



Sedgwick County
Register of Deeds - Tonya Buckingham
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Authorized By: Tonya Buckingham

Date Recorded: 11/22/2024 11:17:20 AM



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

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

**GENERALLY LOCATED ON THE SOUTH SIDE OF WEST
13TH STREET NORTH AND WITHIN ONE-HALF MILE WEST
OF NORTH MERIDIAN AVENUE**

VAC2024-00044

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 19th day of November 2024, comes on for hearing the petition for vacation filed by Donaldson-Loescher Liv. Trust (owner) praying for the vacation of a portion of platted access control, to wit:

Portion of Platted Access Control to be vacated:

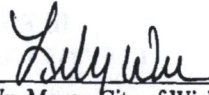
Vacating complete access control for the East 31 feet of the West 43 feet 8 inches, over and across the North line of Lot 2, Block A, Kasten's Addition, Wichita, Sedgwick County, Kansas.

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 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 platted access control 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 platted access control should be approved.

November 19, 2024
VAC2024-00044

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 19th day of November 2024, ordered that the above-described portion of platted access control 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

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 19th day of November 2024, ordered that the above-described portion of platted access control 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

Donaldson-Loescher Liv. Trust
3057 N. Bluebird
Wichita, KS 67204

Sedgwick County
Attn: Andrew Dilts
525 N. Main
Wichita, KS 67203

Ref: 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 District, located on the south side of West 13th Street North and within one-half mile west of North Meridian Avenue.

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

PZ: JM



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 platlor'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)

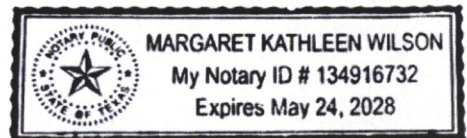
Mary Castro, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has 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 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

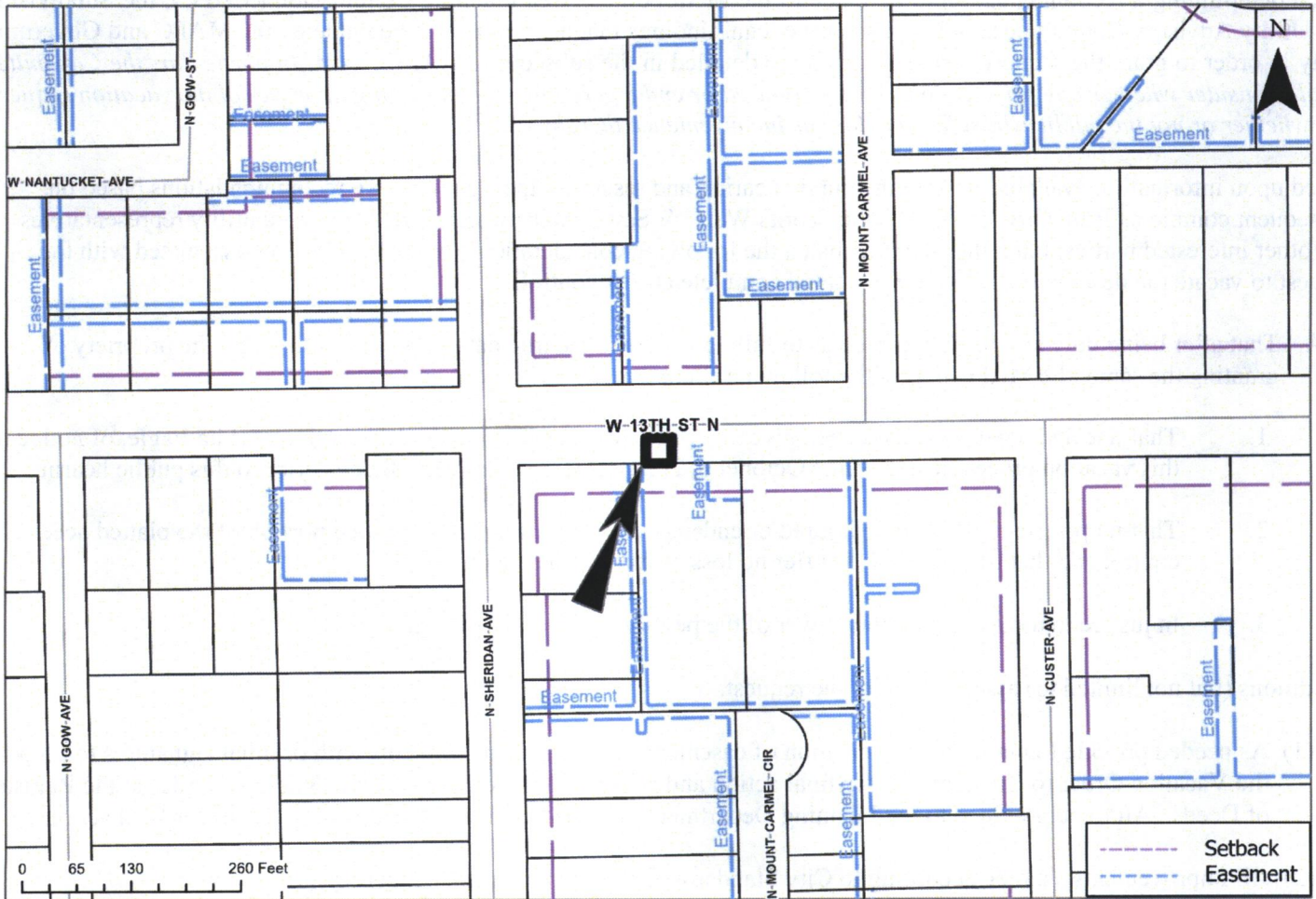


Extra charge for lost or duplicate affidavits.
 Legal document please do not destroy!

STAFF REPORT

- CASE NUMBER:** VAC2024-00044 – Request to vacate a portion of platted complete access control.
- OWNER/APPLICANT:** Donaldson-Loescher Liv. Trust (applicant); Sedgwick County (agent).
- LEGAL DESCRIPTION:** Generally described as vacating the East 31 feet of the West 43 feet 8 inches, over and across the North line of Lot 2, Block A, Kasten’s Addition, Wichita, Sedgwick County, Kansas.
- LOCATION:** Generally located on the south side of West 13th Street North and within one-half mile west of North Meridian Avenue (Between 3059 and 3223 W. 13th Street North). (District VI)
- REASON FOR REQUEST:** Permit dedicated egress drive for emergency vehicles for future EMS post.
- CURRENT ZONING:** The subject site is zoned LC Limited Commercial District (LC) and is undeveloped. Properties to the east and north are zoned LC and developed with a day care and other commercial uses. Property to the west is zoned GO General Office District and is a vet clinic.

VICINITY MAP:



The applicant is requesting a vacation of a portion of platted complete access control to permit a 31-foot drive onto the West 13th Street North. The purpose of the new drive approach is to permit dedicated egress for emergency vehicles for a proposed new Sedgwick County EMS post. The subject site is the western half of platted Lot 2, Block A, Kasten's Addition. The plat restricts access to all of Lot 2 except for 2 openings. The eastern half of Lot 2 has a drive approach and there is a second, share drive approach with a shared access easement by separate instrument near the centerline of the parcel boundary splitting Lot 2 in half. This is currently the only ingress/egress option of the western half of Lot 2. With it being a shared access point, there is concern that emergency vehicles exiting the property could encounter conflicts.

The proposed new drive does not meet the City of Wichita's Access Management Standards for driveways onto arterial streets. City Access Management Standards require a minimum of 400 feet between full-movement drives. The proposed new drive is approximately 52 feet (centerline to center line) from the existing drive to the west and approximately 90 feet (center line to centerline) from the existing drive to the east. Within this block of West 13th Street North, the majority of the driveways do not follow these Access Management Standards. With multiple full-movement driveways onto West 13th Street space approximately the same distance apart as what is being proposed.

The proposed new drive would be exit only for emergency vehicles only. Wichita Traffic Engineering does not object to this request with it being specifically for emergency vehicles to exit only. There is a City water line and storm sewer line that crosses the subject vacation area in the West 13th Street North right-of-way. Construction of a drive should not impact these lines. Wichita Public Works and Utilities does not object to this vacation. Comments from franchised utilities have been received. Cox, Evergy, and Black Hills Energy do not object to the vacation. They do not have any utilities in the vacation area. The Kasten's Addition was recorded August 14, 1967.

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 City Traffic, Public Works/Water & Sewer/Stormwater, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of the platted complete access control.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
 1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time 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 access control and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

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

- (1) As needed provide Planning with dedication of easements by separate instruments with original signatures to go with the Vacation Order to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) All improvements shall be according to City Standards and at the applicants' expense.

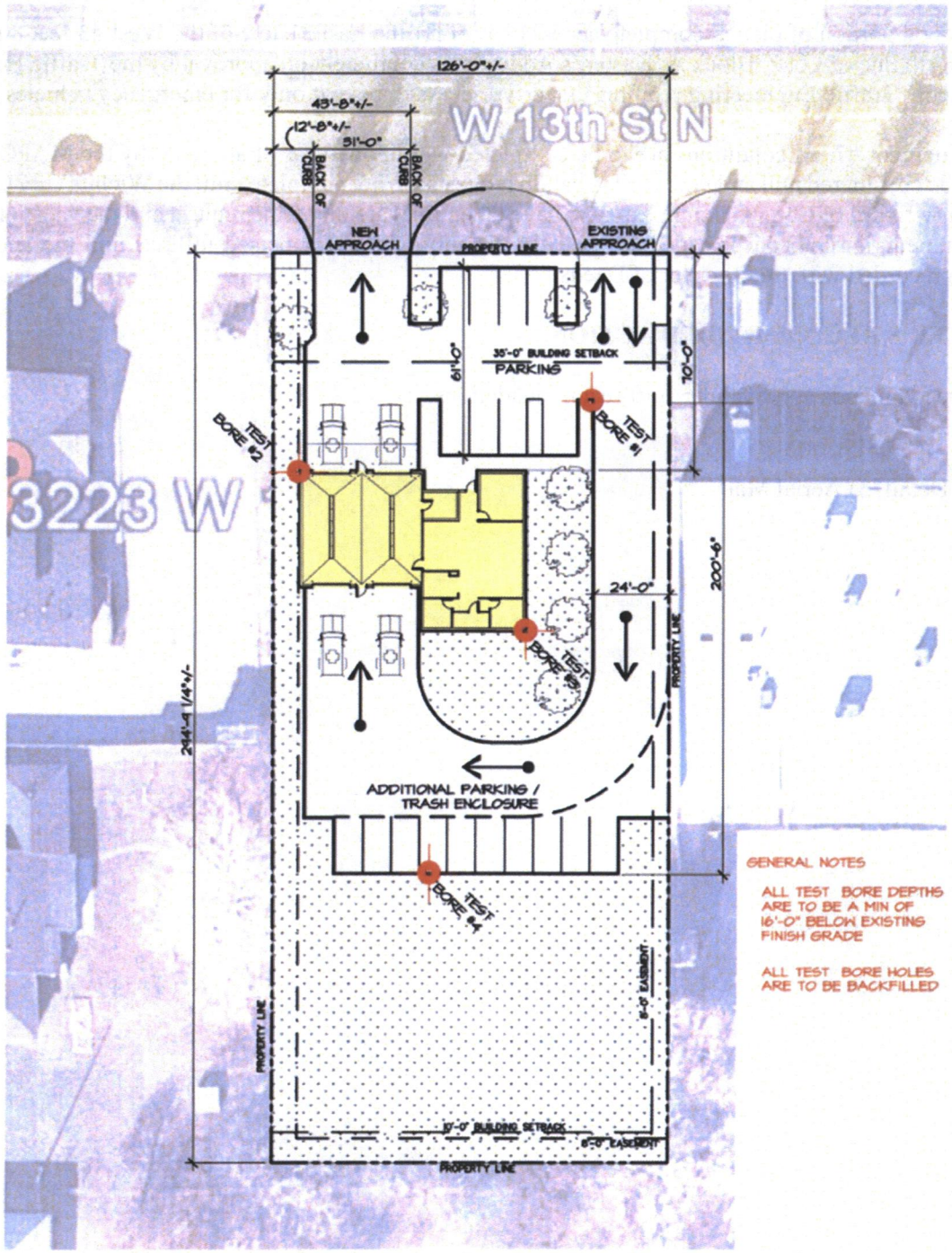
- (3) Vacation of the described portion of platted complete access control for the East 31 feet of the West 43 feet 8 inches, over and across the North line of Lot 2, Block A, Kasten's Addition, is contingent on approval by the Traffic Engineer and the Fire Department. Traffic Engineering requires this drive access to be exit only for emergency vehicles only.
- (4) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval per staff recommendations.

Attachments:

- 1) Vacation Exhibit, 2) Plat Detail, 3) Aerial Map



GENERAL NOTES

ALL TEST BORE DEPTHS ARE TO BE A MIN OF 16'-0" BELOW EXISTING FINISH GRADE

ALL TEST BORE HOLES ARE TO BE BACKFILLED

8/29/24 - PROPOSED APPROACH
8/8/24 - TEST BORE LOCATIONS

A SITE PLAN

SCALE: 1" = 30'-0"



SEDGWICK COUNTY
EMS POST
3223 W 13th STREET NORTH, WICHITA KANSAS



VAC2024-00044 – City request to vacate a portion of platted complete access control.
October 24, 2024
Page 6



City of...
Planning Department
2024-10-24