KS 67218
CBBB LLC, Nick Nguyen, 7309 E 21st St N, Ste 140, Wichita KS 67206
CBBB LLC, PO Box 48135, Wichita KS 67201
City of Wichita, John Philbrick, 455 N Main – 13th Floor, Wichita KS 67202



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
 Marced 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

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	462011	Print Legal Ad-IPL01378290 - IPL0137829		\$239.08	3	95 L

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

MHEBERT@wichita.gov

LEGAL PUBLICATION

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

NOTICE IS HEREBY GIVEN that on Thursday, September 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 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 Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421.

EZA2023-00028: Variance request in the City to reduce the side and the rear setback to bring carport into compliance and permit an addition on the rear, on property zoned SF-5 Single-Family; located within one-block north of West 1st Street North and one-quarter mile west of North Seneca (212 N Elizabeth).

EZA2023-00048: Variance request in the City to allow side setback reduction to 7.5 feet to allow carport; generally located on the southeast corner of North Voluteia Avenue and East Mossman Avenue (2803 East Mossman Avenue).

CON2023-00042: Conditional Use request in the City to allow for Vehicle Sales on the front one-third of the lot fronting West 21st Street; located approximately 450 feet east of the intersection of North Tyler Road and West 29th Street North (8620 West 21st Street North).

CON2023-00043: Conditional Use request in the City for Vehicle and Equipment Sales, Outdoor on property zoned LC Limited Commercial District; generally located on the west side of North Hillside Avenue, within 500 feet south of East 13th Street North (1305 North Hillside Avenue).

CON2023-00044: Amendment to existing Conditional Use permitted through BZA 12-93 in the City, to increase number of cars that can be displayed at the site, in a property zoned LC Limited Commercial; generally located on the southwest corner of the East 13th Street North and North Delrose Avenue (4615 East 13th Street North).

CON2023-00045: Conditional Use request in the City to permit an Accessory Dwelling Unit, zoned TF-3 Two Family Residential; generally located to the east of South Belmont Avenue and 125 feet south of East Lewis Street (408 South Belmont Avenue).

CON2023-00047: Conditional Use request in the City for a Mobile Food Unit in the City (with ZON2023-00050 to LC); generally located on the west side of North Hillside Avenue, within 275 feet south of East 2nd Street North (233 North Hillside Avenue).

CUP2023-00029: CUP Minor Amendment in the City to CUP DP-164 to allow Vehicle and Equipment Sales on Parcels 5A and 5B; generally located on the south side of West 21st Street North, within one-quarter mile east of North Tyler Road (8515 & 8535 West 21st Street North).

VAC2023-00033: Request in the City to vacate the East Boston Avenue right-of-way between Market and Broadway; generally located 360 feet north of East Harry Street.

VAC2023-00034: Request in the City to vacate a portion of a floodway easement and a platted 10-foot utility easement for expansion of the existing warehouse, on a LI Limited Industrial zoned parcel; generally located Northeast of South Hoover Road and K-42 (2820 S Hoover Road).

VAC2023-00035: Request in the City to vacate a portion of complete access control on property zoned GI General Industrial, generally located on the southeast corner of East 29th Street North and North Mead Street.

VAC2023-00036: Request in the City to vacate a Drainage and Utility Easement, Utility Easement, and Building Setback at Harbor Isle Commercial 2nd Addition on property zoned GC General Commercial District; generally located north of West 40th Street North and east of North Seneca Street.

ZON2023-00050: Zone change in the City from GO General Office District to LC Limited Commercial District for a Mobile Food Unit in the City; generally located on the west side of North Hillside Avenue, within 275 feet south of East 2nd Street North (233 North Hillside Avenue).

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 (see below):

- 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/4089866967?pwd=ek0k3bW0ySlENbFJkQTFyO0pFVDBkUT09>

Meeting ID: 408 986 6967

Passcode: 094136

One tap mobile

+16699006833_4089866967#...094136# US (San Jose)

+17193594580_4089866967#...094136# US

Meeting ID: 408 986 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 (316-268-4464) 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 September 7, 2023

Scott Wadle, Secretary

Wichita-Sedgwick County

Metropolitan Area Planning Commission

FL0137829

Sep 7 2023

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

1 insertion(s) published on:

09/07/23

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 09/07/2023 to 09/07/2023.

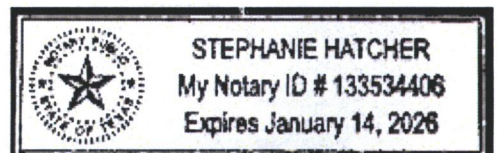
Stefani Beard

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

DATED: 09/07/2023

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: VAC2023-00033- Request to vacate the East Boston Avenue right-of-way between South Broadway Avenue and South Market Street.

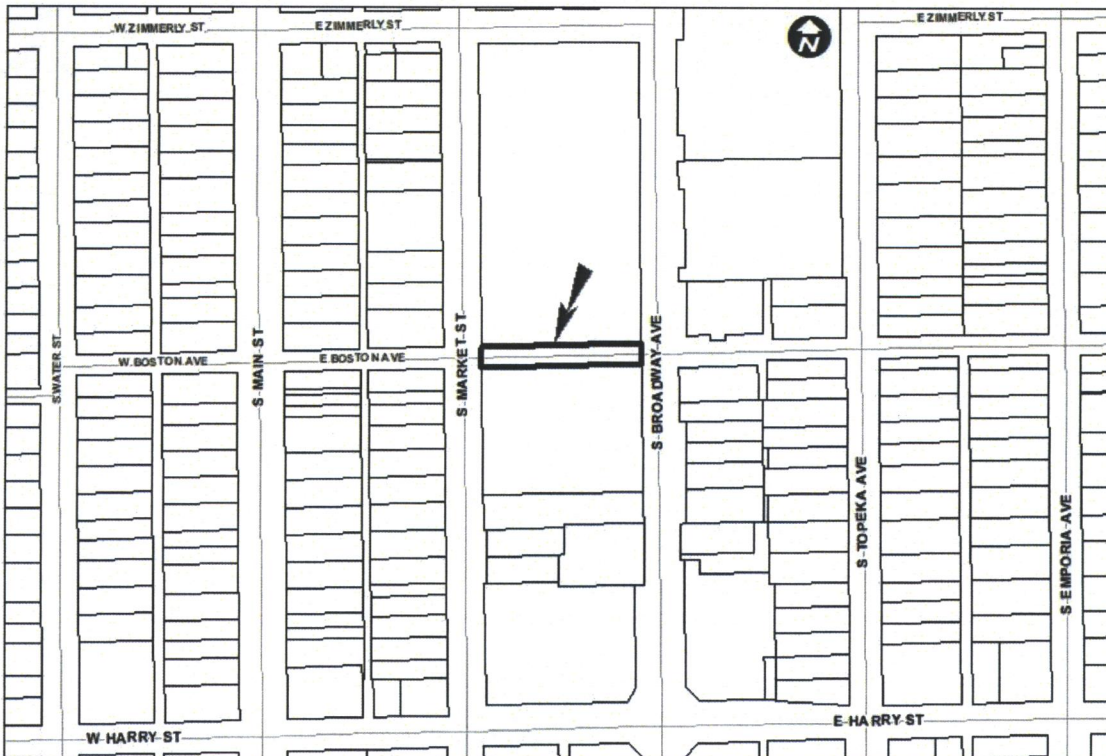
APPLICANT/AGENT: USD-259 (Applicant), CBBB, LLC (Applicant)/ PEC, P.A. (Agent)

LEGAL DESCRIPTION: Generally described as vacating a portion of a platted alley as dedicated in J.P. Hilton's Addition to Wichita, Sedgwick County, Kansas (see attached legal).

LOCATION: Generally located between South Broadway Avenue and South Market Street, within one-block north of East Harry Street.

REASON FOR REQUEST: To permit expansion of Hamilton Middle School campus.

CURRENT ZONING: Property to the north is zoned LC Limited Commercial District and SF-5 Single-Family Residential District and is developed with Hamilton Middle School. Property to the south is zoned LC and B Multi-Family and is developed with a vacant commercial building and associated parking. Properties to the east are zoned GC General Commercial District and LC and are developed with commercial uses. Properties to the west are zoned SF-5 and MF-29 Multi-Family Residential District and are developed with single-family dwellings.



VAC2023-00033- Request to vacate East Boston Avenue right-of-way between South Broadway Avenue and South Market Street.

September 28, 2023

Page 2

The applicants are requesting the vacation of the East Boston Avenue right-of-way between South Broadway Avenue and South Market Street. The subject site is located one-block north of East Harry Street. East Boston Avenue is dedicated in two separate subdivisions. The north half is dedicated as part of the Hamilton Middle School Addition and the south half is dedicated as part of the Stanely & McPhersons Addition. The properties on either side of East Boston Avenue are not in common, however, both owners signed the petition, consenting to the vacation. The purpose of the vacation request is to facilitate an expansion of the playground area and an extension of the existing parking lot to the Hamilton Middle School campus.

If the vacation is approved, East Boston Avenue would become privately owned, split with the north half being owned by the Unified School District 259 and the south half being owned by CBBB, LLC. Vehicular, pedestrian, and bicycle traffic would no longer be permitted to utilize this portion of East Boston Avenue as the applicants would be permitted to secure and prohibit access.

As seen on the attached aerial map, a City storm sewer line traverses east/west along the East Boston Avenue right-of-way. Additionally, a City sanitary sewer line travels perpendicular to the right-of-way, crossing East Boston Avenue at mid-block. If the vacation is approved, City Public Works is not opposed to the vacation, but will require the entire right-of-way to be dedicated as a drainage and utility easement.

City Traffic Engineering is not opposed to the vacation of the street right-of-way. If the vacation is approved, the applicants will have to coordinate with City Traffic for property signage at the new termination of East Boston Avenue such as double arrow signs oriented north/south.

After conversation with the applicant, Wichita Fire no longer opposes the vacation request.

Evergy and Cox have no objection to this vacation request, but they have equipment & lines in the ROW requesting to be vacated. The applicant can either maintain the portion with Evergy's and Cox's equipment as an easement or relocate or remove at their expense. Nick Hensley, Area Design Representative, will be the contact for this item. He can be contacted at (316)261-6320 for this vacation request and any project related to it. Conditions 1-3 cover Evergy and Cox. Any relocation or removal of existing Evergy and Cox equipment will be at the applicant's expense.

The Stanley & McPhersons Addition was recorded with the Sedgwick County Register of Deeds on May 21, 1888. The Hamilton Middle School Addition was recorded with the Sedgwick County Register of Deeds on September 4, 2002.

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, Wichita Fire, Stormwater, Water and Sewer, Traffic, Fire, franchised utility representatives, and other interested parties, planning staff recommends denial of this application.

Should the MAPC determine that this application be approved, the MAPC should adopt the following findings and staff recommends that it shall be subject to the following conditions (but not limited to) associated with the request to vacate the described portion of the platted street right-of-way:

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

1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time September 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 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 East Boston Avenue right-of-way abutting the Hamilton Middle School Addition to the north and Lots 27 & 28, Stanley & McPhersons Addition to the south, 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) Abandonment or relocation/reconstruction of any/all utilities, made necessary by the vacation of the described portion of the platted right-of-way shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide an approved private project plan number for the abandonment /relocation of public utilities. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (4) The applicant shall dedicate a utility and drainage easement, dedicated by separate instrument with original signatures for recording with the Register of Deeds. If any gates are erected, Public Works and Emergency Services shall have access to equipment located within any needed easements. All original dedications will go with the Vacation Order to City Council for final action and filing with the Sedgwick County Register of Deeds. These conditions must be completed prior to the case going to Council for final action.
- (5) The applicant shall dedicate a sidewalk easement along the south side of expanded Hamilton Middle School Campus, as shown on the exhibit, 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 filing with the Sedgwick County Register of Deeds. These conditions must be completed prior to the case going to Council for final action.
- (6) Provide approval from City Traffic Engineering of proper signage made necessary by the vacation of the described portion of the platted right-of-way.
- (7) All improvements shall be according to City Standards and at the applicant's expense.
- (8) 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

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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) Site Photos



- VAC2023-00033
- 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

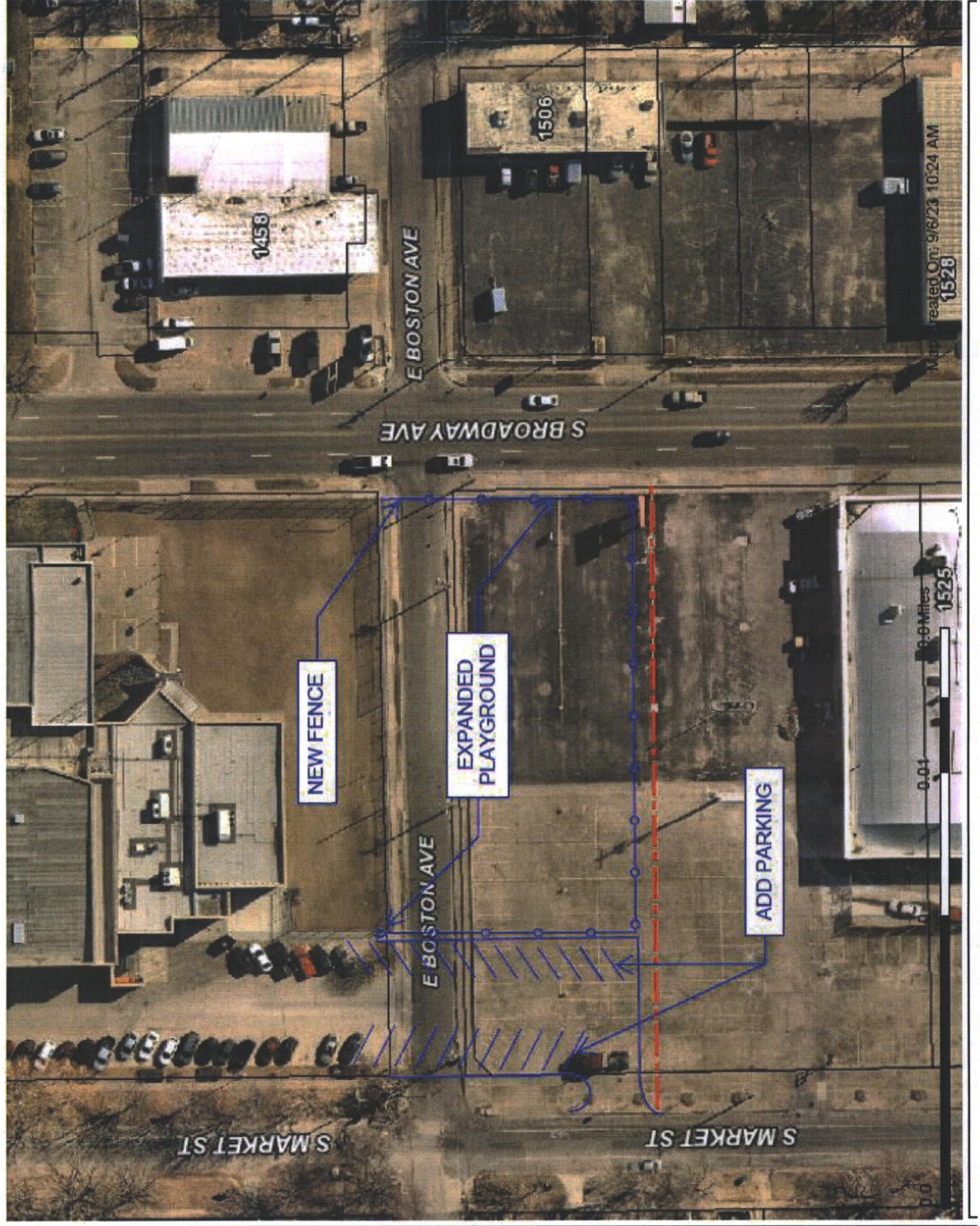
Prepared: 8/8/2023

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 as to the accuracy or completeness of the information or data displayed.
 Note: Public property represented on this map is not intended to be inclusive.

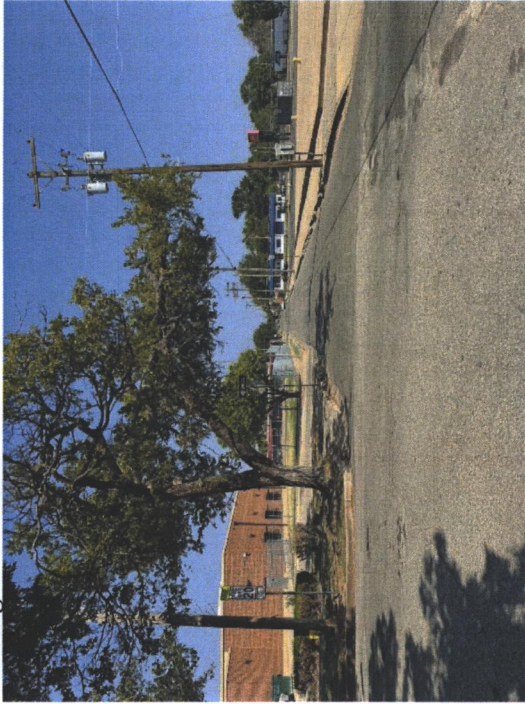
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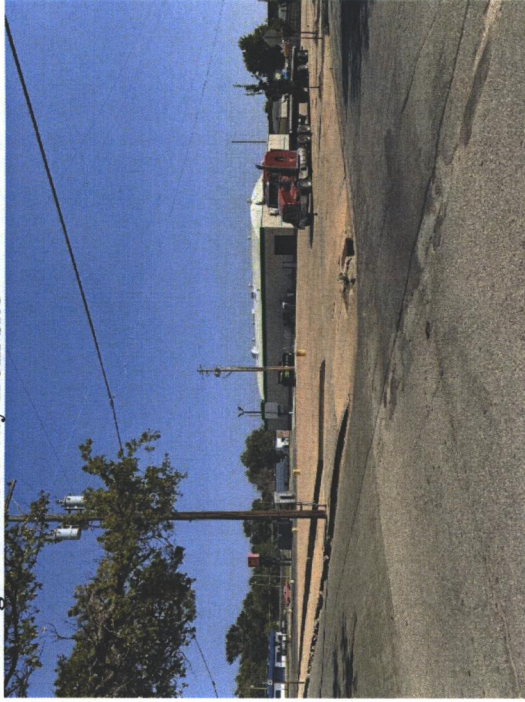
Applicant's Exhibit



Looking east at site



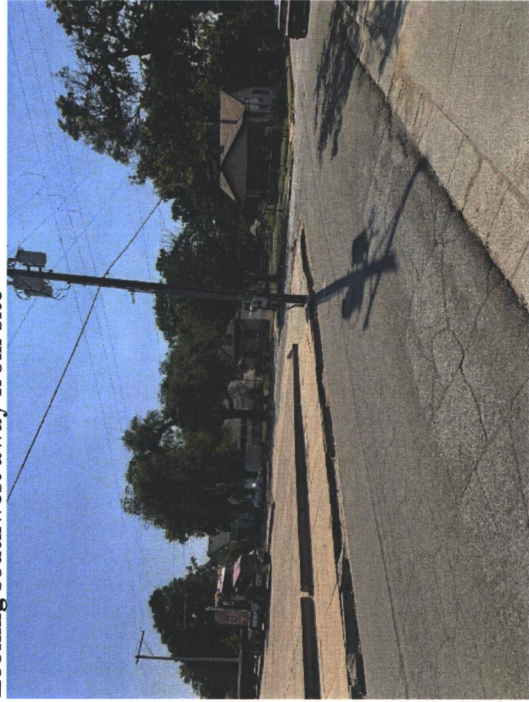
Looking southeast away from site



Looking northeast at school



Looking southwest away from site

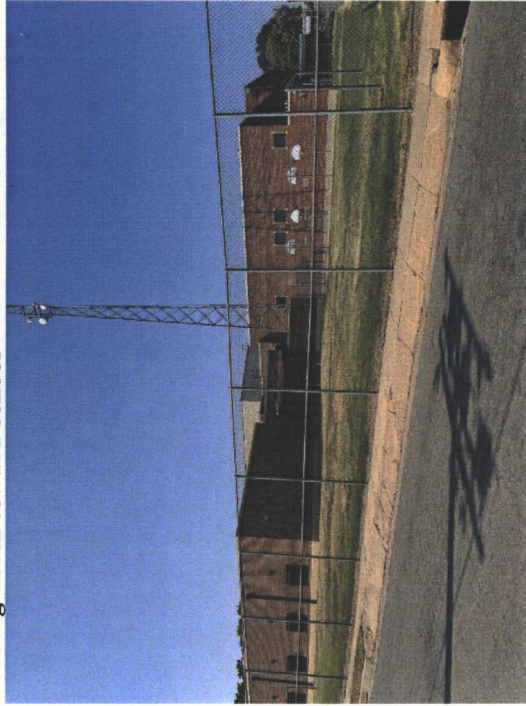


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Looking northwest away from site



Looking north toward school



Looking east away from site

