



Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30348287

Receipt #: 2453002
Pages Recorded: 2

Recording Fee: \$0.00

Cashier: clott

Authorized By: Tonya Buckingham

Date Recorded: 11/22/2024 11:17:21 AM



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

**IN THE MATTER OF THE VACATION OF A PORTION OF
A PLATTED STREET SIDE SETBACK**

**GENERALLY LOCATED TWO-BLOCKS EAST OF SOUTH
BROADWAY AVENUE AND WITHIN ONE-QUARTER MILE
NORTH OF EAST 55TH STREET SOUTH**

VAC2024-00045

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 19th day of November 2024, comes on for hearing the petition for vacation filed by Leslie Munn (owner) praying for the vacation of a portion of a platted street side setback, to wit:

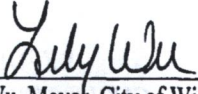
Portion of a Platted Street Side Setback to be vacated:
Vacating the East 6 feet of the West 53.7 feet of the South 2.3 feet of the North 15 feet of Lot 42, Block A, Riverside Second Addition, Wichita, Sedgwick County, Kansas.

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:

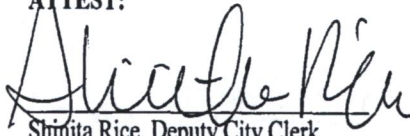
1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on October 3, 2024, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the described portion of a platted street side setback and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petitioner ought to be granted.
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.
5. The vacation of the described portion of a platted street side setback should be approved.

November 19, 2024
VAC2024-00045

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 19th day of November 2024, ordered that the above-described portion of a platted street side setback 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.

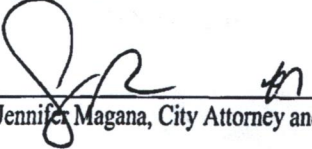

Lily Wu, Mayor, City of Wichita

ATTEST:


Shinita Rice, Deputy City Clerk



Approved as to Form:


Jennifer Magana, City Attorney and Director of Law

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 STREET SIDE SETBACK)**

**GENERALLY LOCATED TWO-BLOCKS EAST OF SOUTH)
BROADWAY AVENUE AND WITHIN ONE-QUARTER MILE)
NORTH OF EAST 55TH STREET SOUTH)**

VAC2024-00045

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 19th day of November 2024, comes on for hearing the petition for vacation filed by Leslie Munn (owner) praying for the vacation of a portion of a platted street side setback, to wit:

Portion of a Platted Street Side Setback to be vacated:
Vacating the East 6 feet of the West 53.7 feet of the South 2.3 feet of the North 15 feet of
Lot 42, Block A, Riverside Second 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 October 3, 2024, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the described portion of a platted street side setback and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petitioner ought to be granted.
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.
5. The vacation of the described portion of a platted street side setback should be approved.

November 19, 2024
VAC2024-00045

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 19th day of November 2024, ordered that the above-described portion of a platted street side setback 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:



Shinita Rice, Deputy City Clerk



Approved as to Form:



Jennifer Magana, City Attorney and Director of Law



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

November 20, 2024

Leslie Munn
5505 South Emporia Ave.
Wichita, KS 67216

Ref: VAC2024-00045: Vacation request in the City to vacate a portion of platted streetside setback, generally located northeast of South Broadway Avenue and East 55th Street South (5505 S. Emporia Ave.).

Dear Applicant,

At the **Tuesday, November 19, 2024**, meeting of the Wichita City Council, the above-referenced vacation request was approved.

If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,

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

Philip Zevenbergen
Current Plans
Division Manager



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

October 25, 2024

Leslie Munn
5505 Suth Emporia Ave.
Wichita, KS 67216

Ref: VAC2024-00045: Vacation request in the City to vacate a portion of platted streetside setback, generally located northeast of South Broadway Avenue and East 55th Street South (5505 S. Emporia Ave.).

Dear Applicant,

At the **Thursday, October 24, 2024**, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

- (1) Provide Planning Staff with a legal description of the approved vacated portion of the platted setback in 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 City Council for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide Planning with any needed easements dedicated by separate instrument with original signatures. These conditions must be completed prior to the case going to Council for final action.
- (3) All improvements shall be according to City Standards and at the applicant's expense.
- (4) 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.

These conditions have been met. Therefore, this case is scheduled for final action by the Wichita City Council on **Tuesday, November 19, 2024**. 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,

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

Philip Zevenbergen
Current Plans
Division Manager



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	597810	Print Legal Ad-IPL01969270 - IPL0196927		\$109.38	2	65 L

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

MHEBERT@wichita.gov

OCA 150004
Published in The Wichita Eagle on October 2, 2024
(One Time Only)
MAPC/BZA October 24, 2024
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, October 24, 2024, 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. Full notice can be found at www.wichita.gov/LegalNotices.

CON2024-00210: Conditional Use request in the City to allow Ancillary Parking on property zoned TF-3 Two-Family Residential District, generally located on the west side of South Clifton Street, within 200 feet south of East Douglas Avenue (123 & 125 South Clifton, and 3344 E. Oakland).

CON2024-00212: Conditional Use request in the City to allow an Entertainment Establishment (Event Venue which could have entertainment and alcohol) on property zoned LC Limited Commercial District, generally located on the north-east corner of West Pawnee and South Seneca (1040 West Pawnee).

CUP2024-00033: CUP Amendment in the City to CUP DP-317 to allow Warehouse, Self-Service Storage, change building size and height, and exempt Parcel 2 from architectural controls, generally located on the west side of North 127th Street East, within 400 feet south of East 21st Street North.

PUD2024-00017: Zone Change request in the City from SF-5 Single-Family Residential to PUD #134 to establish the West Patrol Station PUD; generally located on the southwest corner of West 13th Street North and North Country Acres Avenue.

PUD2024-00018: Zone change request in the City from LC Limited Commercial District to PUD Planned Unit Development #132 to allow for mixed-use development, generally located on the southeast corner of East Central Avenue and North Oliver Road (4801 East Central Avenue).

PUD2024-00019: Major Amendment to PUD #55 to increase the capacity from 850 to 2,066, generally located on the south side of East Douglas Avenue, within 100 feet east of North Hillside Avenue (3207 East Douglas Avenue).

PUD2024-00020: Zone change request from LC Limited Commercial to PUD Planned Unit Development #133 to permit basic industry, warehousing, and freight terminal with custom development standards, located on the east side of South Seneca St., within 500 feet north of West 47th St. South (4720 South Seneca St).

VAC2024-00044: Vacation request in the City to vacate a portion of platted access control to permit a 3rd driveway for future EMS station on property zoned LC Limited Commercial, located on the south side of West 13th Street North and within one-half mile west of North Meridian Avenue.

VAC2024-00045: Vacation request in the City to vacate a portion of a platted streetside setback, generally located on the 255 meters northeast side of South Broadway Avenue and East 55th Street South (5505 S Emporia Ave).

VAC2024-00047: Vacation request in the City of a platted access control; Generally located on the southwest corner of West 13th Street North and North Country Acres Avenue.

VAC2024-00048: Vacation request to vacate the plat's text for Reserves A and B, generally located on the south side of East Stonybrook Street, within 275 feet west of North 127th Street East.

VAC2024-00049: Vacation request to vacate the north 20 feet of the south 30 feet of the platted setback to create room for a receiving dock and trash enclosures, generally located on the east side of South Seneca Street, within 500 feet north of West 47th Street South (4720 South Seneca).

ZON2024-00048: Zone change request in the City from TF-3 Two-Family Residential District to MF-18 Multi-Family Residential District to convert the garage into a third dwelling unit, generally located on the east side of South Main Street, within 150 feet north of East Osie Street (1650 South Main Street).

IPL0196927
 Oct 2 2024

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

1 insertion(s) published on:
 10/02/24

STATE OF KANSAS)

SS

County of Sedgwick)

Mary Castro, of lawful age, being first duly sworn, depose 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 10/02/2024 to 10/02/2024.

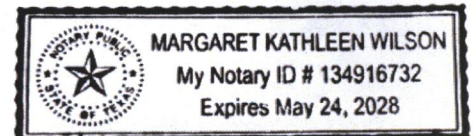
Mary Castro

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

DATED: 10/02/2024

Margaret K. Wilson

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!

METROPOLITAN AREA PLANNING COMMISSION

**AGENDA REPORT NO.
October 24, 2024**

STAFF REPORT

CASE NUMBER: VAC2024-00045 - City Vacation of a portion of a platted 15-foot street side setback

APPLICANT Leslie Munn (applicant)

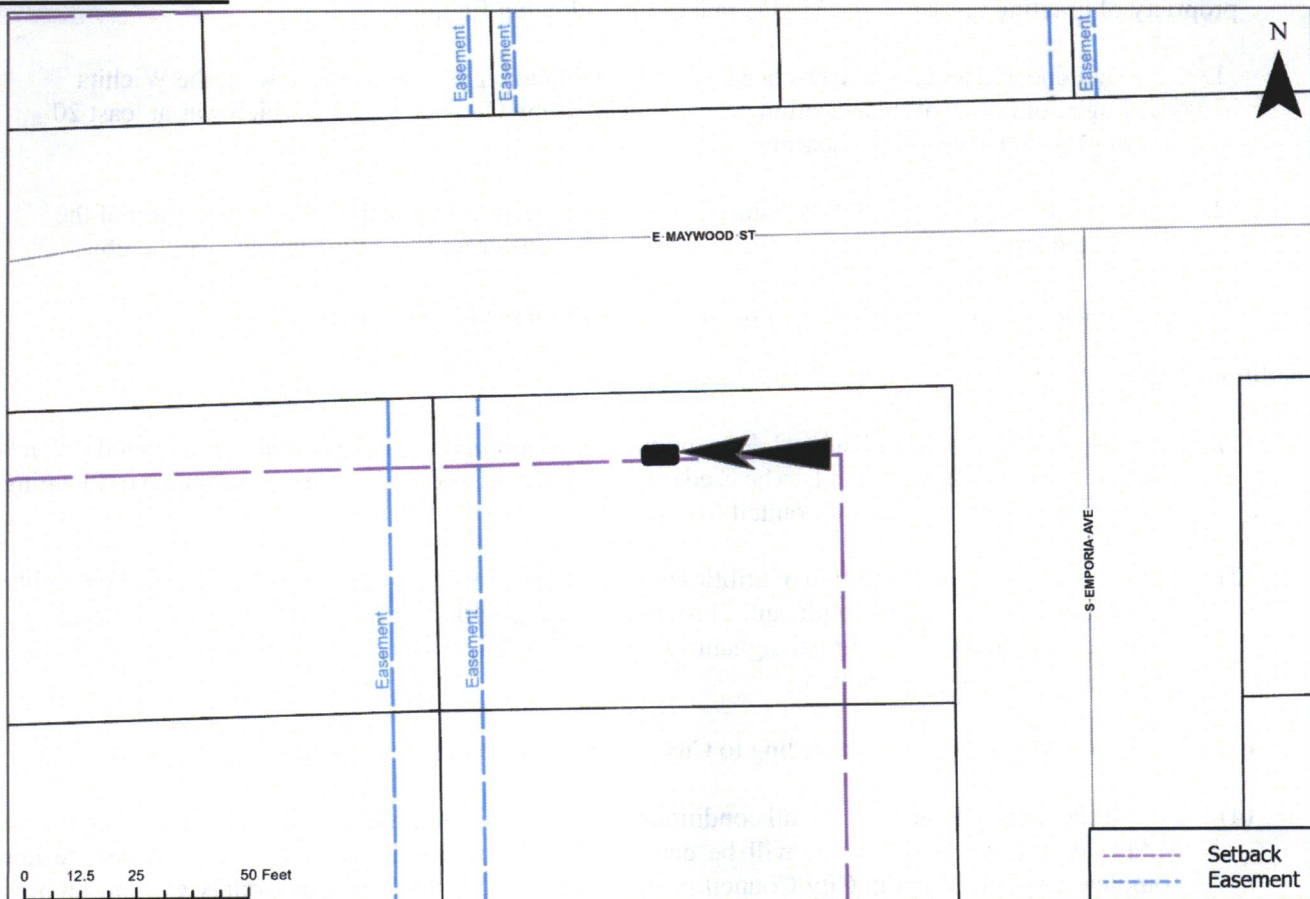
LEGAL DESCRIPTION: Generally described as vacating the East 6 feet of the West 53.7 feet of the South 2.3 feet of the North 15 feet of Lot 42, Block A, Riverside 2nd Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located within two-blocks east of South Broadway Avenue and within one-quarter mile north of East 55th Street South (5505 S. Emporia Ave.). (WCC III)

REASON FOR REQUEST: Construct an egress window.

CURRENT ZONING: Site and adjacent properties are zoned SF-5 Single Family District and are developed with single-family dwellings.

VICINITY MAP



The applicant proposes to vacate the east 6 feet of the west 53.7 feet of the south 2.3 feet of the north 15 feet of Lot 42, Block A, Riverside 2nd Addition. If approved, this will reduce the platted setback to 12.7 feet. The property is address 5505 South Emporia Avenue and is generally located within two-blocks east of South Broadway Avenue and within one-quarter mile north of East 55th Street South. If approved, the applicant intends to construct an egress window well.

Wichita Public Work and Utilities, Wichita Fire, Wichita Traffic Engineering, and Wichita Stormwater do not object to the reduction in setback. Comments from franchised utilities have been received. Cox, Evergy, and Black Hills Energy do not object to the vacation. They do not have utilities in the vacation area. The Riverside 2nd Addition was recorded on November 28, 1977.

When determining a recommendation to be made to the Metropolitan Area Planning Commission (MAPC), the Subdivision and Utility Advisory Committee should consider the legal findings that are required to be made by the MAPC and Governing Body in order to grant the request. These findings are detailed in the subsequent MAPC report. *In particular, the Committee should consider whether any private rights will be injured or endangered by recommending approval of the vacation request, and whether or not the public will suffer any loss or inconvenience thereby.*

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from Public Works, Stormwater, Water and Sewer, Traffic, 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 15-foot platted building setback.

- 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 October 3, 2024, 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 side setback 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 Staff with a legal description of the approved vacated portion of the platted setback in 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 City Council for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide Planning with any needed easements dedicated by separate instrument with original signatures. These conditions must be completed prior to the case going to Council for final action.
- (3) All improvements shall be according to City Standards and at the applicant's expense.
- (4) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners

have taken final action on the request and the Vacation Order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

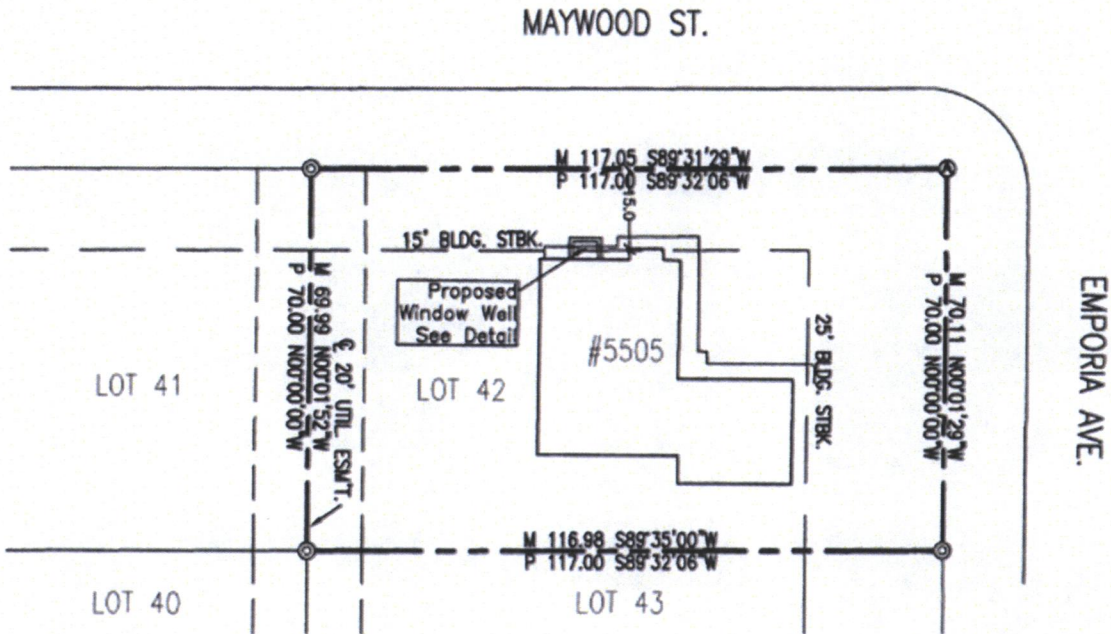
The Subdivision Committee recommends approval per staff recommendations.

Attachments: 1) Site Plan, 2) Aerial Map

SITE PLAN

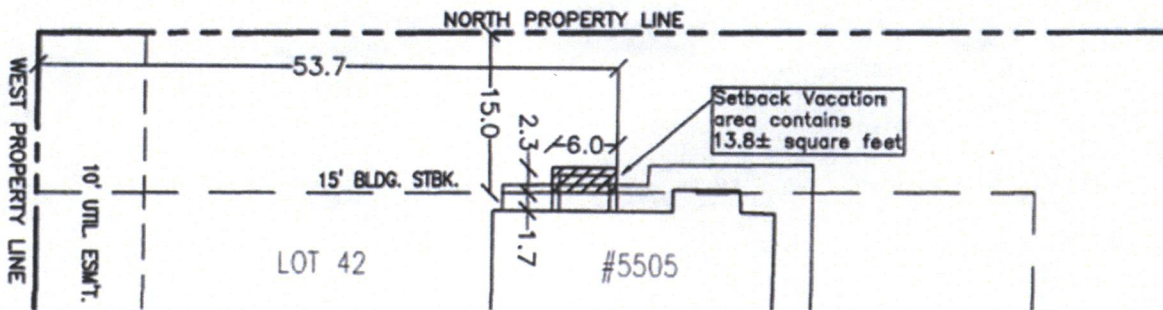
5505 S Emporia, Wichita, KS 67216
 Lot 42, Block A, Riverside Second Addition
 Vacate a portion of platted building setback described as:

The East 6 feet of the West 53.7 feet of the South 2.3 feet of the North 15 feet
 of Lot 42, Block A, Riverside Second Addition to Wichita, Sedgwick County, Kansas.



DETAIL

(Not to Scale)



- ⓐ - "ARMSTRONG" capped rebar set
- ⓑ - 1/2" iron pipe found
- M - measured
- P - plat



Boundary Survey performed on May 29, 2024
 Date of Drawing: September 9, 2024

W.O. #43180
 Page 1 of 1

**ARMSTRONG
 LAND SURVEY, P.A.**

P.O. Box 101039
 WICHITA, KS 67216
 PH (316) 263-0082
 info@armstrongsurvey.com

VAC2024-45

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

