



Sedgwick County
 Register of Deeds - Tonya Buckingham
 Doc. #/Flm-Pg: 30316638
 Receipt #: 2432118
 Pages Recorded: 2
 Recording Fee: \$0.00

Cashier: ttops
 Authorized By: *Tonya Buckingham*
 Date Recorded: 06/24/2024 02:17:48 PM



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

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

**GENERALLY LOCATED BETWEEN SOUTH BROADWAY
 AVENUE AND SOUTH TOPEKA AVENUE AND BETWEEN
 EAST ENGLISH STREET AND EAST WILLIAM STREET)**

VAC2023-00049

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 18th day of June 2024, comes on for hearing the petition for vacation filed by the City of Wichita and Cornejo Holdings, LLC (owner) praying for the vacation of a platted alley, to wit:

Vacating the platted 20-foot alley abutting odd Lots 13-43, on Lawrence Avenue, now Broadway Avenue, and abutting even Lots 14-44, on Topeka Avenue, N.A. English's Addition, Wichita, Sedgwick County Kansas.

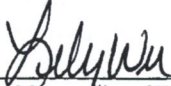
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

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 platted alley and the public will suffer no loss or inconvenience thereby.
3. A 20-foot utility easement, dedicated by separate instrument shall be dedicated for the described alley to cover all utilities, and shall be recorded with the Register of Deeds of Sedgwick County.
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.

June 18, 2024
 VAC2023-00049


6. The vacation of the described platted alley should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 18th day of June 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

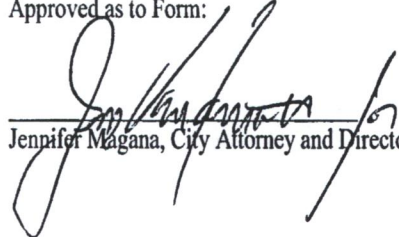
ATTEST:



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.#/Fil-Pg: 30317337
Receipt #: 2432612 Recording Fee: \$140.00
Pages Recorded: 8

Cashier: hburpo Authorized By: *Tonya Buckingham*
Date Recorded: 06/27/2024 11:19:40 AM



UTILITY EASEMENT

THIS UTILITY EASEMENT ("Easement") made this 12 day of June, 2024, by and between Wichita State University and University of Kansas acting with authority on behalf of the Kansas Board of Regents, as their governing body, and the County of Sedgwick (together the "Grantors") who have custody and control of the land described in this Easement, and City of Wichita ("Grantee").

WITNESSETH: That Grantors, 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 or the franchised utility entity a perpetual right-of-way and easement for the purpose of constructing, maintaining, and repairing all public and/or franchised utilities, over, along and under the following described real estate situated in Sedgwick, County, Kansas to wit:

See Exhibit A

1. And said Grantee and/or agents of the franchised utilities are hereby granted the right to enter upon said premises, but only with Grantors' prior consent, for the purpose of constructing, operating, maintaining, and repairing such utilities, provided Grantee restores Grantors' property to its condition immediately prior to Grantee's commencement of said repairs or maintenance.
2. Grantors reserve and have the right to relocate the easement area and require Grantee to relocate the pipeline and other infrastructure permitted within the easement area. Relocation will be at Grantor's cost, but Grantee will work to relocate facilities in good faith and in a timely manner once a new location for the pipeline is agreed upon by both parties.
3. Pursuant to K.S.A. 74-3264, the State of Kansas, Kansas Board of Regents has authorized the President of Wichita State University and the Chancellor of the University of Kansas to execute this Easement on behalf of the record owner of Grantors' Real Property which is the State of Kansas, Kansas Board of Regents, for and on behalf of Wichita State University.

IN WITNESS WHEREOF: Grantors have signed this document the day and year first written.

[REMAINING PAGE INTENTIONALLY LEFT BLANK. SIGNATURE PAGES TO FOLLOW.]

University of Kansas

By: *Douglas A. Grod*
Name: Douglas A. Grod
Title: Chancellor

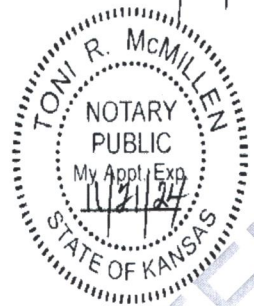
STATE OF KANSAS)
Douglas) SS:
JOHNSON COUNTY)

I, Toni R. McMillen, a Notary Public in and for said County and State aforesaid, do hereby certify that Douglas A. Grod for and on behalf of University of Kansas, to me personally known to be the same person who executed the foregoing instrument of writing and said person duly acknowledged to the execution thereof.

Dated this 13th day of June, 2024.

Toni R. McMillen
Notary Public
Toni R. McMillen
Type or Printed Name

My Commission Expires: 11/21/2024



UNOFFICIAL COPY

APPROVED AS TO FORM:

KRIS KOBACH
ATTORNEY GENERAL

By: Lisa A. Mendez #12034
Name: Lisa A. Mendez
Title: First Assistant Attorney General

UNOFFICIAL COPY

DESCRIPTION OF
VACATION OF A PLATTED ALLEY
WSU-KU Ownership Only
VAC2023-00049

A tract of land being a portion of the platted Alley lying south of the north line of Lots 13 and 14 on William Street; and lying north of the south line of Lots 43 and 44 on English Street, and lying east of Lawrence Avenue now Broadway Avenue and lying west of Topeka Avenue, N.A. English's addition to the City of Wichita, Sedgwick County, Kansas, as prepared by Ernest Patrick Fink, Professional Surveyor, License number 1459 on April 5, 2024, said portion being described as follows

All of said platted Alley, EXCEPT, the east half of said platted Alley lying south of the extended north line of the South 15.00 feet of Lot 26 on Topeka Avenue, in said N.A. English's addition to the City of Wichita, Sedgwick County, Kansas.

CONTAINING 5,609 square feet or 0.129 acre of land more or less.

UNOFFICIAL COPY

DESCRIPTION OF
VACATION OF A PLATTED ALLEY
Sedgwick County Ownership Only
VAC2023-00049

A tract of land being a portion of the platted Alley lying south of the north line of Lots 13 and 14 on William Street; and lying north of the south line of Lots 43 and 44 on English Street, and lying east of Lawrence Avenue now Broadway Avenue and lying west of Topeka Avenue, N.A. English's addition to the City of Wichita, Sedgwick County, Kansas, as prepared by Ernest Patrick Fink, Professional Surveyor, License number 1459 on April 5, 2024, said portion being described as follows:

The east half of said platted Alley lying south of the extended north line of the South 15.00 feet of Lot 26 on Topeka Avenue, in said N.A. English's addition to the City of Wichita, Sedgwick County, Kansas.

Said tract CONTAINING: 2,403 square feet or 0.055 acre of land more or less.

UNOFFICIAL COPY



Sedgwick County
 Register of Deeds - Tonya Buckingham
 Doc.#/Flm-Pg: 30317339
 Receipt #: 2432612
 Pages Recorded: 1
 Recording Fee: \$21.00

Cashier: hburpo
 Authorized By: *Tonya Buckingham*
 Date Recorded: 06/27/2024 11:19:42 AM

QUITCLAIM DEED

For the sum of One Dollar and other good and valuable consideration, Grantor **Sedgwick County, Kansas** conveys and quitclaims to Grantee **Sedgwick County, Kansas**, the following described premises, to-wit:

Parcel A (PIN#00123148): The South 15 feet of Lot 26, and all of Lots 28 and 30 on Topeka Avenue, in N.A. English's Addition to the City of Wichita, Sedgwick County, Kansas,

Parcel B (PIN#00123149): Lots 32 and 34 on Topeka Avenue, in N.A. English's Addition to the City of Wichita, Sedgwick County, Kansas,

Parcel C (PIN#00123150): Lots 36-38-40-42-44 on Topeka Avenue in N.A. English's Addition to the City of Wichita, Sedgwick County, Kansas,

TOGETHER WITH,

A tract of land being a portion of the platted Alley lying south of the north line of Lots 13 and 14 on William Street; and lying north of the south line of Lots 43 and 44 on English Street, and lying east of Lawrence Avenue now Broadway Avenue and lying west of Topeka Avenue, in N.A. English's addition to the City of Wichita, Sedgwick County, Kansas, as prepared by Ernest Patrick Fink, Professional Surveyor, License number 1459 on April 5, 2024, said portion being described as follows:

Parcel A (PIN#00123148): The east half of said platted Alley lying south of the extended north line of the South 15.00 feet of Lot 26, and all of Lots 28 and 30 on Topeka Avenue, in said N.A. English's addition to the City of Wichita, Sedgwick County, Kansas,


Parcel B (PIN#00123149): The east half of said platted Alley lying south of the extended north line of Lots 32 and 34 on Topeka Avenue, in said N.A. English's addition to the City of Wichita, Sedgwick County, Kansas,

Parcel C (PIN#00123150): The east half of said platted Alley lying south of the extended north line of Lots 36-38-40-42-44 on Topeka Avenue, in said N.A. English's addition to the City of Wichita, Sedgwick County, Kansas,

Subject to: Any plat, easements, restrictions, and other matters of record.

Dated this 12th day of June, 2024


Sedgwick County, Kansas


 Ryan Baty, Chairman
 Board of County Commissioners

APPROVED AS TO FORM ONLY:


 Samantha Seang, Assistant County Counselor

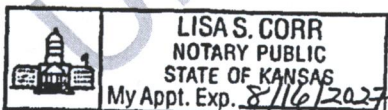
ATTESTED TO:


 Kelly B. Arnold, County Clerk



STATE OF KANSAS, SEDGWICK COUNTY} ss.

This instrument was acknowledged before me on this 12th day of June, 2024, by Ryan Baty, Chairman, Board of County Commissioners of Sedgwick County, Kansas, for and on behalf of said organization.




 Notary Public

My appointment Expires: 8/16/2027

Exempt from Sales Validation Questionnaire Pursuant to K.S.A. 1991 Supp. 79-1437e (3,12).

NOTE: This Deed is filed to merge the vacated portions of the Alley with the respective, applicable Sedgwick County Property Identification Numbers.

Upon recording, mail to: 1845 Fairmount St., Wichita, KS 67260



Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30317338

Receipt #: 2432612
Pages Recorded: 2
Cashier: hburpo

Recording Fee: \$38.00

Authorized By: *Tonya Buckingham*

Date Recorded: 06/27/2024 11:19:41 AM

MAIL TAX STATEMENT TO:
1845 Fairmount St.
Wichita, KS 67260

QUITCLAIM DEED

Grantor(s): **University of Kansas, a state education institution of Kansas and Wichita State University, a state education institution of Kansas, as Tenants in Common.**

Convey(s) and Quitclaim(s) to **University of Kansas, a state education institution of Kansas and Wichita State University, a state education institution of Kansas, as Tenants in Common.**
("Grantee(s)")

The following described premises, to-wit:

Lots 13, 15, 17, 19, and 21, on Lawrence Avenue, now Broadway, in English's Addition, sometimes known as N.A. English's Addition, to the City of Wichita, Sedgwick County, Kansas,

TOGETHER WITH,

Lots 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, and 43, on Lawrence Avenue, now Broadway, in N.A. English's Addition, to the City of Wichita, Sedgwick County, Kansas,

TOGETHER WITH,

Lots 14, 16, 18, 20, 22, 24, and Lot 26, EXCEPT the south 15 feet of said Lot 26, thereof, on Topeka Avenue, in N.A. English's Addition, to the City of Wichita, Sedgwick County, Kansas,

TOGETHER WITH,

A tract of land being a portion of the platted Alley lying south of the north line of Lots 13 and 14 on William Street; and lying north of the south line of Lots 43 and 44 on English Street, and lying east of Lawrence Avenue now Broadway Avenue and lying west of Topeka Avenue, N.A. English's addition to the City of Wichita, Sedgwick County, Kansas, as prepared by Ernest Patrick Fink, Professional Surveyor, License number 1459 on April 5, 2024, said portion being described as follows:
All of said platted Alley, EXCEPT, the east half of said platted Alley lying south of the extended north line of the South 15.00 feet of Lot 26 on Topeka Avenue, in said N.A. English's addition to the City of Wichita, Sedgwick County, Kansas.

For the sum of One Dollar and other good and valuable consideration.

Subject to: Any plat, easements, restrictions, and other matters of record.

Dated this 13 day of June, 2024

University of Kansas,
A state education institution of Kansas

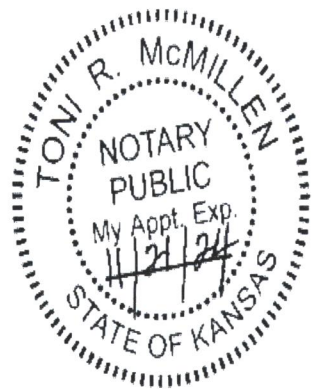
Douglas A. Girod
Douglas A. Girod, Chancellor

STATE OF KANSAS, ~~JOHNSON~~ COUNTY) ss.

This instrument was acknowledged before me on this 13th day of June, 2024, by Douglas A. Girod, Chancellor, of University of Kansas, a state institution of Kansas, for and on behalf of said company.
(seal)

Toni R. McMullen
Notary Public

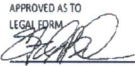
My appointment Expires: 11/21/2024



Wichita State University,
A state education institution of Kansas



Richard D. Muma, President, Wichita State University

APPROVED AS TO
LEGAL FORM

GENERAL COUNSEL

STATE OF KANSAS, Sedgwick COUNTY) ss.

This instrument was acknowledged before me on this 13 day of June, 2024, by Richard D. Muma, President, Wichita State University, a state institution of Kansas, for and on behalf of said company.

(seal)




Notary Public

My appointment Expires: 7-14-26

Exempt from Sales Validation Questionnaire
Pursuant to K.S.A. 1991 Supp. 79-1437e (3,12)

NOTE: This Deed is filed to merge the following Sedgwick County Tax Identification Numbers: Pin No(s). 00123125, 00123128, 00123132, 00123133, 00123146, 00123147 and such number(s) created into one tax identification number.

UNOFFICIAL COPY

Upon recording mail to:
1845 Fairmount St.
Wichita, KS 67260



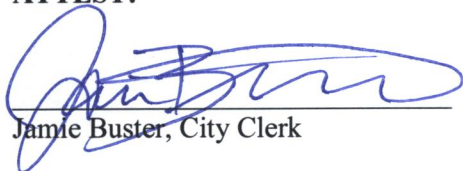
6. The vacation of the described platted alley should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 18th day of June 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.

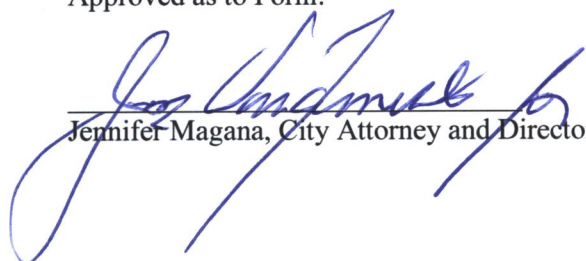


Lily Wu, Mayor, City of Wichita

ATTEST:


Jamie Buster, City Clerk

Approved as to Form:


Jennifer Magana, City Attorney and Director of Law



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

June 18, 2024

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

Ref: VAC2023-00049: Vacation request in the City to vacate a platted alley located between South Broadway Avenue and South Topeka Street and between East English Street and East William Street to facility redevelopment of the block.

Bret and Abigail,

At the **Tuesday, June 18, 2024**, meeting of the Wichita City Council, the above-referenced vacation request was approved.

Sincerely,

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

Philip Zevenbergen, AICP
Current Plans Division Manager

PZ:IJ



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

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

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

December 28, 2023

Page 2

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 **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: City of Wichita, Property Mgmt, John Philbrick, 455 N Main – 13th Fl, Wichita KS 67202
Cornejo Holdings LLC, Ronald J Cornejo, 800 E 21st St N, Wichita KS 67214



The Beaufort Gazette
 The Belleville News-Democrat
 Bellingham Herald
 Centre Daily Times
 Sun Herald
 Idaho Statesman
 Bradenton Herald
 The Charlotte Observer
 The State
 Ledger-Enquirer

Durham | The Herald-Sun
 Fort Worth Star-Telegram
 The Fresno Bee
 The Island Packet
 The Kansas City Star
 Lexington Herald-Leader
 The Telegraph - Macon
 Merced Sun-Star
 Miami Herald
 El Nuevo Herald

The Modesto Bee
 The Sun News - Myrtle Beach
 Raleigh News & Observer
 Rock Hill | The Herald
 The Sacramento Bee
 San Luis Obispo Tribune
 Tacoma | The News Tribune
 Tri-City Herald
 The Wichita Eagle
 The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	496666	Print Legal Ad-IPL01505650 - IPL0150565	OCA 150004	\$188.68	3	75 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

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.

VAC2023-00064: 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).

VAC2023-00065: 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.

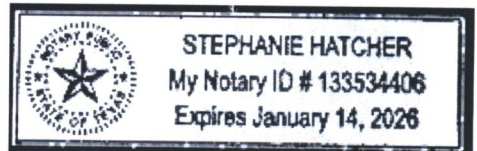
Stefani Beard

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: VAC2023-00049- Vacation request in the City to vacate a platted 20-foot alley

APPLICANT/AGENT: City of Wichita (applicant), Cornejo Holdings, LLC (applicant) /MKEC Engineering, Inc. (Agent)

LEGAL DESCRIPTION: Generally described as vacating the platted 20-foot alley abutting odd Lots 13-43, on Lawrence Avenue, now Broadway, and abutting even Lots 14-44 on Topeka Avenue, N. A. English's Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located between South Topeka and South Broadway Avenues and between East English and East William Streets.

REASON FOR REQUEST: To facilitate redevelopment of the block for a proposed biomedical facility.

CURRENT ZONING: All properties abutting the alley right-of-way are zoned CBD Central Business District and developed with commercial uses and associated parking.



The applicants are requesting to vacate the 20-foot platted alley abutting odd Lots 13-43, on Lawrence Avenue, now Broadway, and abutting even Lots 14-44 on Topeka Avenue, N. A. English's Addition, Wichita, Sedgwick County, Kansas. The subject site is generally located between South Broadway and South Topeka Anvenues and between East English and East William Streets. The purpose of the vacation is to facility redevelopment of the block for a proposed biomedical facility. An L-shaped portion of the block on the west and north side of the block is currently developed a public parking lot (Arena Parking Lot B) owned by the City of Wichita. The remainder of the block is devleped with commercial buidlings, owned by the other applicant, Cornejo Holdings, LLC. Should the request be approved, no property will be deprived of access. All owners abutting the alley are party to the application and do not object.

The attached exhibit indicates that the subject alley contains a public sewer line, AT&T lines, a Kansas Gas Service line. City Public Works and Utilities and the Wichita Fire Department do not object to the request. A utility easement is required for the entirety of the platted alley to cover existing utilities. Any removal and/or relocation of the utilities will be at the applicants' expense. Evergy and Cox both have line and equipment in the alley, but do not object to the vacation. Any removal or relocation of the lines and/or equipment is at the applicant's expense. Abby Brungardt, Design Representative is Evergy's contact for this area. She can be reached at 785-508-2715 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.

In order to foster walkable development, the *Wichita: Places for People Plan* encourages the use of alleys and midblock passages in order to break down larger blocks as well as use alleys or shared access to allow for human scale design along lot frontages. This is to have designed access along blocks to balance pedestrian interests with automobile access.

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

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

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

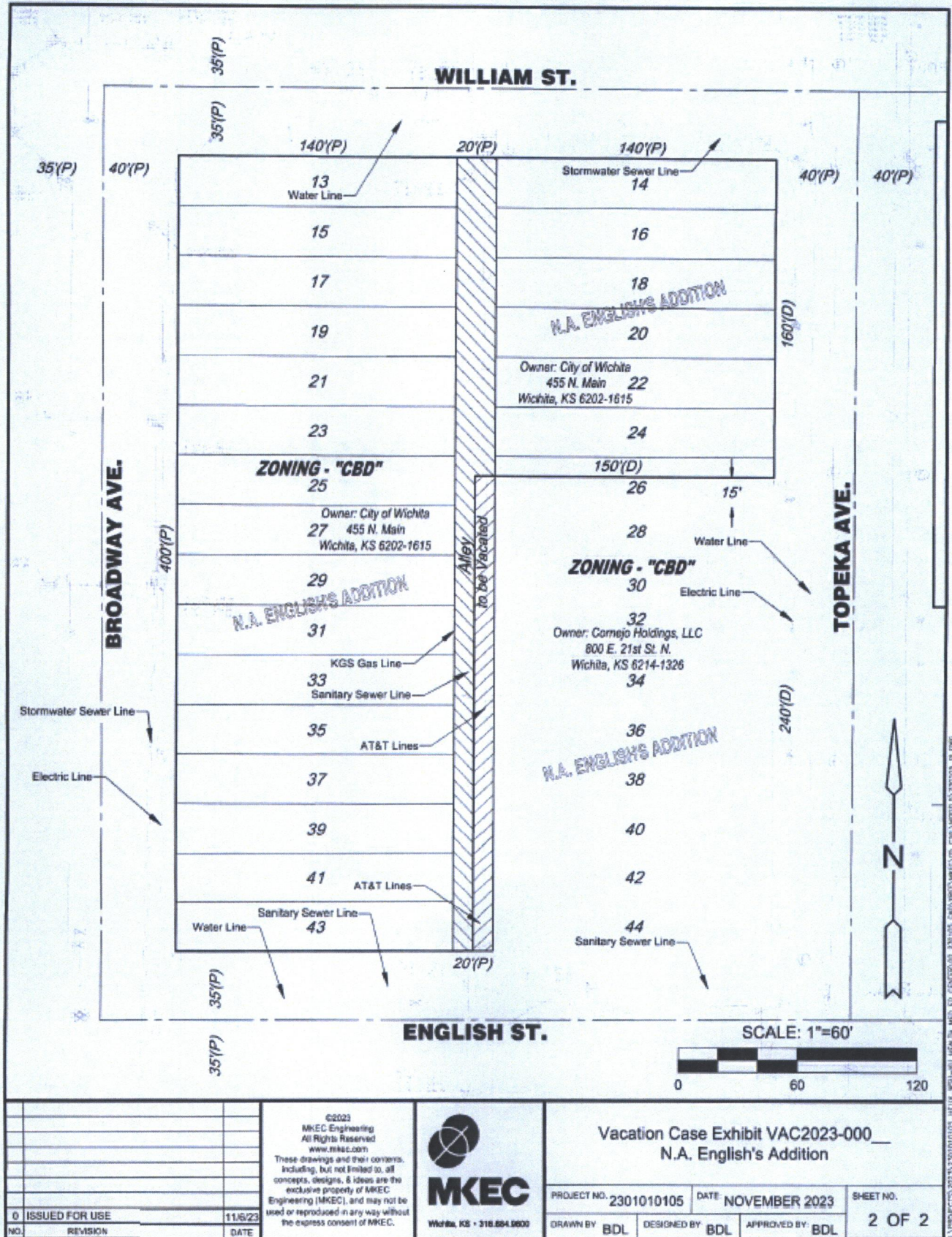
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be to City Standards and the responsibility of the owner and at the expense of the owner, including the relocation of any power poles, equipment, or public utilities and drainage. Provide approval from those utilizes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

Attachments:

1. Applicant's Exhibit
2. Aerial Map

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval per staff recommendations.



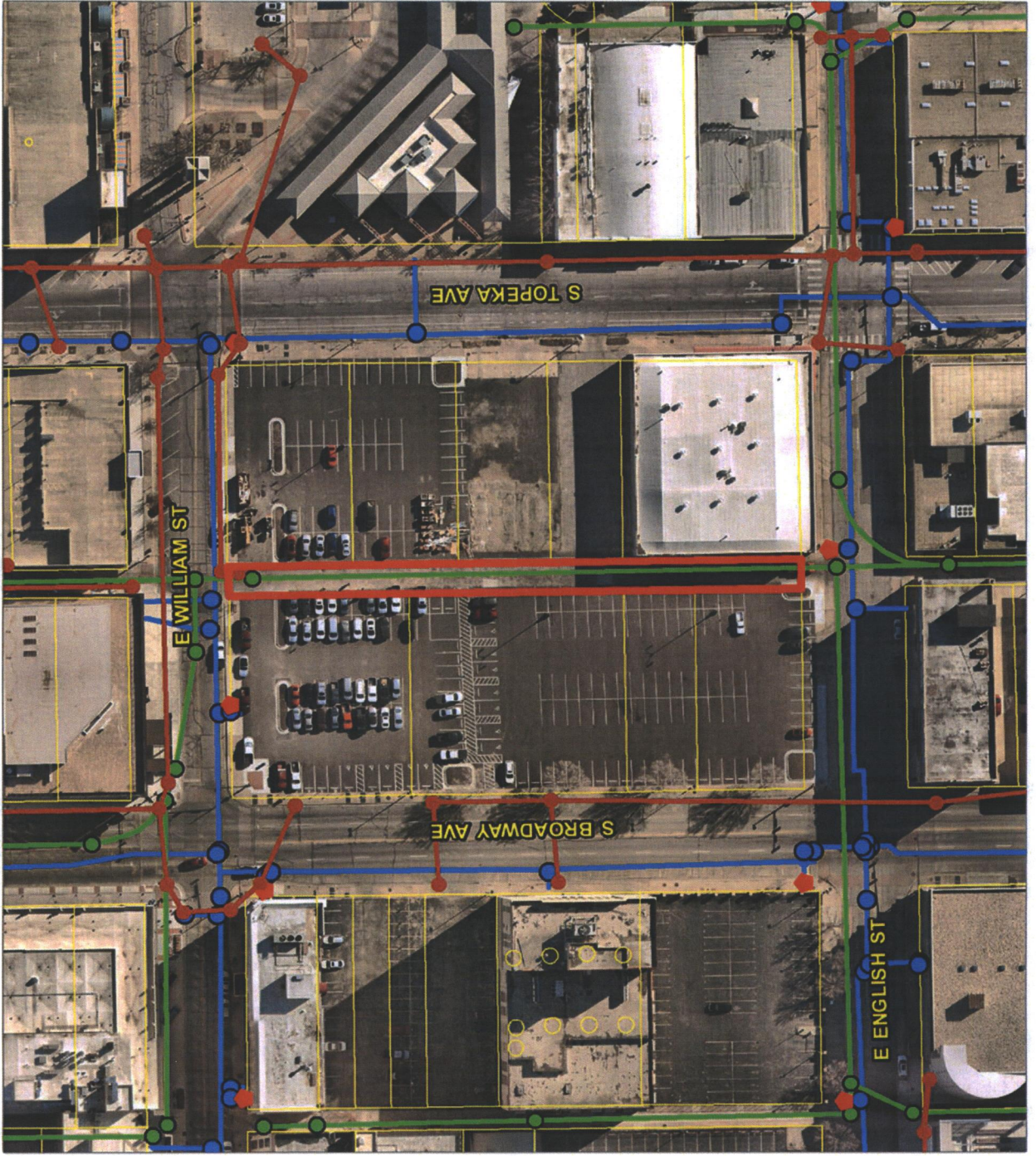
NO.	REVISION	DATE
0	ISSUED FOR USE	11/6/23

©2023
 MKEC Engineering
 All Rights Reserved
 www.mkec.com
 These drawings and their contents, including, but not limited to, all concepts, designs, & ideas are the exclusive property of MKEC Engineering (MKEC), and may not be used or reproduced in any way without the express consent of MKEC.



Vacation Case Exhibit VAC2023-000
 N.A. English's Addition

PROJECT NO. 2301010105	DATE NOVEMBER 2023	SHEET NO.
DRAWN BY BDL	DESIGNED BY BDL	APPROVED BY BDL
		2 OF 2



- VAC2023-00049
- 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: 11/16/2023

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.