Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30291861
Receipt #: 2415446
Pages Recorded: 2
Recording Fee: $0.00
Authorized By:
Cashier: e2smith
Date Recorded: 02/20/2024 03:27:56 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 ON THE EAST SIDE OF NORTH MOSLEY AVENUE AND SOUTH OF EAST CENTRAL AVENUE	)	**VAC2023-00022**

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 13th day of February 2024, comes on for hearing the petition for vacation filed by Bitter and Twisted, LLC (owner) praying for the vacation of a portion of a platted alley, to wit:

The West 100 feet of the 12-foot platted alley right-of-way south of Lot 1, Stansbery'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 the platted alley, and the public will suffer no loss or inconvenience thereby.

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

UNOFFICIAL COPY

4. A Private Project Sewer plan shall be submitted to the City of Wichita Public Works and Utilities Department to privatize the existing sanitary sewer line located within the described portion of the platted alley.

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

6. 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.

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

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13th day of February 2024, ordered that the above-described portion of the platted alley 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

Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30273301
Receipt #: 2402913 Recording Fee: $38.00
Pages Recorded: 2
Cashier: hburpo Authorized By: Tonya Buckingham
Date Recorded: 11/01/2023 03:54:02 PM

RESTRICTIVE COVENANT

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED, Bitter and Twisted, LLC, is the owners of the following described real estate:

Lots 1 and 2, Stansbery's Addition, Wichita, Sedgwick County, Kansas.

NOW THERFORE, in consideration of receiving approval from the appropriate government authorities for the vacation, VAC2023-00013, of a portion of an alley, described as:

The West 100 feet of Alley North of Lot 2, Stansbery's Addition, Wichita, Sedgwick County, Kansas.

The undersigned agrees to covenant alley that abuts the north side of Lot 2, Stansbury's Addition shall be retained, held, and bound together. It is understood that this covenant shall be binding upon the undersigned, their heirs, or successors and assigns and is a covenant running with the land until such time the property is replatted.

The covenants, conditions, and restrictions on the property created and established in this instrument may be waived, terminated, or modified only upon written consent of the City of Wichita, Kansas. No such waiver, termination or modification shall be effective until such written consent is recorded in the office of the Register of Deeds for Sedgwick County, Kansas.

EXECUTED this 10/12/2023 day of OCTOBER, 2023.

Bitter and Twisted, LLC

By: _____
Kasey Beltz, Manager
On behalf of the Corporation

UNOFFICIAL COPY

JESSICA CROWELL
Notary Public - State of Kansas
My Appt. Expires 11.16.25

State of Kansas)
Sedgwick County)

The foregoing instrument was acknowledged before me this 12 day of October, 2023 by Kasey Beltz, Manager, Bitter and Twisted, LLC.

Jessica Crowell
Notary Public

My appointment expires: 11.16, 20 25.

UNOFFICIAL COPY

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 ON THE EAST SIDE OF NORTH MOSLEY AVENUE AND SOUTH OF EAST CENTRAL AVENUE	)	**VAC2023-00022**

MORE FULLY DESCRIBED BELOW

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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 the platted alley, and the public will suffer no loss or inconvenience thereby.

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

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 ON THE EAST SIDE OF NORTH MOSLEY AVENUE AND SOUTH OF EAST CENTRAL AVENUE	)	**VAC2023-00022**

MORE FULLY DESCRIBED BELOW

VACATION ORDER

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The West 100 feet of the 12-foot platted alley right-of-way south of Lot 1, Stansbery'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 the platted alley, and the public will suffer no loss or inconvenience thereby.

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

4. A Private Project Sewer plan shall be submitted to the City of Wichita Public Works and Utilities Department to privatize the existing sanitary sewer line located within the described portion of the platted alley.

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

6. 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.

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

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13th day of February 2024, ordered that the above-described portion of the platted alley 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

CITY OF WICHITA

SEDGWICK COUNTY KANSAS

Wichita-Sedgwick County Metropolitan Area Planning Department

March 29, 2024

K.E. Miller Engineering, P.A.
Attn: Kirk Miller
117 E. Lewis
Wichita, KS 67202

Bitter & Twisted, LLC
Attn: Kasey Beltz
P.O. Box 771071
Wichita, KS 67227

Ref: VAC2023-00022: Vacation 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 to the south of East Central Avenue and east of North Mosely Avenue (448 and 430 N Mosley).

Kasey,

At the Tuesday, **February 13, 2024**, meeting of the Wichita City Council, the above-referenced vacation request was approved.

Sincerely,

Philip Zevenbergen, AICP
Current Plans Division Manager

PZ:IJ

CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

June 22, 2023

K.E. Miller Engineering, P.A.
Attn: Kirk Miller
117 E. Lewis Street
Wichita, KS 67202

Ref: VAC2023-00022: Vacation request in the city, to vacate 100 linear ft of alley south of Lot 1 to allow better use of property and control access to owner's buildings, generally located to the south of East Central Avenue and east of North Mosely Avenue. (448 and 430 N Mosley Avenue).

Kirk,

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) The vacation of the west 100 feet of the 12-foot platted alley right-of-way south of Lot 1, Stansbery's Addition to Wichita, Sedgwick County, Kansas, is contingent on approval by City Traffic, Public Works, and Fire. Approval shall include adherence to the provided conditions.

(2) Provide Planning with a legal descriptions of the vacated portion of the platted alley right-of-way on a Word document via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Council for final action.

(3) 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.

(4) Abandonment or relocation/reconstruction of any/all utilities necessary by the vacation of the described portion of the platted alley 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.

(5) Provide Planning with any needed easements dedicated by separate instrument with original signatures for recording with the Register of Deeds. All original dedications will

go with the Vacation Order to City Council for final action and filling with the Sedgwick County Register of Deeds. These conditions must be completed prior to the case going to Council for final action.

(6) 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.

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: Bitter & Twisted LLC, Kasey Beltz, PO Box 771071, Wichita KS 67227
Bitter & Twisted LLC, 433 N Rock Island, Wichita KS 67202

METROPOLITAN AREA PLANNING COMMISSION

AGENDA REPORT NO.
June 22, 2023

STAFF REPORT

CASE NUMBER: **VAC2023-00022**- Request in the city to vacate a portion of a platted alley generally located to the south of East Central Avenue and east of North Mosely Avenue (between 448 and 430 N Mosley Avenue).

APPLICANTS: Bitter & Twisted (applicant), K.E. Miller Engineering, P.A. (Agent)

LEGAL DESCRIPTION: Generally described as vacating the west 100 feet of the 12-foot platted alley right-of-way north of Lot 2, Standsbery's Addition (see attached legal).

LOCATION: Generally located on the northwest corner of Lulu Avenue and 49th Street South.

REASON FOR REQUEST: To bring an existing building into compliance and control access to buildings.

CURRENT ZONING: All properties abutting the subject property are zoned LI Limited Industrial District.

The applicant is requesting the vacation of the west 100 feet of the 12-foot platted alley right-of-way south of Lot 1, Stansbery's Addition to Wichita, Sedgwick County, Kansas to bring an existing building into compliance and control access to abutting structures. The alley is located east of North Mosely Avenue and south of East Central Avenue between 448 N. Mosely Avenue and 430 N. Mosely Avenue. Both properties abutting the vacation area are owned by the applicant, and are zoned LI Limited Industrial District.

Property north of the alley is a developed as a parking lot and property to the south is developed with a manufacturing facility. Both lots and the alley are platted in the Stansbery's Additon to Wichita, Sedgwick County, Kansas, which was recored with the Sedgwick County Register of Deeds in 1888.

The manufacturing facility, which has existed on the property for a number of years, encroaches approximately 6 feet into the platted alley. Approval of this request would bring this structure into compliance.

City santiary sewer is located in the subject alley and the vacation area. Should this request be approved, the applicant will be required to dedicate an easement by separate instrument for recording with the vacation order. City water and stormwater are located in the North Mosely Avenue and East Central Avenue rights-of-way. Comments from all franchised utilities have not been received and are needed to determine whether franchise equipment is located within the described portion of the alley. Conditions #2 and #3 cover all utilities.

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 12-foot 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. The vacation of the west 100 feet of the 12-foot platted alley right-of-way south of Lot 1, Stansbery's Addition to Wichita, Sedgwick County, Kansas, is contingent on approval by City Traffic, Public Works, and Fire. Approval shall include adherence to the provided conditions.

2. Provide Planning with a legal descriptions of the vacated portion of the platted alley right-of-way on a Word document via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Council for final action.

3. 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.

4. Abandonment or relocation/reconstruction of any/all utilities necessary by the vacation of the described portion of the platted alley 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.

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

6. 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.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

1. The vacation of the west 100 feet of the 12-foot platted alley right-of-way south of Lot 1, Stansbery's Addition to Wichita, Sedgwick County, Kansas, is contingent on approval by City Traffic, Public Works, and Fire. Approval shall include adherence to the provided conditions.

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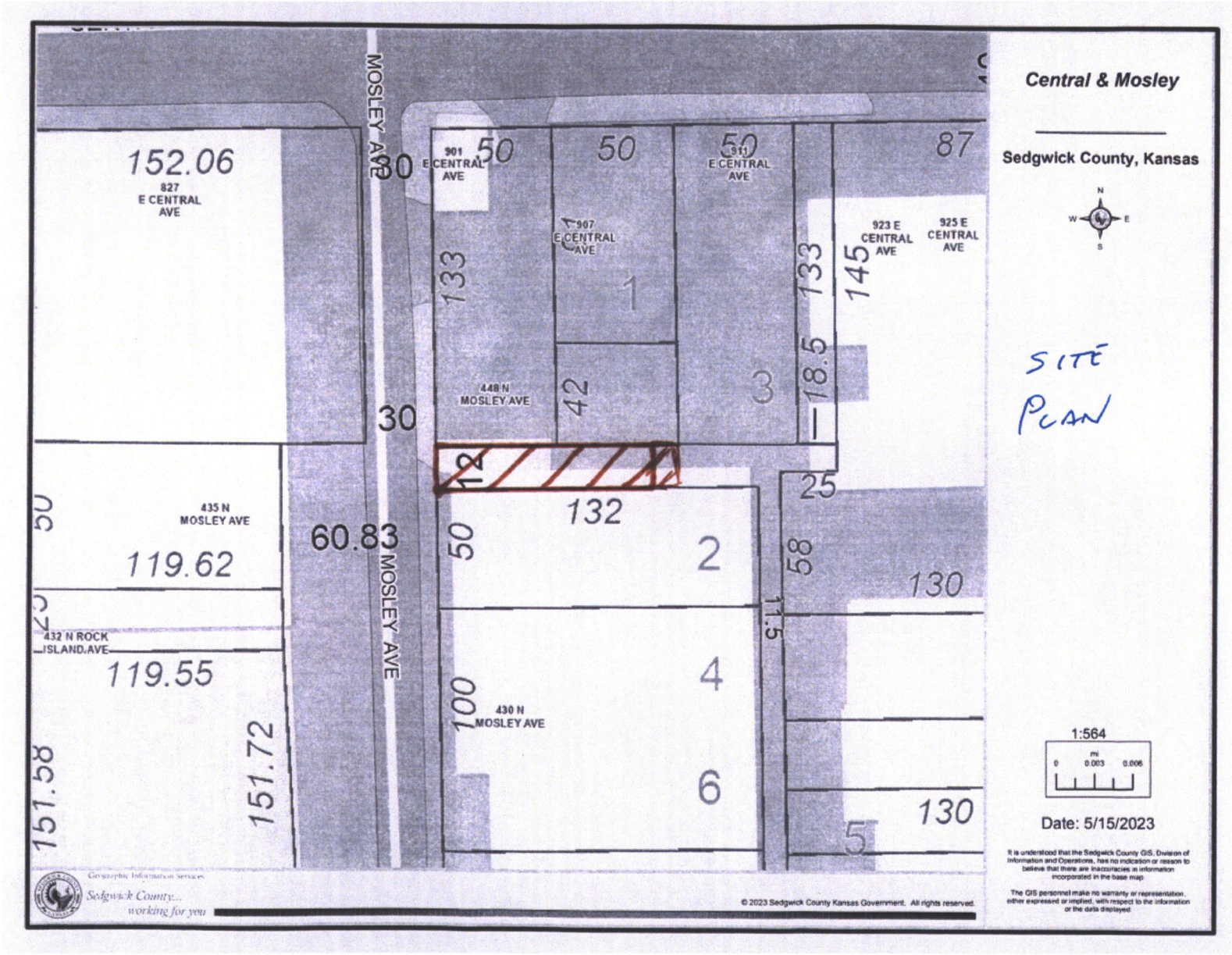
Attachments:
1. Applicant's Exhibit
2. Aerial Map
3. Site Photos
4. Legal Description


Central & Mosley
Sedgwick County, Kansas
SITE PLAN
MOSLEY AVE
152.06
827 E CENTRAL AVE
901 E CENTRAL AVE
907 E CENTRAL AVE
911 E CENTRAL AVE
923 E CENTRAL AVE
925 E CENTRAL AVE
448 N MOSLEY AVE
435 N MOSLEY AVE
119.62
432 N ROCK ISLAND AVE
119.55
151.58
151.72
60.83
132
130
430 N MOSLEY AVE
1:564
Date: 5/15/2023
Sedgwick County... working for you
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VAC2023-00022
Storm Structures
Enclosed Gravity Pipe
Force Main
Open Channel
Siphon
Water Hydrants
Sewer Manholes
Sewer Mains
Water Valves
Water Mains
E CENTRAL AVE
N MOSLEY AVE
N WASHINGTON AVE
N
Software: ArcGIS
Map Data Sources:
City if 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, 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.

Vacation area and abutting properties.

Vacation area and abutting properties.

Vacation area.

West of the vacation area.

Legal Description

The West 100 feet of the 12-foot platted alley right-of-way south of Lot 1, Stansbery's Addition to Wichita, Sedgwick County, Kansas